



The Advocate



Advocacy for Inclusion

JUNE 2011

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- **Violence & People with Disabilities**
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General Manager's Report

This edition of our newsletter focuses on violence and some of the different ways that it impacts on people with disabilities. A very stark picture is created by guest articles from People with Disabilities Australia and ADACAS, plus insights from our individual advocacy work.

Is it the case that our community has come to accept that a certain amount of violence is "normal" for people with disabilities? This might seem a harsh question but responses to violence in its many forms have been few and far between. Sadly many people with disabilities are not even aware that what is happening to them is actually violence or abuse.

Advocacy for Inclusion has been engaging in discussions on the development of an ACT Action Plan to support the new National Plan to reduce violence against women and their children. While this is a start - particularly for women with disabilities who live with a significantly higher rate of violence, sexual assault, and sexual exploitation than other women - it does not address the equally big issue of the level of violence present in the lives of people with

disabilities and the many places that it occurs.

Many people with disabilities are still living in situations, or with people, not of their choosing. Others are unable to get the level of support or care they need and are forced to rely on people who are physically or sexually abusive. Some are living in high density housing complexes where their neighbours prey on them or vilify them repeatedly and they can become very isolated.

Advocacy for Inclusion has partnered with the Women's Centre for Health Matters (WCHM) to deliver Inclusion and Awareness Training to women's services sector workers. Thanks to ACT Health we will be training workers in women's refuges, crisis and domestic violence services to be more inclusive of women with disabilities, and to better understand the needs of women with disabilities when they approach a service for support. This one year project builds on research by the WCHM and Women with Disabilities ACT which showed that women with disabilities struggle to be appropriately supported by women's services.

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Karen provides some useful self-advocacy tips for people who want to speak up about violence, and also some information on where to go to get help. These are some of our expanding resources on self-advocacy being developed as part of some extra funding from Disability ACT. Self-advocacy is critical to empowering people with disabilities to have greater control over their lives, to speak for themselves and to know how to respond to situations. Our next Nutrition Self-advocacy course is about to start as part of the ongoing Nutrition Project supported by ACT Health. Look for details later in this newsletter.

This edition we welcome Laura Stanford who is with us for a few months to help out with some administrative and training work. It's been great having Laura here, even if we are squeezing her into the kitchen for lack of space.

We were very disappointed that FaHCSIA chose to pass its efficiency dividend onto the disability advocacy sector rather than absorb it into its own budget. This has meant no indexation for the many independent advocacy organisations around the country and means we must try to continue our individual advocacy work for the same amount as last year, without the recognition of increased costs. Other funding programs in FaHCSIA did receive indexation this year. This is particularly harsh for the ACT as we are only able to support about 100 people per year from a disability population of about 60,000. At a time when major reforms are underway in the disability sector it is difficult to understand how some of the most isolated and vulnerable people with disability in our community will be heard.

Advocacy for Inclusion is increasingly focussed on Self-advocacy Training, and on Supporting Self-advocacy Training for those around people with disabilities including

parents/guardians and community workers. By ensuring that people are in control of their lives we strengthen them to greater independence. Some exciting initiatives are being worked on which we hope to launch shortly.

Finally, we'd like to thank several people who have specifically supported our work over recent months including Gai Brodtmann MP, Genevieve Jacobs at the ABC, Sylvie Stern at 2XX, the wonderful people at Richardson Support House and the Hang Ups folk.

Christina Ryan
General Manager

Meet our new Staff Member

Hi, I'm Laura. I am working at Advocacy for Inclusion for just a few months, and am helping out with any administration tasks and project support as required. I'm also cataloguing and organising documents from the last 10 years or so.

I have a background in science as an astronomer – and love to tinker with the webpages for Advocacy for Inclusion.

I am enjoying my time here at Advocacy for Inclusion – everyone is very friendly and easy to work with – I'll be sad to say goodbye when my time is finished here.

Laura Stanford
Projects



Shaping Disability Services as a Violence Prevention Strategy

Sonya Price-Kelly
Advocacy Projects Manager
People with Disability Australia Incorporated

In July 2010, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee) made a series of concluding observations and recommendations about Australia's compliance to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This included raising its concern about the high level of violence experienced by women with disability, particularly those living in institutions or supported accommodation.

