

International conference

**Overcoming the Obstacles to Access of Detained Persons
to Rights and to Court: European Perspectives**

6 - 7 December 2018

European Court of Human Rights
Allée des droits de l'homme
Strasbourg

*Please register your participation by email before 25 November 2018 at
ECHRPrisonConference2018@gmail.com*

The conference will be held in English

European Prison Litigation Network

Centre National de la Recherche Scientifique

SAGE, Université de Strasbourg

CESDIP, Université de Saint Quentin en Yvelines/Ministère de la Justice

University of Utrecht, Montaigne Center for Judicial Administration and Conflict
Resolution

Helsinki Foundation for Human Rights, Poland

Dortmund University of Applied Sciences and Arts

University of Florence, L'Altro diritto - Inter-university Centre

Bulgarian Helsinki Committee

Ghent University, Institute for International Research on Criminal Policy

General Council of Spanish Bars

Pontifical University of Comillas

Institute of Juridical and Philosophical Sciences of the Sorbonne, University Paris

1 Panthéon-Sorbonne

Droit et Changement Social, University of Nantes

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Convenors: Gaëtan Cliquennois (DCS), Nicolas Fischer (CESDIP), Hugues de Suremain (EPLN)



BULGARIAN
HELSINKI
COMMITTEE



Utrecht University



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME



THURSDAY 6 DECEMBER 2018

9:00 – 10:15 : **Introduction**

Welcome

Emilio Santoro, Professor at the University of Florence, member of the Scientific Council of the European Prison Litigation Network (EPLN)

Marc Nève, Lawyer at the Liège Bar, President of EPLN, former vice-president of the CPT

Opening statement on the access of detained persons to rights and to court

Guido Raimondi, President of the European Court of Human Rights

Presentation of the research on mechanisms of legal aid and facilitation of access to rights and to court in European prisons

Nicolas Fischer, Researcher at CNRS/CESDIP

10.15 Pause

SESSION 1 – CRITICAL ISSUES RELATING TO THE ACCESS OF DETAINED PERSONS TO RIGHTS AND TO JUSTICE

10.30 Chair: Gaëtan Cliquennois, Researcher at CNRS/DCS

Access of detained persons to the judge: objectives pursued by the European Court of Human Rights

Paulo Pinto de Albuquerque, Vice-President of the Fourth Section of the European Court of Human Rights

The Convention's mechanism in the face of the challenge of prison mass litigation

Kanstantin Dzehtsiarou, Senior Lecturer at the University of Liverpool

Political stakes of an effective access of detained persons to the judge, in the light of the US experience

Joshua Guetzkow, Assistant Professor at the Hebrew University of Jerusalem

12:10 - Discussion

12:40 - Lunch

SESSION 2 – IMPLEMENTATION OF PILOT / QUASI PILOT JUDGMENTS: HOW MUCH ARE DIFFICULTIES OF ACCESS TO THE JUDGE TAKEN INTO ACCOUNT?

Chair: Hasan Bakırcı, Deputy Section Registrar at the European Court of Human Rights

14:00 – 15:30

The impact of Europe on Belgian prisoners' rights: changes in legislation, but not in practice?

Vincent Eechaudt, Researcher at the Institute for International Research on Criminal Policy, Ghent University

Torregianni : the processing of complaints from prisoners in Italy

Sofia Ciuffoletti, Researcher at the University of Florence, President of L'Altro diritto, Member of the board of EPLN

Access to justice for prisoners and detainees: summary of the reform efforts and outstanding problems in Bulgaria

Krassimir Kanev, co-founder and chair of the Bulgarian Helsinki Committee, Vice-President of EPLN

15.20 – Discussion

15.40 Break

SESSION 3 – LEGAL AID AS A CRUCIAL GUARANTY OF PRISONERS' FUNDAMENTAL RIGHTS

Chair : Anne Simon, Lecturer at the University of Paris I Sorbonne

16:00 – 18:00

The isolation of detained persons as a factor of vulnerability: the impact of non-compliance with EU directives in criminal matters on fundamental rights in prison, the Polish case

Daniel Witko, Lawyer at the Helsinki Foundation for Human Rights, Poland

Germany : Access to the judge, but maybe still not to justice ?

