

Speech: Promoting the safety and security of disabled people

Speech by Trevor Phillips at the Queen Elizabeth II Centre, London 29 April 2009

Good morning. Thank you for being here. Particularly I'd like to thank Maria Eagle for taking time out for being here this morning. She's half our minister and half the Ministry of Justice, so she is very busy and I know that this is a priority for her, the fact she has given us her time this morning.

I also want to thank Liz and the other members of the Disability Committee who are here this morning who have also been important in helping us to produce this work, guiding its way. Alun Davis who is the chair of the committee can't be here this morning because, unfortunately, he has a job to do, and Jane Campbell, who in the normal course of events you would not be able to keep out of this event, is currently in the midst of a major bill in the House of Lords and that is taking her time today.

The report we are launching today is important to the Commission. It is part of a programme of work we're going to be leading concerning disabled people's right to safety and security. And I'd like to thank OPM for their sterling work on our behalf with this report.

We all remember the horrific murders of Brent Martin and Steven Hoskin, two young men with learning disabilities who were viciously killed by those who befriended them, dehumanised them, degraded them, exploited them, stole their benefits, took over their homes, beat them, tortured them, and eventually took their lives.

As a nation we felt shock and fury. We read the headlines and the thunderous editorials with disbelief, and we asked ourselves how this could happen. Then it became yesterday's news, tomorrow's chip paper and the media carousel moved on.

When the black teenager Stephen Lawrence was murdered at a South London bus stop by five white thugs, national outrage at the police's handling of the case, and the determined campaign of the Lawrence family, led to a public inquiry that rocked the very foundations of our institutions' response to racism. We haven't achieved anything comparable yet in the field of disability.

But the report we're launching today confirms what many in the field have long suspected - that disabled people are proportionately at greater risk of violence than non-disabled people and that hostility against them is common and widespread.

The murders I have just described were horrific in the extreme, but they were also the conspicuous flashes of an often silent but savage menace on our streets, on our housing estates, on our buses and trains, in our schools and, increasingly, online and on mobile phones.

Through one-to-one interviews we've gained new insights into that experience.

We know that for many disabled people, something as simple as their walk to the local shops can be a rat-run of abuse, where they are surrounded, called names, pushed around and shaken up.

That, understandably, to avoid all this, they go to extreme lengths - plan longer routes, withdraw socially, try wherever possible never to leave their homes alone.

I want to go off script for a moment to say that I spoke to my brother about this the evening before last, and he is 12 years older than I am. I was telling him about the report and he said: Well, you know when I was an teenager, which goes back to the late 50s, early 60s, for a whole period, every day when I got off the bus from school, I would get off the bus and then just start running because I knew there were teddy boys waiting to do me in. He eventually found another route, and it made me think, actually, that is a experience which we think in terms of ethnic minorities is yesterday's story, though it is not actually, but think about the many tens of thousands of people who experience not just the actual threat and reality of violence, but the constant fear of it.

I have to say, as he reminded me of this it said to me: Actually we have to get across to people that this is real and it is today and it is with us right now and it is about real people who are just like us in almost every respect. No different, no less justified in asserting their right to live a normal, ordinary, everyday life.

And the avoidance of possible hostility is often true even for those who do not have direct experience of such behaviour but live in fear of it happening to them because of what they have heard happen to others.

We've spoken to people who every day have bricks and eggs hurled at their windows. Have neighbours who deliberately play music loudly at night to harass them. Have young men expose themselves at their kitchen window and threaten to rape them.

For some, it gets so bad for them and their families that they move to another area, just to live a peaceful life.

We know people have been so badly bullied every day at school and on the bus home that they have been scarred for life, but were told to ignore it by family and friends - advice which, even if given in good faith, becomes part of a wider pattern of conditioning that basically says deal with it, and by the way, deal with it on your own.

And we've spoken to people who find that at work somehow they're the ones who always get blamed when something goes wrong, which they have to put up with alongside a litany of name-calling and abuse.

In fact, research we published last year showed that while there are proportionately few disabled people in work, those who are working are disproportionately more likely to report ill-treatment and bullying in the workplace .

