

International Conference on
ACCESS TO JUSTICE: Equal participation and fair trial rights in criminal cases for
persons with intellectual and psychosocial disabilities
17 June 2024.

Venue: Meeting Place, Calle Orense 34, 28020, Madrid

Time: 9:45 am – 2.00/ 4.00¹ pm Central European Time

Format: Hybrid; SP-EN-SP and Sign Language translation; Captioning and Recordings will be available

Register here: <https://www.plenainclusion.org/l/enable-registration2024/>

9.45 - 10.00 15 mins	<i>Arrival and registration</i>
10.00 - 10.20 20 mins	<p><i>Welcome and Introductions</i></p> <p>Speakers:</p> <ol style="list-style-type: none"> 1. Jordá Vives, expert by experience (in-person; speak in Sp; no PPT; 6 min) 2. Steven Allen, Validity Foundation (in-person; speak in Eng; no PPT; 7 min): 3. Enrique Galván, Plena inclusion (in-person; speak in Sp; no PPT; 7 min): <p>Jordá talking Points:</p> <ol style="list-style-type: none"> 1. Welcome everyone participating at the event. 2. Will share a few housekeeping rules: <ul style="list-style-type: none"> ○ The conference will be recorded. The video of the event will be posted on Plena Inclusion and Validity Foundation’s Youtube channel, webpages and social media profiles. If anyone is uncomfortable and would like not to be mentioned in the recording, do let us know. ○ The personal information you provided during registration was collected for project monitoring purposes and will be used only for reporting the project results to the donor. You can choose to have your data removed/anonymised from the sign sheets. Just let us know. ○ The link to this livestream can be found on Plena Inclusion and Validity Foundation’s webpages and social media accounts ○ For any question, including technical, please head to Natalia Pérez or to Axel Le Hô, this is relevant for both offline and online participants. 3. A few words about himself 4. Briefly present the speakers 5. The objectives of the event: <ul style="list-style-type: none"> ○ To discuss how procedural accommodations requirements should be recognised within criminal proceedings and what states must do to provide this accommodation. ○ To discuss the mechanisms for procedural accommodation that are already available in some countries in order to help other countries to adopt them as well ○ To encourage the cooperation of all stakeholders at the national level, especially persons and organisations of people with disabilities, in these exercises of adopting procedural accommodation mechanisms. <p>Jordá’s question to Steven:</p> <ul style="list-style-type: none"> ○ <i>"Why do you think it is important to talk about access to justice for people with disabilities?"</i> ○ <i>"How do you think the Enable project project is helping to advance these issues?"</i>

¹ at 2.00 pm, after the closure of the formal event, participants joining offline are invited to a 2h networking workshop

