



Department of Community Justice and Safety–Aboriginal Victims of Crime Strategy

Response from Women with Disabilities Victoria

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Table of Contents

Department of Community Justice and Safety–Aboriginal Victims of Crime Strategy	1
Response from Women with Disabilities Victoria.....	1
Language Note	3
Acknowledgment of Country.....	3
Submission Contact	3
About the Authors.....	4
Context	5
1. Supporting Aboriginal victims to disclose and report crime.....	5
2. Building and strengthening the capability of the victim–survivor support workforce	7
3. Improving choice and strengthening community–based supports for Aboriginal victims of crime	8
4. Providing Aboriginal victims of crime with support that meets the breadth of their needs and promotes healing.....	9
5. Question: Is there anything else we should think about for monitoring and evaluating the Strategy?	10
Conclusion.....	11

Language Note

Throughout this response, the term “victim-survivor” is used, recognising both the ongoing harm caused by violence and the strength and resilience of survivors.

This response also uses “person first” language (women with disabilities). We acknowledge that people describe their experience of disability in different ways, and for many people, “identity first” language (disabled women) is a source of pride and resistance. We also recognise that the diverse understandings of the concept and language descriptors of disability vary among Aboriginal and Torres Strait Islander communities.

Our organisational submission may reflect the overlapping experiences of marginalisation experienced by trans, non-binary, and gender-diverse people as well as cisgendered women. However, the experiences of trans, non-binary, and gender-diverse people warrant specific and direct exploration, particularly as they intersect with the justice system. We recognise limitations in aggregating our submission to the broader level of gender-marginalised people (people who do not identify as cisgender women). Instead, WDV aims to work in coalition with, rather than replicate the core work of organisations that represent and advocate for LGBTIQ+ people with disabilities.

Acknowledgment of Country

Women with Disabilities Victoria (WDV) respectfully acknowledges Aboriginal people as the Traditional Custodians of the lands and waters on which we work, rest, and continue to benefit from. We pay our respects to the Elders, past and present, of Aboriginal and Torres Strait Islander Communities across Victoria and acknowledge that their continued strength and resilience is built upon more than 60,000 years of history. The WDV community is committed to honouring the unique cultural and spiritual relationship Aboriginal and Torres Strait Islander peoples have with the land and waters, and their rich contribution to society.

Submission Contact

Julie Kun
Acting Chief Executive Officer
Women With Disabilities Victoria (WDV)
E: julie.kun@wdv.org.au

About the Authors

[Women with Disabilities Victoria \(WDV\)](#) is a not-for-profit Disabled People's Organisation (DPO) representing women with disabilities in Victoria. The organisation is operated *by and for* women and non-binary people with varied disability experiences. WDV has a diverse membership of people from different backgrounds. Women with disabilities face intersecting forms of structural gender and disability discrimination. WDV actively advocates for our rights to safety and respect, with particular emphasis on disability policy, health services, violence prevention, workforce development, and leadership. WDV envisions a world where all women are respected and can fully experience life.

Key Contributors

Helen Freris, *B.A., BSW, Grad Dip FDRP, Grad Dip ComSectMgt.*, Advocacy Lead

Brigid Evans, *B.A. (Hons), Grad Dip Ed (TFA), M.A., Ph.D.*, Senior Policy and Research Officer

Context

WDV is pleased to provide feedback towards developing the Victorian Department of Community Safety's Aboriginal Victims of Crime Strategy. Our response will focus on the intersection of gender-based violence and disability. Our organisation has extensive expertise in this area.

Due to time limitations, we were unable to directly consult with Aboriginal and Torres Strait Islander victim-survivors with disabilities. However, our observations are grounded in our professional knowledge and experience working with violence prevention and response organisations.

We acknowledge the ongoing impacts of colonisation and uphold the principles of Aboriginal self-determination. We offer these observations respectfully and for your consideration.

Introduction

It is estimated that 2.2 million women in Australia have a disability. We observe that women with disabilities experience violence at higher rates, of longer duration, and by more perpetrators than men with disabilities and women without disabilities. 65% of women with disabilities report experiencing at least one incident of violence since the age of 15, and women with disabilities are twice as likely to have experienced sexual abuse as women without disabilities. We also note the higher rates of violence and abuse experienced by specific groups of women, including Aboriginal and Torres Strait Islander women, as identified by the 2023 Royal Commission on Violence and Abuse of People with Disabilities.