So we're finding that disabled people can find no sanctuary from hostility. For many, fear and violence is a fact of life. And the response, often encouraged by family and statutory agencies, is either to accept or avoid it.

Many people in this room know this, but the vast majority outside it do not.

Very little of this violence, much of which is criminal, ever goes on the record. In the year to March 2008, only 183 hate crimes against disabled people were prosecuted.

Whilst exact figures for the year to March 2009 are not yet available, we are advised by the Crown Prosecution Service that the figure has around doubled. This implies a better response from the criminal justice system but it continues to represent but a tiny fraction of the reality faced by disabled people every day.

And let us be clear, in the majority of cases, the perpetrators know that the victim is disabled , but, on the rare occasions that this is reported, it is not treated as a hate crime.

Our research shows that some disabled people are more at risk than others; that an accumulation of risk factors heightens significantly the likelihood of being a victim of targeted violence. Put simply, if you are disabled AND you are black, a woman, young or gay you are at much more risk of hostility and violence.

Ethnic minorities often experience a double prejudice - when apprehended by the police for unusual behaviour, for example, an ethnic minority man may ask for a doctor and try to explain that he is acting the way he is due to his disability, but the officer in charge is still likely just to see a big, black man causing trouble, and believe me I know what that feels like.

And your chances of being attacked are higher if you're a woman, or if you're young. In fact, the research shows that disabled women are twice as likely to experience domestic violence as non-disabled women. Disabled children are more likely to suffer physical and sexual abuse.

We've also found that people with certain disabilities - learning disabilities and mental health conditions - face a greater risk of violence and victimisation than others. Some of the men we spoke to with mental health disabilities had been attacked by neighbours because of false rumours that they were paedophiles, and unsafe to local kids.

And people are at risk not just because of who they are perceived to be, but because of the circumstances in which they live their lives. Where you live, how much money you have, the kind of transport you use - in short, the degree of control you have over your own life - all influences the degree of risk you face.

Bluntly, those who can afford to take taxis to their doors and live in gated apartment blocks in the posher end of town can avoid the most brutal edge of this experience.

The incidents tend to be ongoing and they escalate - what starts as name-calling can get progressively more vicious as it goes unchecked. But it is often known only to the victim and the perpetrator - a dirty secret, like all abuse.

As a society we have two choices to how we deal with it.

We can carry on as we are. At best feel sorry for those who are victimised and wring our hands in despair. At worst continue to expect victims to suffer in silence; to accommodate themselves to injustice. We can deny them the basic right to live in safety and security and force them to close their lives down to risk. In short, we make this the problem of disabled people, and disabled people only.

There is another route. We can make this all of our problem. We can say and acknowledge that the only remedy for us is to change society as a whole. That will take subtle and strategic efforts. It means changing behaviours and public attitudes. It means changing the way our public authorities, statutory agencies and criminal justice system respond to an experience that has become a daily torment for so many.

There are three things the Commission will do to create this change.

First, we will review the actions taken by public bodies - local councils, social housing landlords, schools and the police - to eliminate harassment and promote positive attitudes to disabled people.

Since December 2006, all public bodies have been under a legal duty to take positive action to promote disabled people's equality and to put an end to harassment that may be directed against them. So when disabled people are unable to participate in their community as equal and independent citizens for fear of violence, the law and those who discharge it are failing the very people they are supposed to serve.

The duties to eliminate harassment and promote positive attitudes are crucial elements of the Disability Equality Duty, which provides us with a powerful set of tools to motivate action in this area.

The new Equality Bill that was published earlier this week will ultimately replace that Duty with a new formulation.

I was delighted to welcome the publication of the new Bill and I think it is a golden opportunity to improve our equality legislation.

I'm confident that we will end up with a better, more powerful equality Duty that focuses public authorities on delivering better outcomes for everyone.

But I will be working closely with government to make sure that the disability-specific elements that are currently in law are effectively and decisively carried over into the new Duty.