Importantly the Committee recommended that Australia address, as a matter of priority, the abuse and violence experienced by this group of women with disability.

These concerns and the call for immediate action are echoed in People with Disability Australia's (PWD) report, *Accommodating Violence: The experience of domestic violence and people with disability living in licensed boarding houses*.

This report sheds light on the hidden issue of domestic violence for a group of women who are too often overlooked in the disability sector and hidden from domestic violence initiatives and services.

While the issue of domestic violence against women continues to gain prominence in government strategy and community consciousness, until now, the same cannot be said for the experience of women with disability living in residential and service settings. Here, domestic violence from co-residents or staff is an issue rarely recognised yet highly prevalent.

PWD's *Accommodating Violence* report reveals this shocking situation, exposing how the experience of domestic violence is a daily lived experience for all people with disability in licensed boarding houses, but particularly for women. Women with disability and service providers involved in the project spoke of physical violence, sexual assault, verbal abuse, persons living in fear of the threat of harm, as well as acts of intimidation and financial exploitation, people having services or activities withheld, and people suffering retribution for decisions, choices or complaints they have made.

The report further reveals how a decade of legislative review by the NSW Government has resulted in the continued failure of existing regulatory frameworks, inadequate policy guidelines, reporting and response mechanisms to respond to abuse and domestic violence, limited accessibility of disability and domestic violence services and supports, and too few opportunities for people with disability to find alternative accommodation and support where they may be free from violence. These failures have left people with disability in these settings subject to further vulnerability, violence and abuse, where incidents and experiences of domestic violence have become normalised.

Since the completion of this project PWD has been analysing a number of the report's emerging themes and how these impact on future strategies for violence and abuse prevention for people with disability in residential settings.

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One emerging theme relates to how particular disability service models and practices can increase vulnerability to violence and abuse.

Australian and international research provides evidence that disability service cultures and environments have a significant impact on risk of violence and abuse experienced by people with disability. Such research for example, suggests that where the following high risk characteristics exist, a person with disability's risk of violence and abuse also increases:

- environments of a congregate or institutional nature and those which lack privacy and personal space can contribute to an underdeveloped sense of personal space and boundaries;
- cultures of control and depersonalisation which teach or reinforce compliance;
- practices which limit an individual's autonomy or opportunity to develop and/or maintain independent living skills;
- inactivity and isolation from community activities and/or poor funding of external services which limit service access;
- staff practices which obstruct external services and/or promote misinformation about external services can discourage engagement;
- cultures of hierarchy amongst residents and staff which create unjust balances of power, including gender power imbalances. Such practices may also reward practices of intimidation, verbal abuse and physical assaults between residents. Whether a direct victim, or a victim by way of being a witness, such practices reinforce control and cooperation through fear;
- limited financial independence with board and lodging fees or other charges taking, between 80-100 per cent of the persons income;
- lack of tenancy rights and few alternative options for accommodation and support renders people without choice and reinforces dependence;
- congregation of people who have experienced long term institutionalisation and normalised experiences of poverty, deprivation, abuse and exploitation;
- staff who lack formal training or access to professional development and/or highly transient or casualised workforce; and
- service policies and practices: violence categorised as 'abuse' and a 'disability service issue' rather than a crime; 'abuse' framed within a response model rather than primary prevention; lack of multidisciplinary coordinated responses.

From PWD's experience of providing advocacy support to people with disability who have been victims of violence and abuse in licensed boarding houses, government funded large residential centres and other accommodation services, such characteristics are clear and evident factors in such cases.

Given the link between service culture and environments and the high prevalence of violence and abuse of people with disability, it is clear that violence prevention frameworks must begin to look at removing such risks *before* the problem occurs.

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Improving access and responses of domestic violence and sexual assault services to meet the needs of women with disability, as detailed in the current Australian Government's National Plan to reduce violence against women and their children, is of course necessary and welcomed. However, without a genuine commitment to disability service sector reform, this does little to reduce the risk of violence unique to women with disability in residential service settings.

