



# Statement of concern

## The response to the COVID-19 pandemic for people with disability

The Royal Commission is deeply concerned about the impact of the COVID-19 pandemic on people with disability. The pandemic is an unprecedented public health, social and economic emergency that requires swift and effective action by governments, businesses and the community. Governments should ensure they take all necessary measures to ensure the protection and safety of persons with disabilities.

The United Nations Convention on the Rights of Persons with Disabilities states that people with disability have the right to health without discrimination on the basis of disability, including access to population-based public health programmes (Article 25) and that governments also have a duty to take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk (Article 11).<sup>1</sup>

Even in non-pandemic circumstances, people with disability are more likely than the general population to have health issues, compromised immunity, increased risk of morbidity, comorbidities and are more likely to die from preventable causes. Some people with disability will be unable to maintain social distancing practices because they rely on support workers for vital daily personal care, such as eating, drinking, toileting and dressing.

We have heard directly from people with disability who are, like many in the broader community, very anxious about the COVID-19 pandemic. We have also heard that this anxiety is exacerbated by the feeling that they are being left behind or ignored in government and community responses.

We acknowledge the efforts made by all levels of government in Australia on new measures to ensure essential support is in place for National Disability Insurance Scheme (NDIS) participants and workers through the COVID-19 pandemic. However, these measures are specific to the NDIS and NDIS participants. Many people with disability do not use NDIS supports and will also need access to COVID-19 information and support outside the NDIS.

Some leading disability experts, advocates and researchers are calling on governments to ensure the needs of all people with disability are included in the response to the pandemic.<sup>2</sup>

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<sup>1</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) arts 11, 23(1)(c), 25

<sup>2</sup> See for example Catalina Devandas, UN Special Rapporteur on the rights of persons with disabilities, 'COVID-19: Who is protecting the people with disabilities?', 17 March 2020, <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25725&LangID=E>>

The Royal Commission calls on all Australian governments to ensure their strategies in responding to the pandemic include the taking of all necessary measures to seek to ensure the protection and safety of persons with disabilities. The emergency planning and responses of the Australian governments should include a specific strategy to provide appropriate guidance, support and funding to meet the particular needs and requirements of people with disability.

The Royal Commission is of the view that Australian governments should seek input from people with disability, leading disability experts and advocates in developing their dedicated strategy, and in particular, in its COVID-19 Coordination Commission initiative.

## Key areas of concern

### Access to health care

People with disability, particularly First Nations people with disability, may be disproportionately affected by the pandemic due to increased risk of infection, higher number of co-morbidities and because of underlying health conditions such as chronic diseases and respiratory illnesses.

We have heard from members of the community that people with disability:

- continue to face barriers in accessing health care, including prevention, screening and treatment for COVID-19
- are unable to access regular and vital medications and therapeutic services due to low supplies and restrictions in access
- may not have access to mental health services at a time when the need for accessible and responsive mental health is heightened
- are unable to easily access essential health supplies to keep themselves safe, such as personal protective equipment, hand sanitiser and sterilising equipment
- are worried that discrimination or unconscious bias could impact their access to critical and lifesaving health care during this crisis.

We are also concerned about the wellbeing of people with disability who are not Australian citizens or residents and therefore do not have access to COVID-19 health care funded by Medicare.

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The Centre for Research Excellent in Disability and Health, 'An important message about people with disability and the Covid-19 response, 15 March 2020,

<https://credh.org.au/news-events/covid-19-and-people-with-disabilities/>

People with Disability Australia (endorsed and published by Australian Federation of Disability Organisations, Blind Citizens Australia, Children and Young People with Disability, Disability Advocacy Network Australia, First People Disability Network, Inclusion Australia, National Ethnic Disability Alliance, People with Disability Australia, Women with Disabilities Australia, Every Australian Counts) 'Immediate Proactive Response to Coronavirus (COVID-19) for Australians with Disability' <https://pwd.org.au/covid-19-plan/>

The Royal Commission calls on the government to take all reasonable steps to ensure access to and the provision of appropriate health care to all persons with disability.

## **Essential support services**

People with disability often rely on family, friends and support workers to provide essential services. During the pandemic, these people may not be able to provide their usual support.

The Royal Commission calls on governments to develop a strategy that ensures:

- people with disability have access to essential services, including assistance with toileting, showering, sleeping and getting dressed
- all necessary measures are taken to reduce the risk of infection in closed and/or congregate settings
- measures are in place to reduce the risk of infection by ensuring that support workers are properly trained, including in infection control
- as far as possible, people with disability are not forced to accept help from support workers, family members or friends who are themselves unwell

## **Accessible information**

The UN Special Rapporteur on the rights of persons with disabilities has recommended that public health advice and information from national health authorities must be made available in sign language and accessible formats, including accessible digital technology, captioning, relay services, text messages, easy-to-read and plain language.

