Rights of children with mental disabilities – access to justice

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Under-diagnosis
Lack of data
Rights are removed due to mental disability

Domains
• Criminal Justice
• Civil justice
• Administrative justice
Communication skills

communication

accessible

tactile
alternative
foreign
language
display
augmentative
plain
multimedia
large
languages
modes
print
written
Braille
text
information
technology
audio
human-reader
We need to adjust

Reasonable accommodations / adjustments

UN Convention on the Rights of Persons with Disabilities (CRPD) Article 5: failure to provide reasonable accommodations = discrimination

CRPD Article 13: access to justice for all

It doesn’t matter what role the child plays
Considerations

1. Ask the court for adjustments
2. Visit the courtroom
3. Schedule sensibly
4. Bring expertise in advance
5. Check on the child
1. Diversity
2. Recognise and adjust
3. Child-friendly environment
4. Ground rules
5. Adjust your expectations
Interviewing

1. Use literal and simple language
2. Avoid complex questions particularly about time
3. Use play, art and images without leading
4. Adapt language, use writing, diagrams, drawings
5. Visual timetable
6. Post-it notes
7. Ask child to explain back to you
8. Take your time
The challenges of detention

Through the lens of trauma

“Challenging behavior often originates in immense feelings of vulnerability” – Alexandra Cook

Trauma can affect children in 7 ways
1. Attachment
2. Biology
3. Affect regulation
4. Dissociation
5. Behavioural control
6. Cognition
7. Self-concept
Finally

Develop your mental disability literacy
Share tips with other lawyers
Get involved in judicial training
Involve NGOs of and for people with intellectual disabilities and their families

Keep in touch! o.lewis@leeds.ac.uk
Resources

- The Advocates Gateway – various toolkits
- Blue Knott Foundation, “Trauma and the law – applying trauma-informed practice to legal and judicial contexts” (2016)
- MDAC, “Charm toolkit” (2017) – including communications toolkit
- Substance Abuse and Mental Health Services Administration (SAMHSA), “Essential Components of Trauma-Informed Judicial Practice”, 2013,
- YoungMinds, “Conditions”, youngminds.org.uk