

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



tactile
alternative foreign
language display
augmentative plain
multimedia large languages
communication
modes print written
Braille text information
technology audio
human-reader
accessible

We need to adjust



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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



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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



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



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



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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



- The Advocates Gateway – various toolkits
- Blue Knott Foundation, “Trauma and the law – applying trauma-informed practice to legal and judicial contexts” (2016)
- Alexandra Cook et al., “Complex Trauma in Children and Adolescence”, The National Child Traumatic Stress Network, 2003
- MDAC, “Access to Justice for Children with Mental Disabilities” (2015)
- 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