

ImpleMéndez Workshop Report

Lore Mergaerts, Roxanna Dehaghani, with the contributions of the workshop attendees.

Background to the workshop

The ImpleMéndez members attending the workshop were asked to submit an individual report with their reflections on Principle 3 of the Méndez Principles and its implementation in their region/jurisdictions. The individual reports are attached to this report as an appendix.

The workshop was held during The Vulnerable Accused in the Criminal Justice System conference in Cardiff on Wednesday 10 September 2025 and was attended by 31 participants. The following questions were used to guide round table discussions, followed by a collective discussion:

- Is it possible to provide a concrete, universal definition of vulnerability? What might this look like?
- What individual and situational risk factors do you consider important and why?
- How might the Méndez principles be refined to render them more precise and workable, in particular as to vulnerability?
- How might the Méndez principles incorporate material needs and welfare considerations?
- (How) could the Méndez principles be translated into specific jurisdictional contexts? What are the advantages and drawbacks of doing so?

The individual reports and the discussion and reflections that arose based on these questions indicated some strengths and weaknesses in how vulnerability is approached in the Méndez Principles. The discussion also led to some food for thought and suggestions for improvements. All of this will be summarized below.

Reflections on how vulnerability is approach in the Méndez principles

Strengths

Participants appraised the effort of the contributors to the Méndez Principles put into trying to achieve comprehensive approach to vulnerability. In this regard, participants reflected upon the compromises and deliberation that were undoubtedly part of the process of crafting and agreeing upon a universal document, such as in the case of the Méndez principles. The contributors to the Méndez Principles brought with them their different backgrounds, disciplines, and perspectives, and it was recognised by workshop participants that these factors would have shaped the principles, as well as required some level of compromise between the numerous contributors.

Participants particularly lauded the broad definition of vulnerability, specifically in that it went beyond medical approaches to defining vulnerability. It was noted that a wide variety of factors are mentioned in the Méndez Principles. In this regard, the distinction between individual and situational risk factors were considered by participants to be an asset, especially

given the recognition of situational vulnerability. The Méndez Principles were also commended for acknowledging the ongoing and developing (i.e., not static) nature of vulnerability and for acknowledging the power of the interviewer and the context of the interviewee's responses.

Finally, participants expressed appreciation for the call for the proactive identification of vulnerability and the need for compensating vulnerability, particularly as doing so raises awareness for accommodating interviewees' needs.

Weaknesses

Participants expressed that the broad definition of vulnerability was also a potential weakness. Specifically, whilst participants acknowledged that a universal definition of vulnerability may not be feasible or desirable, they nevertheless considered that further concretisation and reflection on the concept of vulnerability was necessary.

In this regard, the question arises from what point of view this universality is to be approached: is it a commonly accepted definition, a conceptually universal and sound definition and/or a practically workable definition? It is likely that the 'ideal' definition would meet all of these, but if there were any definition, it would most likely be too vague to have any practical value. In addition, it should be kept in mind for whom the definition is designed and what its purpose would be. Is it to warrant the welfare of the individual? Is it to warrant dignity and a humane treatment? Should we frame it as welfare risks (e.g. harm, trauma, end of life) and/or as the (in)ability to understand legal rights and to participate in the proceedings, with a risk of miscarriages of justice? Is vulnerability (a mere) threshold for intervention?

When defining vulnerability, participants were clearer on what would be undesirable rather than what would be desirable. They were therefore able to rule out what they thought vulnerability should not be, rather than clearly define what it should be. First, they considered a list of risk factors for vulnerability or groups of 'vulnerable' people to be unsatisfactory, particularly because it could result in a tick-box exercise whereby factors not expressed, explicitly or implicitly, on the list are neglected and because it could result in stigmatisation of those included in the list just merely because they are in the list, regardless of their actual performance or capabilities. Too broad a definition was also viewed as problematic as it may be potentially vague and may be difficult to operationalise. A scale of vulnerability was suggested whereby vulnerability could be scored. This has advantages (such as enabling decision-makers to arrive closer at the level of vulnerability of the detainee) and disadvantages (such as suggesting that some vulnerability factors are less important than others).