References:

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Violence and People with Disabilities

*Michael Woodhead
Chief Executive Officer
ADACAS*

Society tends to value people who have the following traits: youth, beauty, success, wealth, fitness, health, intelligence, and so on. Once people begin to lose these traits, they begin to become devalued by society. Things start to happen to them and decisions are made about them and not with them. They become disempowered and lose their independence. They are all too often victims of violence.

People with disabilities as a victim of violence

A broad range of evidence on the issue of violence shows that people with a disability have a greatly increased chance of being victims of crime than people in the general community. For example, a Canadian study suggests that between 90% and 99% of women with an intellectual disability experience sexual exploitation by the age of 18.

Other studies show that women with a disability have at least a 75% chance of being sexually assaulted by early adulthood. Still other studies indicate that approximately 85% of women with a disability are victims of domestic violence.

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Institutions, including group homes, are harmful and often abusive. They take away people's choices and frequently force them to accept practices and behaviours that would be condemned in the general community. Studies of people living in group homes and other institutions show that many are subject to physical, sexual and medical abuse. Perpetrators are staff, other residents and visitors.

Society often takes away the sexuality of a person with a disability. Women with a disability are sometimes sterilised, often illegally. People with a disability are sometimes denied relationships. At least one agency in Canberra has had a no sex rule as a condition of accessing its service.

Getting justice

People with a disability are not seen as credible witnesses, especially in court. They are often not believed, especially around issues of sexual abuse. Service provider staff are often untrained and are unable to understand victims or identify signs of abuse. Victims are not seen as having the same rights as others. Assaults within services are not always reported to police or to the person's family. On occasions, police decline to investigate fully, if at all. Alleged perpetrators may not be charged and may continue to work in human services. It appears that in some cases the good name of the organisation is more important than the rights of the person with a disability.

In some cases victims are denied criminal injury compensation because they are unable to be assessed psychologically.

Evidence shows that people with a disability have difficulty in getting legal representation or they get conditional representation. For example, we will not represent you unless you plead guilty.

In the family court and child protection systems, a person's disability is often used against them as a reason for not being able to look after their child.

People with a disability as perpetrators of crime

Studies have shown that people with a disability are grossly overrepresented in the juvenile and criminal justice systems. The NSW Law Reform Commission reported that people with an intellectual disability are detained at a rate four times higher than the general population. Similar studies have shown that between 14% and 38% of people appearing before criminal courts have an intellectual disability. People with a disability are visible, are subject to prejudice, have difficulty communicating, do not understand the right to silence, tend to confess, often without an appropriate person present, are more likely to serve longer sentences, are more likely to be abused or assaulted in prison, often serve time in maximum security because of protective custody, lack an appropriate treatment program and therefore have less hope for rehabilitation, only punitive measures.



How Advocates See Violence at Advocacy for Inclusion

When communicating, how do you feel when you are given the opportunity to talk, and are listened to and taken seriously? *Relieved? Happy? Safe? Comfortable? Understood?*

Now, how do you feel when you are shut down or ignored when trying to voice a concern or opinion? *Frustrated? Angry? Sad? Misunderstood? Untrusting?*

Imagine how you would react if:

1. You are constantly treated like a child in your employment, and your concerns about the workplace environment are not taken seriously. You attempt to voice your concerns but are repeatedly shut down and told to behave yourself. Eventually your frustration overwhelms you and you snap. Your employment is then terminated because you are aggressive, display challenging behaviours and pose a threat to other workers.
2. You are unable to make any decisions about your life. You are made to participate in activities that you don't enjoy; told what to eat and wear without being consulted and no-one takes your requests to investigate other options seriously. After a while you get fed up at being told what to do and not being listened to and 'lose it'. You are labelled aggressive and difficult.
3. You reach a crisis point and eventually seek help and support. As a result your children are removed. You continually try and voice your concerns and explanations but are continuously misunderstood and shut down. You are in a position of grief and despair, but are

called aggressive, difficult and incapable of being a parent.

These are just a few examples of advocacy issues that we are supporting people with disabilities with. They involve basic human rights including freedom of expression and opinion and access to information; freedom to make a decision; and the right to receive support to sustain parenting rights and responsibilities.

