



WWILD Sexual Violence Prevention Association Inc. submission

To

The Royal Commission into the Violence, Abuse, Neglect and  
Exploitation of People with Disability – Rights and Attitudes Issues  
Paper.

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WWILD Sexual Violence Prevention Association Inc., is an organisation concerned with the vulnerability of people with an intellectual disability (ID) who are experiencing violence, abuse and exploitation, with a particular focus on sexual violence. WWILD has been in operation since 1996 and has developed a wide range of experience and knowledge in terms of abuse and neglect of people with intellectual, cognitive and learning disabilities. WWILD runs two programs, the Sexual Violence Prevention Program and the Victim of Crime – Disability Training Program. The Sexual Violence Prevention Program is accessible for people with an intellectual disability who have experienced sexual assault or who are at significant risk of experiencing sexual violence. This program is funded by the Queensland Government's Department of Child Safety, Youth and Women. The Victims of Crime - Disability Training Program provides direct support to people with an intellectual disability who have experienced a crime, as well as community education and professional training. This program is funded by the Queensland Government's Department of Justice and Attorney General. WWILD have also recently been subcontracted by Micah Projects to provide support to people with ID wishing to engage with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability in the forms of counselling and case management.

WWILD seeks to participate in systemic advocacy to address the issues contributing to the vulnerability of people with an intellectual disability. We strongly believe that people with disability should be able to have full participation in society and exercise their rights freely. WWILD's interest and greatest understanding is around the experience of people with an intellectual disability, although many of the issues we raise are relevant to people with a disability more broadly. We have endeavoured to answer the questions outlined in the Rights and Attitudes Issues paper. The information contained in this submission was collated from contributions made from both WWILD workers and clients.

### **Summary of Recommendations:**

1. Creation of clear, easy read Australia wide resources with concrete language regarding the rights of people with disability that can be used throughout many contexts including schools, disability and mainstream support services.
2. Creation of an Australia wide checklist or certification system that organisations can use to ensure they are disability accessible, both in terms of physical space and organisational culture. This should include things like easy read documents, accessible services or supported decision-making templates.
3. Creation and dissemination of policy templates for all organisations working with people with a disability with a focus on ethical and developmental risk-taking to support attitudes and practices that increase recognition and implementation of the rights of people with disability.
4. All organisations who support people with a disability are to ensure they are discussing the client's rights at the time of initial contact and throughout their work together.
5. Increased funding for disability advocacy services and services that support people with disability to self-advocate.
6. Consistent education in schools outlining the rights of people with disability (including the history of rights, their rights to make informed decisions and sexual education, including consent). All education needs to be consistently reinforced rather than a one off discussion as students need to learn about their rights, as well as learning skills to assert them. This can be achieved by providing teachers with a rights-based framework which can be incorporated into the general curriculum.
7. More opportunities for meaningful roles and employment for people with disability in the mainstream community, instead of disability specific organisations alone. By having more opportunities for the general public to interact with people with disability, this will allow individual formation of assumptions and ideas, rather than people subscribing to those put forward by society.
8. Further mainstream recognition of International Day of People with Disabilities being integrated into both education and service systems.

9. Training on rights and attitudes and how these can impact personal perceptions for people involved in the justice system e.g. Police, Office of Director of Public Prosecutions, and lawyers

### **Responses to Questions**

#### **Question 1: Where and when in life do people learn about the rights of people with disability? How could this be reinforced and/or improved?**

Each person has a unique experience in learning about the rights of people with disability. For some people, it may occur as a result of knowing a person with a disability. For others, it may be explicitly taught to them during their education. However, due to the significant variation in attitudes and understanding of the rights of people with disability in our current society, a more consistent approach needs to be implemented. Incorporating positive messages about the rights of people with disability within school programs that target young people and in all media, including social media, for society as a whole, could begin to greatly improve knowledge and awareness. As people's attitudes are an integration of both their values and beliefs, the earlier in life that people are exposed to the rights of people with disability, the more likely they will be to incorporate this into their own personal belief system. Schools are an extremely important place where people should be learning about their rights and the rights of others. Learnings can be significantly varied depending on individual school approaches to an inclusive learning space and the support they provide in diverse classes.