	<p>Jordá's question to Enrique:</p> <ul style="list-style-type: none"> ○ "Do you think that the situation of people with disabilities in justice has improved in recent years?" ○ "What do you think are the main factors that help this progress?" <p>After Enrique's speech, Jordá will invite the next panel members to the floor.</p>
<p>10.20 - 10.50</p> <p>30 mins</p>	<p><i>Voices in Justice: Stories of people with disabilities about their experiences interacting with the criminal justice system.</i></p> <p>Speakers:</p> <ol style="list-style-type: none"> 1. Gregorio Saravia (the moderator), the Spanish Committee of Representatives of Persons with Disabilities (in-person; speak in Sp; no PPT; 5 min) 2. Eduardo Suarez, expert by experience; trainer in access to justice (ex-defendant) (in-person; speak in Sp; no PPT; 10 min): 3. Tanya Petkova, expert by experience and ex-victim (in-person, speak in Eng; assisted/ and translated by Aneta Mircheva, no PPT; 10 min) 4. Aneta Mircheva, mentor to Tanya (in-person; speak in Eng; no PPT; 5 min) <p>Gregorio's talking Points:</p> <ol style="list-style-type: none"> 1. Few words about himself 2. About the importance of involving persons with disabilities in the adoption and evaluation of legislation, and particularly in criminal procedure law 3. Briefly present the speakers <p>Gregorio's question to:</p> <ul style="list-style-type: none"> • Eduardo: <ul style="list-style-type: none"> ○ Q1: Eduardo, why are you here today? ○ Q2: Eduardo, would you like to tell us about the events that led to your imprisonment? ○ Q3: When you were arrested, did you know what was going on? ○ Q4: Can you tell us about your time in court, i.e. tell us a bit about your experience in court? ○ Q5: What barriers did you encounter in the trials? ○ Q6: Eduardo, can you tell us about your life in prison? ○ Q7: Once you were in the Plena Inclusión programme, what happened? ○ Q8: What do you do now in Plena Inclusión? ○ Q9: How important do you think it is to include people with disabilities in the development of support services in the criminal justice system? Why? ○ Q10: Is there anything else you want to say? <p>Gregorio's question to:</p> <ul style="list-style-type: none"> • Tanya: <ul style="list-style-type: none"> ○ What would you like to share with us today? <p>Gregorio's question to:</p> <ul style="list-style-type: none"> • Aneta: <ul style="list-style-type: none"> ○ Could you tell us about the type of barriers Tanya encountered in reporting the crime and access fair justice services? What support you think she required to participate fully in proceedings? <p>If there is time, Gregorio will ask Eduardo and Tanya if they would like to take questions and offer the floor for 2 Qs.</p> <p>Once it's about to reach 10.50, Gregorio will wrap-up and invite to the floor the Keynote Speaker, Wilson Macharia</p>

<p>10.50–11.10</p> <p>20 mins</p>	<p>Keynote: Access to justice for people with disabilities</p> <p>Speaker: Wilson Macharia, Disability Rights Expert (and person with disabilities), International Commission of Jurists (on Zoom; speak in Eng; PPT; 20 min)</p> <p>Talking Points (tentative):</p> <ul style="list-style-type: none"> • equal access to justice services and fair trials – an issue confronted by people with disabilities worldwide: <ul style="list-style-type: none"> ○ barriers experienced by people with disabilities, as service beneficiaries, but as well as (aspiring) professionals in the field (maybe briefly share some experiences he personally have encountered) ○ differences and similarities of these barriers in various jurisdictions (from service beneficiaries’ perspective) • equal access to criminal justice services and fair trial rights – a task with even higher stakes: <ul style="list-style-type: none"> ○ the higher rate of abuse among person with disabilities, including women and children, in institutions and outside ○ need for effective restorative justice systems, responsive to the specific requirements, that would send strong signals to society about due protection ○ lifechanging effects of criminal procedures on persons – therefore the need for fair trials • persons with intellectual and psychosocial disabilities participating in criminal proceedings: <ul style="list-style-type: none"> ○ common barriers experienced by victims, witnesses and suspects/ defendants ○ the additional negative effects and barriers experiences by suspects and defendants with disabilities (double stigma; lack of those even minimal accommodations that victims might have in some jurisdictions; placement under security measure, often, for an indefinite period of time, without a due trial, in inhuman and degrading treatment) ○ maybe some cases he personally knows about • efforts to make the justice services more inclusive: <ul style="list-style-type: none"> ○ importance of collaboration of criminal justice professionals, national decision-makers, persons with disabilities academics and DPOs, academics, CSOs, IGOs and donor organisations in developing new and scaling up existing solutions. ○ the potential and importance of project like ENABLE (and eventually others that you would like to mention) to contribute to the cause
<p>11.10 - 11.55</p> <p>45 mins</p>	<p>Identification and provision of accommodation needs in criminal proceedings</p> <p>Speakers:</p> <ol style="list-style-type: none"> 1. Gabrielė Marija Baltrušytė (moderator) Mental Health Perspectives (in-person; speak in Eng; no PPT; 7 min) 2. Professor Gautam Gulati, University of Limerick School of Law and School of Medicine (in-person; speak in Eng; PPT; 10 min) 3. Anna Arganashvili, Validity Foundation (in-person; speak in Eng; PPT; 10 min) 4. Sonia Bermejo, Plena inclusion (in-person; speak in Sp; no PPT; 10 min) <p>Gabrielė’s talking Points:</p> <ol style="list-style-type: none"> 1. A few words about herself and the speakers 2. Brief introduction regarding the purpose of the panel 3. Findings from the ENABLE project research on how accommodation requirements are identified in Consortium countries during criminal proceedings <p>Gabrielė’s question to:</p> <ul style="list-style-type: none"> • Gautam:

	<ul style="list-style-type: none"> ○ <i>Based on your research, could you tell us about the experiences of people with intellectual and psychosocial disabilities who have faced the criminal justice system as defendants in terms of accommodation requirements?</i> ○ <i>How should the requirements for procedural accommodations be recognized in light of the CRPD?</i> ○ <i>How do procedural accommodations foster the equal participation of people with intellectual and psychosocial disabilities in judicial proceedings?</i> <p>Gabrielè's question to:</p> <ul style="list-style-type: none"> ● Anna: <ul style="list-style-type: none"> ○ <i>At what point in a criminal proceeding are state representatives required to identify the need and provide procedural accommodations, according to the IHRL standards?</i> ○ <i>As an organisation representing numerous people with intellectual and psychosocial disabilities in national and international courts, what conclusions can Validity draw about how states are carrying out these responsibilities?</i> <p>Gabrielè's question to:</p> <ul style="list-style-type: none"> ● Sonia: <ul style="list-style-type: none"> ○ <i>From the research carried out within the ENABLE project, we've learned that Spain is quite ahead of other European countries when it comes to identification of participation barriers and provision of procedural accommodations. Could you tell us about the mechanisms available in Spain for recognizing these barriers? (legislation/regulations, responsible institutions and available services)</i> ○ <i>What tools are used to identify the needs and barriers of specific groups requiring additional support in judicial proceedings (women, elderly, migrants/refugees, persons in institutions)?</i> <p>Gabrielè will open the floor for a quick Q&A.</p> <p>Once it's about to reach 11.55, Gabrielè will wrap-up and announce the break.</p>
11.55-12.15 20 mins	Coffee break
12.15-13.00 45 mins	<p>Promising practices in providing procedural accommodations in criminal proceedings</p> <p>Speakers:</p> <ol style="list-style-type: none"> 1. Ion Schidu (moderator), Validity Foundation (in-person; speak in Eng; no PPT; 7 min) 2. Nicolás García Vázquez, expert by experience (currently serving a sentence in the Madrid VII Penitentiary Centre) (in-person; speak in Sp; no PPT; 10 min) 3. Sara Lendinez, Plena Inclusion (in-person; speak in Sp; no PPT; 8 min) 4. Roxana Comsa, International judge in Kosovo Jurists (on Zoom, speak in Eng; no PPT; 8 min) 5. Karolína Babicka, International Commission of Jurists (on Zoom, speak in Eng; no PPT; 8 min) <p>Ion's talking Points:</p> <ol style="list-style-type: none"> 1. A few words about himself and the speakers 2. Brief introduction regarding the purpose of the panel 3. Findings from the ENABLE project research on the situation in the Consortium countries in terms of accessibility and procedural accommodations. <p>Ion's question to:</p> <ul style="list-style-type: none"> ● Nicolás: <ul style="list-style-type: none"> ○ <i>What has been your personal experience with the judicial criminal system?</i>

- *Do you feel that you could communicate effectively with the police, the prosecutors and the judge during the whole process?*
- *Do you think that your specific requirements were taken into consideration effectively during the proceedings?*
- *What worked well and when and what didn't?*
- *Would you say that you had a fair trial or not? Why?*

