



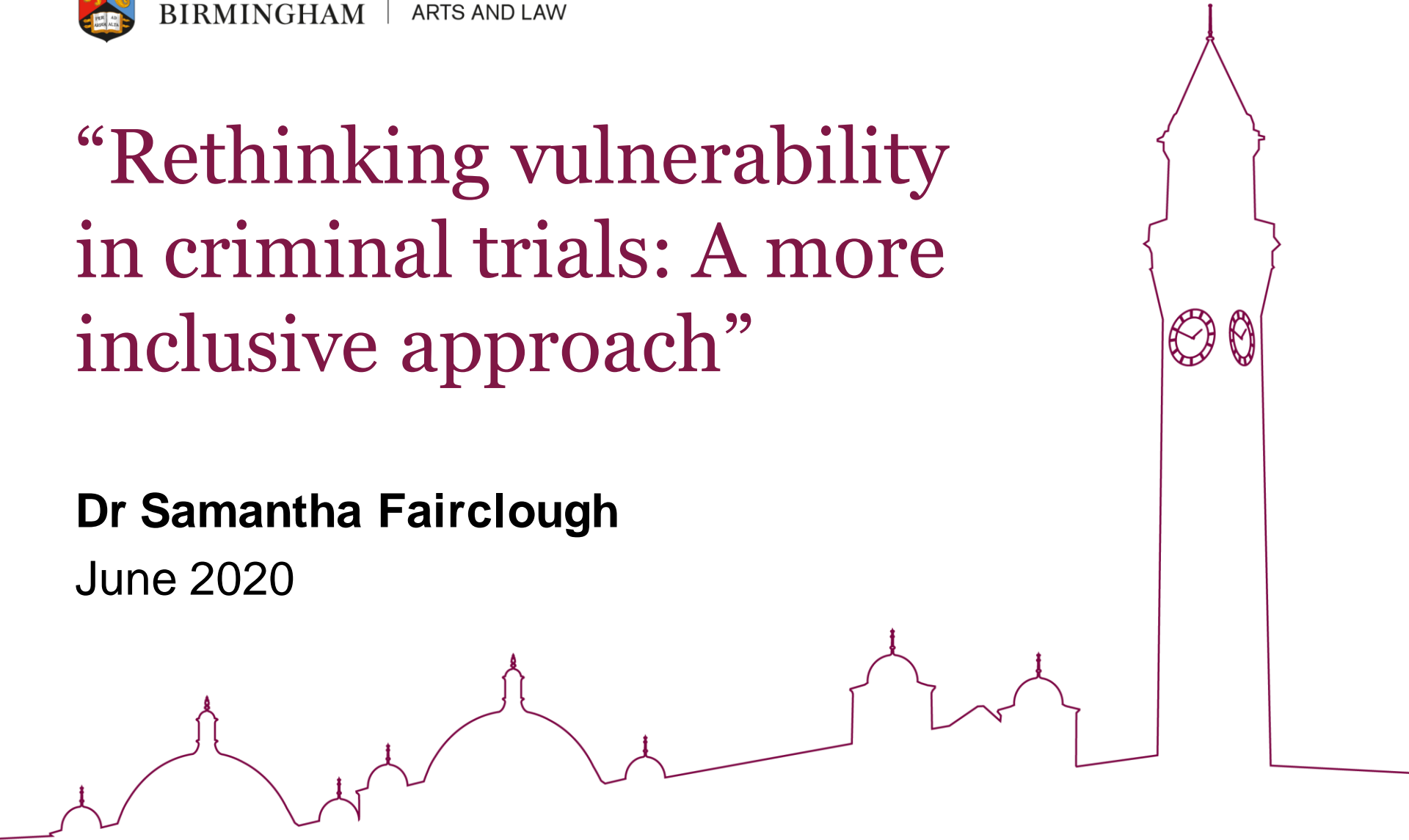
UNIVERSITY OF
BIRMINGHAM

COLLEGE OF
ARTS AND LAW

“Rethinking vulnerability in criminal trials: A more inclusive approach”