Many of WWILD's clients have reported their school experiences as being a negative time of their lives, with several reporting significant bullying in relation to their disability. There have been very few positive experiences reported to WWILD regarding people with disability learning about their rights in a school environment. A current barrier to increasing rights awareness in schools is the lack of resources for teachers to inform these discussions, either with a whole class or individual children. Currently any discussions are likely to be quite unstructured and possibly not strongly supported, with teachers not necessarily knowing how to navigate these conversations.

Having a framework for teachers to discuss disability rights with students (those with and without disabilities), would begin to greatly reduce this barrier. Within this framework, a key element to include will be the history of rights for people with disability. Historically, the majority of people with disability were living in institutions and having decisions made for them, often experiencing degrading treatment and abuse. The disability rights movement had a huge impact on how people with a disability are treated today, moving away from paternalism towards a rights-based model of integration in the community. Learning about the history of people with disability, both for mainstream and disability specific schools, is a critical component in promoting disability rights in school communities. Knowledge of historical injustice is a powerful motivator for change in the future, particularly for young people. This approach may promote a more robust engagement and understanding of those rights in the community, for both those with and without disabilities.

The time and place in life that people begin to learn about rights can also be heavily influenced by their parents or caregivers. The values and beliefs of one's family, role models and their overall social experience will have a significant impact upon how their own beliefs develop. Furthermore, parental or guardian consent for people with a disability can directly impact upon their opportunity to learn about their rights. We have seen many examples of this particularly in relation to people's rights to romantic relationships and relationships or sex education.

*WWILD Example:*

*When conducting a WWILD relationships education group at a high school, parents needed to give consent for their children to take part. After discussing the program, group and the information that would be presented, some parents chose not to allow their children to take part because of the topics. Gatekeeping is a common barrier for people with disability, as they then may not have the opportunity to learn about their rights to relationships, consent or sex.*

In our experience at WWILD, many people who have an intellectual disability did not have an opportunity to learn about their rights at school. Or if they did, the learning was not presented in an accessible way nor was it reinforced. People who have an intellectual disability often need information to be reinforced in order for it to be best understood. It is only through coming into

contact with services that these discussions are now occurring. WWILD ensures that clients' rights when accessing our service are discussed as a key part of both the intake process and in our ongoing work, as well as being provided in concrete language for all clients. In other cases, these rights continue to be undermined into adulthood by service providers due to their assumptions about the person's capacity, their outdated paternalistic and ableist attitudes as to their rights, and lack of knowledge of supported decision-making models

*WWILD Example:*

*An adult client that WWILD has worked with was told by their previous counsellor that they were not allowed to engage in any form of romantic relationships. It had to be explained to the client that they had the right to make these decisions in the same way that any other person would. The client responded that "No, I can't have a relationship because I am like a child".*

The concept of capacity is one that can regularly overwhelm the discussion of rights. Our experience at WWILD has been that if a person with a disability is perceived to have diminished capacity, people often make assumptions that rights-based discussions are not necessary as the person does not have the capacity to understand. People with a disability require support to understand their rights regardless of the level of disability or perceived ability. Capacity needs to be understood as a spectrum, not something that people either do or do not possess. In cases of diminished capacity, it is critical to ensure a supported decision-making framework is used to allow people to maintain as much control over their lives as possible.

*WWILD Example:*

*When running therapeutic groups with clients who had predominantly lived in institutions, supporting people to feel comfortable to name things that they dislike, even as simple as foods they dislike, was challenging. These types of discussions had clearly never been encouraged for these participants because decisions had simply been made for them. Traditionally if people were to challenge these decisions and say they disliked something, they were considered to be 'difficult'.*

Learning about rights will ultimately depend on a person's individual experiences with people with disabilities, their age and education, and is time and culturally informed. Understanding of these rights within the general public is gradually improving, however there are many people both with and without disability who hold myths about capability and rights for people with a disability.