Participants also expressed concerns that the scope of vulnerability did not include events prior to the interview, which could have an impact upon the interview. This could include the nature of an arrest (if there is one) or the informal conversations that the police may have with detainees prior to conveying them to a custody suite. In line with this, also the impact of police custody/deprivation of liberty prior to the interview should be borne in mind. To decrease its negative impact, some contextual adaptations/adapting the surroundings could be considered. However, such adaptations are not always feasible, as some adaptations (e.g.

wall colours, furniture placements) might work for one person but not for another. There likely is no one size fits all approach or solution.

Participants also considered that the definition/description of vulnerability was interconnected with the further concretisation of the content of what vulnerability is supposed to entail (i.e. contributing factors), as well as what the principles are considered to entail and intended for. It should be acknowledged that the Méndez Principles are primarily aimed for policymakers with the intention of facilitating (legislative) change. Consequently, they are not designed for practitioners and should not be considered as a guide for practitioners when making decisions on vulnerability. That said, the principles ought to be sufficiently clear and detailed to enable policymakers to create the law and policy necessary to facilitate the work of practitioners. The following examples were identified as potential shortcomings in this regard.

First, there seems to be an unclear distinction between risk factors, and individual and situational vulnerability. Factors concerning 'persons in situations of heightened vulnerability', are referred to in the Méndez Principles as situational vulnerability. However, many of these factors (e.g., age, cultural background, communication issues, physical/intellectual/psychological disability) could be considered individual or personal factors. Second, the listed risk factors are summarised and then divided into different categories, some of which appear to at least partially overlap. For example, age is included in the general list and listed separately in the category of age-related conditions; communication/language issues are broken down in three different but overlapping risk factors; and nationality or ethnicity are considered together, but separated from a risk factor related to cultural or religious background and a risk factor regarding minority or marginalised socio-economic groups. Moreover, the definition of 'risk factor' and its relationship with vulnerability also remains unclear. Further, the language used to describe 'risk factors' is also somewhat unclear and some of the terms used within are absent of definition. For example, reference is made to enhanced protections without clarity on what specific vulnerability/ies those protections are designed to address, and communication difficulties appear to be used as a catch-all term without any specification of the precise nature or type of difficulty.

Further concerns regarding the scope of the Méndez Principles and, in particular, the risk of vulnerability factors were raised. Certain important psychological factors, such as moral rigidity, dependency, guilt-driven behaviour, educational and familial background, substance use (alcohol, drugs, medication, smoking), and acute/current trauma were neglected. Fatigue is not included within the scope of situational risk factors. Other factors, such as cognitive capacities and mental health issues/disabilities are only briefly addressed. Considerable emphasis is placed on matters of diversity and there is acknowledgment of the potentially biased and discriminating behaviour of interviewers toward certain individuals (e.g. on the grounds of sexual orientation or cultural background), yet there is no consideration of stereotypes as they relate to victimisation (such as the potential for misogyny and how this may result in rape myths, which can affect the interviewer's approach towards a victim). Consequently, the Principles offer somewhat of an incomplete 'checklist.'

In addition, participants expressed that the Principles leave much to the discretion of the interviewer, particularly when acknowledging the dynamic nature of vulnerability. Participants

thought that there was a lack of guidance as to how to weight different factors and were concerned, moreover, regarding gaps in explanations of concepts and how these principles are to be taken forward. Concerns were also raised about the apparent insufficient recognition of trauma-informed practice. These gaps, it was felt, ought to be resolved to ensure that policymakers are sufficiently well-informed to be able to produce policy and legislation that can then be implemented by practitioners.

Other than acknowledging the importance of identifying vulnerability, the Méndez Principles contain no information on the identification of vulnerability; participants lamented the absence of guidance in this regard and the lack of specific examples on how vulnerability could be identified, as well as the lack of information on specific screening tools and/or responses towards vulnerability. Notwithstanding jurisdictional differences, universal practices could be adopted or at least proffered. The Principles, for example, suggest the need for special measures whilst stressing the need for a tailored approach, yet the guidance in this regard is rather limited. For example, an intermediary/communication assistant role and appropriate/responsible adult is briefly mentioned, but not truly developed. The commitment to training on vulnerability is also quite weak in the Principles.

