**ISSUE: Violence and abuse against persons with disability**

(See Article 16 on page 12 of DPO Australia Submission to the CRPD)

**Background**

Evidence demonstrates that people with disability frequently experience sustained and repeated episodes of violence and abuse.[[1]](#endnote-1) Women and girls with disability are at far greater risk of violence, particularly sexual violence, and experience significantly higher levels of all forms of violence by a greater number of perpetrators compared to their peers.[[2]](#endnote-2) Children and young people with disability experience violence and abuse at approximately three times the rate of children without disability.[[3]](#endnote-3)

There have been numerous UN recommendations to Australia, including from the *Committee on the Rights of Persons with Disabilities* to address all forms of violence against people with disability, including violence in institutional settings and, in particular violence experienced by women and girls with disability.[[4]](#endnote-4) However there has been limited action to address these recommendations.

In 2015, an Australian Senate Committee conducted a national inquiry into violence, abuse and neglect against people with disability in institutional and residential settings.[[5]](#endnote-5) The Committee found that violence and abuse against people with disability is an ‘epidemic’ in Australia, and occurring in a range of settings including the disability and mental health service system, aged care, childcare, schools and educational settings, hospitals and prisons.[[6]](#endnote-6) The Senate Committee called for a Royal Commission to fully investigate this issue,[[7]](#endnote-7) and this call was reinforced by the Concluding Observations made by the Committee on Economic, Social and Cultural Rights at Australia’s fifth periodic review in May 2017.[[8]](#endnote-8)

In March 2017, the Australian Government ruled out a Royal Commission,[[9]](#endnote-9) arguing that the National Disability Insurance Scheme (NDIS)[[10]](#endnote-10) Quality and Safeguards Framework (the Framework)[[11]](#endnote-11) will be sufficient to protect people with disability from violence and abuse.[[12]](#endnote-12) However, this Framework is an insufficient measure by itself to address violence and abuse of people with disability. The Framework is limited in scope as it is only relevant for approximately 10% of people with disability who will be eligible to receive services via the NDIS. The Framework will not address the multiple forms of violence and abuse perpetrated against people with disability across the broad circumstances and settings in which it occurs. The Framework also does not address, nor hold people and systems to account for past injustices.

In May 2017, more than 120 Australian academics signed an open letter urging the Prime Minister to establish a Royal Commission into Violence against People with Disability.[[13]](#endnote-13) In May 2017, a Civil Society Statement coordinated by DPO Australia[[14]](#endnote-14) and endorsed by 163 civil society organisations and almost 400 individuals was issued to the Prime Minister urging him to establish a Royal Commission into Violence and Abuse against People with Disability.[[15]](#endnote-15) The Prime Minister’s response reiterated that the NDIS Quality and Safeguards Framework and existing mechanisms are considered sufficient to address the issue of violence and abuse against people with disability.[[16]](#endnote-16)

**Proposed Questions**

**Concerned by the overwhelming evidence of prolific and systemic violence against people with disability in Australia, please indicate when the government will establish a *Royal Commission into Violence and Abuse Against People with Disability*. Please indicate if such an inquiry will have specific and broad powers to compel witnesses, undertake a comprehensive investigation of all forms of violence and refer matters to law enforcement agencies.**

Please advise on progress toward implementing all recommendations from the *‘Senate Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings’*.

Please describe all measures to protect, investigate, prosecute and enforce findings related to all forms of violence experienced by people with disability, including those who are not NDIS participants.

