

Submission to the Department of Social Services on the terms of reference for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

28 March 2019

Australian Women Against Violence Alliance (AWAVA) would like to express our strong support for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. We are pleased to see a commitment to comprehensively address all forms of violence, abuse, neglect and exploitation of people with disability.

AWAVA endorses the [submission made to this consultation by Disabled People's Organisations Australia](#).

In addition to proposed terms of reference, we would like to put forward several important considerations.

1. Embed gender and intersectionality lenses in the Terms of Reference and priorities of the Royal Commission

The draft terms of reference set out the following considerations:

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

[...]

g) that people with disability have specific needs, priorities and perspectives based on their personal circumstances, including their age, sex, gender, sexual orientation, intersex status or race, acknowledging the particular situation of Aboriginal and Torres Strait Islander people and culturally and linguistically diverse people with disability;

We strongly advise that gender and intersectionality lenses be embedded within each priority area as well as in the overall terms of reference. Age, gender, sexual orientation, race and other aspects of an identity are not simply “personal circumstances”. They are intrinsic to a person’s sense of self and of who they are. Thus, any violence committed against a person with a disability in any setting or context needs to be understood in the context of oppression and privilege arising from the intersection of gender, race, impact of colonisation, class, sexual orientation and gender identity, ethnicity, nationality, religion, dis/ability and age. In practical terms this means that in conversations about prevention and responses to violence against people with disability in all settings and contexts, it is essential to adopt a gender lens that will recognize gendered dynamics of violence both in terms of perpetrators and impact on a victim/survivor.

We reiterate that approaches that foreground gender and intersectionality must be interwoven throughout all priority areas. They must not be seen in a tokenistic way as an add-on that only creates specific needs. People’s daily experiences are unique and multilayered. They are shaped by different layers of identities that are undistinguishable from who a person is. Without a proper engagement with intersectionality, there are risks that some experiences will be silenced.

2. Include a strong focus on migration status as a precursor and a barrier to access to services for people with disability

Migration status, in particular temporary migration status, can be a great barrier for people with disability to access essential services. For instance, people on temporary visas are not eligible to access the NDIS. There is a similar situation with access to social housing. In the majority of States and Territories only Australian citizens and permanent residents are eligible to access social housing. It is thus essential that the Royal Commission takes into consideration migration status as distinct from cultural background, and gather information about whether migration status contributes to specific forms of violence and creates barriers to accessing services.

3. Respect the indivisible and interconnected rights of people with disability

Several questions in the online survey are designed in a way that requires respondents to rate the importance of measures or priorities. It is concerning that there is an assumption that measures to improve the lives of people with disability can be put on a scale from the least important to the most important. We believe that the government should resist such a differentiation in their approaches so as to ensure that each person with disability is living a dignified life free from violence. The different rights of people with disability all contribute to being free from violence, and as such are all interconnected and indivisible.

Thank you for the opportunity to provide input to this consultation. If you would like to discuss the contents of the submission further, please contact Dr Merrindah Andrew, AWAVA Program Manager, using the details below.

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