

**People with Disabilities and their Advocates:  
It's Time to Complain, Accuse, Demand, and Fight Back!**

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Bryen, D. N. & Bornman, J. (Eds). *Stop violence against people with disabilities: An international resource*. Pretoria University Law Press (PULP), Pretoria, South Africa, 2014.

In the introduction to this book, the editors list their goals: presenting practices and approaches from across the globe for the purpose of reducing the risks and occurrence of violence; intervention; access to justice; increased awareness, knowledge, and understanding of the violence, rape, and sexual abuse suffered by people with disabilities (PWD), with the emphasis on people who have little or no functional speech. Not only have those voices been silenced, but they are often denied access to the criminal justice system. The editors have achieved their goals, as well as many explicit and implicit sub-goals.

The book is very timely since the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, 2007) has been ratified in over 190 countries so far. Of the 55 articles of the CRPD, two apply directly to the topic of violence against PWD and their lack of access to the criminal justice system. This attests to the fact that many governments are aware of the high incidence of violence against PWD at least in theory. However, this does not imply that there are laws supporting the convention. The foreword by Archbishop Emeritus Desmond Tutu addresses the central issue of the book: "Disability issues are seen as a matter of charity, not as a human-rights matter. *Stop Violence against People with Disabilities* is not about charity; but rather the human rights of almost one billion members of humankind".

This book makes an important contribution to the professionals involved in the field of disability since the issue of violence—particularly sexual violence—against PWD is not one that is present in the awareness of many professionals; neither are prevention and intervention.

The book consists of nine chapters that contain extensive information, references, resources, manuals for practice, and PWD's stories and reports about how they

confronted the violence they had experienced. The book chapters also provide data and statistics concerning the prevalence of violence, the perpetrators, and access to justice.

*Stop Violence against People with Disabilities* affords an international perspective on violence against children and adults with disabilities. When I finished reading it, I concluded that whether the person with disability resides in the USA, Canada, Australia, South Africa, India, Israel, or the UK, he or she is highly likely to have experienced violence of some kind. There are no significant differences among nations in the high incidence of violence toward PWD; this is nothing less than an epidemic that is invisible, for the most part.

The book is lengthy; each of its nine chapters presents the background of the violence against PWD and explains the high incidence of this violence and the high risks that cause PWD to be victims. The authors offer suggestions for prevention and describe legal options as well as difficulties in increasing the public awareness. Some of this information is repetitive. Most of the writers either belong to the Alternative Augmentative Communication (AAC) profession or are themselves PWD who rely on AAC professionals. In my opinion, the main contribution of the book lies in the fact that it addresses people with limited or no speech who are therefore quite invisible even within the "disability community".

The first chapter, 'Being free from abuse and getting justice done', presents the scope of the problem and describes the existing international human rights treaties that have *not* addressed the problem of violence against women and children with disabilities. These international treaties have also failed to address the issue of equal access to justice when physical, sexual, or economic violence against persons with disabilities has occurred. The theme of this first chapter is fighting back if someone attacks you, hurts you, exploits you, or denies you something: you should hold them accountable. The perpetrators may be friends, family members, caregivers, complete strangers, or the government. If you are a person with limited or no functional speech, you are more liable to be the victim. Taking proactive measures to fight back is critical in order to ensure that PWD are unafraid to act. Change can begin on the local level in parallel to activation on the national front by raising public awareness of the importance of relevant policies and support for these individuals.

The subsequent chapters address the scope of the problem from the standpoint of each country's experiences and furnish information about promising practices that have been successful. The latter include (1) enhancing the personal safety of individuals with little or no functional speech; (2) supporting their ability to communicate and describe the violence they experienced; (3) providing victim support services such as appearing in court as a witness or an expert; and (4) successfully bringing cases to court so that justice can be achieved.

The countries presented in the book represent a wide range of cultures, political circumstances, and economic status. The conception that PWD in "developed" countries are at lesser risk of being victims than PWD in "developing" countries, is rebutted. In the "developed" countries, PWD have greater recourse to support services and legal avenues after abuse has occurred than they do in "developing" countries, but even so, there is an enormous amount of room for improvement.

In Chapter 2, Diane Nelson Bryen focuses on the United States and Canada and emphasizes the importance of educating families of PWD and members of the justice system, as well as people with little or no functional speech, with regard to reducing the risk of violence and obtaining equal access to the system when they are victims of violence. She provides examples of practices, legislation, strategies for protection against and the prevention of violence, and recovery and rehabilitation. She also highlights the importance of having AAC systems that support the telling, reporting, and the ability of the victims (i.e., accusers) to tell, report, and appear in their own defense.

South Africa (SA) is presented in Chapter 3 by Juan Bornman who describes the reasons why PWD are at higher risk for abuse and rape in developing countries such as SA. The latter is rated as having the highest rate of sexual assault and rape in the world. PWD are at greater risk and perpetrators are rarely convicted. Bornman concludes by proposing a systemic multidisciplinary approach to reducing risk and providing specific strategies for the various stakeholders. She suggests *modi operandi* for people who use AAC, namely, PWD professionals, AAC manufacturers, AAC criminal justice professionals, as well as police officers, policy makers, disability advocates, family members, significant others, and civil society.

In Chapter 4, Rajul Padmanabhan from India stresses the importance of the government, disability activists, and civil society working together to address the widespread problem of violence against children in India—including children with disabilities. She describes the general lack of awareness of the issue of violence against PWD and the complete apathy demonstrated by Indian communities as far as anything to do with preventing violence and abuse is concerned. A new Indian law (2012), the 'Act for the Protection of Children from Sexual Offence,' which has specific provisions that address issues of violence against people with disabilities, might propose ways to address these disability issues.