People with cognitive, intellectual and psychosocial disabilities are very often misrepresented. The opportunity to express their concerns, ideas or opinions and to be listened to and understood is not common. If frustration is shown as a result of basic human rights being denied; labels of being difficult, aggressive or displaying challenging behaviours are usually applied rather than acknowledgement that the person is being deprived of the opportunity to express themselves.

Many of the issues that we advocate for could be easily resolved if people were treated with respect, as an equal, and given the opportunity to express their concerns, opinions and wishes in the first instance. In turn these concerns, opinions and wishes need to be heeded, understood and supported. Sadly we often find that we have been the first to ask "what do you want", or "how do you feel".

*Jamelle Boettcher and Ellen Read
Advocates*



Domestic Violence Law Amendment

Christina Ryan

Tenants in disability group homes are some of the most vulnerable and isolated people living in the ACT. Unfortunately, as in all other domestic situations violence also occurs in disability group homes. It is particularly concerning that many tenants in disability group homes are not living in circumstances of their own choosing and can become distressed by being “stuck” in a living situation that they do not want.

The lack of available group housing also forces many to take an option they might otherwise not, or to stay in a situation that they need to get out of.

From time to time our consumers have been involved in violent domestic circumstances, yet the *Domestic Violence and Protection Orders Act 2008 (ACT)* does not recognise the types of relationships which occur in disability group homes.

Additionally, the relationships of other people with disabilities who live in the broader community may also not be covered, including those relying on paid or unpaid carers who are not family members, or those living in other group arrangements. While assault laws might cover some of these circumstances, the protections available to assault victims are not the same as for those who have experienced domestic violence.

The NSW *Domestic and Personal Violence Act 2007* carries the following definition of relationship:

An ADVO can only be made where the protected person has or has had a ‘domestic relationship’ with the defendant. The term ‘domestic relationship’ is defined in s 5 of the NSW Act to extend to the following kinds of relationship:

- marriage;

- *de facto relationships (within the meaning of the Property (Relationships) Act 1984 (NSW));*
- *‘intimate personal relationships’ (whether or not involving a relationship of a sexual nature);*
- **relationships between persons living in the same household;**
- **relationships between residents of residential facilities (not being a correctional or detention centre);**
- **relationships involving the protected person’s dependence on the ongoing paid or unpaid care of the defendant;**
- *relationships between relatives; and in the case of an Aboriginal person or a Torres Strait Islander, extended family or kinship relationships.*

[Section 2.2.8 Crimes (Domestic and Personal Violence) Act 2007 (NSW)]

Conversely, the ACT Act says:

Section 15(1) provides that, in relation to a person (the first person), a ‘relevant person’ is:

- *a ‘domestic partner’ of the first person;*
- *a relative of the first person;*
- *a child of a ‘domestic partner’ of the first person;*
- *a parent of a child of the first person; or*
- *someone who is in a ‘domestic relationship’ with the first person.*

[Section 2.8.11 Domestic Violence and Protection Orders Act 2008 (ACT)]

It is clear that there is no recognition in the ACT Act for those living in the circumstances that ACT people with disabilities are in.

Advocacy for Inclusion is calling on the ACT Legislative Assembly to urgently replace the ACT definition of relationship with the NSW definition to provide greater security for people with disabilities by recognising that they are also subjected to domestic violence and should expect the same protection as other members of the community.

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There is currently a national process underway to harmonise all domestic violence legislation. We strongly suggest that aligning the ACT law with the current NSW law would be a good first step in that harmonising process. Waiting until the national harmonisation is negotiated and completed could mean another 10 years waiting for people with disabilities to be safe, and this is unacceptable.

The capacity to call police, have a perpetrator removed from the premises, and seek a protection order, are important in overcoming the isolation and vulnerability of people experiencing violence. It is even more important for people with disabilities who may already be highly isolated and vulnerable.

People with disabilities have a right to access legal mechanisms and securities, and to be covered by the law to the same extent as the rest of the community.

Who can I talk to?

*Karen Hedley
Project Officer*

If you've been involved in any kind of violence it is probably a good idea to talk to someone.

You need to talk to someone you can trust, who can help you to find the information and support you need.

