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PILnet

Access to Justice for Persons with Invisible Disabilities

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Session Objectives

Session objectives

1. Raise awareness of legal barriers faced by persons with invisible disabilities
2. Share insights from Pro Bono SG's initiatives and case studies
3. Explore inclusive service delivery models
4. Discuss strategies for advocacy and systemic reform
5. Foster collaboration and identify actionable steps

Program Flow

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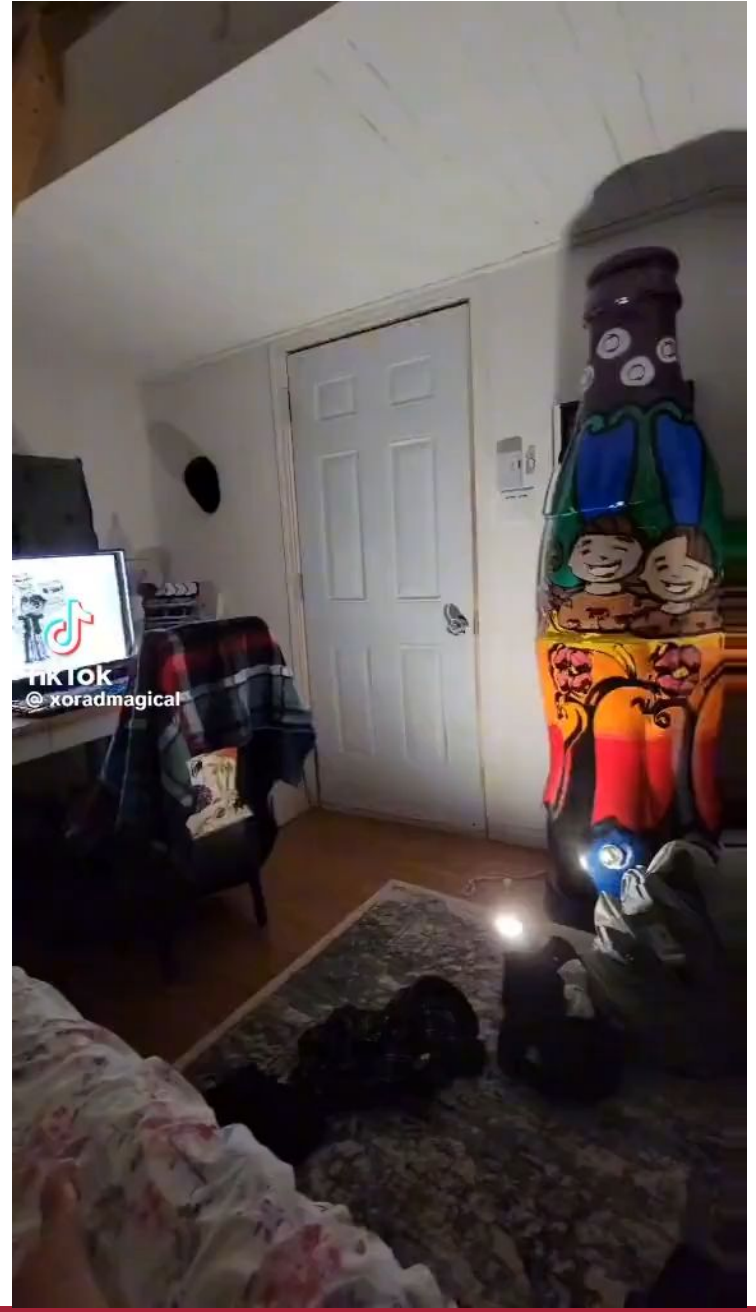
Activity and description	Duration
Introduction and framing of issues	10 minutes
Lived experience narratives	20 minutes
The Singapore Case Study	10 minutes
Group Discussion 1 – The police interview	15 minutes
Sharing session	10 minutes
Group discussion 2 – Planning for change	15 minutes
Sharing session	10 minutes

Lived experiences

Lived Experience Matters

1. Voices of individuals with invisible disabilities
   a. The schizophrenic perspective
   b. Aidan
   c. Eufrosina
2. Unique barriers: stigma, communication challenges, complex procedures
3. Importance of fair representation and authentic participation



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Lived Experience Matters

1. Daily struggles?
2. Institutional thoughtlessness?
3. Non-physical design failures?
4. What does change look like?

The Singapore Case Study

The Singapore Case Study

1. Appropriate Adult Scheme (AAPMD & AAYS)
   a) The Appropriate Adult Scheme for Persons with Mental Disabilities / for Young Suspects
   b) Support during investigations for vulnerable persons
   c) Neutral trained volunteers bridging communication gaps
   d) Collaboration with MINDS and Children's Society

WHAT IS THE APPROPRIATE ADULT SCHEME?