**Question 2: What stops the rights of people with disability being respected, promoted or realised? How is this linked to violence, abuse, neglect and exploitation?**

For far too long, beliefs surrounding people with disability have been that the 'problem' is situated in the characteristics of the person, rather than the environment around them. This belief can prevent people with disability from having a voice about the issues that affect them. The understanding of disability as an interaction between a person and their environment, and the need to improve accessibility and support is improving, however our experience suggests that this change is not always reflected in terms of people with intellectual disability.

There are many factors that limit the rights of people with disability being respected, promoted and realised. One main factor is that many service systems continue to practice using a paternalistic and risk adverse framework. Another issue which contributes to a lack of rights being realised is inconsistent attitudes across organisations. In WWILD's experience, some organisations have been extremely proactive in placing client rights at the forefront of their work, whereas others are noticeably restrictive and coercive in terms of their organisational culture. This can therefore disempower and limit client's ability to exercise their rights.

Services and professionals tend to make negative assumptions regarding people's capacity to engage in discussions about safe relationships and consent, so therefore it can be easier to be restrictive. Also on an individual level, it has been WWILD's experience that some parents or caregivers of people with intellectual disability neglect to discuss their rights to romantic and sexual relationships for fear of exposing people to sexual or domestic violence. A further barrier to rights being respected is that people with disability are typically taught compliance from a young age. This in turn can have dramatic impacts upon vulnerability because if people are not accustomed to having a say over what happens in their lives, they may not make a disclosure after experiencing violence.

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When discussing the rights of people with disability, the discussion usually focuses on the absence or loss of perceived rights rather than the rights that people do have. It is still unfortunately common for well-intentioned people to think choice is a risk factor for people with disability. WWILD continues to receive referrals from guardians, support people or family members who have not consulted the person with disability as to whether or not they would like our support.

*WWILD Example:*

*A WWILD client was engaged with an organisation who were tasked with creating a safety plan to reduce the client's vulnerability. The client was not involved in any discussions about what was to be included in the plan and therefore did not follow it. The client reported feeling as though their rights and freedoms were being taken away. Later, when the client could be involved and have a say, the plan was developed collaboratively and therefore implemented more successfully.*

There is a myth that having knowledge around relationships or sexuality will put people with disability at risk. It is thought that what they don't know, they won't seek, and therefore will not be at risk. When people with disability are viewed as being incapable, when they are seen as having less rights, or when they are devalued and not listened to, this makes them vulnerable to violence, abuse, neglect and exploitation. If you don't know what is normal or what you are entitled to, then whatever you experience will become the norm. Love, sex and relationships are a big part of advertising and social media, so even if people with disability miss these direct rights-based conversations, they will see and desire what everyone else appears to be experiencing. By providing people with knowledge, choices and consequences that are explained concretely in a way that makes sense, this enables them to actively participate and make safe and informed choices.

*WWILD Example:*

*WWILD worked with a couple whose families 'allowed' them to become engaged for over 30 years. The extent of their relationship was that they met at the same cafe on a Friday morning for a coffee as they were told this was what engaged people did. Even after their parents died or were no longer able to care for them, their siblings continued the ritual, because it was known and they seemed happy.*



*They were never encouraged to take the further step of living together or getting married in all that time.*

**Question 3: Thinking about rights of people with disability, what are the particular experiences of children, Australian First Nations people, culturally and linguistically diverse people, women and LGBTIQ+ people in having these rights realised?**

A female WWILD client shared with us her experience of attending the special Olympics and having her rights realised.

