**Expert Group Meeting**

**Persons with disabilities and the justice system: ensuring the rights to legal capacity and access to justice**

8 and 9 November 2018

Palais Wilson, Ground Floor Conference Room, Geneva

**AGENDA**

**8 November 2018**

|  |  |  |
| --- | --- | --- |
| **Time** | **Session** | **Moderator** |
| 09.45-10.00 | **Arrival of participants and registration** |
| 10.00-10.15 | **Opening and welcome remarks*** Ms. Catalina Devandas Aguilar, Special Rapporteur on the Rights of Persons with Disabilities.
* H.E. Mr. Cristobal Gonzalez-Aller Jurado, Ambassador Extraordinary and Plenipotentiary Permanent Mission of Spain to the United Nations
* Mr. Juan Manuel Fernández Martínez, Spanish General Council for the Judiciary
* Mr. Facundo Chávez Penillas, Office of the High Commissioner for Human Rights
 |
| 10.15-10.30 | **Presentation of participants and of the objectives of the meeting** | Catalina Devandas  |
| 10.30-13.00 | **The Convention on the Rights of Persons with Disabilities and the paradigm shift towards universal legal capacity** * What are the main contributions of the Convention?
* How the Convention is incorporated in domestic law?
* What is the normative content of Article 12 on equal recognition before the law?
* What is the jurisprudence of the CRPD Committee in relation to legal capacity?
* What are the law reform trends on legal capacity?
 | Moderator: Harumi Fuentes Furuya, Secretary of the CRPD Committee Panelists:Gerard QuinnAlberto Vasquez |
| 13.00-15.00 | Lunch break |  |
| 15.00-16.30 | **The right to access to justice under Article 13 of the Convention on the Rights of Persons with Disabilities** * Which are the main contributions of Article 13 of the Convention?
* What are the main gaps, barriers and challenges in the access to justice for persons with disabilities?
* How to tackle the interaction between disability and other grounds for discrimination (gender, age, race, origin, etc.) in the context of access to justice?
 | Moderator: Facundo ChávezPanelists: Victoria LeeAnselm Eldergill Lovorka KusanJavier Forcada Miranda |
| 16.30-18.00 | **Exploring the role of the judiciary in the implementation of Article 12** * Which are the main contributions of Article 12 to the work of the judiciary?
* What are the challenges affecting the equal enjoyment of legal capacity by persons with disabilities in judicial proceedings?
* What are the main gaps and potential areas of conflict in the implementation of the legal capacity of persons with disabilities?
* How to address the deprivation of legal capacity that leads to exclusion from judicial processes and impact on the right of persons with disabilities to a fair trial?
 | Moderator: Alberto Vásquez Panelists: Oddny ArnardottirEdwin Béjar Ilaria Mazzei Kristin Booth Glenn |

**9 November 2018**

|  |  |  |
| --- | --- | --- |
| **Time** | **Session** | **Moderator** |
| 10.00-11.30 | **Making judicial proceedings accessible for and inclusive of persons with disabilities** * Could you share innovative practices on accessibility and access to information?
* Could you share innovative practices on procedural and age-appropriate accommodations?
* How to overcome restrictions faced by persons with disabilities to participate in legal proceedings?
* What needs to be in place to enable people with disabilities to participate in their trial/defense, and to tackle disability-based questioning of the competency of a person with disability to be a witness?
 | Moderator: Victoria LeePanelists: Julinda Beqiraj Naama LernerTirza Leibowitz  |
| 11.35-13.00 | **Promoting the right to legal capacity of persons with disabilities** * How judges can challenge substituted decision-making regimes and promote supported decision-making?
* How judges can ensure that persons with disabilities under substitute decision-making regimes, or who have been restricted of their legal capacity, have access to effective remedies, redress and reparation?
* What challenges face judges in countries where persons with disabilities must access the courts in order to have supported decision-making arrangements recognized?
* How judges can play a role in the reform of legislation on legal capacity?
 | Moderator: Harumi Fuentes Furuya, Secretary of the CRPD Committee Panelists:Anne Caron-DégliseVerginia Micheva-Ruseva Esther Agelan Casasnovas Sharon Primor |
| 13.00-15.00 | Lunch break  |  |
| 15.00-16.30 | **Moving forward: enhancing the role of the judiciary for ensuring legal capacity and access to justice of persons with disabilities** * How to develop protocols related to standards on access to justice for persons with disabilities?
* How to collect and analyze disaggregated data on human rights violations against persons with disabilities, and how the justice system is providing access to a fair trial and remedies?
* Which should be the role of judicial academies and judicial training centres in ensuring training in accordance with CRPD standards for those working in the administration of justice?
 | Moderator: Catalina Devandas, Special Rapporteur Panelists:Javier LancestremereKaterina SimackovaMatt PollardJuan Manuel Fernández Martínez |
| 16.30-16.45 | **Closing remarks** |  |