Ion's question to:

- Sara:
 - *For how long does she know Nicolás? How did you meet?*
 - *How and when have been identified his needs for accommodation?*
 - *What accommodations have been provided to Nicolás and how effective where they to enable him to participate in proceedings?*
 - *What other experiences of providing accommodations you have?*
 - *How long have these mechanisms and services been in place in Spain? Was their adoption a complicated process?*
 - *What are the views of criminal justice professionals, national decision-makers, and people with disabilities on these mechanisms?*

Ion's question to:

- Roxana:
 - *In your practical experience, do procedural accommodations matter, and why?*
 - *If they are important, why are advancements in this field taking so long to occur?*
 - *What do you think state representatives should do to help these reforms move forward?*

Ion's question to:

- Karolína:
 - *Do you think that procedural accommodations are important and why the progress in this field takes so long?*
 - *Given the delays in reforms, do you believe that criminal justice professionals can rely directly on IHRL when providing procedural accommodations?*
 - *If so, what mechanisms and practical tools are or should be in place to allow them to do so?*

Ion will open the floor for a quick Q&A session.

Once it's about to reach 13.00, Ion will wrap-up and invite to the floor the next Panel speakers

Ways forward to achieve equal access to justice for persons with intellectual and psychosocial disabilities accused of a crime

Speakers:

1. Georgiana Pascu (moderator), Centre for Legal Resources (in-person; speak in Eng; no PPT; 10 min)
2. Patricia Cuenca, Carlos III University of Spain (in-person; speak in Sp; no PPT; 10 min)
3. Diana Sheinbaum, Documenta, Mexico (on Zoom; speak in Sp; no PPT; 10 min)
4. Bob Fleischner, Disability Rights Lawyer (Ret.) (on Zoom; speak in Eng; PPT; 10 min)

13.00-13.45

45 mins

Georgiana's talking Points:

1. A few words about herself and the speakers
2. Brief introduction regarding the purpose of the panel
3. The findings of the NBPs on the situation in the Consortium countries in terms of application of the insanity defence.

	<p>Georgiana’s questions to:</p> <ul style="list-style-type: none"> • Robert <ul style="list-style-type: none"> ○ <i>Why insanity defence is contrary to the CRPD?</i> ○ <i>Have you come across any cases in your practice that have consolidated this position?</i> ○ <i>Why do you think states are hesitant to abolish it?</i> <p>Georgiana’s questions to:</p> <ul style="list-style-type: none"> • Patricia <ul style="list-style-type: none"> ○ <i>Some countries, like Sweden and Spain, have a different take when it comes to prosecuting people with intellectual and psychosocial disabilities suspected/accused of a crime. How does this differ to the one discussed above – declaring a person incompetent to stand trial and thus denying the right to access to justice?</i> ○ <i>What are the elements that are in line with the CRPD and can be replicated in other countries?</i> ○ <i>What do you think is problematic from the CRPD perspective?</i> <p>Georgiana’s questions to:</p> <ul style="list-style-type: none"> • Diana <ul style="list-style-type: none"> ○ <i>Why do you think states are hesitant to abolish the insanity defence?</i> ○ <i>What is the way forward for the reform?</i> ○ <i>How can society, through its various components, encourage state representatives to move forward on this issue?</i>
<p>13.45-14.00 15 mins</p>	<p>Q&A and Closing session Moderated by:</p> <ul style="list-style-type: none"> • Jordá Vives, expert by experience
<p>14.00 - 16.00 2 hours</p>	<p>LUNCH: Networking workshops, available for participants attending in-person. (Buffet style)</p> <p>The main topics of the networking workshop</p> <ol style="list-style-type: none"> (1) scaling existing progress on procedural accommodations, (2) fostering inter-sectoral and multi-disciplinary collaboration, and (3) “way forward for the abolition of the insanity defence”,