

**Prevention Policy and Practice: Preventing Violence Against Women
VicHealth Conference 14-15 July 2015**

Hon Kelly Vincent MLC – Dignity for Disability:

“R. E. S. P. E. C. T. - Creating cross-government policy and action on gender and disability”

Kelly starts off by sitting on stage in silence for a minute or two.

Today I began with silence, and I did so very deliberately. It was very difficult and uncomfortable for me to be sitting up here with you all looking at me and me not saying anything, but I do so to try to get you thinking. Ask yourself: if you had met me and everyone sitting on this stage right now on the street, or in a house, what would you assume about me, as person with a visible disability sitting there not participating in conversation, what would you assume? Of course, I could just be being quiet, but unfortunately my experience, both personal and professional, has shown me that this is rarely the first assumption people make. Perhaps that I do not have the intellectual capacity to engage in conversation. Maybe you would assume that Rosie here is my mother, or even my nurse, and you should communicate with me through her. Whatever you assume could be fair and accurate, but there are also some alternatives we need to consider.

What if I communicate using an assistive device, like a picture board, or a Lightwriter, but I didn't have it with me? What if it was taken off me by an abusive support worker, family member, or partner? So I began today with some silence, both to get you questioning how you felt about this and to help you remember those who have been and still are silenced by a society whose definition of inclusion is too often tokenistic at best.

Herein lies the rub, for you, as policy makers. How do we enable all women to have a voice, including those with disabilities?

Every day in this job, when I identify the steps that act as a barrier to getting into a building for a wheelchair user, or ask whether there will be an Auslan interpreter for Deaf people, or, question whether the document that has been uploaded to a website can be read by a screen reader so a blind person can use it, or ask if a government program leaflet has also been produced in Easy English, I get quizzical looks, then an expression of realisation.

Occasionally, the response will be one of nonchalance, or a shrug of the shoulders, so what, most people can access this? But, for the most part, I find that as soon as I raise the issue of accessibility for women with varying disabilities, the program designers, the departmental boffins, Ministers, political hacks, public servants, whoever it might be, will realise they had just never considered things through a disability lens.

So, even with the best of intention how do you design policies that make a difference in the real world where there is so much diversity?

I am passionate about advocating that so many of the barriers that we as people with disabilities face are not inherent; that only exists just because we have a disability. Rather, they are the result of society's failure to cater to the diversity of need and diverse city of experience that exists within it.

Slowly we are learning more about the harms of sexism – most commonly directed toward women, particularly in our discussions around domestic and family violence. As a woman and an egalitarian I certainly know that we have not learned enough; nor have we done enough, but we also need to recognise that sexism is not the only problem. I want to talk to you today about ableism.

A diversity that means today, as we figure out how to design programs and systems that work out in the community, the following situations are occurring right now:

- a woman with intellectual disabilities who communicates only with sign language, has never been educated about what sexual, emotional and physical abuse looks like, and has challenging behaviours as a consequence of long term abuse in a residential facility. The information given out about abuse is in written format, and not in Easy English – this woman has no way of accessing the information with basic literacy levels;
- a woman with quadriplegia, totally dependent on her partner for personal care such as toileting and showering, tolerates violent outbursts and beatings – they are all on non-visible parts of her body so as not to arouse suspicion;
- a Deaf woman who communicates with Auslan only, is partnered with a physically and emotionally violent man, who is also Deaf. The strong cultural identity and sense of Deaf pride within the Deaf community prevents her from taking action to leave the situation, so strong is her fear of rejection and exclusion from her community;
- a wheelchair user tries to leave her violent female partner, but cannot find a shelter locally that has step free access or an accessible shower;
- a blind woman, who uses a Guide Dog, cannot take her dog to a local shelter, so cannot escape her situation.

I know that you all here at a policy-makers conference will be more enlightened than most, but when it comes to disability, and women with disability, I continue to be shocked about, and angered by, basic issues that have not been considered in both the domestic violence, and broader social policy making.

The key to making programs work is to consult women with a lived experience of disability – it's the only way you'll truly understand the needs. Getting that to happen is another challenge.

