

**OVERCOMING  
THE OBSTACLES  
TO ACCESS  
OF DETAINED  
PERSONS TO  
RIGHTS  
AND TO  
COURT:  
EUROPEAN  
PERSPECTIVES**

International  
conference



6–7 December  
2018

European Court  
of Human Rights

Allée des droits  
de l'homme

Strasbourg

European Prison Litigation Network  
Centre National de la Recherche Scientifique  
Laboratoire 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

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*Convenors :*

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

*Photography :* Grégoire Korganow



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# THURSDAY / 6 DECEMBER

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## Introduction

9:00

### 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*

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## Break

10:15

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## Session 1

10:30

### Critical issues relating to the access of detained persons to rights and to justice

#### Chair:

**Gaëtan Cliquennois**

*Researcher at CNRS/Droit et Changement Social/University of Nantes*

#### 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

**Kanstantsin Dzehtsiarou**

*Senior Lecturer at the University of Liverpool*

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

**Joshua Guetzkow**

*Senior Lecturer at the Hebrew University of Jerusalem*

#### Discussion

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## Lunch

12:40

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<b>Session 2</b> 14:00	<p><b>Implementation of pilot / quasi pilot judgments: how much are difficulties of access to the judge taken into account?</b></p> <p><b>Chair:</b>  <b>Hasan Bakırcı</b>  <i>Deputy Section Registrar at the European Court of Human Rights</i></p> <p><b>The impact of Europe on Belgian prisoners' rights: changes in legislation, but not in practice?</b>  <b>Vincent Eechaudt</b>  <i>Researcher at the Institute for International Research on Criminal Policy, Ghent University</i></p> <p><b>Torregiani : the processing of complaints from prisoners in Italy</b>  <b>Sofia Ciuffoletti</b>  <i>Researcher at the University of Florence, President of L'Altro diritto, Member of the board of EPLN</i></p> <p><b>Access to justice for prisoners and detainees: summary of the reform efforts and outstanding problems in Bulgaria</b>  <b>Krassimir Kanev</b>  <i>Co-founder and chair of the Bulgarian Helsinki Committee, Vice-President of EPLN</i></p> <p><b>Discussion</b></p>
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**Break**  
 15:40

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<b>Session 3</b> 16:00	<p><b>Legal aid as a crucial guaranty of prisoners' fundamental rights</b></p> <p><b>Chair:</b>  <b>Anne Simon</b>  <i>Lecturer at the University of Paris 1 - Sorbonne</i></p> <p><b>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</b>  <b>Daniel Witko</b>  <i>Lawyer at the Helsinki Foundation for Human Rights, Poland</i></p> <p><b>Germany : Access to the judge, but maybe still not to justice ?</b>  <b>Christine Graebisch</b>  <i>Professor at the Dortmund University of Applied Sciences and Arts</i></p> <p><b>The problem of access to a lawyer as an obstacle to prison reform in Ukraine</b>  <b>Vasyl Melnychuk</b>  <i>Lawyer at the Kiev Bar and at the Kharkiv Human Rights Protection Group</i></p> <p><b>Discussion</b></p>
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**End**  
 18:00

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# FRIDAY / 7 DECEMBER

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Session 4  
9:00

**The impacts of austerity policies on the protection of rights in prisons**

**Chair:**

**Elisabeth Lambert**

*Professor at SAGE/CNRS, University of Strasbourg*

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

**Gaëtan Cliquennois**

*Researcher at CNRS/Droit et Changement Social/University of Nantes*

**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**

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Break  
10:50

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Session 5  
11:00

**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*

**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**

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Lunch  
12:40

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Session 6  
14:00

**Access to rights and to the judge in prison: new challenges**

**Chair:**

**Damien Scalia**

*Professor at the Université Libre de Bruxelles*

**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**

*Post-Doctoral Researcher / CLERSE, University of Lille*

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

**Dr Cyrille Canetti**

*Psychiatrist in Paris remand prison*

**Discussion**

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**Break**  
16:00

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Session 7  
16:15

**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)*

**Effective remedies for prisoners under the European Prison Rules**

**Kresimir Kamber**

*Lawyer at the Registry of the European Court of Human Rights*

**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*

**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*

**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*

**Discussion**

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**End**  
18:00

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