

THE ROYAL COMMISSION INTO VIOLENCE, ABUSE, NEGLECT AND EXPLOITATION OF PEOPLE WITH DISABILITY

The Final Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: KEY POINTS

- The term ‘LGBTQIA+’ is used throughout the Royal Commission (‘the RC’) to discuss, “the experiences of those who are lesbian, gay, bisexual, transgender, gender-diverse, intersex, queer, questioning, and asexual.” However, the report commonly uses the phrase ‘LGBTQA+’ due to the limited sample size of intersex participants with disability.
- There is limited national data available to compare the experiences of LGBTQIA+ people with disability with the experiences of other people with disability or the broader Australian community. Data from 2014 indicates that 30% of people aged 18 and over who identify as gay, lesbian, bisexual, or ‘other’ sexual identity had a disability. Lack of data has been raised by the United Nations Convention of the Rights of People with Disability Committee who have pointed to the “lack of participation of people with disability in awareness-raising efforts, particularly of women, First Nations, culturally and linguistically diverse, and LGBTQIA+ people with disability.”
- Of particular significance, data is lacking in the following areas:
 - National data on how many LGBTQIA+ people with disability are in prison, detention, or other custodial settings
 - Educational data on LGBTQIA+ students with a disability
 - The impact of specific services on LGBTQIA+ people with a disability. Accordingly, experiences of LGBTQIA+ people with disabilities accessing specific services
 - The specific experiences of restrictive practices for LGBTQIA+ people with disability
- Violence and harassment of LGBTQIA+ people with disability increases with the person’s level of disability from ‘mild’ to ‘severe’. For example, 34.8% of LGBTQIA+ people with a ‘mild disability’ reported verbal abuse in the past 12 months compared with 48.5% of LGBTQIA+ people with a ‘severe disability’.

Facts

LGBTQA+ people with disabilities who are from culturally and linguistically diverse backgrounds face additional risks of violence and abuse, as well as higher rates of maltreatment based on their sexuality. They were also more likely to report domestic and family violence in their lifetime as well as a feeling less accepted by family and LGBTQA+ venues (compared to their peers from Anglo-Celtic backgrounds).

Rates of violence and abuse varied based on sexual orientation and gender identity of people with disability. For example, queer and lesbian adults with disability were most likely to experience verbal abuse or harassment and pansexual and bisexual people with a disability were most likely to experience sexual assault. Similarly, trans women, trans men, and non-binary individuals reported significantly higher levels of verbal abuse, harassment, and sexual assault.

People with disabilities generally reported their romantic and sexual relationships were devalued. This was heightened for LGBTQA+ people with disability, with some reporting that their sexual orientation and/or gender identity were discredited. Further, those under a guardianship order told the RC that they were prevented from attending LGBTQA+ community events. One participant noted that intersex people were often refused gender affirming care, hormones, and referrals because of their disability, with no regard to the positive impact access to these can have on an individual's quality of life.

The lack of inclusive education, information and peer-to-peer learning about relationships, gender and sexuality have a large impact on people with disability in understanding their gender identities and sexual orientations.

No LGBTQA+ organisations receive ongoing funding and/or support to represent and address specific concerns of LGBTQA+ people with disability.

Recommendations

The collection of disability data be extended. This supports collecting data with new variables for sex, gender identity and sexual orientation as suggested by the Australian Bureau of Statistics and National Disability Insurance Agency. This would facilitate the development of evidence-based policy for LGBTQA+ people with disability.

The Disability Advocacy Work Plan, which is associated with the 2023-2025 National Disability Advocacy Framework, be amended to include priority work areas to increase appropriate and accessible advocacy services for LGBTQA+ people with disability. This includes training led by LGBTQA+ people with disability and their representative organisations.

A longitudinal study on the impact of positive behaviour support and other strategies to reduce and eliminate restrictive practices which identifies and includes "the intersecting needs of a broad range of people with disability, such as First Nations people with disability, LGBTQA+ people with disability and culturally and linguistically diverse people with disability".

More peer support events, for instance, those organised by the Rainbow Project such as social gatherings and seminars on sexuality and health. These events were shown to build individual capacity for Deaf LGBTQA+ people by increasing connection and information sharing. These events can increase self-advocacy and peer networking. Guidelines in schools to ensure equal access to consent, relationships and sexuality education for LGBTQA+ students with disability, with a particular focus on neurodiverse students.

National standards to ensure individual autonomy and prohibit forced sterilisation and/or "gender correcting" surgeries, particularly for women and intersex people with disability.