**Endnotes**

1. See e.g., Australian Cross Disability Alliance, ‘Personal Stories and Testimonies: Accompanying document to submission’, August 2015,

   <http://wwda.org.au/wp-content/uploads/2013/12/ACDA_SuppDOC_Sen_Inquiry_Violence_Institutions.pdf> [↑](#endnote-ref-1)
2. Frohmader, C., and Sands, T., ‘Fact Sheet: Violence Against People With Disabilities in Institutions and Residential Settings’ (Fact Sheet, November 2015), Women With Disabilities Australia & People with Disability Australia <http://www.pwd.org.au/documents/orgdocs/FS-Violence-PWD2014.doc> [↑](#endnote-ref-2)
3. See, Robinson, R. *Enabling and Protecting: Proactive approaches to addressing the abuse and neglect of children and young people with disability.* Issues Paper, Children with Disability Australia, 2012 p:7; and Robinson, S. & McGovern, D. (2014) *Safe at School? Exploring safety and harm of students with cognitive dis­ability in and around school.* Lismore, Centre for Children and Young People. Report completed for the NSW Law and Justice Foundation. P:7 [↑](#endnote-ref-3)
4. See e.g., 175 UN Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review, Australia’, 31ST sess, UN Doc A/HRC/31/14 (13 January 2016); Committee against Torture, 53rd sess, UN Doc. CAT/C/AUS/CO/4-5 (3–28 November 2014); Committee on the Rights of Persons with Disabilities, 10th sess, UN Doc CRPD/C/AUS/CO/1 (2-13 September 2013); Committee on the Elimination of Discrimination against Women, 46th sess, UN Doc CEDAW/C/AUS/CO/7 (12 – 30 July 2010); Human Rights Committee, 106th sess, UN Doc CCPR/C/AUS/6 (15 October–2 November 2012; Committee on the Rights of the Child, 60th sess, UN Doc CRC/C/AUS/CO/4 (29 May–15 June 2012). [↑](#endnote-ref-4)
5. Senate Community Affairs References Committee, ‘Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and linguistically diverse people with disability’ (November 2015), <<http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect/Report>> [↑](#endnote-ref-5)
6. Ibid. [↑](#endnote-ref-6)
7. A Royal Commission is an independent, judicial investigation with broad powers and functions. [↑](#endnote-ref-7)
8. Committee on Economic, Social and Cultural Rights, Concluding Observations for Australia’s 5th periodic review, UN Doc E/C.12/AUS/CO/5, July 2017, para 36. [↑](#endnote-ref-8)
9. Australian Government response to the Senate Community Affairs References Committee report; accessed at: <http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect/Government_Response> [↑](#endnote-ref-9)
10. The NDIS is a social insurance mechanism to provide individual funded plans to eligible people with disability so that they can choose, purchase and manage their own disability supports. [↑](#endnote-ref-10)
11. The *NDIS Quality and Safeguards Framework* is ‘A framework of nationally consistent measures and requirements to minimise the risk of harm to people with disability and to ensure high quality support through the NDIS.’ For more information on the NDIS Quality and Safeguards Framework, go to: <https://www.dss.gov.au/disability-and-carers/programs-services/for-people-with-disability/ndis-quality-and-safeguarding-framework> [↑](#endnote-ref-11)
12. The *National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission* (the Commission) is ‘a new, independent Commonwealth body responsible for implementing the Commonwealth functions of registration; complaints and reportable incidents; and oversight of behaviour support under the Framework. Taken from: Australian Department of Social Services (DSS) (May 2017) at: <https://engage.dss.gov.au/ndis-code-of-conduct-consultation/ndis-code-of-conduct-consultation-discussion-paper/> [↑](#endnote-ref-12)
13. See: <https://disabilityroyalcommissionnow.wordpress.com/2017/04/05/open-letter/> [↑](#endnote-ref-13)
14. The Civil Society Statement calling for a Royal Commission is available at: at: <http://dpoa.org.au/civil-society-statement-rc/> [↑](#endnote-ref-14)
15. See also: <http://www.abc.net.au/news/2017-06-09/royal-commission-into-abuse-of-people-with-disability/8602508> ; <https://probonoaustralia.com.au/news/2017/06/civil-society-backs-calls-royal-commission-disability-violence> [↑](#endnote-ref-15)
16. The Prime Minister’s response is available here: http://dpoa.org.au/civil-society-statement-rc/ [↑](#endnote-ref-16)