Jurisdiction-specific Reflections and Frameworks

Participants generally raised concerns regarding the challenges with adopting the term ‘vulnerability’ as it is not a consistently accepted or understood word across many jurisdictions or within many languages. It was suggested that the word ‘susceptibility’ could be used instead. Participants also expressed that different countries are at different stages of implementation with regard to the Méndez Principles, as evidenced by the individual reports in the appendix. Whereas some jurisdictions have a specific definition of vulnerability and have fairly long-standing accommodations or special measures (e.g., England & Wales), others do not (e.g. Romania, Finland) or do so but to a very limited extent (e.g. Belgium). Further information on these and other jurisdictions, as well as some further reflection on (the implementation of) Principle 3 of the Méndez Principles can be found in the individual reports drafted by the ImpleMéndez members who attended and contributed to the workshop (see the appendix).

Appendix: Individual Reports

Individual report Brendan O'Mahony (England & Wales)

1) What is your evaluation of Principle 3 of the Méndez Principles as to the conceptualization/definition of vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

Acknowledging that the interviewer always holds the power in an interview setting is a strong starting point. Also acknowledging that the interviewee may have physical, cognitive and emotional responses to being questioned. The recognition that this can lead to miscommunication and miscarriage of justice is also extremely important. The Mendez principles outline risk factors to vulnerability, and they also identify that situational features can heighten vulnerability. Noting that risks can fluctuate depending on factors such as context, culture and time is very important. It is good to see that psychological concepts of suggestibility, acquiescence and compliance are acknowledged in the Mendez Principles.

The conceptualization of vulnerability is broad, to the extent that one might consider stating that everyone is vulnerable in the interview context. The common claim might be that if everyone is vulnerable, and that if all interviewers adapt the process to meet everyone's' needs then everyone wins. This of course can be true to an extent but what exactly does this mean in practice? Vulnerability is more nuanced in my view and requires an individualised assessment to address nuances in communication need.

It is my opinion that interviewers have a specific task to achieve in terms of information gathering and that the cognitive demands placed on them in monitoring the dynamic nature of vulnerability in an interview, may be too much to be effective.

The weaknesses are that discretion is given to individual interviewer on when to implement special adaptations. This is reliant on the interviewer fully understanding the concept of vulnerability and its dynamic nature. The Mendez Principles do not offer guidance in how to weight the various risk vulnerability factors so that the factors most likely to be problematic in a particular interview, at a particular time, are addressed. It would be easy for the interviewer to become lost in the complexity of the situation.

Para 145 requires careful exploration. While a support person may indeed be able to advise the interviewer about communication needs, this must be considered in context with the jurisdiction and the law in the region in which the interview is scheduled. While a vulnerable person is entitled to understand the question that is put to them, they are not required to provide an answer that incriminates them. It should also be noted that a family member is not always the best person to facilitate communication.

2) What is your evaluation of Principle 3 of the Méndez Principles and its accompanying Manual as to the identification of vulnerability? What are strengths and what do you consider weaknesses?

Para 146 is based on the premise that the interviewer is qualified to identify vulnerability and to provide the most effective accommodation. This is unrealistic. There are likely to be resource issues in terms of allocating the best fit interviewer to a particular interview.

The pejorative term personality disorder has been omitted from the lists at paras 135 and 136. Likewise neurodevelopmental disabilities are not explicitly referenced. Attentional deficits and sensory issues may be easily overlooked if not specifically mentioned. However, I acknowledge that it is not possible to make an inclusive list that is easily understood in all jurisdictions internationally. I also note that sensory disabilities are referred to in Principle 2 (p19, para 76).

‘Difficulties with communication’ as a standalone statement in para 135 is not particularly helpful if you are not trained to understand what this means. As a minimum, it perhaps could have referred to as receptive and expressive communication, but it really does need further exploration if it is to be in anyway meaningful to practitioners.

The terms intellectual and psychological disability are not explained on p29.