In Chapter 5, attorney Fiona Givens, who relies on AAC, provides a view from Australia and stresses the need for access not only to the justice system, but also to the requisite counselling for post-traumatic stress disorder, which is a frequent consequence of violence. She describes the province of Victoria, where specialized support services exist for people with little or no functional speech. Some efforts have been made there to improve the reporting of such crimes as well as people's access to justice.

An interdisciplinary team affords a view from Israel in Chapter 6. The team members focus on accessing the justice system, which is based on the 2005 law of investigation and testimony procedures (with adaptations for persons with mental or psychological disability). Recommendations for the application of practice tools are given, with special emphasis on the investigation and testimony of AAC users. A description of an AAC toolkit that has been developed for testifying in court is provided. The legal system, including police, lawyers, judges, and social workers, have received training with regard to the relevant issues. The next steps consist of developing data-collecting systems that will furnish methods for analyzing the manner in which the laws are applied and the efficiency of the process. The focus is on policy and on the use of AAC toolkits that have been developed for testifying in court. This includes the use of simplified language and the accompaniment of the plaintiffs throughout the justice system.

It is interesting to note that an amendment of the Israeli sexual harassment law was presented to the Knesset (the Israeli parliament) in May 2014; the law now includes

PWD who are in rehabilitation settings. These settings also provide job training. Previously, PWD (who are identified as a very high-risk group for sexual abuse) had no right to complain of abuse according to the existing "sexual harassment in the workplace" law, since the labor laws did not apply in such settings. The Member of the Knesset who proposed this amendment happens to be a woman with a disability.

In Chapter 7, Janet Larcher from the UK offers some promising approaches for reducing the risk of violence. She reports on the many successes of registered intermediaries who can support victims with little or no functional speech when reporting violence to the police and going to court to provide testimony. In England and Wales, statistics for crimes against people with disabilities are available separately from those for the general population. The arrangements for the provision of AAC are different across the four UK countries (England, Wales, Scotland, and Northern Ireland). Service providers and the Advocacy Training Council also provide guidance on how to interview and cross-examine children and other vulnerable witnesses.

In Chapter 8, an earlier publication by Diane Nelson Bryen and Christopher Wickman is included in the book. It examines fourteen legal cases in which victims of violence, who have little or no functional speech, successfully went through the criminal justice system and appealed to courts in seven different states in the USA. The authors suggest learning from these cases and applying the resulting conclusions to policies and practices regarding people with little or no functional speech, the professionals who support them, and those who work in the court system.

The final chapter by Diane Nelson Bryen from the USA, Shunit Reiter from Israel, and Juan Bornman from South Africa, proffers the key findings from the seven countries presented in this book, in the hope that they will guide future international human rights policy and local practice so that children and adults with limited or no speech will be free from abuse and violence. As the authors put it:

- *Listening* to and believing communication attempts to disclose violence is vital.
- *Collaboration* between various disciplines and service providers—for example, professionals from education, social work, health, and the justice system—is valuable.
- *Using* intermediaries in the justice system is very important.
- *The role of education* in prevention and intervention practices is non-negotiable.

It is important to note that although the articles are written in English, each abstract has been translated into the home language of the particular country and is also written in Easy English, thereby rendering the book accessible to a larger population. The book also includes many sample Communication Boards in different languages.

*Concluding Remarks:*

1. This Kindle Book should be on the desktop of every academic, policy maker, activist, educator, and service provider.
2. The fact that the authors chose the Kindle publishing platform attests to their commitment to PWD safety and quality of life. This mode of publishing ensures that the book is easily accessible and inexpensive. However, using an electronic format can also be disadvantageous since many readers would find it easier to reference and locate specific content of interest in a regular printed book. I strongly recommend that the book be republished in the format of a printed academic publication. Should this suggestion be accepted, it would, of course, be necessary to re-edit the book.
3. I confess that I have misgivings about the models of awareness, education, legislation, and so on. We have been applying and supporting such models for years with respect to violence against women and children particularly sexual violence, yet I am unaware of any data showing that it has been reduced. Perhaps we need to think "out of the box", be innovative, creative, not apologetic, plain-spoken, and less concerned with understanding the perpetrators and ensuring that they are given their rights.
4. Negative attitudes toward people with disabilities remain a central issue. It is essential that the beliefs that PWD are neither reliable nor able to participate meaningfully in the justice system or in many other domains of life be confronted. These negative attitudes exist among the police, in the justice system, and among professionals in the field. PWD are to be *part* of society rather than "included" in society.
5. On a personal note: It is interesting that the editors felt it necessary to write "We have chosen to use the feminine gender when referring to victims of violence. That is not because we are *radical feminists*, nor is it intended as sexual discrimination or limitation, but rather because the research has shown that women and girls are most likely to be victims of violence". Such sentences give the impression of being apologetic and of secretly believing that a book of this type has no legitimacy or

validity. Perhaps the female condition can be compared to that of PWD or homosexuals in that it implies being a minority or a weaker link in society, with the attendant need to assure that no one is offended. This is an unnecessary statement that contradicts the message of the book. Except for one male co-author from a previous publication, all the writers are women. I would be willing to become a radical feminist if this helped reduce, if not eliminate, violence of any kind.

## References

UN General Assembly, Convention on the Rights of Persons with Disabilities:

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