



Research Brief

Family violence and women with disability

Introduction

It is recognised in literature that, although difficult to measure, women with disability likely experience greater rates and additional forms of gender-based violence than women without disability due to a variety of factors (Dowse et al 2013: 28; Maher et al 2018: 26; WWDA 2013: 13-14). Further, numerous reports and inquiries recognise women with disability affected by family violence face additional and complex barriers to accessing services and justice (Maher et al 2018: 22; Dyson et al 2017). This research brief outlines the prevalence and experience of family violence for women with disability and examines various recommendations proposed within current literature to enhance access to justice for these women.

Key resources

- Maher, JM., Spivakosky, C., McCulloch, J., McGowan, J., Beavis, K., Lea, M., Cadwallader, J., & Sands, T. (2018). *Women, disability and violence: Barriers to accessing justice: Final Report* (Research Report, ANROWS Horizons: Issue 02/2018). Sydney: ANROWS. Accessible Word, Easy English and Auslan versions are available [here](#).
- Maher, JM., Spivakosky, C., McCulloch, J., McGowan, J., Beavis, K., Lea, M., Cadwallader, J., & Sands, T. (2018). *Women, disability and violence: Barriers to accessing justice: Key findings and future directions* (ANROWS Compass: Issue 02/2018) Sydney: ANROWS.
- McGowan, J., Maher, JM, Lea, M. & Thomas, K. (2018). *Women, Disability and Violence: Knowledge Translation and Exchange Workshop resources*, developed by the Monash Gender and Family Violence team with People with Disability Australia and funded by ANROWS.

Prevalence

Prevailing evidence suggests the rates of violence against women and girls with disability in Australia are significantly higher than for women generally (Frawley et al 2015: 5). Although it is difficult to measure the extent of family violence perpetrated against women with disability in Australia (Dowse et al 2013: 28; Dimopoulos and Fenge 2013: 17), a recent analysis of the ABS' 2012 Personal Safety Survey found that 'Women with disabilities are at high risk of sexual and intimate partner violence...' (Krnjacki et al 2016: 21). Specifically, it found that women with disability experienced higher levels of emotional abuse, stalking and harassment than women without disability in Australia (Krnjacki et al 2016: 18).

Other studies recognise that the range of violence and abuse women with disability experience may be more pervasive and severe (Dowse et al 2013; Didi et al 2016; cited in Maher et al 2018: 27), and highlight that women with disability are at heightened risk of experiencing particular forms of violence such as (Maher et al 2018: 4):

- reproductive coercion (particularly forced sterilisation and abortion);
- withholding medical treatment;
- isolation; and
- 'violation of bodily autonomy and security'.

Further, the Victorian Family and Community Development Committee found in 2016 that 'the primary barrier to reporting abuse is the normalisation of abuse within Victoria's disability services' (2016: 58). The Committee found limited attention in incident-response policy frameworks to forms of violence such as neglect, sexual and physical assault, and financial abuse, which they suggested may create vulnerabilities for women with disability that result in lesser priority in terms of the criminal justice system

(2016: 62-63). Consequently, the Committee recommended that disability services policy frameworks 'include descriptions that emphasise the impact that acts of abuse have on people with disability' and use terminology that recognises the forms of violence and abuse people with disability experience (Recommendation 2.2, 2016: 63).

Compounding factors and intersectionality

In addition to experiencing greater rates and particular forms of family violence, numerous studies and reports recognise that multiple forms of discrimination intersect to compound the experiences of family violence and barriers to accessing justice for women with disability – for example poverty, and labour and social exclusion; Indigeneity, race and cultural context; and geography or housing settings (Maher et al 2018: 4-5, 27; Dowse et al 2013; WWDA 2013: 13).

The UN General Assembly similarly recognises the structural and intersectional discrimination and violence faced by women and girls with disability, and the need for adequate legal frameworks and comprehensive services to assist, protect and support women with disability affected by family violence (UN General Assembly 2015: para [10](a) and (b)). While policy frameworks such as the National Disability Insurance Scheme, or the National Plan to Reduce Violence Against Women and their Children, address disability and gendered violence respectively, they do not address the intersectional impacts for women with disability (Dowse et al 2013: 25, 53). Recognising the impact of intersectional discrimination is critical to understanding women's individual experiences of family violence and adequately addressing their needs.

Additional pressures and different responses

In addition to being at higher risk of experiencing particular forms of gender-based violence and multiple forms of discrimination, women with disability also face greater barriers to obtaining support and accessing justice in response to family violence.

For example, numerous studies and reports have identified that inadequate training or responses by police, legal and court services regarding disability (including using appropriate language and interviewing techniques, and avoiding paternalistic tropes and victim blaming) restricts women with disability's access to justice (Maher et al 2018: 30-31).

Additional barriers for women with disability include a lack of awareness of their legal rights and limited access to information for seeking support, particularly in residential settings where abuse may be silenced or ignored (Maher et al 2018: 31). This is compounded by the limited availability of legal services, difficulty communicating their experiences, and/or reluctance to engage with legal services due to lack of trust and privacy concerns (Maher et al 2018: 31).

Promoting access to justice is a vital means of tackling social exclusion (Pleasence et al. 2014: 64) and invoking legal rights can be a way for a woman to regain control over her life and increase her influence over decisions that affect her. Acknowledging this, international and Australian reports recommend a range of legal measures to address the many gaps in the justice system and take punitive measures against perpetrators, in addition to responses addressing the intersection of gender, race, low economic status and disability (Council of Europe 2011; Dimopoulos and Fenge 2013: 16, 19).

Drawing on interviews with women with disability, Maher et al (2018) highlighted a number of reforms needed to ensure women with disability affected by family violence are able to access justice:

- 'The need to listen to the voices of women with disability and believe them' (p34);

- Recognising 'women with disability face particular and sustained challenges in achieving everyday safety and security' (p40);
- Recognising 'possible pathways to just outcomes' (p47);
- Addressing 'service challenges across the specialist violence and disability service sectors' (p59); and
- The 'impact of 'siloes' knowledges' (p66).

Dyson et al (2017) made similar recommendations about enhancing the access for women with disability to services including:

- 'Promoting access and accessibility' (p43);
- 'Building cross-sector collaboration' (p44);
- 'Involving women with disabilities' (p44); and
- 'High-quality data collection' (p44).

To ensure their legal protection when women do initiate proceedings, Australian inquiries have emphasised the need to recognise the autonomy and decision-making capacity of women with disability and to use an inclusive definition of family violence beyond physical violence that incorporates improved awareness, encouragement of disclosure, enhanced service provision and crisis funding (Australian Law Reform Commission 2012). They also emphasise the necessity of comprehensive strategies to improve police, sexual offences teams, prosecutors, magistrates and political leaders' responses to family violence, to deliver equitable outcomes and compensation to women and girls with disability (Victorian Equal Opportunity and Human Rights Commission 2014).

Conclusion

Women with disability are likely be affected by greater rates and particular forms of gender-based abuse and violence, compounded by multiple forms of discrimination and additional pressures in accessing justice and support services. Human rights-based approaches to understanding and responding to the experiences of family violence by women with disability are consistently emphasised in Australian reports and inquiries (see Maher et al 2018: 22-26 for a summary of findings from relevant Australian reports). Yet in the absence of promotion and enactment of women's autonomy and legal rights, experiences of marginalisation and exclusion are unlikely to change.

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