

Facilitating the effective and equal participation of persons with disabilities in the Irish criminal justice system (Article 13 UNCRPD)



Annual Conference 2020

10:00am – 4:00pm, Wednesday, 21 October 2020

National Disability Authority

The National Disability Authority (NDA) is the independent statutory body with a duty to provide information and evidence-informed advice to Government and officials in the public sector on disability matters.

The NDA hosts an annual conference in which it aims to highlight, disseminate and discuss relevant and topical research and policy analysis. Building on the 2019 Annual Conference, which explored Irish and international experience of implementing the UN Convention on the Rights of Persons with Disabilities (UNCRPD), this year's event will undertake an examination of one particular article of the Convention.

Conference Theme

The NDA Annual Conference 2020 will focus on the theme of Access to Justice in line with Article 13 UNCRPD, in the context of criminal justice. Article 13 UNCRPD seeks to ensure effective access to justice for persons with disabilities on an equal basis with others. The event will consider Article 13 across the various stages of the justice process including related policy and programme activities such as rehabilitation, education, moving on to employment and life in the community from prison.

The conference will also provide an opportunity to share valuable Irish and international experience and good practice, and to learn from other countries who have explored different approaches to the implementation of Article 13, including effective collaboration across all relevant departments and agencies.

The theme is especially timely given Ireland's preparations to submit its first State Report to the UN Committee on the Rights of Persons with Disabilities in 2020, and the ongoing development of both a new criminal justice sectoral strategy and youth justice strategy. Furthermore, the conference provides an opportunity to consider the implications of the International Principles and Guidelines on Access to Justice for Persons with Disabilities, adopted in August 2020 by the UN Special Rapporteur on the Rights of Persons with Disabilities, UN Committee on the Rights of Persons with Disabilities and Special Envoy of UN Secretary-General on Disability and Accessibility.

Venue

The NDA Annual Conference 2020 will be a virtual event.

Conference Agenda

- 10:00 **Welcome Address**
Helen Guinan, Chairperson, National Disability Authority
- 10:10 **Opening Address - Upholding Access to Criminal Justice for People with Disabilities**
TBC, Department of Justice
- 10:20 **The Right to Access Justice (Article 13) under the UN Convention on the Rights of Persons with Disabilities: Setting the Bar**
Catalina Devandas Aguilar, Ambassador of Costa Rica to the United Nations in Geneva and Former United Nations Special Rapporteur on the Rights of Persons with Disabilities
- 10:40 **Progressing Justice Reform through Australia's National Disability Strategy**
Andrew Walter, First Assistant Secretary, Integrity and Security Division, Attorney-General's Department, Australia
- 11:00 **The Positive Impact of Intermediaries in the Criminal Justice System**
Catherine O'Neill, Registered Intermediary and Chair, Intermediaries for Justice, England

11:20 Break

- 11:35 **Proposals for Law Reform: Access to Jury Service for Persons with Disabilities**
Raymond Byrne, Full Time Commissioner, Law Reform Commission
- 11:55 **Disablist Hate Crime: Identifying the Issues and Learning from England and Wales**
Dr Seamus Taylor, Head of Applied Social Studies, Maynooth University
- 12:15 **Q&A**
Moderated by Dr Aideen Hartney, Director, National Disability Authority
- 12:35 **Morning Closing Address**
TBC, Department of Children, Disability, Equality, Integration and Youth

12:45 Lunch

- 13:40 **Afternoon Opening Address**
Anne Rabbitte T.D., Minister of State with responsibility for Disability

1. Policing

Chaired by Michael O'Neill (Head of Legal, Irish Human Rights and Equality Commission)

- (i) Kate Mulkerrins (Executive Director of Legal, An Garda Síochána) and Chief Superintendent Alan McGovern (Legal and Human Rights, An Garda Síochána) **Effective Policing in the Community**
- (ii) Dr Claire Edwards (Director of the Institute for Social Science in the 21st Century and Lecturer, University College Cork) **Garda Responses to People with Disabilities: Everyday Geographies of Safety and Unsafety**
- (iii) Terri Sweeney Meade (Principal Assistant Architect, Office of Public Works) **Garda Stations and Courts' Facilities: Making Changes to Spaces**

2. The Courts & Legal Professionals

Chaired by Eilis Barry (Chief Executive, Free Legal Advice Centres)

- (i) Karen Grayson (Policy Principal, Access to Justice, Equality and Human Rights Commission, Great Britain) **Access and Participation Issues in Court Modernisation Processes and Digital Justice**
- (ii) Dr Bronagh Byrne (Senior Lecturer, School of Social Sciences, Education and Social Work, Queens University Belfast) **Legal Professionals supporting People with Disabilities' Access to the Justice System**
- (iii) Dr Alan Cusack (Lecturer in Law, University of Limerick) **Evidential Barriers faced by Persons with Disabilities in Criminal Proceedings**

3. Prisons

Chaired by Fíona Ní Chinnéide (Executive Director, Irish Penal Reform Trust)

- (i) Maria Ní Fhlatharta (Research Assistant, Centre for Disability Law and Policy, National University of Ireland, Galway) **The Rights of People with Disabilities in Irish Prisons**
- (ii) Dr Margaret McGovern (Senior Psychologist, Dóchas Centre, Mountjoy Prison) **Supporting Persons with Intellectual Disabilities and Mental Health Difficulties in Prison**
- (iii) Patricia Gilheaney, (Inspector of Prisons, Office of the Inspector of Prisons) **Applying a Disability Lens to Prison Inspections**

4. Children with Disabilities in the Youth Justice System

Chaired by Dr Karen McAuley (Head of Policy, Ombudsman for Children's Office)

- (i) Deaglán O Briain (Principal Officer, Department of Justice) **The new Youth Justice Strategy: Proposals for A Preventative Approach**
- (ii) Dr Ursula Kilkelly (Professor and Head of the College of Business and Law, University College Cork and Chairperson of the Board of Management of Oberstown Children Detention Campus) **Supporting Children with Disabilities in Child Detention**
- (iii) Darren Conroy (Programme Manager, Extern) **Fostering Community Inclusion for Children with Disabilities in or at the Edge of the Justice System**

5. Decision-Making Capacity and the Criminal Justice System

Chaired by TBC

- (i) Áine Flynn (Director, Decision Support Service) **The Assisted Decision-Making (Capacity) Act 2015 in the Criminal Justice Context**
- (ii) Louise Loughlin (National Manager, National Advocacy Service for People with Disabilities) **Advocating for People with Disabilities in the Criminal Justice Context**
- (iii) Patricia Rickard-Clarke (Solicitor, Chair, Safeguarding Ireland and Chair, Sage Advocacy) **Safeguarding Reform: The Need for a Legal Framework**

6. Probation and Re-integration into the Community after Prison

Chaired by Fergal Black (Director of Care and Rehabilitation, Irish Prison Service)

- (i) Michael Murchan (Assistant Principal Officer, Mental Health Unit, Department of Health) **Mental Health Policy and Supports for Former Prisoners**
- (ii) Barry Owens (Programmes Manager, Irish Association for Social Inclusion Opportunities) **Preparing for Release from Prison: The GATE and Resettlement Services**
- (iii) Mark Wilson (Senior Probation Officer, Staff Training and Development, Probation Service) **Recognising and Responding to Disability in Delivering Effective Interventions with People subject to Probation**