

# AUSTRALIAN CROSS DISABILITY ALLIANCE



## OPENING STATEMENT

### **Senate Community Affairs References Committee Inquiry into Violence, Abuse and Neglect against People with Disability in Institutional and Residential Settings**

**27 August 2015**

My name is Carolyn Frohmader and I am the CEO of Women With Disabilities Australia. I am here today with my colleagues Ms Therese Sands, Co-CEO of People with Disability Australia; Dr Jess Cadwallader, PWDA Advocacy Project Manager, Violence Prevention; Mr Damian Griffis, CEO of First Peoples Disability Network; and Ms Jane Flannagan, Senior Research and Policy Officer from National Ethnic Disability Alliance.

We are addressing you today in our capacity as the founding member organisations of the Australian Cross Disability Alliance, a newly established alliance of national disabled people's organisations (DPOs) in Australia. The key purpose of the Alliance is to promote, protect and advance the human rights of people with disability by working collaboratively on areas of shared priorities, interests, and purposes.

Before I begin the substantive content of our opening statement, I would like to take the opportunity to thank the Committee on behalf of the Alliance, for the opportunity to speak with you today. Some of you are very familiar with the work of our organisations, and have been interacting with us for many years regarding the issues we are here to discuss. But today is different. Today we stand united as the national alliance of organisations of and for people with disability to demand on the national stage, an end to the epidemic that is violence against people with disability in institutional and residential settings in this country. We stand united to say to the leaders of our country – Enough is enough.

We would like to start by sharing with you three stories. We do, of course, have many hundreds of stories, and we are formally tabling 70 of these personal stories and testimonies at the hearing today.

We know that this Inquiry has already revealed many hundreds of horrific stories. However, the people with disability who experience violence in institutional and residential settings need to have their stories told, as most will not have the intensive supports or extensive process required to provide their own submissions or tell their story directly to this Committee.

We have selected these three stories as they are not only critical in illustrating the stark reality of violence in the lives of people with disability in institutional and residential settings, but they also demonstrate that this violence cannot be dismissed as belonging to one institution, or one 'type' of institutional setting, or as the fault of one 'bad apple'.

Rather, these three stories illustrate the wide-ranging systemic failures in legislation, policies and service systems in Australia which facilitate conditions that give rise to violence against people with disability. These systemic failures are embedded within and underscored by an ableist culture which not only denies people with disability their most basic human rights but which provides a legitimised gateway through which violence against people with disability can flourish.

We will start with the story of Christine, a 39 year-old woman with intellectual disability, who was repeatedly raped and bashed in one week by several different men. Christine lives in a 'semi-supported residential facility', and although she is classified as having "high support needs", she receives only 2 hours of support each day. For the other 22 hours, she is left unsupervised and unsupported. In one of the attacks (in the local park in broad daylight), she was repeatedly anally and vaginally raped and beaten. When she made it back to the residential facility, a staff member made her hand-wash her bloody underwear and garments. The worker wrongly "assumed" that Christine was menstruating (despite her being on an injectable contraceptive) and she was reprimanded for getting blood on her clothes. Christine was too scared to tell the worker what had happened to her because she thought she would "get into trouble". Two days later, Christine disclosed the rapes to her friend who helped her report the rapes to the police. Three of the five police initially involved in interviewing Christine and taking her statement, asked her friend if Christine might be "making it up". The detectives investigating the case admitted that, although there was now clear evidence that the rapes occurred, there was "little likelihood" of a conviction due to the fact that Christine "has an intellectual disability".

Now we would like to share Dave's story with you. Dave is a young Aboriginal man with intellectual disability. He was found 'unfit to plead' in a criminal matter. He was indefinitely detained in a maximum security prison. Dave does not have access to the intensive rehabilitation programs he needs to address the causes of his offending behaviour. He is often isolated in his cell for approximately 16 hours a day, and frequently shackled during periods he is outside his cell. In response to repeated banging of his head causing bleeding, prison officers strap him to a chair and inject him with tranquilizers until he is unconscious. This has happened on numerous occasions. The government corrections department responded to complaints by stating that it

has a 'duty of care' to prevent Dave from hurting himself, and that the prison is not equipped to manage people with cognitive impairment.

And the third story we wish to share with you is Leila's story. Leila is a three year old asylum seeker with epilepsy. When she arrived on Christmas Island she was taking two medications which her parents had brought with her. These were destroyed on arrival, her records removed and not made available to doctors. Doctors only had one replacement form of medication and Leila started to have seizures. Doctors were in contact with the mainland to try and procure the correct medication but when it eventually arrived she had only been given a month's supply. That ran out and the entire time Leila was still having seizures. After trying a third medication Leila was eventually transferred off the island after repeated requests from medical officers and a long wait. The Medical officer involved said that children with complex medical problems are unable to be supported in the immigration detention facilities without appropriate paediatric support and specialist care.

These are not isolated stories. We hear stories like these every single day. Every day. Not once a week, not once a month, but every single day. Just last night as I was packing my suitcase in order to fly here to speak with you today, my phone rang. It was a woman with disability trapped in the laundry of her home, hiding behind the washing machine whilst her husband – also her carer - raged outside the laundry door threatening to kill her. Again, this is not an isolated incident. Every day, every night, every weekend we hear these stories.

Today we stand united to say to you that people with disability in Australia represent the most detained, restrained and violated sector of our population – significantly over-represented in prisons, institutionalised and segregated within communities, locked up in schools, confined in mental health facilities, incarcerated in detention centres, and trapped within their own homes. Violence against people with disability in institutional and residential settings is Australia's hidden shame. The evidence of this national epidemic is extensive and compelling. It is a deeply shameful blight on our society and can no longer remain ignored and unaddressed. It can no longer be dismissed by our national leaders as an issue for State and Territory governments to deal with.

More than 65 years ago, Australia helped draft the Universal Declaration of Human Rights – the international document that declares that human rights are universal – to which all human beings are entitled, no matter who they are or where they live.

We repeat - no matter who they are or where they live. And that includes Christine. And Dave. And Leila. And the many, many thousands of people with disability all around this country who as we sit here today, are experiencing the most horrific human rights violations imaginable.

The Australian Cross Disability Alliance says 'Enough is Enough'. The significant level of violence perpetrated against people with disability in

institutional and residential settings demands urgent national leadership and action. We will not go away.

We make 30 recommendations in our comprehensive submission to you, but we highlight 3 key recommendations in a Call to Action:

1. **We call for a Royal Commission into violence, abuse and neglect against people with disability in Australia.**
2. **We call for an overhaul of the criminal justice system so that, at every step of the process people with disability are supported in accessing the same legal protections and redress as the rest of the community.**
3. **We call for the establishment of an independent national statutory watchdog to protect, investigate and enforce findings regarding violence, abuse and neglect against people with disability.**

Thank you.