Submission on the draft National Strategy for Eliminating Family Violence and Sexual Violence in Aotearoa New Zealand.

Disabled Persons Assembly NZ Inc.

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**Introducing Disabled Persons Assembly NZ**

The Disabled Persons Assembly NZ (DPA) is a pan-impairment disabled person’s organisation that works to realise an equitable society, where all disabled people (of all impairment types and including women, Māori, Pasifika, young people) are able to direct their own lives. DPA works to improve social indicators for disabled people and for disabled people to be recognised as valued members of society. DPA and its members work with the wider disability community, other DPOs, government agencies, service providers, international disability organisations, and the public by:

* telling our stories and identifying systemic barriers
* developing and advocating for solutions
* celebrating innovation and good practice

**UN Convention on the Rights of Persons with Disabilities (UNCRPD)**

**Government Obligations**

The UNCRPD[[1]](#footnote-2) places an obligation on Government to ensure and promote the full realization of all human rights and fundamental freedoms for all disabled people without discrimination of any kind on the basis of disability.

**UNCRPD is the minimum standard**

DPA upholds the UNCRPD as the minimum standard for our participation in society.

**Partnership with DPOs (Article 4.3)**

The implementation of the UNCRPD depends on a partnership between DPOs and the Government. This is highlighted in Article 4.3[[2]](#footnote-3) which says governments shall consult closely with and actively involve disabled people, including disabled children, through their representative organisations. This partnership goes beyond just consulting with disabled people. It mandates Governments to actively involve disabled people and our organisations in everything that affects us.

**UNCRPD General Principles (Article 3)**

Of relevance to any Government National Strategy for the Elimination of Family and Sexual Violence are the principles[[3]](#footnote-4) of the UNCRPD. These principles need to be integrated into the process and upheld throughout the development and implementation of the strategy.

1. Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;
2. Non-discrimination;
3. Full and effective participation and inclusion in society;
4. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
5. Equality of opportunity;
6. Accessibility;
7. Equality between men and women;
8. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

**Right to be Safe from Violence and Abuse (Article 16)**

Article 16[[4]](#footnote-5) of the UNCRPD specifically upholds the right of disabled people to be safe from all forms of violence and abuse. It places an obligation on Government to take all appropriate measures, including legislative and educational, to protect disabled people and requires Government to ensure appropriate support and information is available to disabled people and their families and caregivers on recognising, reporting, and responding to violence and abuse.

Clauses 16.4 and 16.5 specifically require Government to take all appropriate measures to promote the recovery of disabled people who become victims of violence and abuse and to ensure all instances of violence and abuse against disabled people are investigated and where appropriate, prosecuted.

**Key Reports and Data for Disabled People**

1. **Ministry of Justice's New Zealand Crime and Victims Survey**

The recent Ministry of Justice's New Zealand Crime and Victims Survey[[5]](#footnote-6) found disabled people were significantly more likely to experience crime across all categories - particularly sexual assault and intimate partner violence.

Of particular concern is that they found that disabled adults in New Zealand are 52% more likely to experience sexual violence in their lifetime and up to 16 per cent of disabled New Zealanders experienced interpersonal violence - abuse from a partner or family member - in the previous 12 months, more than twice that compared with for non-disabled people (7%)

It is important to note that as this survey did not include people in supported living arrangements, residences or who required someone else to communicate[[6]](#footnote-7), it is likely that these statistics understate the actual levels of violence and abuse experienced by disabled people in New Zealand.

1. **“EVERYTHING, WITH US” Working with People with Disabilities: (Good Practice Guidelines for mainstream crisis support services for survivors) [[7]](#footnote-8)**

This report by Ezekiel Robson was commissioned in 2016 by TOAH-NNEST to inform good practice guidelines for mainstream crisis support services responding to sexual violence. The report reviews existing literature, explores issues for disabled people who experience sexual abuse/assault, looks at their access to crisis support services and the capacity of those services to support them.

The findings and recommendations of this report remain highly relevant and timely. DPA would like to see the recommendations of this report incorporated in full into the implementation of the National Strategy. We highlight some of the key points and recommendations below.