Whilst it is recommended that interviewers should have undergone specialist training to interview children, the same provision is not argued for vulnerable adults (para 138, p 29-30), although I note the information in paras 143 & 147 about seeking another interviewer with specialised training.

Para 145 was an ideal opportunity to include the intermediary / communication assistant role.

The Mendez Principles do not reference the current academic knowledge about the intermediary role.

3) What is your evaluation of the Méndez Principles as to special measures/safeguards to address suspect vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

The special measures are perhaps vague, but this may be expected as the principles have been developed to apply internationally and not every jurisdiction will have access to the same resources.

I would like to see acknowledgement of trauma informed practice in interviewing and some information about augmentative and alternative communication.

4) What is the current status of the implementation the Méndez Principles in your region/area?

The Mendez Principles apply equally to victims and witnesses (p3; para 10) and science-based research informs practice in this area in England & Wales.

The concepts of vulnerability as per Mendez are known about with regards to witness, victim and suspect interviews but research indicates that they may not always be addressed in the suspect context even when there are practice guidelines about procedural safeguards.

5) List how the vulnerability of suspects and accused persons is defined in your jurisdiction.

PACE 1984 Codes of Practice

vulnerable' applies to any person who, because of a mental health condition or mental disorder (see [Notes 1G](#) and [1GB](#)):

(i) may have difficulty understanding or communicating effectively about the full implications for them of any procedures and processes connected with:

- their arrest and detention; or (as the case may be)
- their voluntary attendance at a police station or their presence elsewhere (see [paragraph 3.21](#)), for the purpose of a voluntary interview; and
- the exercise of their rights and entitlements.

(ii) does not appear to understand the significance of what they are told, of questions they are asked or of their replies:

(iii) appears to be particularly prone to:

- becoming confused and unclear about their position;
- providing unreliable, misleading or incriminating information without knowing or wishing to do so;
- accepting or acting on suggestions from others without consciously knowing or wishing to do so; or
- readily agreeing to suggestions or proposals without any protest or question.

1G A person may be vulnerable as a result of a having a mental health condition or mental disorder. Similarly, simply because an individual does not have, or is not known to have, any such condition or disorder, does not mean that they are not vulnerable for the purposes of this Code. It is therefore important that the custody officer in the case of a detained person or the officer investigating the offence in the case of a person who has not been arrested or detained, as appropriate, considers on a case by case basis, whether any of the factors described in [paragraph 1.13\(d\)](#) might apply to the person in question. In doing so, the officer must take into account the particular circumstances of the individual and how the nature of the investigation might affect them and bear in mind that juveniles, by virtue of their age will always require an appropriate adult

6) Which special measures/safeguards/accommodations are available for vulnerable suspected and accused persons in your area/region?

Assessment by Liaison and Diversion services in custody

Funded access to a legal representative for advice

Independent role of police custody officer

Appropriate Adults and in certain cases an ad hoc allocation of a communication specialist (intermediary) may be requested.

7) What do you consider best practices with regard to dealing with the vulnerability of suspects and accused persons in your area/region?

Northern Ireland appears to have a better developed system where an intermediary and an Appropriate Adult can both be allocated to a case.

8) What do you consider challenges / obstacles for the adequate implementation of the Méndez Principles in your area in general and for adequately dealing with the vulnerability of suspects and accused persons in particular in your region?

The balance between keeping a vulnerable person in custody for the least amount of time necessary, while ensuring that all their support needs are addressed for their effective participation and safeguarding. The ethics of delaying release to provide accommodations.

Vulnerabilities may impact a suspect's understanding of their rights, including their right to legal advice. If they do not understand their rights, they may decline them.

Some vulnerable suspects will not wish to declare their vulnerabilities for reasons including shame. Others may not recognise that they are vulnerable in this context.

9) To what extent does the digitalization of justice pose an opportunity or a threat in light of the vulnerability of suspected and accused persons within the criminal justice system?

The opportunity may be seen in terms of reduced costs of transportation, and other efficiencies for the vulnerable person and all other participants in a case. The threat is in terms of putting in an additional layer where miscarriage of justice may occur – Single Justice Procedure.