A. Two Types of Schemes:

- - Young suspects
- - Persons with intellectual or mental disabilities (AAPMD)

B. Who Qualifies for AAPMD?

- - Persons with intellectual disabilities
- - Autism Spectrum Disorder (ASD)
- - Mental health issues

C. Status: Detainees, victims, or witnesses

KEY FUNCTIONS & ROLE

A. Communication Facilitation

- Bridge between Investigation Officer and suspects/victims/witnesses
- Clarify questions that may be challenging to understand
- Ensure authorities understand what suspects are expressing

B. Enhanced Reliability

- Neutral third-party presence reduces misunderstandings
- Increases reliability and credibility of statements

C. Safeguarding vulnerable persons

- Provide support during potentially stressful interviews
- Trained to identify signs of distress
- Help lessen interrogative pressure
- Prevent suspects from self-harm due to stress
- Safeguard against pressure to falsely confess
- Ensure procedural fairness in investigations

A2J Strengths and limitations

- **Procedural Fairness:** Ensures persons with invisible disabilities can meaningfully participate in justice process
- **Reduces Coercion:** Neutral third party helps prevent false confessions
- **Improves Accuracy:** Better communication leads to more reliable statements
- **Recognizes Vulnerability:** Specifically acknowledges mental health and invisible disabilities as requiring support

- Lack of clarity on when AA should step in
- Only present during interviews
- Consistency, or lack thereof

The Singapore Case Study

2. Legal framework: Penal Code, CPC, Sentencing considerations
   a) Mandatory Treatment Orders
   b) Community Based Sentences

Group Discussion 1

Case Study

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Background and Incident

Alex is a 25-year-old man living in Singapore who has an Autism Spectrum Condition (ASC).

Although Alex struggles with sensory processing and impulse control, he has deliberately tried to "mask" his condition to others, fearing stigmatization and being known as "the weird one".

Alex was recently involved in an incident at a crowded train station. Overwhelmed by unpredictable noise and the visual chaos of the environment, he experienced a sensory overload that led to an aggressive outburst, resulting in him being accused of a minor assault on a transport worker.

Case Study

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Police Contact and Identification Failure

When detained by the police, Alex was **highly anxious and overwhelmed**, exhibiting neurological atypical responses, such as delayed reactions and difficulty communicating effectively. Although he attempted to inform the police about his difficulties, he later reported feeling that the police "don’t listen". He heard the police saying he needed to be institutionalized for his own safety, causing him greater anxiety.

The police officer, lacking specialized training in Intellectual and Developmental Disabilities (IDDs) and mistaking Alex's anxiety for noncompliance, exerted force in his arrest, causing him greater distress.

An Appropriate Adult (AA) was eventually called to facilitate communication during the police interview, a statutory safeguard intended for vulnerable suspects. However, at the next interview, another AA was summoned to assist Alex. Immediately after the interview, the AA left. Alex was now **alone** in lock-up.

Case Study

The Pretrial Stage

Once charged, Alex felt that the duty was entirely on him to continually self-disclose his condition to every actor involved, from his lawyer to court staff.

Alex received the court citation and charge sheet, but the information was presented in a small font, heavy with **complex legal jargon**, and was explicitly *not* offered in an accessible format.

He struggled intensely to understand the documents and the intricate legal terms, finding that the only part he could truly comprehend was the date he had to appear in court. Because the systems were not explained to him in accessible terms, he was effectively **systematically denied a voice**.

His lawyer focused primarily on assessing Alex's capacity to participate, operating within a biomedical framework that locates the 'problem' within Alex, rather than addressing the socio-structural barriers that create his disadvantage. Alex felt **excluded from systems and decisions** being made about him and had to rely heavily on his lawyer or non-court-sanctioned support (like his community support worker) to make sense of what was happening.

Case Study

The Court Experience: Intimidation and Fear

The court environment intensified Alex's challenges. The other accused persons picked up on his discomfort and laughed at him.

In the courtroom itself, the formal atmosphere, the presence of security staff in uniform, and the rapid pace of the proceedings were all **extremely daunting**. Alex found the legal language incomprehensible ("The way they talk in court, sometimes I cannot pick it up".

leading him to sit with his head down to avoid looking at anything, a common withdrawal response reported by participants. He was unable to follow the nuances of the hearing and learned the final outcome—a community-based sanction—only through his support worker afterward.

Questions for discussion

1. What are the barriers you can identify?
2. Do these barriers exist in your jurisdiction?
3. Why do you think these barriers exist?

Takeaways

1. **Poor identification and recognition** of impairment at arrest stage
2. Assistance tends to be **fragmented and lacking consistency**
3. **Inaccessible Information** and Exclusion – **complex and overwhelming** legal jargon
4. Focus on **biomedical framework of assessing disability**

Conclusion: Systemic Disadvantage

Alex's experience demonstrates how the justice system's **failure to acknowledge disability as an equality issue** creates disabling barriers. The resulting inaccessibility—through poor identification, incomprehensible information, and lack of systematic support—adversely impacted Alex's sense of fairness and amplified his fear and anxiety. Because necessary and routine **reasonable adjustments** were absent, Alex was systematically disadvantaged in his participation in pretrial justice processes. He felt **powerless** and "**set up to fail**" by complex, unexplained expectations, illustrating the structural ways the system created new forms of vulnerability for him

Group Discussion 2 – What does change look like?

Group discussion 2

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1. What strategies do you think works in your jurisdiction?
2. What do you think can be done differently?
3. Which best practices would you like to adopt?

Conclusion - What is one key takeaway from the session today?

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