



## Media Release

Friday, 28 January 2011

### **Violence against people with disability Public Advocate calls for major change**

A report of 86 cases of violence including sexual assault against people with cognitive disabilities or mental illness was released by the Office of the Public Advocate today.

The report documents cases of violence against 66 female and 20 male victims at the hands of parents, partners of parents, intimate partners, staff at their accommodation, and strangers. One purpose of the report was to highlight the difficulties in substantiating abuse against people with disabilities.

The report is based on evidence from guardians employed by OPA and relates to events that have occurred in the last ten years, most in the last four years.

“This is a snapshot of the problem,” Public Advocate Colleen Pearce said.

Of the 86 cases:

- 66 cases involved women as victims and 20 involved men as victims
- 33 cases involved violence by an ‘intimate partner’
- 32 cases involved sexual violence, but police were involved in only 10 of these (and only one perpetrator has been imprisoned)
- 30 cases involved abuse by a ‘person in a care-giving role’

“People with disabilities are more likely than others to be the victims of interpersonal violence and less likely than others to receive proper assistance to deal with it and prevent its reoccurrence,” Ms Pearce said.

The report details issues which the Public Advocate says has been raised by her office with successive governments since 1988, and it makes a series of recommendations to which the Public Advocate seeks the new government’s considered response. The Public Advocate, however, seeks the government’s immediate support for the following reforms:

1. greater support for people with cognitive disabilities and/or mental illness to make complaints of violence through the criminal justice system
2. more responsive services that offer immediate protection, including provision of alternative accommodation, when violence against a person with a cognitive impairment and/or mental illness is disclosed or suspected
3. improved prevention initiatives (including public education, improved reporting of inappropriate or dangerous behaviour, and more risk-conscious housing decisions).

The report is supplemented by data from two other programs run by OPA, the Independent Third Person Program and the Community Visitors Program. ITPs support people with a cognitive disability or a mental illness who come before police for interview as victims, witnesses or alleged offenders.



In the year to June 2010, of 333 ITP interviews at police sexual assault units, 272 were of victims, double the number of interviews one decade ago.

In addition, since the report, the Public Advocate has called for formal notifications of serious incidents from its guardianship and Community Visitors Program with at least ten matters current.

The Public Advocate said she was speaking out because people with a disability, especially those with a cognitive disability or a mental illness, were vulnerable and often voiceless.

The key role of OPA is to protect people with a disability from abuse, neglect and exploitation.

**Case study** – abridged from pg. 19 of the report.

‘Nicole’ has an intellectual disability, autistic spectrum disorder and depression. For several years she has lived away from the family home, with varying levels of service support. Throughout this time she has been highly vulnerable to sexual exploitation by men in the community. A guardian was appointed following Nicole’s reports to police that she had been raped multiple times in the two years prior.

The police investigated but did not proceed with charges as Nicole was unable to particularise the events. However, the police advised the guardian that they believed she was being sexually abused. Later that year, Nicole reported to the police that she had again been raped. The perpetrator was apprehended, and forensic examination provided some evidence. Nicole was interviewed several times by police but had difficulty remembering times and actions. When the perpetrator moved interstate, the police, Nicole and her family decided not to proceed with charges, due to concerns about her ability to provide evidence in court, and the potential trauma she would experience if the perpetrator was not found guilty. For some years concerns have been raised by OPA, numerous medical professionals, Nicole’s family, her Centre Against Sexual Assault (CASA) counsellor, the case manager and the police that Nicole does not have sufficient skills nor protective abilities to continue to live in independent accommodation. For two years OPA has advocated to DHS that there is an urgent need for Nicole to access supported accommodation. She remains in independent housing. The guardian and others are now concerned that Nicole will not speak out if she again experiences sexual violence, because of the trauma experienced and the outcomes achieved when she has disclosed in the past.

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