The report notes that during the first round of development of the good practice guidelines there were a number of recommendations to improve the responses of sexual assault support workers towards disabled survivors, including:

* Training for sexual assault support workers,
* Co-ordination between police, sexual assault support workers and disability support workers,
* Information available in a form specific to a survivor’s needs and disability,
* Agencies resourced to enable staff to have time to work with clients at a pace and in a format that suits them.

The report highlighted the findings of Michael Roguski’s 2013 study into ‘***The Hidden Abuse of Disabled People Residing in the Community’ in the Tairawhiti region*** as a key source of evidence on disabled people’s experiences of violence in New Zealand. This showed that disabled people experienced abuse in residential services (nursing homes, specialist residences, including for mental health, intellectual disabilities and homes for people in need of care), institutions, home-based environments and in the community.

**Abuse in residential settings** occurred through either a staff member or another client associated with the organisation.

**Abuse within the home** occurred through home-based care workers, landlords and the individual’s partner or family/whanau. Managers of home care service organisations facilitated abuse by failing to appropriately action reports of abuse.

**Abuse in community settings** occurred opportunistically by someone unknown to the victim or through local businesses and neighbors

**Silencing of abuse:** pressure to not complain, normalisation of complaints being ignored.

**Locked in abuse**: Situations in which a disabled person’s mobility or ability to communicate are removed

**Structural issues** that maintain high levels of on-going abuse of disabled people include:

* Low level of societal awareness of disability abuse
* A variety of silencing processes
* A lack of appropriate monitoring
* Poor management practice in many disability related residences and services
* Inadequate reporting options
* Inadequate existing legislation/powers emerging from legislation, so that the disabled person does not receive adequate protection during an investigation of abuse

The following list are some of the recommendations made in this report for steps needed to ensure that disabled people can access crisis support services.

* Services should understand the strategic, philosophical, legal contexts of providing accessible support for disabled people
* Services need to be familiar with the UNCRPD, the dynamics of social model, medical model, and rights-based approaches to disability.
* Services should be prepared and willing to support disabled people in practice
* Services need to define disabled people as a target group and organize their services in order to reflect that by identifying any barriers for disabled people and finding ways to promote accessible and effective support.
* Services need to approach accessibility as a process, not a onetime task.
* Service information should be accessible to disabled people.
* The physical environments where crisis support is offered should be appropriate and accessible for disabled people.
* Communication with disabled people should meet their different access needs.
* Service policies and procedures should be inclusive of and appropriate for disabled people
* Job descriptions and recruitment processes for service staff should include seeking disability awareness, knowledge and skills, or willingness to acquire it.
* Services need to build trust with disabled people by networking through relevant organisations.
* Services should use these networks to to increase disabled people’s awareness of violence and crisis services available.
* These partnerships need to extend to all crisis services supporting people who experience violence, e.g. sexual assault services, police, judicial systems, and health services.
* Services should aim for all cross-sector training and integrated service models to be co-designed and co-delivered with disabled people.
* Disability data should be collected and used to improve services.
* Leadership and management practices should show a commitment to accessibility, and planning that meets the needs of disabled people
* Services should have a strategy to employ disabled people in a variety of roles.
* Service budgets and funding proposals need to be prepared so that appropriate plans and allocations can be made to incorporate accessibility including costs for translation and updating of materials in accessible formats and provision of disability training and support for staff.

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**Integrating recommendations from previous reports.**

As already mentioned, DPA supports the recommendations (some of which, but not all, have been listed above) for supporting survivors with a disability that are contained in the good practice guidelines for mainstream crisis support services**[[8]](#footnote-9)** and would like to see these recommendations integrated into the National Strategy in full. The following comments on the draft National Strategy are to complement or highlight the recommendations contained in these reports.

**DPA Comment on the Draft Vision**

DPA supports the draft vision but feels that does not go far enough. The real challenge will be identifying and implementing the steps needed to achieve that outcome. The reality is that ending family violence (FV) and sexual violence (SV) in Aotearoa will take significant resource, political will, and collective commitment across society.

Underpinning high rates of family violence and sexual violence are structural issues such as colonisation, racism, misogyny, homophobia, transphobia, ablism, neo-liberalism and poverty.

So, while there is a clear need to comprehensively resource and support communities and groups working in FV and SV prevention and response, it is equally vital that concurrently steps are taken to dismantle all forms of structural oppression and discrimination that exist in Aotearoa and contribute to our appalling FV and SV statistics.