My Trusted People

Most of us have friends, family or support people we can talk to and trust. When you are in a stressful situation it can be hard to think of who those people are. It makes it easier to remember by using your hand to prompt your memory. Try to think of five people who you really trust, that is a person for each finger.

To help you remember them you can write each name on each finger, or trace around your hand onto paper and write the names on. If you have more than 5 people you can talk to, list their names on the palm of your hand.

Other people who can help

If you've been in a violent situation you will need someone else to talk to, other than family or friends.

Don't forget if you need urgent police, ambulance or fire assistance you should call 000.

Below is a list of other people or places you might want to contact.

Crisis Services:

- *Police* (non-urgent)
 - Phone 131 444
- *Emergency* – Police, Fire, Ambulance, (24 hours)
 - Phone 000, 112 (mobile), 106 (text)
- *Lifeline*, 24 hours a day
 - Phone 13 11 14
 - <http://www.lifeline.org.au/>
 - <http://www.act.lifeline.org.au/>
- *Kids Help Line*, 24 hours a day, for kids & young adults 5 – 25 years old
 - Phone 1800 55 1800
 - <http://www.kidshelp.com.au/>
- *Canberra Rape Crisis Centre*, 24 hours a day.
 - Phone 6247 2525
 - <http://www.rapecrisis.org.au/>
- *DVCS - Domestic Violence Crisis Service*, 24hours
 - Phone 6280 0900
 - <http://www.dvcs.org.au/>

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Information Line:

- CAB - Citizens Advice Bureau, 9-4pm
 - Phone 6248 7988
 - <http://www.citizensadvice.org.au>
- Health Direct, 24 hours, Health advice line
 - Phone 1800 022 222
 - <http://www.healthdirect.org.au/>
- Health Direct Pregnancy, Birth & Baby Helpline, 24 hours, Advice line
 - Phone 1800 882 436
 - <http://www.healthdirect.org.au/pbb>

Legal Services:

- Aboriginal Legal Service
 - Phone 6249 8488
- Welfare Rights & Legal Centre
 - Phone 6247 2177
 - <http://www.welfarerightsact.org/>
- Aboriginal Justice Centre
 - Phone 6162 1000
 - <http://www.actajc.org.au/>
- Women's Legal Centre ACT
 - Phone 6257 4377

Nutrition Course Report

Our Nutrition pilot course ran from February to April 2011. We started with 5 participants and 3 people completed the course! (The other 2 are hoping to fit into a later course).

A "pilot" course is the first, test, course, so our participants gave us lots of feedback on how the course was going.

Over the 8 weeks we covered a lot of topics and got to know each other well.

Participants now enjoying running into each other out in the community and are using some of the skills they learned in the course.

They all felt that they would use what they had learned in the course a lot, and for them the most important things were:

- Self-advocacy
- Diabetes information (huge thank you to Teri from Diabetes ACT for being a guest speaker for us)
- Eat more vegetables and fruit
- Cooking skills

Marjorie had been involved in our Reference Group who helped design the course, and said that *"It was a good course to learn about sugar content & low GI, nutrition, being assertive, self-esteem, and*

about my rights". She recommends the course to others who would like to learn these things too.

Nathan hadn't cooked since he was at school, and impressed the group by creating his own dip recipe and making it for the group! He enjoyed learning about how to eat healthily and lose weight. He felt the course helped him learn a lot.

Julie has enjoyed learning skills to use with her carers at home.

Karen Hedley



Karen, Marjorie and Julie cooking up a feast on our final day.

Nutrition Courses – We want you!

Do you:

- Want to learn more about speaking up for yourself?
- Want to learn more about eating healthy food?
- Want to learn more about taking care of yourself?
- Want to learn more about cooking fantastic meals and snacks?
- Are you someone with disability living in supported accommodation?

If so then we want you to come along to our **Nutrition & Self Advocacy Courses!!** Our next 2 courses have been planned and we are looking for people to do them.

Course 2:

Wednesdays, 2-4pm, from June 29 until August 17 2011 in Chifley.

Course 3:

Thursdays, either 2.00 – 4.00 pm or 4.00 - 6.00 pm, from July 21 until September 8 2011 in Chifley.

Each course is for 4 - 6 people, and runs for 8 weeks.

