

Myths about survivors living with disabilities create barriers that can result in their disclosures/reports being disregarded or treated less seriously (e.g., the myth that women with physical disabilities are asexual).¹ ² Another example of how stereotypes and myths associated with certain social locations create barriers pertains to survivors living with disabilities. A qualitative Australian study revealed that police endorsement of myths about women living with intellectual disabilities created barriers and resulted in the women being treated differently from other victims/survivors of sexual violence (e.g., women with intellectual disabilities are not credible or reliable witnesses; women with intellectual disabilities are sexually promiscuous).³

The Globe and Mail, February 13, 2012, A12.

“SEXUAL ASSAULT MENTALLY CHALLENGED ADULTS

The ground she stands on

Is it fair to convict a man of sexual assault based in part on the word of a disabled woman with the mental age of a three- to six-year-old, who can't explain the difference between truth and lies?

That was the tough question before the Supreme Court of Canada last week. To answer “no” might deprive mentally challenged adults of a voice in court, leaving them virtually unprotected by the law.

The court answered well. Sticking to the text of a 1987 law, which allows mentally disabled adults to testify on a promise to tell the truth, as long as they can communicate evidence, the majority in the 6-3 ruling said it was wrong to ask the Ontario woman to explain what truth means.

...Not all testimony is equal; a judge decides how much weight to give it. But to cut off the possibility of testimony from disabled adults because they have trouble verbalizing what they understand of truth and lies is an arbitrary approach. It doesn't get at what they know, just at what they can explain about what they know.

That 1987 law permitting disabled adults to testify on a promise to tell the truth came after various scandals and studies revealed startling levels of victimization of disabled people. Truth is the only safe ground to stand on, someone once said, and mentally disabled adults should not be arbitrarily denied a piece of that ground.”⁴

¹ Fine, M., & Asch, A. (1988). Disability beyond stigma: Social interaction, discrimination, and activism. *Journal of Social Issues*, 44(1), 61–74.

² Kaufman, M., Silverberg, C., & Odette, F. (2007). *The ultimate guide to sex and disability: For all of us who live with disabilities, chronic pain and illness*. San Francisco, CA: Cleis Press.

³ Keilty, J. & Connelly, G. (2001). Making a statement: An exploratory study of barriers facing women with an intellectual disability when making a statement about sexual assault to police. *Disability & Society*, 16(2), 273-291.

⁴ Editor (February 13, 2012). Standing her ground. *Toronto Star*, A 12.