The threat is in terms of perceived fairness and feeling a part of a system if that is what an individual requires. Some vulnerable people may appreciate the distance from others that digitalisation offers. There are currently real concerns in England and Wales that vulnerable people are marginalised by digitalisation in the courts and that their voice in mitigation is not heard.

10) Feel free to reflect on or add other aspects as well in your report.

1) The Mendez Principles need to be read in their entirety rather than using Principle 3 as a quick reference guide to issues on vulnerability. There are references to issues of vulnerability in other sections, for example, Principle 2, (para 103, p 24), refers to children and interviewees with intellectual or psychosocial disabilities.

2) I want to emphasise that further down the line in the prison system, certainly in England and Wales, the Parole Board questions prisoners about issues that go to risk. This can include

questioning them about the reasons that they were recalled to prison having previously been released into the community on licence. The Mendez Principles on vulnerability, in my opinion, are equally applicable in this context.

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Author bio (up to 100 words):

Brendan O'Mahony is a registered Forensic Psychologist practising in England & Wales. He is a Specialist Member of the Parole Board. He has also been practising as an Intermediary (communication specialist) since 2007 at both police interviews and at court. Brendan has published academic journal papers and book chapters about effective communication with vulnerable witnesses, police suspects, and defendants in the criminal justice system. His most recent research collaboration has examined the role of justice intermediaries in the Parole Board oral hearing context. In July 2024 Brendan was awarded the Excellence in Forensic Psychology Practice Award by the British Psychological Society's Division of Forensic Psychology.

Individual report Layla Skinns (England & Wales)

1) What is your evaluation of Principle 3 of the Méndez Principles as to the conceptualization/definition of vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

- The risk factors identified at once broad (e.g. in that they include structural vulnerabilities, such as gender, being part of a minority or marginalised group), in ways that PACE Code C in England and Wales does not, but not broad enough (e.g. there is not explicit mention of mental ill-health, only health, nor is there any mention of neurodiversity).
- The distinction drawn between risk factors and situational vulnerabilities is unclear and somewhat arbitrary.

2) What is your evaluation of Principle 3 of the Méndez Principles and its accompanying Manual as to the identification of vulnerability? What are strengths and what do you consider weaknesses?

- Para 143 is the only place that I can see where there is any discussion of the identification or 'assessment' of vulnerability. However, it is fairly vague (e.g. what kind of experts should be consulted?) and not particularly specific, which is presumably deliberate to ensure the Mendez principles appeal across a range of countries/contexts. Including a case study example here might have helped flesh this out a bit more.
- The assessment process is also overly focused on the interview/the interviewers taking action to assess vulnerability, which overlooks the role played by custody staff, who are expected in England and Wales to start assessing vulnerability from the moment of arrival, such as through risk assessments and referrals to HCPs/L&D teams.

3) What is your evaluation of the Méndez Principles as to special measures/safeguards to address suspect vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

- The suggested safeguards are limited to not discussing events prior to: interview; providing an interpreter; consulting with others who know the suspect; recording assessments of vulnerabilities; informing lawyers of vulnerabilities; ensuring interviewers have specialist training; choosing the interview location to minimise distress.
- There is therefore no mention of a vulnerable suspect having a support person, such as an Appropriate Adult, with them either or interview or before interview or of mandatory legal advice, as is increasingly the case for children and young people in England and Wales. As such these safeguards are perhaps too limited and not fully reflective of existing practices in some countries.

4) What is the current status of the implementation the Méndez Principles in your region/area?

- England and Wales would generally be regarded as complying, in theory, with most aspects of the Mendez Principles, including on vulnerability.
- However, in practice, given the discretion of the police and power of police culture, there is significant scope for wide interpretation of any guidance, whether from Mendez or in PACE Code C and thus deviation from any legal rules.

5) List how the vulnerability of suspects and accused persons is defined in your jurisdiction.

- The PACE Code definition focuses on vulnerable persons (not vulnerable adults) who have mental health conditions or mental disorders (though this is not essential, as per Code C 1G) and on the possibilities that these conditions or disorders may result in difficulties with understanding, communicating and appearing to understand what is told to them, as well as on tendencies for confusion, providing unreliable, misleading or incriminating information, and being suggestible. By focusing on what a vulnerable person can or cannot do (in terms of their understanding, communication, suggestibility etc), this is considered thus as a functional test.