We suggest adding the following words to the vision (added words are in **bold and underlined**).

“Our Vision is for the end of family violence and sexual violence in Aotearoa New Zealand – so that people are safe, well, and thriving.

This can only occur when there is a significant increase in prevention, **the rights of marginalised people are upheld, all forms of structural oppression and discrimination are actively dismantled,** andwhen Tangata Whenua and communities have the power to lead solutions that meet their needs and aspirations.”

**DPA Comment on the Draft Principles**

We support the proposed principles but would like to see accessibility included as a key principle in line with the principles of the UNCRPD. This is important because the words accessible and inclusive are not synonyms. Failure to provide basic accessibility is as much of a barrier to accessing support as how disabled people are treated while accessing support. We suggest rewording principle 4 to read (added words **bold and underlined**)

1. Equitable, inclusive, **and accessible approaches**. To ensure that people are free from discrimination, receive **appropriate** culturally informed support, and their inherent dignity and mana is upheld.

**DPA Overall Comment on Draft Focus Areas**

To be effective for disabled people the National Strategy must prioritise action for those most at risk and it needs to ensure the development and implementation of specific strategies for communities and demographics at increased risk of violence. We know from the reports referenced at the start of this submission that disabled people are at significantly greater risk of experiencing violence and abuse yet are also poorly served by the current system.

To address this, we need a clearly identifiable cohesive strategy for disabled people that is also explicitly woven throughout the national strategy.

As a first step, DPA urges for the inclusion of a new focus area for disabled people in addition to a disability specific response that is explicitly woven through all the other focus areas (as we have done for focus areas 4 and 5 below). Our concern is that if the National Strategy does not have a clearly identifiable focus area where the full strategy for disabled people is detailed, then there is a risk that disabled people will yet again get left behind in the response, or that the response for disabled people ends up being piecemeal and ad-hoc.

Having said that, if the response for disabled people is not also integrated into all the other focus areas, then there is a risk that disability will end up being siloed as a specialist concern rather than a driver for transformative change across the whole sector.

**DPA Suggested Additional Focus Area:**

The national strategy for FV and SV prevention and response needs to outline a twin track approach for disabled people so that disabled people can access both mainstream and specialist services.

DPA recommends the inclusion of an additional focus area as follows (***in bold italics***):

***Ensure disabled people are safe from violence and abuse and can access both mainstream and specialist preventative and response services***

DPA would like to draw attention here to the principles of Enabling Good Lives[[9]](#footnote-10) that have been developed to guide the delivery of disability support services, and which need to also help guide the development of a disability strategy within the National Strategy. One of these principles is “Mainstream first”, which states that

“***Disabled people are supported to access mainstream services before specialist disability services.”*** .

In the context of the National Strategy, this principle means that there needs to be serious thought go into the design, resourcing, and delivery of mainstream services to ensure that they are accessible and inclusive of disabled people.

Below are some of the elements that need to be considered alongside the recommendations covered earlier .

DPA would like to see the development and promotion of integrated systems for safeguarding of adults across crisis services, health, justice sectors, developed through training and service models that are co-designed and co-delivered by disabled people.

In developing sector’s workforce capacity and capability, there needs to minimum standard of disability awareness and accessibility for mainstream services and organisations as well as a pathway to access specialist services for disabled people .

Access to information is critical. Disabled people need to have access to appropriate resources and support about healthy relationships, consent and other related information in ways that are inclusive of disabled people, including those who may be reliant on support staff for personal and hygiene care.

Information about family and sexual violence and how to access support needs to be designed in collaboration with disabled people, made available in accessible formats and distributed through both disability organisations, disability service providers and the FV and SV sectors

Disabled people need to know that there is a safe place to go to report crime or sexual offending and need to feel safe to speak out about crime and abuse. This may be very difficult if they are relying on the abuser for their day-to-day care or support. Some disabled people cannot speak up and can't communicate when crime is happening to them. They may have learning disabilities, they may have high needs, or be non-verbal.

All services need to be physically accessible and, where necessary and appropriate, services should be able to meet disabled people where they are.

Inclusion of disabled people in society is key to prevention. If disabled people are lonely or isolated, then we will be very easy targets for others to take advantage.

