**INFORMATION TO CONTRIBUTE TO THE STUDY ON ARTICLE 13 CRPD**

Plena inclusion (formerly known as FEAPS) is a Spanish umbrella organization for persons with intellectual or developmental disabilities founded in 1964. Our members are region wide federations. We have federations in every region of Spain (17) and association’s members in Ceuta y Melilla.

The federations, in turn, are composed of associations. In total, we have approximately 900 associations.

We also have another three nationwide members.

Our associative movement brings together 140,000 people with intellectual or developmental disabilities, 235,000 relatives, 40,000 professionals and 8,000 volunteers who support them, as well as other associates and sympathizers.

Plena inclusión Movement's mission is to contribute, from their ethical commitment, with support and opportunities, to helping every person with intellectual or developmental disabilities and their families to develop their own project to improve their quality of life, and to promote their inclusion as full members of the community.

**1.- Does your country have laws, policies or guidelines on access to justice, at any level of government, which ensure persons with disabilities, particularly women and children with disabilities:**

**a. to parcipate in judicial and administrative proceedings on an equal basis with other their role as witness, juror, complainant, defendant or other including though the provision of procedural and age-appropiate accommodations (please, identify and share the text of those provisions);**

* Standing of victims in criminal proceedings (Law 4/2015, de 27 de abril[[1]](#footnote-1)):

Article 4 establishes the right of the victim to understand and to be understood. This right includes investigative and other preliminary stages.

Communication with the victim have to be in a clear, simple and accessible language. Despite this, if the victim is under guardianship the communication will be held with his or her guardian or support person.

In addition, the victim may be accompanied by a person of his choice from the first contact with authorities and officials.

Article 26 establishes measures for victim protection when the victim is a minor or a person with disability in need of special protection.

In this case:

1. The statement of the victim during the investigation, will be recorded and it could be reproduced during the trial.
2. The statement could be made with the support of experts.

Our Penal Code in article 25[[2]](#footnote-2) (reviewed in 2015) determines that a person with disability in need of special protection is a person with a disability who, whether or not he has a legal capacity to act, requires assistance or support for the exercise of his legal capacity and for making decisions regarding his person, his rights or interests because of a permanent mental or intellectual impairment.

**2.- Do you have examples from your country on:**

**a. how procedural and age-appropiate acommodations are provided and applied including protocols and other guidelines;**

* Plena inclusion Asturias, a member of Plena inclusión, is developing a project with the family court of Oviedo (Juzgados de familia). They are making judicial summons and sentences in easy to read versions, in order to guarantee that the person can understand what the sentence establishes.

At this moment, the General Council of the Judiciary and Plena inclusión España are preparing a national agreement in order to spread this practice to the whole Spain.

* Madrid Bar Association has created a specific in-court representation service (turno de oficio) for people with intellectual disability or mental health problems.

In addition, they published a protocol for assisting people with intellectual disability:

<http://web.icam.es/bucket/PROTOCOLO%20ACTUACIÓN%20PERSONAS%20DISCAPACIDAD.pdf>

This protocol suggests procedural accommodations during the interview lawyer – person with intellectual disability and, for example, during the detention.

Past year, Plena inclusion and National Union of Local Police Force Chiefs and Management (Unijepol) signed a collaboration agreement.

Under the agreement, we are preparing a protocol for the police related to how can they guarantee the rights of people with intellectual or developmental disability. Unijepol could reach approximately 2,000 Local Police Stations in the whole of Spain. The presentation of the protocol will take place 15 of june.

This protocol contains various appendices in easy to read versions: the steps of a detention, rights of detained person, easy comprehension version of a complaint, etc.

After the presentation of the protocol we want to organize a training of trainers with policemen and people with intellectual disability. Then, this teams will train the police.

* Since 2013 Plena inclusion La Rioja, member of Plena inclusion, has developed a program to support victims with intellectual disability who had experienced any form of abuse. They work in cooperation with the police, the court, the Office Assistance Victim and Legal Medicine Institute.

The team is responsible for preparing and supporting the victim throughout the judicial process; reducing the number of hearings to obtain the testimony of the victim, as well as the possibility of declaring in adjoining rooms or by video. It is also responsible for detecting cases.

In addition, it adapts the sentences to a language that is simple and understandable for the person concerned and, when physical signs of abuse or abuse are detected, accompany the victim to the relevant specialists and to perform tests.

**b. training programmes on the right of access to justice for persons with disabilities for judges, lawyers, prosecutors, police, social workers, language and sign language intepreters, legal aid centres, other judicial and administrative bodies intervening in judicial or quasi-judicial instances;**

* Since 1995, Plena inclusion (formerly known as FEAPS) has had a publicly funded program to provide support for prisoners and ex-prisoners.

The activities that are developed in the program are the following:

a) Support for persons with intellectual or developmental disabilities who are serving sentences in prisons, penitentiary psychiatric, security measures in other resources, and alternative measures to prison admission.

b) Accompanying and support measures for people with intellectual or developmental disabilities throughout judicial processes, including research phases and other preliminary stages.

c) Support for people with intellectual or developmental disabilities during the process of release and return to the community.

d) Support for people with intellectual or developmental disabilities who are at risk of committing a crime.

e) Development of training activities for all legal operators, including police and penitentiary personnel.

In 2016, we supported 1,102 people with intellectual or developmental disabilities in 13 Autonomous Communities.

In addition, we are preparing a report about the current situation of people with intellectual disability in prison with a sample of 412 people. This report will contain information on legal proceedings and whether individuals received support during the proceedings. It will be available in September/October 2017.

* About the training activities, we we are also developoing as project with the Spanish Law Fundation (Fundation of the General Council of Spanish Advocates) since February of 2014. The project is called “Classroom for Human Rights”.

This Project we have two lines of action:

First:

We have trained people with intellectual disabilities and family members on the right of access to justice, so that now they are the ones that are training different legal operators.

Second:

We are training lawyers to know the situation of people with intellectual disabilities, so they know how they can help us to exercise our rights.

Regarding the cuantitative results:

Since 2014, we had trained 810 professionals of the legal system (19 Association Bars) and the police force (national and local police).

Regarding the qualitative results:

- There are more people working in the Justice Administration field aware of the UNCRPD, so access to Justice for persons with disabilities on an equal basis with others gets improved.

- We are eliminating prejudices and stereotypes because we set in value abilities and contributions from persons with intellectual disabilities.

- Dissemination of good practices in procedure adjustments.

- Persons with intellectual disabilities continue acquiring new knowledge and skills.

**c. education programmes on the right of the access to justice for persons with disabilities for law students in schools of social work, sign language interpretation, forensic science, psychiatry and psycology, among other relevant faculties; and**

From this year, Universitary Institute for Community Integration (INICO) and Plena inclusión included in subjects of their master a unit dedicated to access to justice of people with intellectual disability.

The studens of the master are mainly social workers and psychologists.

**d. legal aid programs, public and/or private, which include the right of access to justice for personas with disabilities in their practices, including the availability of support and liaison services for courts or other judicial or quasi-judicial instances.**

As I have highlighted, Madrid Bar Association has created a specific in-court representation service (turno de oficio) for people with intellectual disability or mental health problems (section 2.a)

1. <https://www.boe.es/buscar/act.php?id=BOE-A-2015-4606> [↑](#footnote-ref-1)
2. <https://boe.es/buscar/act.php?id=BOE-A-1995-25444&p=20150428&tn=1#a25> [↑](#footnote-ref-2)