6) Which special measures/safeguards/accommodations are available for vulnerable suspected and accused persons in your area/region?

- The main safeguard for vulnerable adults and children and young people is to have an appropriate adult present at crucial points of the police custody process, including the interview, who may be a parent, guardian or paid AA/volunteer.
- Vulnerable suspects are also risk assessed by custody staff and should have an opportunity to consult with a Healthcare Professional (usually a nurse or paramedic) or with someone from the Liaison and Diversion service (which includes drug and alcohol workers and mental health professionals).

7) What do you consider best practices with regard to dealing with the vulnerability of suspects and accused persons in your area/region?

- Avoiding arresting and detaining vulnerable suspects, such as through judicious use of voluntary attendance at the police station (not voluntary interviews outside the police station).
- Making better use of bail, so that vulnerable suspects are not detained in the police station overnight.
- Making better use of diversionary measures, or just considering whether a first-time low-level offence committed by a vulnerable person warrants an arrest at all and, in fact, whether alternative support can be put in place, which tackles some of the underlying causes of their behaviour.

8) What do you consider challenges / obstacles for the adequate implementation of the Méndez Principles in your area in general and for adequately dealing with the vulnerability of suspects and accused persons in particular in your region?

- One of the biggest barriers is the under-implementation of the vulnerability safeguard, meaning significant numbers of vulnerable adults miss out on having access to an Appropriate Adult.
- This under-implementation of vulnerability is rooted in its legal complexities and ambiguities, but also in the discretionary powers of the police and their attitudes and values towards vulnerable suspects, the too limited understanding and training that custody staff have of mental health conditions and disorders and the busyness and time pressures that staff experience, in which they may be making decisions about vulnerability on the fly with potentially limited information available to them, albeit that HCPs and prior decisions taken can be a valuable source of information about what to do.

9) To what extent does the digitalization of justice pose an opportunity or a threat in light of the vulnerability of suspected and accused persons within the criminal justice system?

- During Covid, important lessons were learned about the challenges (e.g. with communication, advocacy, rapport-building), particularly for vulnerable suspects, of providing AA support or legal advice online. An in-person presence is needed for these two groups whenever possible.
- A further challenge is if voluntary interviews are conducted with vulnerable suspects away from the police station (e.g. in suspects homes, in the back of police cars, in shops, on the road side) using body worn cameras. Vulnerable suspects may feel particularly pressured to agree to this, even though this means their due process rights may not be properly provided (e.g. to an AA or legal advice). There have also been instances of (vulnerable) suspects taking their own life following a voluntary interview away from the police station because their vulnerabilities have not been as fully scrutinised and supported as they might have been had the interview taken place at the police station. Just because technology such as body worn cameras permits this, does not mean it is a fair, just or safe approach.

10) Feel free to reflect on or add other aspects as well in your report.

Name(s): Layla Skinns

Affiliation: Professor of Criminology and Criminal Justice

Author bio (up to 100 words): Layla Skinns is a Professor of Criminology and Criminal Justice, the Director of the Centre for Criminological Research, in the School of Law at the University of Sheffield, UK, and the Director of the N8 Policing Research Partnership (2025-26). A key focus of her research is the use and misuse of police powers, particularly in police detention, in England and Wales and other parts of the Anglophone world. For nearly 20 years, she has led large police custody research projects, including the ESRC-funded 'good' police custody study, which impacted on policy and practice, and led to a successful Impact Case Study for REF2021. She has published widely in the fields of policing and criminal justice, including *Police powers and Citizens' rights* (Routledge, 2019) and *Criminal Justice* (Oxford University Press, 2021) and a prize winning article on the use of appreciative inquiry in police research in *Policing and Society* in 2021.