Further context on the experiences and drivers of violence against women with disabilities can be found at: <https://assets.ourwatch.org.au/assets/Changing-the-landscape-resources/Framework-for-action-to-prevent-violence-against-women-and-girls-with-disabilities.pdf.pdf>

WDV commends the Department of Justice and Community Safety in their efforts to promote the rights of Aboriginal victim-survivors of crime and offers the following suggestions across each of the strategy's domains.

1. Supporting Aboriginal victims to disclose and report crime

1.1 Perpetrator misidentification

Within the criminal justice system, a concerning phenomenon occurs where women victim-survivors of violence and abuse are mistakenly identified as perpetrators. This is particularly prevalent for women with disabilities, especially those with psychosocial, cognitive, or communication disabilities. These groups of women are often less likely to be believed when reporting family violence and are more likely to be misidentified as the aggressor.

Misidentification can arise from several factors, including:

- Incorrect assessments by first responders: If a victim-survivor's presentation appears aggressive or otherwise not conforming to expected behavioural norms, they may be misidentified as the perpetrator.
- Perpetrator narratives: Abusers often minimise their own behaviour while portraying the victim-survivor as the primary aggressor.

It is crucial to recognise that victim-survivor and perpetrator status can sometimes be fluid, with some women experiencing both roles simultaneously.

The consequences of this misidentification rob victim-survivors of an appropriate response and source of legal redress and protection from crimes committed against them. It also profoundly reduces trust in criminal justice personnel, systems and crime reporting mechanisms, and skews the veracity of perpetrator statistics and data analysis. WDV recognises the already low levels of trust due to the intersecting impacts of colonisation and past and current institutional racism and ableism. It is essential to promote a greater awareness of the combined gendered, racist, and ableist dynamics of perpetration to avoid victim-survivor misidentification.

1.2 Other issues affecting disclosure and reporting of crimes

When violence against women with disabilities is normalised, excused, downplayed, or ignored, it discourages women from reporting these crimes or seeking recourse from the criminal justice system.

Reasons for not reporting may include:

- Fear for safety: women with disabilities may decide it is safer not to report the abuser, fearing retaliation or lack of protection.
- Disability-specific abuse: perpetrators may exploit a woman's disabilities to control her movements, limit her independence, or restrict her access to assistance and support. This abuse can come from formal or informal caregivers, family, or household members.

- Idealisation of caregivers: The assumption that caregivers are always well-intentioned or that stress justifies their violence discourages women from reporting abuse.
- Doubts about credibility: Justice system workers may doubt the information provided by women with disabilities due to commonly held misconceptions and biases regarding women with disabilities.

See 'Changing the Landscape' for a discussion on the drivers of gender-based violence against women with disabilities: <https://assets.ourwatch.org.au/assets/Key-frameworks/Changing-the-landscape-summary-accessible-1.pdf>

The inaccessibility of criminal justice systems or processes may further impede women with disabilities from reporting or disclosing crimes. For example, inaccessible physical premises or information, or the inability of relevant staff to appropriately engage with and meet accessibility-related needs. Access barriers are often highest for women with accessibility needs related to communication, cognitive processing, or decision-making.

2. Building and strengthening the capability of the victim-survivor support workforce

Within this domain, WDV advocates the adoption of an intersectional understanding of gender, disability, and indigenous status in the development, implementation and evaluation of workforce capacity initiatives.

2.1 Disability and gender-affirming practice

WDV promotes the incorporation of disability-affirming knowledge, skills, behaviours and attitudes within criminal justice workforces to best respond to the needs of Aboriginal victim-survivors of crime. We suggest the following areas of workforce capacity building:

- Community-specific cultural contextual knowledge and understanding of disability and the impacts of colonisation
- Understanding of the social and human rights models of disability
- Understanding of the drivers of disability- and gender-based violence and abuse and the essential actions for its prevention
- Understanding of ableism and unconscious bias and their impacts on practice within Aboriginal communities

- Ability to adaptively respond to identified or assessed accessibility requirements relating to communication, information provision, cognitive processing, and decision-making
- Ability to promote informed consent and supported decision-making
- Ability to work with disability supports such as Auslan or other non-verbal communication systems, plain or simple English, or other languages of preference
- Ability to collaborate with community-, cultural-, disability-, or other relevant support systems to ensure comprehensive provision for victim-survivors of crime
- Attitudes promoting Aboriginal cultural self-determination, human rights, gender and disability equity, and the primacy of victim-survivor agency and safety.

WDV recommends the embedding of gender and disability-affirming practice within criminal justice workforces and systems through inclusion in budgets, policies and procedures, and the incorporation of the needs of Aboriginal and Torres Strait Islander women within accessibility action plans.

