

Day One of Public Hearings

Session: The human face of those who miss out

Presentation from Rosemary Kayess, Acting Director, Disabilities Studies Centre

I would like to thank the Committee for the invitation to speak this afternoon. The invitation was for me to speak for 7 minutes about the 'human face' of disability and human rights. To present such an analysis or case studies in 7 minutes would not do justice to the often systemic, complex and ongoing human rights violations experienced by people with disability.

Many of my colleagues within the disability community have provided detailed case studies and examples of the 'human face' of human rights violations in written submissions to the enquiry and I commend those submissions to the Committee. So today I wish to provide brief snapshot of disability and human rights.

Disability is not an isolated experience in Australia, it affects about one in five Australians, this represents almost 20 per cent of the population, nearly 4 million Australians. This number is increasing, and will continue to do so as the population ages.

Many people with disability in our community are vulnerable. They are isolated from the community, many living in institutional residential care where violations of abuse and neglect can go unseen and unreported. For many people with disability they are unable to conceive the nature of rights violations, to articulate or communicate such violations.

Many people with disability are living in inappropriate accommodation. We still have young people living in aged care nursing homes. People with disability find themselves living with people not of their choice but as a means to secure support. Disability figures prominently within our homeless population. For those with accommodation many are receiving inadequate levels of personal support and often relying on the support of ageing carers.

People with disability experience systemic social exclusion that has life-long implications. They confront fundamental access issues in receiving education which has an impact on further social and economic opportunities. People with a disability are less likely to have completed a higher educational qualification than those without a disability.

Most people with disability experience economic disadvantage. Fewer people with disability participate in the workforce than those without disability. Over half of people with disability are reliant on welfare benefits as their main source of income. More people with disability are unemployed than those without disability. When employed, people with disability earn lower wages, on average, than workers without disability. Recent World Bank estimates indicate that people with disability account for as many as one in five of the world's poorest people.

People with disability have higher rates of health problems. For example, health problems experienced by people with intellectual disability are often not diagnosed or appropriately

treated. Life expectancy is reduced by up to 20 years. Life expectancy for people with disability living in residential care is 54 years, this on average is 27 years less than the average Australian.

People with disability are three times more likely to be a victim of violent crime. It is estimated that 9 out of 10 women with intellectual disability are likely to be sexually assaulted in their lifetime. There are high rates of assault of people with disability by service providers. The sexual assault of a person with disability is less likely to be acted on poorly investigated and rarely prosecuted.

There is significant overrepresentation of people with disability in the criminal justice system – it is estimated that up to 15% of the prison population have an intellectual disability. Evidence suggests that most of these crimes would not have occurred if the population group had early intervention or preventative strategies and programmes of support in place. Once in gaol people with disability are vulnerable to further ongoing abuse and a lack of adequate support services.

People with disability are unable (unlikely) to be able to migrate to Australia. The immigration process based on assumptions about future health and social support needs regularly denies applicants. Those that do obtain entry are then restricted from accessing the disability support pension for 10 years and as a corollary are excluded from services that require DSP for eligibility.

Many human right violations that persons with disability experience are of a systemic or structural nature. A recent report suggests that, 44% of all reported cases of abuse towards people with disability were borne not from malice but through ignorance and misunderstanding and hence can be prevented. Additionally, many persons with disability are extremely disempowered, lack personal and social resources, do not have instrumental capacity, or are exposed to retribution and stigma if they attempt to exercise a right or remedy.

People with disability are marginalised and consistently encounter human rights violations. The current system for protecting human rights in Australia is narrow, piecemeal and in many ways ad hoc, we need a much more comprehensive system that stops people with disability falling through the gaps.