If you require support to attend you will need to provide your own, but please contact us if you are having trouble finding someone to support you, we may be able to help.

Topics covered in the workshops will include:

- What is self advocacy?
- What is nutrition?
- Eating healthily
- Exercise and being active
- Reading nutrition labels
- Human rights
- Hygiene and kitchen safety
- Assertiveness and respect

- Meal planning
- Shopping and saving
- Making decisions and goal setting

Workshops will include the chance to cook, and to learn basic cooking and kitchen skills, but are not cooking courses. There will be lots of other things to learn and talk about, to help you become a stronger self-advocate.

If you are interested in finding out more about the workshops, or putting your name down to do a course, please contact Karen on 6286 9422.

Karen Hedley



Nathan cooking a healthy carrot cake for our end of course celebration.

Deductible Gift Recipient Status

Advocacy for Inclusion is now a deductible gift recipient!! This means that all donations to us over \$2 are tax deductible.

Positions Vacant

Advocacy for Inclusion is seeking a new *Administration and Communications Officer* and a *Training Support Officer* for our vibrant and close knit team.

A copy of these positions can also be viewed on our website www.advocacyforinclusion.org

Prosecuting Disability Hate Crime: A Disabling Solution

*Linda Piggott
Lancaster University*

Public acts of hostility and harassment against disabled people are characterised in law as hate crime when they are accompanied by evidence of prejudice.

But, rather than protecting and deterring, the offence of hate crime invites and depends on the identification of a person as different, thereby reinforcing culturally embedded ideas of normality and disability.

As a result the law is based on disablist assumptions of disabled people as inferior. The law is also based on ideas and practice that presume ablebodiedness and thereby risks marginalising disabled people with whom the criminal justice system can find it difficult to work.

See the below web link to the interesting paper entitled 'Prosecuting Disability Hate Crime: a disabling solution.'

Source: http://extra.shu.ac.uk/ppp-online/issue_1_130411/issue_downloads/disability_hate_crime_solution.pdf

Disability Clothesline Project

The Disability Clothesline is a New Zealand project run by DCAV, the Disability Coalition against Violence.

The project aims at providing people with disabilities a way of breaking the silence about domestic and all forms of violence and abuse experienced by enabling them to give creative expression to their experiences through a clothing canvas.

<http://www.disabilityclothesline.org.nz/>

Being Assertive

Karen Hedley

Part of keeping yourself safe is learning how to speak up. Speaking up assertively makes it easier to get your message across to the other person.

Being assertive is about saying how you feel and what you think in a way that shows respect for others, as well as yourself.

Why be assertive? So you:

- Feel good about yourself – good self esteem
- Have better relationships with others
- Reach your goals and get things done
- Gain respect of others
- Protect your rights and don't let others take advantage of you
- Let others know what you think, feel, need and want
- Take control of your life

How can I be assertive?

Many people confuse being aggressive with being assertive, but they are not the same.

When you are being assertive you should:

- Stand up tall
- Sound confident
- Know what you want and why
- Say "no" if you need to (politely, remember, we're not being aggressive)
- Listen to others
- Don't get angry – learn to deal with anger
- Don't allow interruptions – have your say
- Repeat yourself if needed
- Be reasonable – don't be unfair to others
- Ask for what you need

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| Being Assertive | Being Aggressive |
|---|---|
|  |  |
| Looking people in the eye, Listening to others | Pushing, hitting, punching, pointing |
| Speaking up, saying what you're thinking and feeling, being honest | Shouting, swearing, calling names, rude putdowns |
| Not accusing others, Knowing what you want or don't want | Throwing things |
| Staying calm and patient | Getting angry |
| Sitting or standing up straight and tall | Making yourself look bigger |

Recent publications and submissions

If you would like a copy of any of our publications or submissions, please visit our website www.advocacyforinclusion.org or email info@advocacyforinclusion.org

1. Speech to AusAid/ACFID workshop on gender and disability
2. DANA Submission to the Productivity Commission inquiry on Disability Care and support on www.dana.org.au



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“In my thoughts I have many friends”

Artist Andrew Delaney

Andrew grew up watching his Grandfather doing art and has always wanted to have a go. He has been doing art classes at Hands on Studio since October 2009 and loves to paint; in particular he loves to paint tractors and farms.