*WWILD Client Quote:*

*"When I was with the Olympics, I was very respected because I had a disability and people liked me because I was special. I didn't disrespect them in any way so they gave me chances to do things like represent my country or talk up in front of lots of people. They gave me ways of doing that. Because I respected them and they respected me."*

**Question 4: What advocacy or advocacy assistance is currently available to people with disability? What are your suggestions for reform or improvement to advocacy, to help prevent and improve responses to violence, abuse, neglect and exploitation of people with disability?**

People with intellectual disability require varying levels of advocacy to navigate the systems of our society – medical, social, housing, employment, financial, child safety, justice, where it is often assumed they understand, and have the skills to negotiate services that are required. It's important to work with people with disability, not for them, so they can be involved and listened to. For people with intellectual disability, masking and compliance is frequently used to cover misunderstanding of what they are being asked. Allowing time to consider their options and responses, being given just two options at a time, and knowledge of the steps needed to achieve tasks are all important concepts when providing advocacy. Providing people with high quality easy read materials and ensuring language is concrete will also further assist in advocacy work.

*WWILD Client Quote:*

"If I say to someone 'hey I have a disability, can you help me read this?', they'll look at me and say 'do you really have a disability, it doesn't look like it'. My disability doesn't show on the outside, it shows on the inside. It's like it's masked over. Some people just don't get it."

There are a number of excellent disability advocacy services in Queensland that WWILD are aware of and refer to regularly, however they are typically at capacity and we often struggle to obtain timely advocacy support for issues outside of what our service can address or in other areas of the state.

WWILD strongly advocates for additional resourcing for advocacy services to meet demand.

Additionally, additional funding for Disability Liaison people who can sit within different systems, who have a knowledge of both the system and of disability needs, would be greatly beneficial.

Building better relationships and procedures between police services and disability advocacy organisations so advocacy can be engaged and funded to support victims of crime who identify as having a disability, such as happens in NSW, would be of great benefit to victims. Finally, WWILD would like to see more promotion of self-advocacy, such as more groups where people with disability can learn self-advocacy skills, to promote people's rights and ability to engage in them, and to reduce the need for advocates.

*WWILD Client Quote:*

"Sometimes you need to put in complaints to get your rights back or get an advocate to help stick up for you. We (people with disability) deserve to have a say about things just like anybody else."

**Question 5: How do attitudes contribute to violence, abuse, neglect and exploitation against people with disability?**

There are a number of persistent ableist myths and attitudes in our society that contribute towards violence, abuse, neglect and exploitation against people with disability. These include:

### **Attitudes that Disempower**

- People with an intellectual disability are like children, or are asexual.
- E.g. The adversarial nature of court will overwhelm a person with an intellectual disability; therefore, it is not in their best interests to pursue legal action.

### **Attitudes that Devalue, Depersonalise and Trivialize Experiences**

- Because people with intellectual disability are unable to fully comprehend what has happened, they will suffer less emotional trauma and psychological injury.
- People with intellectual disability represent a homogenous group, all with the same needs and abilities.

### **Attitudes that Contribute to Vulnerability**

- No one would take advantage of a person with an intellectual disability.
- People with an intellectual disability have high levels of support and are protected.
- People with an intellectual disability are identifiable by physical characteristics.
- People with an intellectual disability are sexually promiscuous and seek out sexual contact.

These attitudes significantly exclude people with disability and reduce any sense of individuality by grouping people together within these incorrect and outdated attitudes. Furthermore, it is essential to recognise the intersection of other forms of discrimination and negative attitudes in our society that contribute to the perpetration of violence, abuse, neglect and exploitation of people with disability. For example, women with disability experience are also subject to sexist attitudes and myths that support rape culture and domestic violence, in addition to attitudes specifically in regard to their disability. Aboriginal and Torres Strait Islander communities, and those from CALD backgrounds commonly face racist attitudes in addition to ableism, that contribute to violence, abuse, neglect and exploitation. Gender diverse and those from the LGBTIQI+ community who have disability also often face disempowering and negative attitudes leading to violence, abuse, neglect and exploitation. In intersection with the lack of sex and relationships education for people with disabilities and treating people as ‘asexual’ because they have a disability, we have often found this has precluded people with intellectual disabilities from recognising and feeling free to express diverse sexuality or gender. In cases where people do identify diverse gender identities, we have had experiences where they have

not been respected by disability service workers or services have promised to provide training to staff and then gone back on this promise.

