

Media Release

Collapsed sex abuse case sparks call for reform

The Intellectual Disability Rights Service is alarmed to learn of the collapse of a prosecution in South Australia where charges relating to the alleged sexual abuse of children with intellectual disability against a bus driver were dismissed when prosecutors believed the children would struggle to tell the court what happened to them. South Australian law views disabled victims as unreliable witnesses who would not cope with cross-examination.

People with intellectual disability are extremely vulnerable to sexual assault as demonstrated by this case. Research studies conclude that both men and women with intellectual disability are more likely to be sexually assaulted, sometimes multiple times by multiple perpetrators, than people without a disability. However, convictions are rare and this may be partly due to criminal justice system personnel holding erroneous beliefs about the victim and their disability.

Research clearly shows that many people with intellectual disability are able to give statements to police about alleged sexual assault when they are supported appropriately. An independent support person may attend an interview to ensure the victim is able to understand questions and provide an account of what happened. It is dangerous to assume that a person is unable to do this simply because they have a disability. This misconception, which we have witnessed in NSW, may contribute to the continued high levels of sexual assault suffered by vulnerable people. The Intellectual Disability Rights Service, through its' Criminal Justice Support Network, provides trained support persons to accompany victims of sexual assault with intellectual disability in NSW to the police station when giving a statement. The support person helps police to phrase questions clearly in plain language and alerts officers if the client does not understand, encourages them to allow the person frequent breaks if they have difficulty concentrating for a sustained period of time and offers emotional support.

The Intellectual Disability Rights Service can be contacted on 1300 665 908 to offer support to people with intellectual disability in contact with the police and courts as a defendant, witness or victim of crime.

email: info@idrs.org.au

ABN: 112 1637 1524

web: www.idrs.org.au

Sydney (IDRS/CJSN)
P.O. Box 3347
Redfern NSW 2016
p: 02 9318 0144
f: 02 9318 2887

Illawarra/ Shoalhaven Office (CJSN)
P.O. Box 5460
Wollongong NSW 2500
p: 02 4228 4040
f: 02 4228 4640

Newcastle (CJSN)
P.O. Box 458
Newcastle NSW 2300
p: 02 4926 5643
f: 02 4927 8147

Central Coast Office (CJSN)
c/- Central Coast Disability Network
29 Webb Street Gosford NSW 2250
p: 02 4324 2355
f: 02 4324 3187