



WWILD Sexual Violence Prevention Association Submission to Queensland Parliamentary Inquiry into laws governing termination of pregnancy in Queensland.

WWILD is a non-government community based organisation that is focused on the overrepresentation of people with intellectual and learning disabilities as victims of violence, abuse and exploitation. We have two main Queensland State Government funded programs – our Sexual Assault counselling program (Department of Communities) and our Victim of Crime support program (Department of Justice and Attorney General)

Consideration of termination in the context of access to reproductive choices more broadly

We are writing to the enquiry to show our support to the bill to decriminalise abortion in Queensland. Abortion is a health issue, not a criminal issue and should be treated as such. It is important to frame this debate in terms of a woman's right to choose in all respects of her reproductive health, i.e. the right to choose to terminate a pregnancy or the right to choose a family and what supports are required to make this a reality,. This is important because women with disabilities and even more so, women with intellectual disabilities are yet to fully realise their reproductive rights to choose.

Across-the-lifespan lack of access to reproductive health information that enables informed choice and supported decision making, also increases the risk for women with disabilities for experiencing unplanned pregnancy. Lack of support around reproductive health and associated choices for women with intellectual disabilities also increases their risk of a failure to identify a pregnancy at an early enough stage to access least invasive abortion options (Senate Inquiry into Involuntary or coerced sterilisation of people with disabilities in Australia Report, 2013, p.40).

Risk of women with intellectual disability to violence and unplanned pregnancy

Women with cognitive impairment (intellectual disability, autism, specific learning difficulties and acquired brain injury) are 40%-70% more likely to experience domestic violence than other women in the population.¹ Up to 90% of women with intellectual and learning disabilities will experience sexual assault in their lifetime². Pregnancies in the context of a violent/controlling relationship and sexual violence can tie women to perpetrators of violence for the rest of their lives and force children to be exposed to

¹ Frawley, 2016 in Blatchford, A. (2016) ANROWS2016 accessed at <http://croakey.org/how-everyones-research-on-violence-against-women-should-intersect-wtih-disability/>

² French, P (2007). *Disabled justice: The barriers to justice for persons with a disability in Queensland*. Brisbane: Disability Studies and Research Institute for Queensland Advocacy Incorporated.

abusive relationships. Disadvantaged women, including women with intellectual and learning disabilities often have fewer familial and other resources around them to raise a child. Which can increase the likelihood of Child Safety involvement and the occurrence of children being removed from parents.

Consideration of risk to women with disabilities of forced termination

Although we strongly support changes to legislation to decriminalise abortion in Queensland, we wish to ensure adequate attention be given to the possible unintended consequence of any potential increase or increased ease of access to forced abortion (and related forced sterilisation) particularly in the context of women with intellectual and cognitive disabilities.

We strongly urge that any changes to the legislation must give due consideration to how it will protect vulnerable women and women with impaired decision making capacity from involuntary abortion and sterilisation. It will be important to consider how this legislation “talks to” Guardianship legislation and other legislation relevant to preventing forced sterilisation and forced abortion.

The potential consequences of this are real. For example, it was reported in the media that advice on procuring an abortion for a teenager with an intellectual disability in care was sought by the government without the young woman’s consent³. One wonders whether such steps would have ever been taken for a woman in care without an intellectual disability. In this instance, doctors refused to perform the abortion, however this is an obvious example of where this young woman’s right to reproductive choice and options was at risk. We would wish to avoid such examples in Queensland by the state or other decision makers in the life of the woman with the intellectual disability.

Provision of counselling and support services

In light of the need to frame this issue in the broader context of reproductive choice, it is important to consider the provision of counselling and support services for women in this context. Support around unplanned pregnancy options cannot be seen in isolation of broader reproductive health and relationships education and support. Reproductive health and relationships education and support are routinely denied to people with intellectual and learning disabilities across the lifespan. People with intellectual and learning difficulties need access to information across the life span that is tailored to learning needs and accessible (e.g. affordable, adaptable etc.).

We strongly urge the committee to ensure that any organisations and services responsible for the provision of counselling and support services in relation to unwanted pregnancy and reproductive health have a Disability Access Plan that includes explicit plans for cognitive

³ NT Government sought advice on abortion for teenager in care without her knowledge, <http://www.abc.net.au/news/2015-03-30/nt-govt-planned-abortion-for-teen-in-care/6358372> , accessed 28/06/16)

accessibility. Where required, organisations may need to be resourced to develop and enact these plans.

WWILD proposes that a **Cognitive Disability Action Plan**⁴ become part of the funding requirement for organisations (community, not for profit, private or charitable) that have service agreements and receive government funding for service provision to the community. One of the specific elements of the plan would be to facilitate appropriate responses to disclosures of domestic and family violence and sexual violence. The plan would include but not be limited to:

- A guarantee that people with cognitive disabilities (intellectual disability, autism, specific learning difficulties and acquired brain injury) have full access to service provision.
- Provide easy read fact sheets and adapted material for different learning needs.
- Policy and Procedures regarding how to respond effectively to challenging behaviour.
- Provide a specifically trained and identified disability liaison worker.
- The Cognitive Disability Action Plan to be made a requirement linked to or monitored by the Human Services Quality Framework (HSQF).

Thank you for consideration of this submission. If WWILD can offer any further assistance or clarification, please do not hesitate to contact us.

Kind regards,

Leona Berrie
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WWILD-SVP Association

⁴ Quan Farrant, F. (2016) *Women Living with Cognitive Disability and Domestic Violence, Submission to the Domestic Violence Prevention Strategy Implementation Council: Review on the Impact of Domestic Violence on People Living with a Disability*, Community Living Association Inc. (CLA Inc.); Brisbane, Australia.