In regard to attitudes about sexuality for people with disability in the general community, due to a lack of knowledge and contact, it seems that the general population often view people with disability as being at one of two extremes. They are viewed as either sexually deviant and hypersexualised, or asexual, childlike and incapable of having a long-term sexual relationship. Therefore, when people with disability experience domestic or sexual violence, they are less likely to report this and less likely to be believed when they do report. This is obviously compounded by the fact that people with disability are significantly more likely to experience these forms of abuse than people without disability. When attitudes toward people with intellectual disability include a perceived inability to engage in topics such as sex education and safe relationships, their vulnerability increases significantly. People will not know what consent means, how to consent, what they are consenting to, and what their rights are.

A caregiver or service's attitudes will also impact upon the type of support a person receives if violence does occur, whether they get any support, whether or not they are believed and how they can go about pursuing justice. In WWILD's experience, people who have an intellectual disability need to have strong self-advocacy skills in order for someone in a position of power to recognise their rights. However, as discussed earlier people who have an intellectual disability often have difficulty understanding and asserting their rights. Understanding that people have these rights should be the default assumption rather than something people have to advocate for. It can be easy for some professionals to engage in the denial of rights unless someone is a great self-advocate. Finally, due to common societal attitudes regarding the vulnerability of people with disability, perpetrators may actively seek them out as victims.

## **Question 6: How do attitudes affect responses to violence, abuse, neglect and exploitation of people with disability?**

When people in positions of power have negative or incorrect attitudes about people with disability, this will influence the way in which they respond to hearing about experiences of violence, abuse, neglect and exploitation.

### **Attitudes that Deny or Dismiss Experiences**

- People with an intellectual disability are unable to distinguish fantasy from fact.
- People with an intellectual disability are prone to fantasize.
- People with an intellectual disability behave in a manner that invites or provokes victimization.

Through WWILD's Victim of Crime work, we have observed that police can often make assumptions about a person's disability which can then result in denying the person their right to an appropriate form of interview. Significant evidence is likely to be lost when people with intellectual disability are being asked to complete written statements. People who have an intellectual disability have the right to access a more suitable video interview which can share their story in a narrative way.

#### *WWILD Example:*

*A WWILD worker was supporting a client who had made multiple written submissions to police about a sexual assault. The worker tried to advocate that the client needed a video interview to tell their story properly and descriptively, however the officer stated that because the client had provided the written statements, she clearly did not need a video interview. When explaining to the officer that the client would not have known to ask for anything other than a written statement, the officer reported that it's not the client's job to know, the police make that assessment.*

#### *WWILD Example:*

*WWILD supported a client to meet with police to discuss a sexual assault case not being pursued due to a lack of evidence. WWILD attended the meeting with her to ensure understanding, and explain information in a concrete way if necessary. The detective explained that her statement was unclear in*

*indicating whether what happened was not consensual, and the case against the accused had to be dropped because it wouldn't hold up in court. The detective explained that if it were to go ahead through the courts it would be very stressful and hard on her to go through that. She gave her evidence by being recorded on video, although the detective was using abstract terms, and the client was agreeing with what he said even though she did not understand. The client later commented that she felt as if the police now think that she is stupid, and that they don't believe her. She stated that she won't want to call them again if something bad happened. She was worried that because of this, the man who hurt her might go on to hurt someone else. She was also worried about running into him in public and not being able to do anything.*

Considering that people with intellectual disabilities have trouble with timelines, abstract concepts, language and recalling events, a support person may be required throughout the entire reporting process to ensure understanding and clarify abstract concepts. The above example clearly shows that people with intellectual disabilities are judged by others negatively. This judgement is then internalised and can go on to silence their voices and experiences. When the detective stated that if her case went through the courts it would be very hard on her, this is a preconceived assumption about her ability to handle stressful situations. If the required level of support was available to people with intellectual disabilities who are pursuing justice, then this wouldn't be an additional barrier.

