

## **The Need for Accessible Justice Services for People with Speech and Language Disabilities**

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- Voice over** In this interview, Pamela Cross, who is a lawyer, talks with Krystine Donato and Colin Phillips about access to justice services for people who have communication disabilities.
- Krystine and Colin hear and understand everything that is said. Krystine speaks and uses a communication device. Colin points to letters and words on his communication board. His assistant speaks out his message.
- Pamela Cross** I want to start by asking each of you if you can clear up what I think is quite a common misperception among people, including legal professionals, who don't work with people with disabilities. I often hear people say, oh well, people with disabilities don't ever need a lawyer because they're being cared for by people they trust so they don't ever have legal issues. What are your thoughts about that?
- Colin Phillips** In fact the research says that people with disabilities, especially communication disabilities, are in positions where they are victims of abuse and other crimes and the perpetrators are often caregivers or other people in positions of trust.
- Krystine Donato** I think people who have communication disabilities are even at more risk for abuse, crime, offenses and all that. That's because a lot of times they don't want to come forward and tell about the abuse because the abuser is oftentimes someone that's caring for them, someone that's helping them eat - helping them get dressed,

helping them wash and there's oftentimes a misconception that why would your caregiver abuse you? That's not going to happen, which it does.

Pamela Cross So what I'm hearing both of you say is that someone with a disability may have more rather than less need to engage with the legal system.

Krystine Donato The justice system, the way it is now, is not accessible for people with communication disabilities. We're not heard and oftentimes we're afraid that if we do say something, we're not going to be understood or taken seriously. I know a lot of people with communication disabilities don't report crime, don't report abuse because of this and that's very sad and this needs to be fixed.

Colin Phillips This just enables the cycle of abuse to continue.

Pamela Cross What happens if a person with a communication disability has to contact the police?

Colin Phillips If it was me I would want to bring an assistant with me because it is likely that the police would not understand how I communicate or underestimate my abilities. I would say that all too often people with communication disabilities are not taken seriously in these situations.

Krystine Donato Some people think that if you have a speech or language disability you have a cognitive disability and that you are incapable of thinking for yourself. It's true that some people do have intellectual disabilities and they need assistance to communicate, but people tend to make a general assumption that we are all the same. I know people who were told they would not make reliable witnesses because they communicated by pointing to pictures and letters on a display.

- Pamela Cross      What do you think the police should do when they are communicating with a person who has a communication disability?
- Colin Phillips      At the very minimum all first responders need to put protocols in place about how to communicate with someone who has a speech or language disability, for example they need to ask me how they can work with me to facilitate my communication.
- Pamela Cross      What if someone doesn't have someone to assist them with their communication?
- Krystine Donato      We have a major problem with this as we don't have the same level of supports that people with other communication disabilities have. For example, if you are deaf you could request a sign language interpreter. If you speak a foreign language, you could request a translator, but with us, because we have communication disabilities, people don't understand that we need a communication assistant, not only to help us, but to help them as well. This needs to happen.
- Pamela Cross      I agree. This is a major human rights inequity and one that needs to be addressed. People with communication disabilities have rights under the Charter of Rights and Freedoms, as well as under human rights legislation. Every province, every territory has human rights legislation. These rights include the right to equal access to justice services. What the Charter says is that everybody has an equal right before and under the law. That's not being met as long as people do not have effective ways to communicate substantive information in the legal and justice context. Communication Disabilities Access Canada is working to start up these services.
- I want to thank both of you for sharing your insights with us here today.