



Enhancing the Rights of Defendants and Detainees with Intellectual and/or Psychosocial Disabilities: EU Cross-Border Transfers, Detention and Alternatives

Bernadette Fidler,
Ludwig Boltzmann Institute of Fundamental
and Human Rights

Project Overview



Overall aim: Enhancing the rights of defendants and detainees with intellectual and/or psychosocial disabilities



Co-funded by the Directorate-General for Justice and Consumers of the European Commission

- January 2022 – December 2023
- National and international/regional research

Consortium

Lead: Ludwig Boltzmann Institute of Fundamental and Human Rights

Partner organisations in 6 EU Member States

- [Associazione Antigone](#) (Italy)
- [Bulgarian Helsinki Committee](#) (Bulgaria)
- [FH Dortmund](#) (Germany)
- [Mental Health Perspectives](#) (Lithuania)
- [Peace Institute](#) (Slovenia)



Justice for All | Workshop with Lawyers

25 October 2022

Project Background

- Judicial cooperation in criminal proceedings is based on principle of mutual recognition and approximation of laws
- EU-framework decisions (EAW, Transfer of Prisoners, etc.) should strengthen and facilitate judicial cooperation
- Mutual recognition and EU cross-border cooperation are based on mutual trust
- CJEU, *Aranyosi/Caldararu* C-404/15 and C-659/15 (2016): consolidation of mutual trust and fundamental rights
- Lack of data and research on specific challenges regarding application of EU cross-border instruments in proceedings concerning defendants and detainees with intellectual and/or psychosocial disabilities

Thematic Focus

- Procedural rights and safeguards
- Deprivation of liberty, conditions of detention and reasonable accommodation
- Alternatives to deprivation of liberty and probation measures



Final beneficiaries: defendants and detainees with intellectual and/or psychosocial disabilities

Objectives

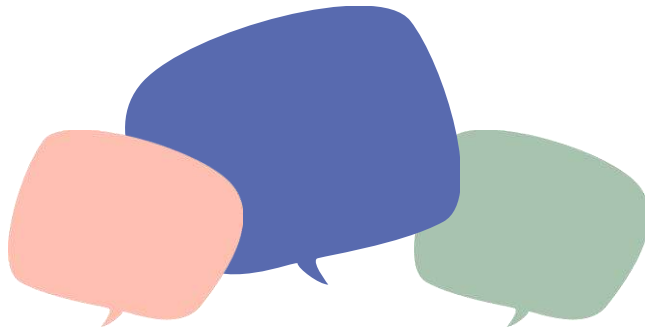
- Overview and analysis of applicable international and EU-wide standards
- Identify gaps, challenges and good practices in cross-border proceedings
- Strengthen judicial cooperation among EU Member States
- Raise awareness



Activities



Outputs



National Consultations

Regional Consultations

6 National Reports

1 Comparative Report & Key Recommendations

Final Conference & National Dissemination Events

Video



Thank you for your attention!

Contact: Bernadette.fidler@univie.ac.at