



CONSEJO GENERAL DEL PODER JUDICIAL
ESCUELA JUDICIAL



Red Europea de Formación Judicial (REFJ)
European Judicial Training Network (EJTN)
Réseau Européen de Formation Judiciaire (REFJ)

Course

MENTAL HEALTH: A COMPARATIVE STUDY

1. Identification of the course

Dates and place: July 6, 7 and 8, 2009, Barcelona (Spain).

Organised by: Judicial School [*Escuela Judicial*], Spain

Languages: Spanish, English and French

Jurisdiction: Civil and criminal

Places for EJTN member states: 30

2. Content

The content of the course is divided up into three main sections:

1. **States of capacity and their legal reflection.** This will include such aspects as Capacity-incapacity-incapacitation (as well as the causes of incapacitation and supplementary formulas for capacity), protection of the rights of the incapacitated and the ill, with an analysis of the most common or significant problems.
2. **Proceedings.** Procedural outlines for declaring incapacitation, reinstatement of capacity, internments, outpatient treatment and informed consent. The significance and forms of judicial review in these aspects. More common and significant problems
3. **Criminal law and mental health.** Mental illness and accountability. Mitigating and exculpatory circumstances. Appearances or indications of mental illness. Danger. Security measures. Semi-accountability. Drug addiction. Problems, with special attention to foreseeability of criminal behaviour and measures to avoid it, sex crimes, ending the security measure, security measures or sentences for an indefinite period.

All subjects will have to be approached from a comparative-law perspective, with a cross-sectional focus enabling a reference to be maintained on the following crucial points:

- Principles of substantive and procedural law
- Psychiatric assistance models.
- Health systems. Social resources.
- Coordinating with Authorities over decisions and supervisions.
- Sentencing rules and exculpatory and mitigating circumstances.
- The unique nature of each country's system.

Knowledge of other legal systems and exchanging experiences between legal operators of different countries, will necessarily be used for improved tackling and resolution of the problems detected in each country; for which reason the course will be practical and developed through debate. Speakers will set out the legal framework in their respective countries of origin and in the European Union, the latest

trends in the matter, while workshops will open discussion forums previously directed with the drafting of a specific set of questions on topics relating to problems, situations and difficulties which are particularly controversial, are current or reflect differences between laws.

The course working languages will be Spanish, English and French.

3. Practical information

3.1 Costs covered by the organisers

- Plane or train tickets (Barcelona-departure/destiny point).
- Accommodation from the night prior to course commencement until the day of the last seminar (participants must leave the hotel on midday of July 8 2009, except in the event of unavoidable difficulties to obtain a return ticket for that date or if they decide to remain in Barcelona paying the extended days by themselves).
- Dinner of 6 July.
- Lunch at the building of the Judicial School on 6 and 7 July
- Bus for the journey from the hotel to the Judicial School and vice versa (the building of the School is located outside Barcelona).

3.2. Travel and lodgement arrangements

All the arrangements will be done by the organization. The Judicial School will book accommodation and transportation tickets through the travel agent which provides such services to the General Council of the Judiciary, as well as settling any expenses derived from this. Those admitted will be required to contact the above-mentioned agency in order to carry out the necessary formalities. It will not be necessary to make any prior payment. The Judicial School will put participants and travel agency in contact at the appropriate time. The participants selected will receive, along with the confirmation of admission, instructions to carry out the hotel booking.

3.3. Application forms

- Applications will be made through the enclosed registration questionnaire which will be sent to the permanent training centre (Judicial School, Ministry of Justice or centre competent in the matter) of the member country of the EJTN. This centre will send the application forms to the Judicial School with an additional document which will specify the order of priority of the application forms. The Judicial School cannot guarantee a certain number of places for any attendant, as the distribution will not be made until all application forms

have been received. Nevertheless, each applying country shall at least be assigned one place and the organisers will assign the other places as it becomes possible, but always following the preferential order expressed by the training centre itself.

- Without delivering the application forms, the admission should not be considered as properly done.
- Once the selection has been made, a notice of acceptance shall be sent, together with a reservation form for the travel needs, to be fulfilled and sent to the Judiciary School travel agent.
- The contact person in the Judicial School who will finally receive the application forms (preferably by electronic mail) is:

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3.4. Timetable

- 29 May: Deadline for registration
- 3 June: Notification of admission
- 16 June: Deadline for sending hotel and travel ticket bookings