Let me ask – put your hand up if you are enrolled to vote, and turn up at the polling booth every couple of years to decide who runs your state, and country? Pretty much all of you, I see. Well, we don't even know how many women with disabilities are enrolled to vote, because no one has ever bothered to check.

Certainly, the informal discussions I have had with service providers and parents suggest very few young people with significant disability, whether physical or intellectual, are enrolled to vote. Yet don't policies of government affect our lives? Shouldn't we have say in who forms government and directs the public service priorities?

The idea that we get a say in our own lives, as women with disabilities, seems to be a novel one. After decades of being told to accept what we're given, it's a slow process on the road to empowerment.

This brings me to the data that supports why we all need to be aware of violence against women with disability.

According to Women with Disabilities Australia, 90 percent of women with intellectual disabilities have been sexually abused, and 68 percent of women with an intellectual disability will be subjected to sexual abuse before the age of 18. We have to look at the personal, family and community cost of this abuse and on the positive side see how our society will benefit in the longer term once justice is achieved. Of course prevention of these crimes is another goal, and I hope that is an issue of discussion today. The over representation of women who have been sexually abused in the prison population must be addressed.

Providing people with disabilities with the education, knowledge and tools to recognise and speak out about abuse is key. Anecdotally, I hear of many people with disabilities missing out on sex education in schools (I myself was one of them), because people with disabilities are so often and consciously and unconsciously judged as unlovable or unwanted.

Another problem is that we are all too often infantilised. It is assumed that we do not have the capacity to learn about these issues or to engage in these types of relationships. Often from my observation, this happens because of a desire to keep people perceived as inherently vulnerable, safe. I am not (yet) a parent, but I can certainly empathise with the desire to keep one's children or other loved ones free from harm. However, from my observations through my work I have learned that when we deny people the basic right to education about interpersonal relationships, including sexuality, we do not keep people safe. From my observation, quite the opposite is true. Not only does this denial of education deny us the dignity of risk and a variety of natural human experiences which can be generally enjoyable and are still important lessons about ourselves, it can, I believe, place us in some dangerous situations I mentioned just a few minutes ago.

Some statistics which clearly indicate that women with disabilities are more likely to experience physical and sexual violence, and I am willing to bet that at least one reason for this (there are many) is that perpetrators will logically choose a victim who is likely to be disenfranchised and disempowered, who may not have the tools, including education, to recognise wrongs and speak out about them. However, providing information can only truly be useful if that information is accessible. I don't want to go into any great detail because the stories I have a highly sensitive and personal, but it will suffice to say that I have observed that even when families and loved ones and even service providers make an effort to provide tools to respect the freedom and autonomy of someone they support, they do not always get it right. The information provided could fail to take into account the fact that somebody's disability means they think very literally, for example. A person may require lots of visual aids or prompts or the use of plain language. The information provided might be suitable for someone with a higher level of base knowledge than your particular friend, family member, or client, currently has. The point I am trying to make is that it is vital to shift the conversation from one which focuses on presumed incapacity, to one that can respect capacity, whatever that may be.

Today there are painful reminders of the cruelty of human against human, and particularly adults against children, and men against women. These cases strike us at our core and there is no respite in

the community from perpetrators of such offences. It is beholden on us to continue to push for the reforms that we know will make a difference to access to justice for all.

The barriers to justice for women with disabilities are not only those aspects of the legal system that have historically made it impossible for us to fully participate in it. Through the work of many in the community we have seen considerable progress and certainly an increase in awareness since I first held a Barriers to Justice Forum back in 2011.

Dignity for Disability is in the process of changing how people with disabilities are treated in the justice system in South Australia, and we hope this goes some way to preventing violence against women (and children) with disabilities by acting as a deterrent. We're trying to get the message out that there *WILL* be consequences to abusing people with disabilities.

Just this month, legislation that is part of the Disability Justice Plan has been endorsed by the South Australian Parliament. We hope it will help transform the experience of people with disabilities - and it is an example of what policy and law reform needs to look like if we are to create a paradigm shift and prevent violence against women with disabilities.

Some of the provisions in the Bill we have enshrined through this legislation are features already present, or worked through more effectively, here in Victoria. So, what do these changes look like and what is their real world effect?