3. Improving choice and strengthening community-based supports for Aboriginal victims of crime

3.1 Co-design

Greater community ownership, contextual relevance, and effectiveness are more likely if victim-survivor response initiatives are co-designed by the communities in which they will be implemented. WDV advocates both for accessible co-design processes, ensuring women with disabilities can fully participate, and the integration of disability as a key feature of co-designed responses to victim-survivors of crime.

The resource below was co-designed by a group of women with disabilities to illustrate inclusive co-design, and is respectfully submitted in the event it has some applicability to your context: <https://www.wdv.org.au/wp-content/uploads/2023/03/WDV-ICD-Poster-A4-1.pdf>

4. Providing Aboriginal victims of crime with support that meets the breadth of their needs and promotes healing

4.1 Disability-affirming responses

Concerning the workforce capacity content outlined above, WDV recommends that Aboriginal and Torres Strait Islander women with disabilities have access to a range of disability supports relevant to their access and cultural needs. This may include accessible physical premises, support with communication, processing and decision-making, Auslan, and information in accessible formats. It may also include specific language and cultural support in recognition of the preference of some victim-survivors of crime to use Aboriginal languages or adherence to particular cultural practices.

4.2 Victim-survivor agency

WDV promotes the centrality of the victim-survivor in identifying their accessibility needs and exercising choice and decision-making. In this context, WDV recommends that victim-survivors of violence or other crimes receive support to understand the criminal justice process, their choices and possible outcomes of reporting crime, available victim-survivor supports, and any relevant decisions regarding access to the legal system, court processes, and/or restorative or diversionary justice approaches.

We particularly urge consideration of power dynamics between women with disabilities as victim-survivors of crime, perpetrators of violence or abuse, and service systems. We recommend guarding against coercion of women victim-survivors of crime by perpetrators and/or systems.

4.3 Trauma informed practice

Due to the ongoing impacts of colonisation and the prevalence of violence highlighted above, direct or vicarious trauma experiences are likely for Aboriginal and Torres Strait Islander women with disabilities. Therefore, we advocate for trauma-informed approaches to be integrated into all aspects of the criminal justice system in its responses to victim-survivors of crime, ensuring that disability accessibility is incorporated into such responses. Such considerations include:

- Understanding and respecting individual responses to and coping strategies for cultural and disability-related trauma
- Removing access barriers and offering support to enable communication, decision-making, and choice
- Providing accessible information, communication support, and responding to victim-survivor questions
- Respecting cultural and disability-related experiences, practices, and knowledge
- Enabling women with disabilities to provide informed consent to processes and services
- Ensuring safe physical and emotional space for women with disabilities to speak about their experiences
- Ensuring consent is obtained for conversations regarding upsetting or traumatic experiences
- Ensuring women with disabilities are listened to and validated
- The promotion of healing and recovery through strengths-based practice, future orientation, and referral to appropriate supports
- Incorporating trauma, cultural, and disability-affirming knowledge within organisational processes
- Provision of holistic care supporting the physical, psychological, emotional, cultural, spiritual, and disability-related needs
- Providing access to safe, responsive, effective, and accessible complaints processes
- Respect for different cultural understandings and practices regarding disability, family, community, and healing.

More general guidance on trauma-informed service provision is available at:

<https://www.justice.org.au/wp-content/uploads/KYR-Information-for-Service-Providers-Digital.pdf>

Noting differing understandings of and approaches to disability within Aboriginal and Torres Strait Islander communities, WDV recommends that individual choice of disclosure and language to describe disability be respected.

5. Question: Is there anything else we should think about for monitoring and evaluating the Strategy?

Alongside the evaluation approach proposed by the Department of Justice and Community Safety, WDV advocates the following considerations regarding evaluation:

5.1 Disability visibility

The inclusion of disability within monitoring and evaluation processes through disaggregated data collection and analysis ensures the visibility of disability within indicators and measures of success.

5.2 Victim-centred orientation

WDV notes that while some evaluation activities recognise disability, some data collection processes can be extractive, having minimal impact on service monitoring or improvement. Therefore, WDV recommends that evaluation activities centre on the rights and needs of victim-survivors of crime, and the demonstration of shared outcomes for victim-survivors.

Conclusion

We thank you for the opportunity to contribute to the Department of Justice and Community Safety's Consultation on Aboriginal Victims of Crime. We invite you to contact us should you require further clarification of the content presented above, or if we can assist further.