People with disability are much less likely to report further abuse if they have had a negative experience of initial reporting. If a trusted person does not believe that violence, abuse, neglect or exploitation has occurred, this can have an impact just as significant as the trauma itself. WWILD is extremely conscious of this in our work around violence prevention through advocating for people with disability to continue telling their story until they receive the help they need. If the first person they tell doesn't believe them, tell someone else they trust and keep trying.

**Question 7: How do poor rights awareness and negative attitudes contribute to laws, policies and practices that discriminate against people with disability, ignore the experiences of people with disability, or lead to unintended consequences for people with disability?**

Poor rights awareness can lead to several negative outcomes for people with disability. This can include a high rate of vulnerability to abuse and sexual violence, lack of opportunity to be actively engaged in the wider Australian community, lack of access to high quality education, lack of opportunity to work in a meaningful workplace, lack of appropriate housing, lack of opportunity to engage in meaningful freely given relationships and intimacy and poor levels of health and wellbeing. People with disability deserve education in a school of their choice, work they enjoy which pays them equally to people without disabilities, real relationships, and homes which they choose to live in, that are safe and free from violence and victimization. If understanding and beliefs of disability start from a view of inability and that people with a disability aren't affected by abuse and violence, then laws and policies won't be created or enforced to protect those basic rights of safety, dignity and respect.

**Question 8: What can be done to improve attitudes towards people with disability? Please consider policy, laws and other approaches. What good practice examples should we know about?**

The two core themes that are relevant to improving attitudes toward people with disability are education and social inclusion. As discussed earlier, incorporating rights discussions in both mainstream and disability specific schools will support people to understand the rights of people with disability and promote positive attitude development from a young age. To support this process, easy read resources with concrete language are necessary. WWILD are also aware of some Queensland disability services who are advocating for anti-bullying campaigns in schools to educate about rights and attitudes. A continuation of this work is critical for maintaining wellbeing and raising rights awareness. Regarding social inclusion, people with disability need to have more widespread representation in the media, not being glamorised but shown as a normal part of society. This will assist in increasing strengths-based rather than deficit-based views of people with disability. More opportunities for meaningful roles and employment for people with disability in the mainstream community, rather than disability specific organisations are also needed. By having more



opportunities for people without a disability to interact with people with disability, this will allow them to form their own assumptions and ideas, rather than simply subscribing to those put forward by society. Positive local examples of this in Brisbane are the Espresso Train Café and Catering, and the Hope St Café, which are not-for-profit social enterprises that employ people with disability and support them to develop skills. Finally, it will also be important to ensure the promotion of diversity within disability across government and non-government organisations. Examples of this could be recognising pride days for different types of disability.

**Question 9: What should the role of media and social media be in helping to improve rights awareness and attitudes towards people with disability? How can they support or drive changes in policy and laws? What good practice examples should we know about?**

As media and social media have such a significant impact upon societal perceptions, they have a major role in helping raise awareness of rights and attitudes. This may include groups of people with disability talking about rights or short videos of stories. Additionally, further coverage by reputable media outlets of positive stories of rights experiences will support to drive ongoing changes.

*WWILD Client Quote:*

*"The media needs to show that people with disability are all different, we aren't the same. We should all be equal and even though we are different, we shouldn't be treated different to everyone else just because we have something wrong with our brain or our body."*

**Question 10: How can improvements in rights awareness and attitudes towards people with disability support a more inclusive society? Is there anything else we should know?**

An improvement in rights awareness and attitudes will ensure that people with disability are treated better, with more respect and dignity, and are able to participate fully in society. There will be more employment opportunities for people with disability, not just with disability specific employers but also with mainstream providers. People will be believed when reporting their experiences of violence, abuse, neglect and exploitation and vulnerability will begin to be reduced.



*WWILD Client Quote:*

*"It would help if the community knew about disabilities and then they would be able to have more acceptance of people with disability. I know it can be hard for people to accept people with disability, but we didn't pick this life, it was given to us. We just have to go with it and other people have to go with it as well."*