



OPSIDIANET

OFFENDERS WITH PSYCHO-SOCIAL AND INTELLECTUAL DISABILITIES
IDENTIFICATION, ASSESSMENT OF NEEDS AND EQUAL TREATMENT

NEWSLETTER

DECEMBER 2020



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OPSIDIANET

**Offenders with Psycho-Social and Intellectual Disabilities
Assessing the Needs and Ensuring Equal Treatment**



December 2020

Safeguarding the Rights of Vulnerable Offenders



In many EU Member States, the vulnerable situation of persons with psycho-social and intellectual disabilities is not properly assessed and taken into account when such persons are suspected or accused of committing a crime. This is often due to the lack of knowledge on the part of law enforcement and judicial authorities as to how to identify the vulnerabilities of such persons, what are the most appropriate ways to communicate with them and how to provide them with adequate opportunities to exercise their rights.

The failure to identify, at the very beginning of the proceedings, the specific vulnerabilities of persons with psycho-social and intellectual disabilities, and to communicate to them, in an understandable way, the information about the safeguards they can benefit from, might seriously harm their rights.

OPSIDIANET Project

Against this background, a consortium of research institutes experienced in the field of prison reform and inmates' rights from four Member States (Center for the Study of Democracy – Bulgaria; The Center for European Constitutional Law - Greece; Comunità Papa Giovanni XXIII - Italy; and Droit au Droit (DAD) – Belgium) have carried this project over the last two years, with the aim to contribute to the effective and coherent application of EU criminal law in the area of the rights of suspects and accused with psycho-social or intellectual disabilities.

Specific objectives of the project consist in:

- identifying gaps in national legislations and practices that prevent suspects and accused with psycho-social or intellectual disabilities to effectively benefit from the full scope of their rights.
- developing tools to enable judicial and law enforcement authorities properly identify and safeguard the rights such persons.
- delivering a series of trainings to facilitate and promote the use of these tools in criminal proceedings.

Check the **OPSIDIANET's website** (<https://www.opsidianet.eu/>) and its [Facebook page](#) to find all the information about the project in one place, stay updated on new developments, download publications in several languages or get in contact with the project team.

International e-Conference on the rights of people with psychosocial and intellectual disabilities in criminal proceedings



10:00-10:10	Welcome and opening, Dr Maria Yordanova
10:10-10:30	OPSIDIANET project: concept, goals, outcomes, Dimitar Markov
10:30-10:50	Vulnerable offenders: the rights of suspects and accused with psycho-social and intellectual disabilities, Delyana Doseva
10:50-11:10	Access to justice and the rights of offenders with psycho-social and intellectual disabilities: a critical approach from the perspective of the UN Convention on the Rights of People with Disabilities, Dr Maria Mousmouti
11:10-11:30	Enhancing procedural safeguards for suspects with intellectual and psychosocial disabilities, Nora Katona
11:30-12:00	Q&A
12:00-14:00	Lunch break
14:00-14:20	Persons with mental health or learning disabilities and the criminal court, Jenny Talbot
14:20-14:40	<i>Ex iure ad iustitiam</i> : Principles for fair court proceedings for people with disabilities, Kalina Ivanova
14:40-15:00	Identification of and communication with suspects and accused persons with intellectual or psychosocial disabilities: OPSIDIANET handbook, Dimitar Markov
15:00-15:20	Online training course OPSIDIAtrain, Maria Dolchinova
15:20-15:40	Rights of mentally ill suspects and accused in Belgium: beyond the dangerousness' treatment scheme, Nicola Giovannini
15:40-16:00	The role of public social services in helping sentenced persons with psychosocial or intellectual disability, Dr Susanna Ficco Regina
16:00-16:30	Q&A
16:30-17:00	Closing remarks, Dimitar Markov

 This conference was funded by the European Union's Justice Programme (2014-2020).

Speakers



On **15 December 2020**, The Center for the Study of Democracy (CSD) hosted an international e-conference on the rights of people with psychosocial and intellectual disabilities in criminal proceedings. The event brought together EU-wide experts and practitioners in the area, who gave presentations on various aspects of the situation of suspects and accused with such impairments, presented some innovative tools aimed at helping first line practitioners to better communicate with such persons, and had a discussion on various relevant issues raised by the attendees.