Christine Graebisch, Professor at the Dortmund University of Applied Sciences and Arts

The problem of access to a lawyer as an obstacle to prison reform in Ukraine

Vassyl Melnychuk, Lawyer at the Kiev Bar and at the Kharkiv Human Rights Protection Group

17.20 – Discussion

FRIDAY 7 DECEMBER 2018

SESSION 4 - THE IMPACTS OF AUSTERITY POLICIES ON THE PROTECTION OF RIGHTS IN PRISONS

Chair: Elisabeth Lambert, CNRS Professor at SAGE, University of Strasbourg

9:00 – 10:50

Impacts of austerity policies on access to rights in Europe for the most vulnerable litigants

Leonidas Cheliotis, Assistant Professor at the London School of Economics.

Austerity measures in the Netherlands and its effects on penal litigation

Pauline Jacobs, Assistant Professor at Utrecht University

The judicial fight against the budget cuts in legal aid to prisoners in the UK, a practitioners' point of view

Simon Creighton, Solicitor at Bhatt Murphy Solicitors, Vice-President of EPLN

10:20 - Discussion

10:50 Pause

SESSION 5 – OVERCOMING ISOLATION, CROSSING WALLS: ROLE AND STRATEGIES OF PLAYERS

Chair: Julen Fernandez Conte, Director of the Delegation of the General Council of Spanish Bars at the European Union, Member of the board of EPLN

11:00 – 12:40

NGOs and lawyers as key players in prison litigation in France

Carolina Sanchez Boe, Researcher at Aarhus University, CERLIS and CESDIP

An ordinal engagement: the organisation of the Spanish Bars for the rights of prisoners

Esther Pascual Rodriguez, Lawyer at the Madrid Bar, Lecturer at the Pontifical University of Comillas, Member of the board of EPLN

Clara Rey Sánchez, Researcher at the Pontifical University of Comillas

Overcoming the closing movement of prison system in Russia

Roman Kachanov, Lawyer at the Iekaterinburg Bar, President of the Interregional Center of human rights, Russia

12.20 Discussion

12:40 - Lunch

SESSION 6 – ACCESS TO RIGHTS AND TO THE JUDGE IN PRISON: NEW CHALLENGES

Chair : Damien Scalia, Professor at the Université Libre de Bruxelles

14:00 – 15:40

The impact of counter-terrorism measures on the defence of the fundamental rights of detainees: the Dutch case

Doutje Lettinga, Senior officer at Amnesty International Dutch Section

Jonathan Horowitz, Senior legal officer at Open Society Justice Initiative

Defending fundamental Rights in the context of the treatment of radicalization in prison

Gilles Chantraine, researcher at CNRS / CLERSE, University of Lille

Consequences of the involvement of health workers in the process of assessing the dangerousness of prisoners

Dr Cyrille Canetti, psychiatrist at the Paris remand prison

15:20 Discussion

15:40 Break

SESSION 7 - ACCESS TO RIGHTS AND TO THE JUDGE IN PRISON: WHICH EUROPEAN PERSPECTIVES?

Chair: Margarete Graefin von Galen, Vice-President of the Council of Bars and Law Societies of Europe (CCBE)

16:00 – 18:00

The CPT's view on remedies and their inclusion in the revision of European prison rules.

Anton Van Kalmthout, Professor at Tilburg University, former Dutch member of the CPT

Stakes of the access of detained persons to rights and to court in the perspective of the principle of subsidiarity

Robert Spano, President of the Second Section of the European Court of Human Rights

Storming the Bastille. Detention conditions, the right to liberty and the case for approximation in EU law

Leandro Mancano, Lecturer at the University of Edinburgh

European Union perspective

Vera Jourova, European Commissioner for Justice, Consumers and Gender Equality (subject to confirmation)

17:30 – Discussion

18.00 - Farewell