

7-2014

# Criminology and a Disability Rights Tribunal

Michael L. Perlin  
*New York Law School*

Follow this and additional works at: [https://digitalcommons.nyls.edu/fac\\_other\\_pubs](https://digitalcommons.nyls.edu/fac_other_pubs)

---

## Recommended Citation

39 *The Criminologist* 39-40 (July-August 2014)

This Article is brought to you for free and open access by the Faculty Scholarship at DigitalCommons@NYLS. It has been accepted for inclusion in Other Publications by an authorized administrator of DigitalCommons@NYLS.

# CRIMINOLOGY AROUND THE WORLD

*If you have news, views, reviews, or announcements relating to international or comparative criminology, please send it here! We appreciate brevity (always under 1,000 words), and welcome your input and feedback. – Jay Albanese jsalbane@vcu.edu*

## CRIMINOLOGY AND A DISABILITY RIGHTS TRIBUNAL

**Prof. Michael L. Perlin**, Director, International Mental Disability Law Reform Project  
New York Law School  
michael.perlin@nyls.edu

I have devoted a significant amount of time in recent years to the proposed creation of a Disability Rights Tribunal for Asia and the Pacific (see Perlin, 2012; Perlin & Ikehara, 2011; Ikehara, 2013). This Tribunal would provide a forum for the resolution of legal disputes (focusing on, but not limited to, alleged violations of the UN Convention on the Rights of Persons with Disabilities) in the one area of the world that does not have a regional human rights court or commission (see Perlin, 2011). While this Tribunal would be legal in nature, it is contemplated that other professions involved in the justice system -- including, specifically, criminology -- would be involved in its creation and in its staffing.

The “fit” between criminology and this project should be clear. Persons with mental disabilities are disproportionately represented in the correctional system (Perlin, 2013b); such persons are disproportionately the victims of crime (Blitz et al, 2008); in many jurisdictions, county jails are de facto the most populated mental health facilities (Perlin, 2013a). Although the Tribunal is civil in nature (it is not conceived of to prosecute crimes), it is inevitable that persons with some involvement with the criminal process and/or the correctional system will frequently come before it. We expect it will address, among other topics, the treatment of forensic patients, the relationship between mental disability and enforcement of the criminal law, the connection between mental disability and criminal procedure (Perlin, Cucolo & Ikehara, 2013, p. 16).



*Prof. Michael Perlin with students at Cheng-Chi University*

With this in mind, I have presented to regional criminology conferences in Asia and in Europe in recent years and have taught in university criminology and law departments (in Taiwan, at the Graduate School of Criminology of National Taipei University and Indonesia, at the Islamic University of Yogyakarta [the latter as part of a Fulbright Senior Specialist designation]), seeking to “recruit” criminologists (and criminology graduate students) to join in this effort. I have presented papers at these conferences on, among other topics, “Online Mental Disability Law Education, a Disability Rights Tribunal, and the Creation of an Asian Disability Law Database: Their Impact on Research, Training and Teaching of Criminology and Criminal Justice in Asia” (see Perlin, Cucolo & Ikehara, 2014).

## CRIMINOLOGY AROUND THE WORLD



I will be returning to Taiwan this summer, where I will speak at the Judicial Academy and at several universities and NGOs, and teach about the relationship between international human rights law and mental disability law. One of the topics I will focus on will be this Tribunal, and I will emphasize to the criminologists and criminology students in my audience the importance of inter-professional collaboration if this proposal is to be given meaning and life.

*Michael Perlin picking callo lillies  
near National Taipei University*

### References

- Blitz, C. L. et al (2008). Physical victimization in prison: The role of mental illness, *International Journal of Law & Psychiatry*, 31, 385-393.
- Ikehara, Y. (2013). *Strategies to establish a disability rights tribunal in Asia and Pacific during the new decade for persons with disabilities in Asia and Pacific*. Paper presented at 33d conference of International Academy of Law and Mental Health (Amsterdam, The Netherlands, June 2013), abstract accessible at <https://www.ialmh.org/template.cgi?content=Amsterdam2013/main.html>.
- Perlin, M.L. (2011). *International Human Rights and Mental Disability Law: When the Silenced Are Heard*. London, UK; Oxford University Press.
- Perlin, M.L. (2012). Promoting social change in Asia and the Pacific: The need for a disability rights tribunal to give life to the Convention on the Rights of Persons with Disabilities. *George Washington University International Law Review*, 44, 1-37.
- Perlin, M.L. (2013a). "Wisdom is thrown into jail": Using therapeutic jurisprudence to remediate the criminalization of persons with mental illness. *Michigan State University Journal of Medicine and Law*, 343-371.
- Perlin, M.L. (2013b). "Yonder stands your orphan with his gun": The international human rights and therapeutic jurisprudence implications of juvenile punishment schemes. *Texas Tech Law Review*, 46, 301-338.
- Perlin, M.L. & Ikehara, Y. (2011). Creation of a Disability Rights Tribunal for Asia and the Pacific: Its impact on China? Paper accessible at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1744196](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1744196)
- Perlin, M.L., Cucolo, H.E. & Ikehara, Y. (2014). Online mental disability law education, a disability rights tribunal, and the creation of an Asian disability law database: Their impact on research, training and teaching of law, criminology criminal justice in Asia. *Asian Journal of Legal Education*, 1, 15-31.