This also applies to the existing Duty to consider more favourable treatment in order to take account of people's disabilities - a special provision which recognises what is necessary to ensure substantive equality for disabled people. We are looking very closely at the wording of the Bill and we will challenge any changes that might constitute regression.

But the existence of law alone is not enough. We can have the best legislation in the world - it is worth nothing if it is not applied or enforced.

And there is still a long way to go before public bodies are knowledgeable enough to meet their legal requirements.

Last week we heard of Betty Figg, an 86 year old with dementia, who was wheeled away from her daughter's home with a blanket thrown over her head after social workers and police entered the house with a battering ram. Her daughter had thought she'd be better cared for at home - hardly surprising given that over the past year she had found her on visits to her care home dehydrated, her mouth caked in blood, hungry and drenched in her own urine.

The quite violent reaction of the authorities was not only wholly disproportionate, but a complete and staggering disregard of Betty's right to live freely and safely with someone who loved and cared for her.

Here are some other examples where confusion might

- social landlords might be unsure how to challenge anti-social behaviour against disabled people; they might be unclear whether they should stop the perpetrator or remove the victim from the situation. Answer: stop the perpetrator;
- schools might think that pupils' bullying outside the school gates doesn't fall under their jurisdiction. Answer: yes, it does;
- statutory agencies, including in the police, might think of the incidents as bullying, not crime, and therefore not the business of the criminal justice system. Answer: it is.

Our role is to educate public bodies on these kinds of questions in the light of new and existing law.

Our second action will be to ensure that in our grants funding programme over the next three years, we prioritise funding to local organisations that help the most marginalised disabled people have a voice. In particular, we'll be supporting independent advocacy groups - those groups that empower disabled people to live truly independent lives - to develop new approaches to support people to challenge those who treat them badly, as well as report crime and seek protection and redress. The grants programme has a pot of up to £10.5million in 2009/10.

Thirdly, we will take action to remove barriers to the reporting, recording, prosecution and successful conviction of targeted violence, hostility and hate crimes. Where necessary, this action will include legal intervention. In a recent case a man was judged not to be a credible witness, because he had a mental health condition, despite the fact he experienced a vicious assault in which he had his ear bitten off. We intervened and the CPS were found to have breached the man's human rights .

This is a huge and complex area of work. It involves making the system more accessible, helping to mitigate some of the trauma of reporting crime, and ensuring that once it is reported, it is recorded appropriately - and that includes a muscular stance on hate crime.

It means dismantling stereotypes about disabled people that can lead to a dismissive or even negative response from the police, where disabled witness are perceived to lack credibility, and are more likely to be seen as a perpetrator than a victim. Those perceptions can have a disproportionate impact on prosecutions.

It requires more joined up working between the criminal justice system and other agencies. The case review of Steven Hoskin – the man with learning difficulties thrown from a viaduct by a brutal gang of young people - showed that individual statutory service providers knew about him, but each focused on single issues within their own remits. It is only through co-ordinated efforts that we will break the stranglehold of hostility and harassment.

The current review of No Secrets - the guidelines for local agencies who investigate abuse against adults - presents a major opportunity to try to get this right.

And we need to ensure that the laws that seek to prohibit this violence - the Criminal Justice Act, the Disability Discrimination Act, the Human Rights Act and, soon, the new Equality Act - are understood and enforced - ambitiously, creatively and robustly.

Time and again, when we interviewed people for this report they told us the same thing: we need to do something. This is not something we can prioritise in rhetoric and ignore in practice.

Ultimately, this is not about protecting the defenceless, nor is it about adopting paternalistic attitudes towards those whom people assume to be vulnerable, it is about the capacity of our society to create the conditions of freedom.

There can be neither disabled and non-disabled, neither hounded and free, there cannot be two tiers of safety and security, for we are all individuals of equal standing and worth.

This is an issue, in my view, in our view as a commission, for everyone. Our ambition here is to move this issue from the margins to the mainstream, to turn our compassion for individuals into justice for all. This is an immensely important morning, an immensely important report. It is just a start, but thank you for being with us on this.