

People with disability in NSW have the right to live free from violence, abuse, neglect and exploitation. We also deserve access to justice. We are over-represented in prison and often can't enforce our rights through the courts. The NSW Government can change this.



What people with disability are facing now

People with disability experience high levels of violence, abuse, neglect and exploitation. Many people are trapped in situations of violence and abuse, in accommodation run by service providers, and in their family homes. Despite the transition to the NDIS, violence against people with disability continues to be characterised as a 'service incident' and inadequately dealt with 'in-house'.

Flaws in legislation, policy and practice mean that people with disability are rarely provided with pathways to safety and mechanisms for justice and redress.

Mainstream domestic violence services are often inaccessible. In 2011, 43% of all women who experienced personal violence in NSW had disability or a long-term health condition.¹ Refuge or shelter buildings are often inaccessible, interpreters are not made available, or our support needs cannot be met.

Incidents of violence and abuse against people with disability are often not considered crimes by police and lawyers, resulting in a lack of justice and redress. Causes include stigma against people with disability, people with disability not being believed when we speak up against crimes committed against us, a lack of disability awareness in our justice systems and failure to acknowledge people with disability as reliable witnesses. We are more likely to experience multiple episodes of abuse because perpetrators are unlikely to be caught or punished.

People with psychosocial and/or cognitive impairment are vastly overrepresented in the NSW criminal justice system. We are three to nine times more likely to be imprisoned than people without disability and young people with psychosocial and/or cognitive impairment in NSW are six times more likely to be in prison than their peers.² The criminal justice system is being used to house and control people with disability due to the limited availability of intensive early intervention and integrated supports and services.

What the NSW Government can do to make a difference

Publically declare support for a national Royal Commission into violence abuse and neglect of people with disability. While a resolution supporting a Royal commission has been passed by the Australian Parliament, Prime Minister Scott Morrison has stated that partnership with the States and Territories is required. Only a Royal Commission has the power to break down doors, and shine a light on the violence against people with disability in all settings. The Royal Commission needs to take an intersectional approach to the examination of violence, including gender, age, sexual orientation, intersex status and race. Critically, a Royal Commission will also give people with disability a chance to receive justice for violence and abuse that happened in the past.

Implement enhanced practice and prevention measures to end violence and abuse experienced by people with disability. The competency training planned in the *Blueprint for Reform* should include comprehensive and ongoing training and development to embed disability awareness and a human rights approach in the practices of first responders to victims of violence, including police, community and social workers, carers, health care professionals, disability service staff, and people working in the criminal justice system.³

Fund a NSW-wide rollout of accessibility reviews and implementation of review findings for domestic and family violence services. The reviews must be led by disabled people's organisations, modelled on the Domestic Violence Innovation Fund Building Access project, which supports organisations to develop their own Disability Inclusion Action Plans (DIAPs).⁴

Develop a NSW Disability Justice Strategy⁵ to identify and address the legislative, policy and practice barriers that prevent people with disability from seeking and achieving redress through the justice system; and that addresses the over-representation of people with disability in the criminal justice system.

Fund holistic prevention programs to end the incarceration of people with disability. Programs which address issues, such as lack of early intervention and specialist disability support, must be developed and implemented in tandem with the NDIS. The NSW Government must ensure the Community Justice Program (CJP) continues and that the support requirements of people with disability are met regardless of NDIS eligibility.



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¹ Women NSW. *Women in NSW 2014*, Ashfield: Department of Family and Community Services, 2014, 164. https://www.women.nsw.gov.au/_data/assets/file/0019/300772/3303_WNSW-Report2014_web.pdf

² Eileen Baldry, Ruth McCausland, Sarah Johnson, Anna Cohen. "People with mental health disorders and cognitive impairment in the criminal justice system: Cost benefit analysis of early support and diversion", 2013. <http://apo.org.au/research/people-mental-health-disorders-and-cognitive-impairment-criminal-justice-system-cost>

³ NSW Government. *NSW Domestic and Family Violence Blueprint for Reform 2016-2021: Safer lives for women, men and children*, North Sydney: NSW Ministry of Health, 2016

http://domesticviolence.nsw.gov.au/_data/assets/pdf_file/0004/379849/dfv-blueprint-for-reform.pdf

⁴ Women NSW. *Building Access for Women with Disability People with Disability Australia, DVNSW and Women's Community Shelters*,

https://www.women.nsw.gov.au/_data/assets/pdf_file/0011/417647/Building-Access-for-Women-with-Disability-V3.pdf

⁵ For more information, see Australian Human Rights Commission. *Equal before the law – Towards Disability Justice Strategies*, 2014

https://www.humanrights.gov.au/sites/default/files/document/publication/2014_Equal_Before_the_Law.pdf