Some information disseminated by Australian governments related to the pandemic has not been provided in accessible format. Unless information is distributed in accessible format, many people with disability will not have equal access to information.

The Royal Commission calls for:

- all government announcements and news broadcasts to include Auslan interpreters
- as far as possible, written materials produced by government agencies and service providers be provided in accessible formats, including Easy Read formats. This includes information provided by the Australian government about payments which are available under the stimulus package
- as far as possible, written materials produced by government agencies and service providers be provided in first languages, including First Nations languages and Auslan, and in community languages
- all governments to develop and action a strategy for dissemination of information to people who do not have access to the internet
- as far as possible, active outreach to people with disability who do not have support via family, friends and/or support workers.

## Access to food and nutrition

People with disability have expressed concern that they may not be able to access basic food and nutrition if:

- they need to self-isolate
- essential supplies remain low
- online shopping and delivery remains limited
- support workers or family get sick and are unable to help them access food.

The Royal Commission commends businesses who have put in place measures to ensure people with disability have priority access to essential food and nutrition during this crisis.

## Employment and income security

The UN Special Rapporteur on the rights of persons with disabilities has highlighted the need for reasonable adjustments in workplaces to allow people to continue to earn an income while also reducing risk of infection. Many workplaces have moved to remote working solutions in recent times. We encourage workplaces to ensure their staff with disability are supported to work from home via accessible technologies

We have also heard that people with disability are concerned that the Disability Support Pension (DSP) and Carers payments were not included in recently announced fortnightly increases to income support payments as part of the Commonwealth government's stimulus measures. There have been calls from advocates and peak bodies to also apply increases to DSP and Carers payments.

The Royal Commission encourages governments to include people with disability in all measures aimed at protecting financial security during the pandemic.

## Reduced oversight in closed residential settings

The Royal Commission is very concerned about the wellbeing of people with disability living within closed residential facilities. The Commission has, since its inception, received information concerning violence, abuse, neglect and exploitation of people with disability in closed residential settings, including congregate care and segregated residential facilities, such as group homes, prisons and mental health facilities.

The Royal Commission understands that measures to 'lockdown' facilities and/or restrict visiting are taken in order to attempt to reduce the risk of infection. Such measures may also have the unintended consequence of reduction of formal oversight mechanisms (such as Community Visitor Schemes) and informal oversight provided by family, friends, supporters and advocates. With the decrease of oversight comes an increase in the risk of violence, abuse, neglect and exploitation.

The Royal Commission encourages governments to implement all necessary measures to protect and support people with disability in residential settings during the pandemic.

## First Nations people with disability

Even in non-pandemic situations, First Nations people with disability face increased risks in several aspects of life. These increased risks are due to:

- Poorer overall health, including higher number of co-morbidities and risk factors such as chronic diseases and respiratory illnesses
- Poverty and overcrowded housing acting as barriers to prevention and compliance with isolation measures
- Gaps in services, including acute, primary and prevention and access to culturally appropriate care
- Lack of transport options to access healthcare, food supplies and support
- Gaps in health infrastructure, equipment, medicine and supply provision.

During the 2009 influenza pandemic, First Nations people with disability were four times more likely to be admitted to hospital than non-Indigenous people.<sup>3</sup>

The Royal Commission welcomes the Commonwealth Government's recent announcement to provide 110 grants to help remote First Nations communities prepare for an outbreak of COVID-19.

The Royal Commission calls on the Australian governments to ensure that its further responses to the pandemic include specific strategies to protect First Nations People with disability. Australian governments should continue to work with First Nation leaders in this effort. Without appropriately targeted action, First Nations people with disability are likely to be more adversely affected by the COVID-19 pandemic.

## Conclusion

The Royal Commission appreciates and acknowledges the challenges that Australian governments and businesses are facing during this pandemic.

The Royal Commission calls upon all governments to ensure that, in their responses, they include dedicated strategies to protect and support people with disability.

Now, as always, we want to hear from people who wish to provide information to the Royal Commission about violence, abuse, neglect and exploitation of people with disability, including information with respect to the government and community response to the Covid-19 pandemic. It is within the terms of reference of the Royal Commission to investigate the extent to which people with disability have experienced violence, abuse, neglect or

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<sup>3</sup> S Rudge and PD Massey, 'Responding to pandemic (H1N1) 2009 influenza in Aboriginal communities in NSW through collaboration between NSW Health and the Aboriginal community-controlled health sector', (2010), vol 21(1-2), *NSW Public Health Bulletin*, pp 26–29. <<https://www.ncbi.nlm.nih.gov/pubmed/20374691>>

exploitation as a consequence of any lack of coordinated action to address their particular needs in this time of crisis.

The work of the Royal Commission will continue during this period, and the Royal Commission encourages people to continue to engage with us by telephone and/or by electronic means.