

Media release

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DFNZ CALLS FOR INCREASE TO 'UNJUST' YOUTH COURT AGE

Dyslexia Foundation of New Zealand (DFNZ) is calling for an increase to the Youth Court age to help ensure dyslexic youth are not entrapped in a system that treats them unfairly as adults.

The move, part of DFNZ's Dyslexia Advocacy Week (16-22 March) campaign, comes as the Government is considering feedback on its Fifth Periodic Report under the United Nations Convention for the Rights of the Child (UNCROC), in which it rejects an UNCROC recommendation to increase the age of criminal majority to 18. It is presently 17, meaning 17 year olds are excluded from Youth Court and tried as adults.

Guy Pope-Mayell, DFNZ chair of trustees, says young people with dyslexia, communication disorders, and other neurodisabilities are vulnerable in the adult court system. Difficulty with the acquisition of basic skills like reading and spelling, slower cognitive processing speeds and comprehension issues, among other things, can contribute to this.

"As we have explored the youth justice landscape it has become crystal clear that the most powerful, simple step that New Zealand could take to address vulnerability of 17 year olds within the justice system is to simply bite the bullet and raise the Youth Court age," he says.

In the justice system, learning difference may present as reduced capacity to follow the legal process, less ability to withstand pressure to make a guilty plea, and the appearance that the situation is understood, when this is far from the truth.

"Offending is the dark side of learning difference. Dyslexics are no more prone to criminal behaviour and committing theft, assault, arson, manslaughter or murder than any other population base. Yet they are grossly overrepresented in the youth justice system and prison population," Pope-Mayell says.

"In New Zealand, an estimated 10% of the population is dyslexic, yet percentages climb to well over the 50% mark in our prisons. This is a stark comment on a justice system failing to take account of the impact that dyslexia can have on an individual's ability to comprehend the process, understand exactly what they are pleading guilty to and discern the consequences. Just as you wouldn't ask a person in a wheelchair to run a marathon; you shouldn't ask a dyslexic to read and/or agree to something they do not comprehend." Pope-Mayell says.

DFNZ says opponents to raising the Youth Court age appear to erroneously view it as a soft option.

"There is some misperception that the Youth Court is not tough on serious offenders. Yet there is already a mechanism whereby a young person can be convicted by the Youth Court, referred to the District Court and have a prison sentence imposed. In this way the system is well able to provide an appropriate response to very serious offending by 17 year olds – in fact 15 young people went to prison last year via this route," Pope-Mayell says.

At a practical level, raising the Youth Court age would bring New Zealand in line with much of the Western world. It would also remedy a breach of the United Nations Convention for the Rights of the Child (UNCROC) which defines a child as anyone under the age of 18. Despite ratifying this Convention in 1993, New Zealand remains in breach by not including 17 year olds in the youth justice system. This breach was further criticized by UNCROC in 2011.

In the Government's draft Fifth Periodic Report under UNCROC, due in May this year, it rejects a further UNCROC recommendation to raise the age of criminal majority to 18 years. As part of the public consultation process on the draft report which closed Friday 27 February, DFNZ has made a submission contending that the Government must reconsider its position on this.

The current threshold also appears out of step with a raft of other New Zealand legislation – including the Minors' Contracts Act 1969, Care of Children Act 2004 and Wills Act 2007 – which define youth as adults from age 18, and with the legal age of majority which is 20. In addition, the Vulnerable Children Act 2014, Part 1, 5(1)a, defines a child as a person who is under the age of 18 years.

"We believe it is impractical, inconsistent and unjust to continue to exclude 17 year olds from the youth justice jurisdiction. Raising the age would be a simple first step that the justice system could take that will help address the appalling statistics," Pope-Mayell says.

"With at least 30 non-government organisations (NGOs) in support of raising the Youth Court age, plus the Maori party, United Future, Labour, Greens and New Zealand First, the time is now," he says.

Political party statements, and NGOs supportive of raising the Youth Court age, can be viewed via 'quick links' at <http://www.dyslexiafoundation.org.nz/daw2015/justice.php>

For Dyslexia Advocacy Week (16-22 March) www.dyslexiafoundation.org.nz/daw2015/, DFNZ has a twin focus on getting it right in the classroom and the courts. This twin focus stems from the simple fact that the teenage years can be the breakpoint for those with learning differences. For those who struggle at school, the effectiveness of inclusive learning, accommodations and interventions will determine whether these youth break through to harness the creative strengths that dyslexia can bring, or act out which can manifest in a raft of ways from disengagement to anti-social behaviour, drug use and crime.

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ABOUT DYSLEXIA FOUNDATION NEW ZEALAND

DFNZ's mission is to increase the awareness, recognition, understanding and acceptance of dyslexia as an alternative way of thinking. DFNZ is focused on action-oriented activities to champion change for dyslexic individuals, and on providing information, tools and resources to inspire others to do the same.

Since inception in November 2006, DFNZ has built its reputation on successful advocacy and action. From lobbying the Government for dyslexia to be officially recognised, achieved in 2007, through to working closely with the Government on the inclusive education agenda, the landscape of dyslexia has been fundamentally changed. DFNZ remains fully engaged with the education agenda. In parallel, it has activated the youth justice agenda.