**DPA Comment on Focus Area 4: Strengthen workforces to prevent and respond to family violence and sexual violence**

When looking at strengthening workforce capacity and capability in the FV and SV sectors, it is essential that a twin track approach be adopted. As outlined previously such an approach would ensure that all mainstream services are accessible and inclusive of disabled people and that disabled people have access to appropriate specialist services designed to meet their needs.

In particular the following elements are critical if this focus area is to deliver for disabled people:

* Disability awareness training for mainstream FV and SV support workers, so that they have a basic level of awareness and understanding about disability and the barriers that disabled people face.
* Professionals working in the family and sexual violence sectors need to work in trauma-informed ways that enhance the mana of disabled people, so they are responding appropriately to both their practical and emotional needs.
* Development and expansion of specialist FV and SV services for disabled people.
* Co-ordination between police, disabled people, FV and SV support workers and disability support workers so that there are stronger systems in place for prevention and identification of abuse and clear lines of reporting in ways that are safe and accessible for disabled people.
* Supported pathways into the FV and SV workforce for disabled people. This is essential to ensure a disability lens is integrated throughout the workforce and so that disabled people can see themselves in the response when dealing with this sector.
* Resourcing for all agencies in FV and SV sectors to enable staff to have time to work with disabled clients at a pace and in a format that suits them.

**DPA Comment on Focus Area 5: Increase the focus on prevention**

DPA supports the work that is being done by the JBVU disability group that is looking into the detail of what needs to happen in prevention for disabled people, and what prevention programmes that are inclusive of disabled people look like.

Below are some key points DPA would like to make on this focus area.

Firstly, it is vital that disabled people, particularly young people and children, are able to access prevention and FV and SV awareness programmes that are offered to their peers.

DPA is aware for example, that sometimes the police or other groups come into classrooms to talk about inappropriate touching, consent and related matters . In these cases, it often seems that there has been little or no thought given to making the content accessible and inclusive of disabled students in the classroom nor are alternative programmes provided for them. So the result is that disabled students miss out completely.

Similarly, DPA is aware of websites aimed at educating teenagers about staying safe – but making them accessible and inclusive of disabled teens has obviously not been considered in their design.

Disabled people need to be able to see themselves and the situations that they can face in the programmes. One example would be the situation where an abuser is also the carer for a disabled person.

It is essential that providers of prevention programmes work with disabled people around accessibility and inclusion of disabled people in the planning, design and implementation of prevention programmes.

1. [Convention on the Rights of Persons with Disabilities (CRPD) | United Nations Enable](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html) [↑](#footnote-ref-2)
2. [Article 4 – General obligations | United Nations Enable](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-4-general-obligations.html) [↑](#footnote-ref-3)
3. [Article 3 – General principles | United Nations Enable](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-3-general-principles.html) [↑](#footnote-ref-4)
4. [Article 16 – Freedom from exploitation, violence and abuse | United Nations Enable](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-16-freedom-from-exploitation-violence-and-abuse.html) [↑](#footnote-ref-5)
5. [NZCVS-Cycle3-A5-20210611-v1.0-fin.pdf (justice.govt.nz)](https://www.justice.govt.nz/assets/Documents/Publications/NZCVS-Cycle3-A5-20210611-v1.0-fin.pdf) [↑](#footnote-ref-6)
6. [Disabled adults more than 50 per cent more likely to suffer sexual violence in New Zealand - NZ Herald](https://www.nzherald.co.nz/nz/disabled-adults-more-than-50-per-cent-more-likely-to-suffer-sexual-violence-in-new-zealand/JSWA3WG2DQOEAYKAYGNO3ERLKQ/) [↑](#footnote-ref-7)
7. [Supporting survivors with Disability — TOAH-NNEST Good Practice (squarespace.com)](http://toahnnestgoodpractice.squarespace.com/supporting-survivors-in-pacific-communites-1-1) [↑](#footnote-ref-8)
8. [Supporting survivors with Disability — TOAH-NNEST Good Practice (squarespace.com)](http://toahnnestgoodpractice.squarespace.com/supporting-survivors-in-pacific-communites-1-1) [↑](#footnote-ref-9)
9. [Principles - Enabling Good Lives](https://www.enablinggoodlives.co.nz/about-egl/egl-approach/principles/) [↑](#footnote-ref-10)