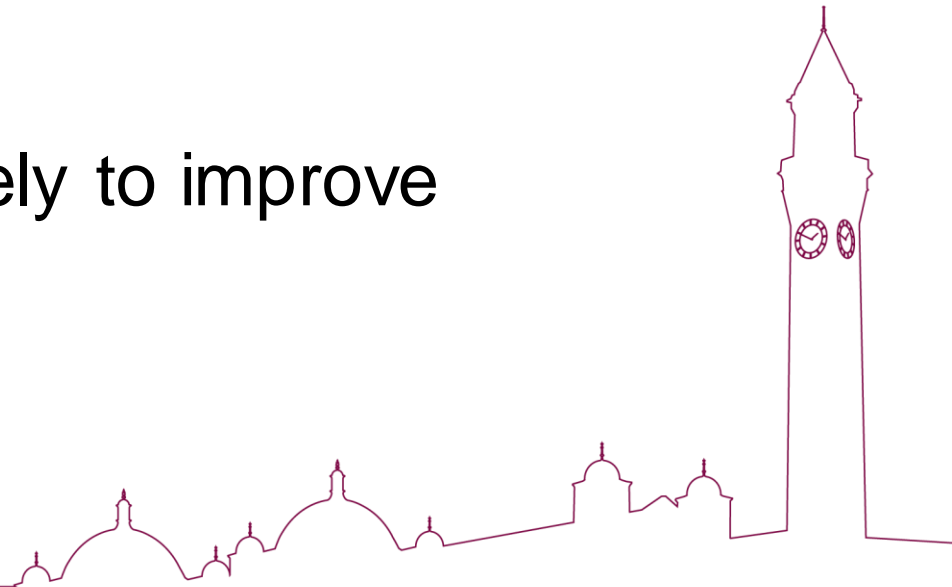
Dr Samantha Fairclough

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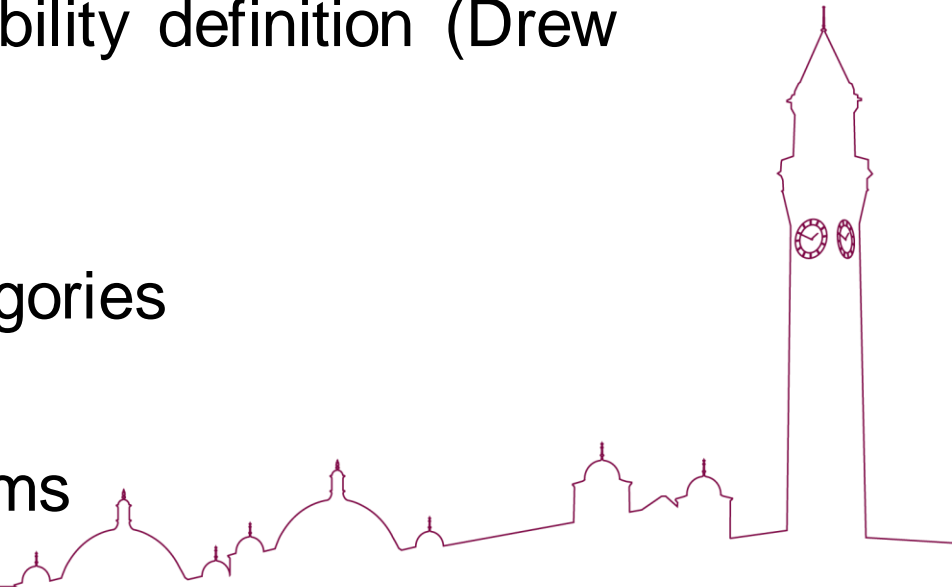
Vulnerability under YJCEA

1. Within a vulnerable category (s.16 + s.17)
2. Evidence quality **likely to be diminished** as a result of vulnerability
3. Special measure(s) likely to improve evidence quality



Problems with vulnerability under YJCEA

1. Instrumental
2. Negative connotations of the label 'vulnerable'
3. Inconsistencies in vulnerability definition (Drew and Gibbs 2019)
4. Over/under inclusive categories
 - Accused
 - Domestic violence victims



Enter vulnerability theory...

- Any lay participant in the criminal trial is vulnerable
- How do we build resilience?

Fineman (2007); Dehaghani (2020); Clark (2020).