Firstly, they provide for Communications Assistants or Communication Partners for people that need it. This could be someone with a communication disability, or with an intellectual disability or cognitive impairment, or with an alternative communication method, for example, a child with autism that uses sign language to communicate will now be admissible in court.

It means that a person that might need a speech pathologist, or other trained professional, to support them in court will also be able to access use a Communication Partner.

For years, foreign language interpreters have been able be involved in court cases – it is only right, and a human right too, that people with distinct communication needs be catered for in our justice system.

Another reform now provides for Ground Rules Hearings – this will set out how a case will be conducted. For example, what is admissible evidence, what type of questions can be asked of vulnerable defendants, witnesses, and victims. This measure has been very successful in the United Kingdom.

The new laws also provide for use of audio visual records of interviews as the evidence of victims or witnesses who are children under 14 years or have a disability that adversely affects their capacity to give evidence in cases involving violence or sexual violence, and how those interview are to be

conducted. We really hope this will ensure that more cases are prosecuted by the DPP, and proceed to trial.

We will now also see the use of hearsay evidence in some cases. For example a teacher, or parent, or care-giver, will be able to report in court what a vulnerable person with disability has disclosed to them.

It will extend the priority listing of trials to include people with a disability whose disability affects memory so that the trial must be within three months of arraignment. An example of this type of disability might be someone with acquired brain injury or cognitive impairment. At the moment only trials involving children can attain this priority listing.

There have also been amendments to section 21 and section 25 of South Australia's Evidence Act. This allows an exemption for the need to give evidence in court - it is hoped that some witnesses won't need to appear in the trial and will clarify and strengthens the courts ability to prevent complex and confusing cross-examination.

Even with these law reforms, many more many cultural and policy changes are needed.

Too often, women with disabilities attempt to report or disclose crimes being perpetrated against them and come up against a wall of ignorance – they are NOT believed and NO investigation is undertaken. We need a well-trained and understanding first point of contact when a crime is reported.

The police and other investigative agencies need to implement compulsory and comprehensive training of all officers in disability so there is a basic awareness of how different disabilities can affect communication and behaviour. Additionally, we look forward to the police force having specialist officers trained to a high level who can conduct interviews with people with disabilities using appropriate questioning methods, and using communication aids and assistants as necessary.

In South Australia, we need a mandatory reporting system. A mandatory reporting regime for people with disabilities living in care or accessing care services should immediately be enacted through legislation.

There is some interest in establishing a specialist disability forensic unit. Statistics show that people with disabilities are over-represented in South Australian prisons. Prisons are ill-equipped – both in terms of infrastructure and training of staff – for prisoners with disabilities and those with high levels of need should be accommodated in a specialist facility for their own safety and wellbeing and that of others.

Women that have been victims of violence in their early years, have of course found themselves more likely to end up on the wrong side of the criminal justice system.

Just this week there was a story in InDaily, a local Adelaide online news site, entitled: ‘Beds shortage sends mentally ill patients to prison’. Public Advocate John Brayley told *InDaily* eight forensic mental health patients – who had been found not guilty of a crime, or unfit to plead because of mental incapacity – were being held in prison without appropriate psychiatric care last month. Each of them has serious mental illness or intellectual disabilities, including those resulting from brain injury.

How is this ever going to result in better outcomes for women with disabilities? Whether you have a brain injury, severe mental illness or a cognitive disability, it’s a basic human right to access health services.

I congratulate the organisers and wish you well for the rest of the conference, I know that the camaraderie of an event like this means a great deal to those who have been affected by physical, sexual and emotional violence and I hope that there is networking galore, and laughter – yes laughter, because in the face of the worst of humanity it is beholden on us to represent the best of humanity, and we must take the opportunity to feel the friendship and support of others who know our journey.

I know the enormity of the task before us is, and that it can be overwhelming at times. **But each and everything we do makes a difference and never underestimate how important each and every action is.** I would like to finish with a quote that demonstrates this:

“Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

This are words from Eleanor Roosevelt, almost 70 years ago, but I think you’ll agree they resonate more than ever today, in Australia in 2015 – please keep being the change at this local level that we want to see on a global scale.

Thank you.