The conference was opened by Dr Maria Yordanova, Senior Fellow of Law Program at the Center for the Study of Democracy, who welcomed the speakers and all attendees to the conference. Dimitar Markov, Director of Law Program, continued with presenting the concept, main goals and outcomes of the international initiative called OPSIDIANET (Offenders with Psycho-Social and Intellectual Disabilities: Identification, Assessment of Needs and Equal Treatment).

A number of experts from several European countries presented the international legal framework of the rights of people with psychosocial and intellectual disabilities, examples from national criminal justice systems, good practices and valuable findings from previous studies in the area.

- **Watch the video recording** of the e-conference on the [Opsidianet Facebook Page](#)
- **For more information** [click here](#)

Welcome to the OPSIDIAtrain self-educational platform!



This free online course will help criminal justice practitioners to identify and more successfully communicate with suspects or accused people with intellectual or psychosocial disabilities. Such an identification at earliest stage possible will allow for authorities and lawyers to make informed decisions within the criminal proceedings and to safeguard successfully the rights of such offenders. The modules within this training programme offer overview of six of the most common intellectual and psychosocial conditions that put the affected people in a vulnerable position in the criminal proceedings. It also allows for checking the obtained knowledge by passing a quiz at the end of every section. At the end, learners have the opportunity to practically apply what they have learned in game-type investigation of cases.

After logging in, you can choose to take the course in English, Bulgarian, Greek, French or Italian language.

Target group: First-line police officers, Investigative police officers, Prosecutors, Lawyers, Judges. Everybody else who is willing to learn more about intellectual and psychosocial disabilities.

Topics: Intellectual disabilities; Learning disabilities; Autism; Bipolar disorder; Anxiety disorders; Schizophrenia

Certificate: All learners who successfully pass the course are eligible for Certificate of Achievement which will automatically be generated at the end of the course.

For more information, please visit <https://opsidianet.eu/opsidiatrain/>

News

Ministers working on mental health task force for prisons

By Brian Mahon, The Times, 16 December 2020

Work to set up a task force to examine the challenges of dealing with mental health among prisoners is “at an advanced stage”, the justice minister has said. Last month the European committee for the prevention of torture published its latest set of findings about the state of Irish prisons. It noted that inmates with mental health issues regularly had to sleep on mattresses on the floor in an Irish prison because of overcrowding.

[Read more](#)

Newton court program for mentally ill crime suspects named 'model' for others

By Tom Spigolon, Convington News, 11 December 2020

A Newton County court program designed for crime suspects whose mental illness contributed to their alleged actions has been named one of eight “model courts” in Georgia. The Georgia Council of Accountability Court Judges (CACJ) has recognized the Newton County Resource (Mental Health) Court for the honor which carries with it a commitment to provide assistance to similar court programs in the state. Model courts are programs reviewed and selected by the CACJ's Nominations Committee to provide assistance to other court programs across the state, according to the council's website.

[Read more](#)

Call for trained judicial officials to protect rights of UTPs with mental health issues

M. Waqar Bhatti, The News, 5 December 2020

There is an urgent need to have specialised forensic psychiatrists in every district of Pakistan to assist the judicial system and officials in dealing with mentally ill people, who are often mistreated, penalised and even killed even before facing trials for committing cognizable offences without having any intention, national and international experts said on Friday.

[Read more](#)

How mental illness is being criminalised

Dennis Relajo-Howell, Free Malaysia Today, 5 December 2020

Those suffering from mental illness are generally over-represented in the US criminal justice system. This has been characterised as the “criminalisation of the mentally ill”, which means a legal response rather than a medical one is used to deal with behaviours related to mental illness. It is generally accepted that the mentally ill do not belong in prison, but complex structural factors have contributed to the “warehousing” of the mentally ill in prisons.

[Read more](#)

New guidelines aim to dismantle barriers blocking people with disabilities from access to justice

UN News, 28 August 2020

The International Principles and Guidelines on Access to Justice for Persons with Disabilities are the product of joint work by the three UN bodies that deal with disability rights. They were developed in collaboration with disability rights experts, organizations of people with disabilities, States, academics, and others..

[Read more](#)

Dangerous mix: Law enforcement and mentally ill suspects

Sigrid Batten, Capitol News, 21 July 2020

Calls to ‘defund’ police gain traction, as protesters — and public officials — contend that money would be better spent if clinicians and social workers responded to mental-health 911 calls. Police say many such programs already exist, and that they need more staff and funding.

[Read more](#)

Editor-in-Chief: [Nicola Giovannini](#)

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