

Pamela Cross about Communication Access to Legal Services

Pamela Cross I'm a lawyer and I have worked with people, primarily women, who are vulnerable for any number of reasons when they interact with lawyers, police, judges, courtrooms and all of those other people who are affiliated with the criminal system, the family system, legal issues that arise in health care, and so on.

But I can tell you that in my experience I have never encountered a more vulnerable population than people with communication disabilities and that makes sense if you think about it for a minute because law is all about words, it's all about language, it's all about verbal and sometimes written communication.

Injustices happen and they are serious injustices. Victims are not able to turn to the criminal system for the person who have abused them, or otherwise violated them, to be held accountable.

People are wrongfully found to lack mental capacity only because they could not communicate in the way the assessor is used to having people communicate. People go into family court to sort out complicated and important issues like custody and access of the children, and return or come out of that experience with not the appropriate outcome because they did not know how to communicate so that the judge could understand them or so the child protection worker could understand them.

Canada has laws. Those laws are intended by virtue of the Charter and human rights legislation to be equally accessible to

everyone. The Charter says we are all guaranteed equal treatment before and under the law, but that's not true for this population. It's imperative that all of us who work in that legal system whether we are a lawyer in private practice, assisting an elderly client who has lost some of her communication ability due to a stroke and who wants to write a will. Whether we are a police officer taking a statement from someone who has experienced a crime but doesn't have the words to describe that; whether we are a judge in a courtroom listening to the testimony of a victim or of an accused, we all have an obligation to understand the issues that are faced by this population.

We all need to learn new skills, but more than that we need to make a commitment, I think, in ensuring that the communication piece of our relationship with a client who has a communication disability is addressed.

Voiceover

For more information visit Communication Disabilities Access Canada at www.cdacanada.com