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Evidence rules leave disabled Canadian girls open to sex abuse

By Daphne Bramham,
Vancouver Sun
May 30 2011

Canadian girls and women with disabilities are up to 10 times more likely to be sexually assaulted or exploited than other girls and women. Overwhelmingly, their attackers are the people they trust most.

During their lifetimes, research suggests, 83 per cent of women with disabilities are sexually abused; 80 per cent of female psychiatric in-patients will be physically or sexually assaulted.

Before they turn 18, 40 to 70 per cent of girls with intellectual disabilities will be sexually exploited.

In three out of four cases, the assailants are doctors, teachers, parents and caregivers, or the friends of those trusted individuals.

The assumption seems to be that the girls and women cannot or will not complain, and there's good reason for these despicable predators to believe that.

Fewer than four per cent of sexual assaults on mentally disabled women and girls are reported. When these highly vulnerable girls and women report sexual abuse, they are often re-victimized.

It's rare for charges to be laid in any sexual-assault cases; rarer still when the victim has a mental disability. And when one of these rare cases gets to court, the complainant faces a unique hurdle.

The Evidence Act allows defence lawyers to challenge a person's mental capacity to understand what it means to take an oath to tell the truth and promise not to tell a lie.

Those with mental disabilities are the only people other than children who can be questioned about their understanding of the duty to tell the truth.

"No other category of witness is required to do so," Joanna Birenbaum, legal director for the Women's Legal, Education and Action Fund (LEAF), points out.

"Not even convicted perjurers are probed before taking the stand on whether they feel bound to tell the truth."

By challenging a mentally disabled person's ability to understand the abstract philosophical meaning of truth, defence lawyers usually succeed in silencing their clients' accusers and winning an acquittal.

Given the pervasiveness of the sexual assaults, this needs to change.

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Earlier this month, LEAF, along with the Disabled Women's Network Canada (DAWN) appeared before the Supreme Court of Canada as interveners in an appeal of the case involving a woman known as K.B. who has the mental competency of a three-to six-year old.

Police investigated after she told her teacher that her stepfather was playing "games" with her that included touching her genitals, buttocks and breasts.

Police found photographs of K.B. with bare breasts hidden in a trunk along with another pornographic image. And, during a recorded interview with police in 2005, she demonstrated how he touched her under her pyjamas and said it happened *"all the time"*.

K.B. testified at the preliminary inquiry in 2006. But at trial, her competency was challenged.

She was asked a wide range of questions about specific hockey players, what she eats for breakfast and recent movies she'd seen. She was also asked what truth means and what it means to make a promise.

Her answers to the difficult, abstract questions were found by the trial judge to be inadequate. She was disqualified from testifying.

I can't help but wonder who among us might have met the judge's standard.

Truth. Lies. Promises. Their meanings have bedevilled philosophers and theologians. So asking anyone - and especially people with mental disabilities - to define those concepts in court seems unnecessarily discriminatory.

Birenbaum suggests that the requirement to do so is *"based on deeply rooted stereotypes that such persons are unreliable and cannot accurately perceive, remember or relate events, or distinguish fact from fiction."*

She argues for more appropriate and less onerous ways to evaluate whether someone is mentally competent to testify, because if the Ontario decision is upheld, *"It will effectively render these women beyond the law's reach and protection."*

"It will discourage reporting, impede prosecution, and further deepen these women's exclusion, thus leaving the women with the most severe disabilities the least likely to have access to justice."

There is reason to believe the Supreme Court justices will agree.

In an earlier decision, the court warned judges *"should not be quick to leap to the assumption that a person with mental disabilities is not competent to give useful testimony."*

In another ruling, it noted that judges ought to avoid *"any suggestion that a particular treatment, therapy, illness or disability implies unreliability."*

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No one wants wrongful convictions based on faulty testimony.

But if perjurers aren't required to explain their understanding of truth, why is the bar so high for people who have shown no propensity to lie?

If there is to be any chance to reduce the horrifically high levels of sexual exploitation of these most vulnerable people, the witnesses must be heard.

