



“Behind Closed Doors: Who would believe me?”

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Good afternoon, I also pay my respects to the traditional owners of this land.

Today I am going to speak about the issue of access to justice for women with perceived communication and cognitive issues.

Recently I got the opportunity to open a round table discussion on the subject of Access to Justice for People with Disabilities. My role was to speak about the issues of fair and equitable access to justice for women with communication barriers. Here I relayed my own experiences of going through the reporting process and then to trial. And while I would describe to reporting process as Going smoother then I had expected. It was the court process that would be my sticking point.

The issue was that because I have what I refer to as a Cerebral Palsy Accent, I needed to provide a phone number for an interpreter in order to give my testimony.

I was really taken aback when after many months of going through the reporting process, and working with the prosecutors, I now needed to have someone to act as a verifier of my word.

I tried to explain that because no two people with Cerebral Palsy experience the disability in the same way there is no service that specialises in understanding those with these accents. So in reality, the court liaison officer could have plucked someone off of the street and if they were prepared to concentrate and listen, they could have translated my testimony – it wouldn't. This is because as I have suggested to you all, the only way to pick up an

individual Cerebral Palsy accent is to listen for key words and string them together. The other important key to picking up my particular accent is to be prepared not to understand me and ask me to repeat what I say - and not to be embarrassed to do so.

When I was asked to use an interpreter by the Court Liaison Officer, I remember feeling defeated, that my word no longer mattered; and that my testimony wouldn't be valid unless someone else "translated" it. To be completely honest, it is demoralising when I consider that even with all I've done in my life and how much I still contribute to society that my word does not always count. It is often dismissed – just because people are not prepared to take that little extra effort and time to listen to what I am saying.

This is not only my story but the story of countless other women with speech impairments, or those with no speech at all, or those with intellectual and/or cognitive disabilities. These women are seldom heard; or if they are, they are often dismissed as not being understood – or misinterpreted by those who claim to understand them best. Such misinterpretation also then questions the authenticity of the account.

As anyone working with and supporting victims of domestic violence would know that are many lifestyle, societal influences and circumstances that lead women into situations of domestic violence. However, for many women with disabilities the potential for them to become victims of domestic violence can be increased by the fact that they have been "conditioned" not to expect to have an ordinary life because their disability means that they are too reliant on society.

For many women who were either born with or had become disabled at a young age, there are many societal prejudices to overcome. Another way to

think about this is by exploring what is called the cycle of negativity. I began speaking about the cycle of negativity when I wrote my Honours Thesis on women with disabilities and emotion work.

It is here I explained that the cycle of negativity begins to turn when a girl-child with a disability is born or diagnosed. This cycle is put into motion the first time the child hears that she is different, and will not reach milestones that other children do. It gains momentum the first time she is told she is a burden – not just on those around her – but also on society. By the time she is a teenager, the cycle is spinning out of control, as the young woman hears that she is unlikely to marry or have children, let alone pursue a career of her choice. Without realising it, the cycle of negativity has almost become her mantra because she believes that she has nothing to offer society.

It is worth keeping this cycle of negativity in the back of our minds when speaking about domestic violence and abuse of women with disabilities as well as the issue of reporting. This is because it is not necessarily the number of people that may surround the person, per-say, rather why they are in the lives of the young girl or woman in the first place. There is a misconception that because all people with disabilities have many people surrounding them that they are safe, loved and taken care of. However most of those who do surround women with disabilities are either family carers, paid support workers or service providers.

Having more people providing for basic needs, does not just increase her exposure to violence and abuse increases and so does the likelihood that there may be more than one perpetrator of violence in her life. Some of these perpetrators may include; A family member - or a carer; a paid support worker, a trusted friend, a health care practitioner, teacher, or therapist, a taxi driver or

a fellow resident – if they are living in a group home, or a supported residential facility.

While we all know what types of violence exist when talking about domestic violence; what I am going to try and do is begin by addressing how any victim can unknowingly slide into violence because they are disabled.

For some women who have had their disabilities throughout their childhood, degrading comments and name calling may not be new; and for some it may not be understood is that as an adult the woman no longer needs to endure such behaviour – especially from her adult peers.

Verbal threats are a somewhat more sinister form of abuse, in regards to women with disabilities, because the perpetrator may use the system against the woman. An example she may be threatened with being placed in a home or institution, or threatened to have her children taken from her. Or that no one would believe her even if she did report.

Young girls and women with disabilities are also twice as likely to experience sexual abuse than those without disabilities, and sexual abuse and violence against young girls and women with disabilities is more likely to occur to those who are highly dependent on others.

While we know that perpetrators do whatever it takes to commit the act of sexually assaulting women, it is made particularly easier by the dependence of their victim who is dependent because of their disability. This is because perpetrators can withhold or say whatever it takes to get his victim to do what he wants.

This may include; withholding devices which may be essential for the woman's mobility or communication, leaving her electric chair out of reach, uncharged or unlocked, withholding essentials such as food, water and medication. Whereas if the woman has a cognitive or intellectual disability, she is likely to be told its not wrong because he loves her, or that no one would take her seriously.

While we can be here all day describing the various acts of domestic violence in relation to women and girls with disabilities; I'll now move onto talking about some of the barriers which hinder the process of reporting incidences of domestic violence for women and girls with disabilities. The first speaks to the credibility of the woman who is reporting.

All victims of violence share the same fear if and when they report that they are victims of domestic violence and abuse – will they be believed? However, as I have just explained women who have a communication impediment, an intellectual disability or a mental illness have the added burden of proving themselves to be credible. For women with communication issues it is that because it may take us longer to communicate our thoughts, knowledge and experiences. And for a woman with no speech alternative communication method need to be sourced – once again brings the authenticity of the account into question.

And because women with either intellectual disability or a mental illness, are automatically assumed not have the ability to comprehend situations, it is assumed they may be just causing trouble. Either way, women with these disabilities are not seen as being credible and therefore are less likely to be taken seriously. This is because society highly values a person's ability to communicate clearly, precisely and efficiently.

So if it's difficult or too hard to communicate, or sound credible we can understand that this might become another barrier which may prevent women from reporting violence and abuse. Obviously, if a woman makes a report of domestic violence and abuse, the last thing she needs is to be doubted.

While it may take women with such disabilities longer to communicate our thoughts, knowledge and experiences, it should not be reason to deny us the right to be heard. We need to ensure that laws are changed and mechanisms are developed which enable disabled women and girls, particularly those with communication impairments, to have equal access to the justice system and equal recognition before the law. We need to look at ways to make it easier for women and girls with disabilities to report sexual violence and give their own testimony in the court system. For those women and girls who have no speech, we need to ensure that they are fully supported within the justice system, rather than being dismissed on the grounds that their natural speech cannot be readily understood.

Finally, we must recognise and encourage all women and girls with disabilities to understand for themselves that they are equal to everyone else in society and as such they are entitled to enjoy the advantages of our society and the full protection of its laws.

Thank You.