Individual report Harriet Pierpoint (England & Wales)

1) What is your evaluation of Principle 3 of the Méndez Principles as to the conceptualization/definition of vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

Principle 3 defines vulnerability as situational, thereby acknowledging its contextual and dynamic nature. It then lists a range of personal—and to a lesser extent, structural—conditions that may heighten vulnerability. Such lists carry a risk: they may inadvertently lead to both over-identification (where vulnerability is presumed without nuance) and under-identification (where individuals fall outside predefined categories).

2) What is your evaluation of Principle 3 of the Méndez Principles and its accompanying Manual as to the identification of vulnerability? What are strengths and what do you consider weaknesses?

They broad in its approach: “the kind of action taken will require a flexible, tailored response. Interviewers and other relevant authorities should consider and determine, on a case-by-case basis, whether they should summon another interviewer such as someone of a different gender or with specialised training, or consult with particular experts. Some steps should be set out in law, others rely on the interviewer’s judgement”.

Notably, the framework does not incorporate screening tools. This flexibility is a strength in that it allows for responsiveness to individual needs, but it also opens up a critical tension between discretion and due process. Without clear procedural anchors, there is a risk that support may be inconsistently applied.

3) What is your evaluation of the Méndez Principles as to special measures/safeguards to address suspect vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

Do you mean those listed in Principle 3? Those in Principle 3 seem to focus on children. No mention of an AA. The documents note other safeguards more broadly:

a. Right to information about rights b. Right to remain silent c. Right to information about the reasons for arrest and any charges at the time of the arrest d. Access to interpretation e. Right to notify a relative or third party of one’s detention f. Right of access to a lawyer, including through legal aid g. Right of access to a doctor and an independent medical examination h. Right to contact with the outside world i. Registration of persons held in detention j. Full recording of the interview k. Right to review and sign the interview record l. Right to be brought promptly before a judge or other judicial authority m. Access to effective and independent complaints mechanisms and oversight

4) What is the current status of the implementation the Méndez Principles in your region/area?

No formal statutory adoption of the Méndez Principles in England and Wales.

5) List how the vulnerability of suspects and accused persons is defined in your jurisdiction.

In England and Wales, a suspect may be vulnerable in one of two ways in PACE. Firstly, a suspect who are under 18 years of age (or perceived to be so) is vulnerable by default of their age (Code C, para 1.5) and, secondly, one may be a vulnerable adult. The latest version of Code C para 1.13(d), revised in 2018, states that a suspect may be vulnerable if, because of a mental health condition or mental disorder, they have difficulty understanding or communicating, do not appear to understand the significance of what they are told, of questions they are asked or of their replies; or appear to be particularly prone to becoming confused, providing unreliable or incriminating information; and accepting or agreeing to suggestions from others.

It is also acknowledged in Notes for Guidance 1G, that: "Simply because an individual does not have... any such condition or disorder, does not mean that they are not vulnerable for the purposes of this Code". Hence, the revisions to Code C, made in July 2018, are underpinned by the idea that vulnerability may be broader than having a mental health condition or mental disorder.

6) Which special measures/safeguards/accommodations are available for vulnerable suspected and accused persons in your area/region?

Main one is appropriate adult

7) What do you consider best practices with regard to dealing with the vulnerability of suspects and accused persons in your area/region?

Please see Universal Practice Approach (Pierpoint and Baffero, 2025; submitted)

8) What do you consider challenges / obstacles for the adequate implementation of the Méndez Principles in your area in general and for adequately dealing with the vulnerability of suspects and accused persons in particular in your region?

Lack of consistency, resources legacy/cultural barriers. Welsh context may require specific thinking.

9) To what extent does the digitalization of justice pose an opportunity or a threat in light of the vulnerability of suspected and accused persons within the criminal justice system?

Interested in hearing more from Skinns, McKay and Rice

10) Feel free to reflect on or add other aspects as well in your report.

Name(s): Professor Harriet Pierpoint

Affiliation: University of South Wales

Author bio (up to 100 words): Professor Harriet Pierpoint is a part-time Professor of Criminology at the University of South Wales, Honorary Professor at the University of Birmingham, and consultant in vulnerability research. With 30 years' experience, she has led major studies for bodies including Welsh Government and Solicitor's Regulation Authority, securing over £500,000 in recent funding. Her work focuses on children, people with speech and language disorders, homelessness, and legal-services users. She developed the "Universal Practice Approach," co-founded and chairs the Vulnerability Research Network, and serves on advisory boards. With over 50 publications, she actively shapes national policy and academic discourse.

