

ENABLE project summary

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People with intellectual and psychosocial, who are suspects or defendants in criminal proceedings, face multiple barriers to participation in the criminal justice process. These barriers are usually linked to the inaccessible physical environment, lack of information in accessible formats and appropriate communication technologies, but also to the absence of qualified legal aid and representation. While the national legislation – general and procedural – may not transpose effectively the existing United Nations and European Union standards on equal access to justice services and procedural accommodations, the problem is further exacerbated by the lack of awareness, knowledge, and skills in the criminal justice system. As a result, cases involving persons with disabilities are often traumatic for them due to the impossibility of adequately exercising their defense rights, but also to power imbalances these limitations create.

Project description

The project “Enabling inclusion and access to justice for defendants with intellectual and psychosocial disabilities” (ENABLE) seeks to promote access to justice and fairer criminal proceedings for suspects and defendants with intellectual and psychosocial disabilities in 8 EU countries.

Drawing from recommendations from persons with disabilities, the literature, and criminal justice professionals, the project has set the following **objectives**:

- Improve knowledge on participation barriers, and how to overcome them, experienced by defendants with intellectual and psychosocial disabilities in the criminal justice system, and particularly by women with disabilities and those who are deprived of their liberty;
- Improve capacity of criminal justice professionals (lawyers, police, prosecutors and/or judges) to ensure the provision of reasonable and procedural accommodations in the criminal justice system in accordance with EU and international human rights law
- Strengthen cooperation and exchange between civil society and criminal justice professionals to optimise access to legal services for defendants with intellectual and psychosocial disabilities.

This will be achieved through the combined implementation of the following **activities**:

- Research to understand experiences and participation barriers facing defendants with intellectual and psychosocial disabilities in the criminal justice system. This includes collecting recommendations from both defendants with intellectual and psychosocial disabilities, as well as criminal justice professionals;
- Development of an adaptable and practice-oriented equal treatment bench book(s) for criminal justice professionals on how to ensure participation, inclusion, and fair treatment of defendants with intellectual and psychosocial disabilities; as well as,
- Development of a cross-disciplinary protocol and proposals to improve access to legal services for defendants with intellectual and psychosocial disabilities by linking existing services. It will serve to develop a coordinated approach and a practical response protocol to enhance access to legal services (such as legal aid, access to a lawyer, restorative services);

The project builds on the expertise and experience of the Validity Foundation and the Consortium partners, with whom have previously created practical tools for people with disabilities-victims of crime, to facilitate their participation in criminal justice processes in the Voices for Justice project, have investigated access to justice for children with mental disabilities, exposed abuses against children with disabilities in institutions in the CHARM project, and developed tools to enhance the skills of legal professionals to represent children with mental disabilities in a project entitled ‘Innovating European Lawyers to Advance the Rights of Children with Disabilities’.

Consortium Partners

Each participating country is represented in the consortium by an experienced NGO involved in the implementation of the project, as follows:

- Validity Foundation - project coordinator (Hungary),

- Centrul de Resurse Juridice (Romania),
- Fenacerci - Federação Nacional de Cooperativas de Solidariedade Social (Portugal),
- Fórum pro lidská práva (Czechia),
- International Commission of Jurists - European Institutions,
- KERA Foundation (Bulgaria),
- PIC - Pravni center za varstvo človekovih pravic in okolja (Slovenia),
- Confederación Plena Inclusión España (Spain), and
- Psichikos sveikatos perspektyvos (Lithuania).

Legal background

The project's objectives and activities are grounded in the international and EU standards on access to justice for persons with disabilities. More information about the framework can be accessed here:

- [United Nations' Convention on the Rights of Persons with Disabilities](#) (articles 4,5,9,12,13)
- [International Principles and Guidelines on Access to Justice for Persons with Disabilities](#),
- [Charter of Fundamental Rights of the European Union](#) (articles 47-49),
- [Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings](#)
- [Directive \(EU\) 2016/1919 on legal aid for suspects and accused persons in criminal proceedings](#)
- [Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings](#)
- [Directive 2012/13/EU on the right to information in criminal proceedings](#)
- [Directive \(EU\) 2016/343 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings](#)
- [Directive 2019/882 on the accessibility requirements for products and services](#)
- [European Union Strategy for the Rights of Persons with Disabilities 2021-2030](#)



Full name of the project

Enabling inclusion and access to justice for defendants with intellectual and psychosocial disabilities (101056701 - ENABLE - JUST-2021-JACC).



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