

## **PRESS RELEASE**

**23 March 2016, 1600 CET**

### **Russia: stop abuse of children with disabilities in criminal justice system**

This afternoon, the European Court of Human Rights ruled in the case of *Blokhin v. Russia*, a judgment that found that a child with attention-deficit hyperactivity disorder and neurogenic bladder causing enuresis (a disorder involving urinary incontinence) was unlawfully detained and abused in Russia's criminal justice system.

In 2005 police arrested 12-year-old Ivan for extortion. Without trusted adults or any lawyers present, officers pressured Ivan to sign a confession after saying he would be released if he did so. Although he was too young to be criminally tried, Ivan was sent for thirty days to a juvenile detention centre. The judge said he had "not learnt his lesson".

The Strasbourg Court found that Ivan "had to spend the whole day in a large empty room which had no furniture or sports equipment", and that he shared a bedroom with seven other boys. The educational programme did not meet national curriculum standards. There was inadequate medical care. Ivan's disability required him to use the toilet frequently. In detention, when he asked to use the toilet the guards punished him by making him to do cleaning work. He was made to wait until other detainees needed the toilet. On being released from detention, he was hospitalised for three weeks because of a deterioration of his disabilities. The Court held that the lack of adequate medical care amounted to ill-treatment of the child during his detention.

The Court also found that Ivan was prevented in practice from attending and participating effectively in hearings in his own case. Neither was his guardian present and he was not provided the opportunity to cross-examine witnesses. This is a commonplace practice in Russian justice systems in such hearings. The Russian Government should immediately put an end to the systemic practice of excluding people from court processes that affect their rights and to legislate to ensure that children with mental disabilities can participate effectively with necessary supports.

The Mental Disability Advocacy Centre (MDAC) is an international human rights organisation that [submitted](#) a "third party intervention" to help the Strasbourg court in its administration of justice. MDAC's Executive Director, Dr Oliver Lewis said:

“Treating any child - especially a child with disabilities – in such an appalling way highlights the perils of detaining children. Governments must radically reduce locking up children, and until this happens MDAC calls on the Russian government to ensure that children are provided with lawyers who represent their interests and ensure their effective participation at all stages of criminal processes. The government should take immediate steps to ensure that children in detention are provided with healthcare that safeguards their wellbeing in accordance with international human rights law.”

MDAC’s Litigation Director, Ann Campbell, welcomed the judgment, noting:

“One million children worldwide are deprived of their liberty as a result of coming into conflict with the law. Research shows that children with mental disabilities are often unaware of their rights. Justice systems must ensure that adequate safeguards are in place at all points of the justice system – preliminary processes, investigation, trial and sentencing – to protect their human rights.”

### **Notes for Editors:**

Press contact: Oliver Lewis, MDAC Executive Director (London) mobile phone +44 7769 344 102.

Today’s Grand Chamber judgment: <http://hudoc.echr.coe.int/eng?i=001-161822>

The 2013 Chamber judgment: <http://hudoc.echr.coe.int/eng?i=001-128047>

As third party intervener, MDAC was represented by barristers Paul Bowen QC (Brick Court Chambers), Caoilfhann Gallagher and Louise Price (Doughty Street Chambers).

Quotations from today’s Grand Chamber judgment:

“The authorities should always be guided by the child’s best interests and the child should be guaranteed proper care and protection. Moreover, if the authorities are considering depriving a child of his or her liberty, a medical assessment should be made of the child’s state of health to determine whether or not he or she can be placed in a juvenile detention centre.” (para. 138)

“[...] the fact that he was hospitalised the day after his release, and kept in the psychiatric hospital for almost three weeks, provides an indication that he was not given the necessary treatment for his condition at the temporary detention centre. The applicant has thereby provided the Court with a prima facie case of lack of adequate

medical treatment. [...] The Court finds that the Government have failed to show that the applicant received the medical care required by his condition during his stay at the temporary detention where he was kept for thirty days without the right to leave and entirely under the control and responsibility of the staff at the centre. In these circumstances, the authorities were under an obligation to safeguard the applicant's dignity and well-being, and are responsible under the Convention for the treatment he experienced [...]" (para. 146)

"Thus, the Court is convinced that adequate procedural safeguards must be in place to protect the best interests and well-being of the child, certainly when his or her liberty is at stake. To find otherwise would be to put children at a clear disadvantage compared with adults in the same situation. In this connection, children with disabilities may require additional safeguards to ensure that they are sufficiently protected. The Court would point out that this does not mean, however, that children should be exposed to a fully-fledged criminal trial; their rights should be secured in an adapted and age-appropriate setting in line with international standards, in particular the Convention on the Rights of the Child." (para. 219)