By giving them voice, the Supreme Court would make it more difficult for these despicable predators to get away with it.

Source:

<http://www.vancouversun.com/news/Evidence+rules+leave+disabled+Canadian+girls+open+abuse/4860978/story.html#ixzz1Nw4tBkeF>



Spanish disabled woman secretly filmed 'husband abusing her'

Woman suffering from motor neuron disease told police she recorded the footage using webcam controlled only by her eyes.

A severely disabled Spanish woman has accused her husband of domestic abuse after secretly recording his behaviour with a webcam that she could control only with her eyes.

A court in the north-western city of Vigo is due to decide whether to place a restraining order on the husband, banning him from her home, after the woman showed police video files she had recorded and encrypted on her laptop. The unnamed woman, who suffers from a degenerative and fatal motor neuron disease called amyotrophic lateral sclerosis, told police she had been secretly recording her husband's abusive behaviour. This included tirades of insults when they were alone together, according to a report by the local Voz de Galicia newspaper.

Events came to a head when she told a friend 365 miles to the south in Seville about the alleged abuse in an online chat.

The victim explained she was scared of being alone with her husband that evening while the Champions League football final between Barcelona and Manchester United was shown on television. At that point her husband entered the room and the chat was suddenly cut off.

The friend was so worried about what might happen she called Vigo's municipal police, who went to the disabled woman's home. It was only then, with her husband out of the room, that the woman dared to show police the video files of his behaviour.

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Police said she could explain her situation well enough for the case to be taken to the city's domestic violence court. A judge started the process of putting a restraining order on the husband, who lives elsewhere.

He is reportedly due in court so that he can argue against a restraining order if he wishes. The court has not asked the woman to give further evidence.

Court sources in Vigo confirmed to Spanish state new agency EFE that the case was being dealt with there, but did not confirm the details given by La Voz de Galicia.

Amyotrophic lateral sclerosis is a degenerative condition that gradually atrophies muscles.

It provokes severe respiratory problems, but tends not to affect the eye muscles, the senses or the mind.

Most victims die within three to six years of being diagnosed.

Giles Tremlett in Madrid
Thursday 2 June 2011
guardian.co.uk

2011 Quality of Life Grants

Disability ACT has recently advertised the commencement of the 2011 Quality of Life Grants Round.

These are one-off grants allocated for goods and services that may make a real difference to the lives of people with disabilities and their families and carers.

These grants are also allocated to people under 65 years of age living in residential aged care in the ACT.

Additional information and the Application form are available on the following website.
http://www.dhcs.act.gov.au/disability_act

If you have further questions about this grant please contact Mr Edwin Camporedondo, Grants Officer on 6207 4437 or
Edwin.Camporedondo@act.gov.au

AWESOME Movie Event!

All friends and supporters of the ACT Down Syndrome Association are invited to attend a special screening of the movie "KUNG FU PANDA 2" at **2.00pm on Sunday 3rd July at Hoyts cinema in Woden.**

This special screening is not open to the general public and the session has been designed to be family friendly. There will be some lights left dimly on and the sound / volume will be slightly down from usual cinema levels.

All tickets are ONLY \$10 each!!!

Please contact the ACT DSA Office on 6290 0656 or email admindsa@actdsa.asn.au to secure your seats.

Tickets must be booked and paid for by 22nd June.

MAKE A DONATION

Advocacy for Inclusion is a registered charity. All donations over \$2 are tax deductible.

We welcome your support.

All donations will go directly to empowering people with disabilities to speak for themselves through our self-advocacy program.

To make a donation, please fill in this form and return it to the address below.

Please make your donation, cheque or money order payable to Advocacy for Inclusion Inc.

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Contact Person (Organisations only)

Please tick if you have a disability (free membership)

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Please make your donation, cheque or money order payable to Advocacy for Inclusion Inc.

**Advocacy for Inclusion
PO BOX 3653
Weston Creek ACT 2611**

Membership includes:

- Quarterly newsletter
- Policy consultation on key issues
- Representative opportunities
- Connection with local and national networks
- Right to nominate for our Board
- Membership rates for training

Membership Categories:

- Individual
 - \$10
 - Free for people with disability
- Organisations
 - \$25