

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. Simultaneous translation will be
available in French-English for Session 6 and in Russian-English
for Sessions 3 and 5*

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 Centre for Rule of Law and Administration of Justice
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

This conference takes place in the frame of the research project EUPRETRIALRIGHTS funded by the European Union's Justice Programme (2014-2020).



The conference is also supported by :

GIP Mission de Recherche Droit et Justice, CESDIP, Laboratoire Société, Acteurs et Gouvernement en Europe/Université de Strasbourg, Droit et Changement Social/Université de Nantes, Région Pays de la Loire and the programme Alliance Europa, Institute of Juridical and Philosophical Sciences of the Sorbonne, Université Paris 1 Panthéon-Sorbonne, the EU-Russia Civil Society Forum (with support of the German Foreign Federal Office and the European Union), the Foundation Bevordering van Strafrechtelijk Onderzoek Utrecht, Ordre des Avocats Strasbourg. The conference was granted the Scientific Label of the Université Franco-Italienne

Convenors :

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



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THURSDAY 6 DECEMBER 2018

INTRODUCTION

9:00 – 10:15

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 Break

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

Chair: Gaëtan Cliquennois, Researcher at CNRS/DCS

10:30 – 12:40

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

The impact of prison reform litigation: lessons from the U.S

Joshua Guetzkow, Assistant Professor at the Hebrew University of Jerusalem

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 – 15:40

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

Vincent Eechautd, 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

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 1 - 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

Discussion

FRIDAY 7 DECEMBER 2018

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

Chair: Elisabeth Lambert, Professor at SAGE/CNRS, 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 their effects on penal litigation

Pauline Jacobs, Assistant Professor at Utrecht University

The judicial fight against 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

Discussion

10:50 - Break

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, Danish Research Foundation Fellow

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 Yekaterinburg Bar, President of the Interregional Center of Human Rights, Russia

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 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 treatment of radicalization in prison

Gilles Chantraine, Researcher at CNRS / CLERSE, University of Lille
David Scheer, PHD researcher at Université libre de Bruxelles

Consequences of the involvement of health workers in the prison decision-making processes

Dr Cyrille Canetti, Psychiatrist in Paris remand prison

Discussion

15:40 - Break

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

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

16:00 – 18:00

The CPT's views 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

Effective remedies for prisoners under the European Prison Rules

Kresimir Kamber, Lawyer at the Registry of the European Court of Human Rights

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

Discussion