Individual report Aura Preda (Romania)

1) What is your evaluation of Principle 3 of the Méndez Principles as to the conceptualization/definition of vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

Evaluation : I believe that this concept needs a classical definition, not one that relates to criteria.

Strengths : *there is a differentiation between Interrogation or hearing as a situation of vulnerability and Persons in situations of heightened vulnerability*

Weaknesses: *the definition of vulnerability should be at the beginning of the principle (e.g., in para 132, not in para 136)*

2) What is your evaluation of Principle 3 of the Méndez Principles and its accompanying Manual as to the identification of vulnerability? What are strengths and what do you consider weaknesses?

Evaluation : *Vulnerabilities are identified according to listed criteria*

Strengths : *listing of risk factors and contexts that may increase vulnerability, details for hearing minors*

Weaknesses: *the situation of a minor combined with one or more elements of context that accentuates vulnerability.*

3) What is your evaluation of the Méndez Principles as to special measures/safeguards to address suspect vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

Evaluation: *rights and guarantees are regulated*

Strengths : *differentiated application of procedural and legal*

Weaknesses: *the need for the people conducting the interrogation or hearing to also have many notions about the types of communication, about nonverbal and verbal language, but also about personality,, s psychology.*

4) What is the current status of the implementation the Méndez Principles in your region/area?

The rules contained in the Mendez Principles apply to most interrogations, but their name is unknown. Instead, there is an interrogation manual given to police officers that refers to the PEACE method.

5) List how the vulnerability of suspects and accused persons is defined in your jurisdiction.

There is no definition, but vulnerable persons are listed: minors, persons with disabilities, the elderly, pregnant women, single parents accompanied by their minor children; victims of

human trafficking; persons suffering from serious illnesses; persons with mental illnesses; j) persons who have been subjected to torture, rape or other serious forms of psychological, psychic, physical or sexual violence, or who are in other special situations, similar to those mentioned above. (from a criminal point of view).

As a rule, there is no talk of vulnerable suspects or defendants – art. 106 CPP - Special rules regarding the hearing

6) Which special measures/safeguards/accommodations are available for vulnerable suspected and accused persons in your area/region?

Following evaluations, the following may be granted: accommodation, specialized assistance (legal, psychological, medical) and interpreter (art.105)

Section 2 – Hearing of the suspect or defendant (art.107-110)

- Special measures (art.106): interruption of the hearing, hearing by videoconference, in the presence of the lawyer at the place of detention. For all the suspects the rights are regulated in art. 78 CPP: The suspect has the rights provided by law for the accused, unless the law provides otherwise. Only the preventive measure of detention **RETENTION** may be taken against him.

The rights of the defendant are provided for in art. 83 of the PCC:

- During the criminal trial, the defendant has the following rights:

- a) the right not to give any statement during the criminal trial, being informed that if he refuses to give a statement he will not suffer any adverse consequences, and if he does give a statement, these may be used as evidence against him;

- b) the right to consult the file, under the terms of the law; c) the right to have a lawyer of his choice, and if he does not appoint one, in cases of mandatory assistance, the right to have a lawyer appointed to him ex officio;

- d) the right to propose the administration of evidence under the conditions provided by law, to raise exceptions and to make conclusions;

- e) the right to formulate any other requests related to the resolution of the criminal and civil aspects of the case;

- f) the right to benefit from an interpreter free of charge when he does not understand, does not express himself well or cannot communicate in Romanian;

- g) the right to appeal to a mediator, in cases permitted by law;

- h) other rights provided by law

Measures that can be taken against the defendant are: preventive arrest, house arrest, judicial control measure (Procedure criminal code-PCC)

7) What do you consider best practices with regard to dealing with the vulnerability of suspects and accused persons in your area/region?

The legislative framework is generous enough, but the infrastructure and the policeman are not very good prepared to implementing practice all the provisions.

8) What do you consider challenges / obstacles for the adequate implementation of the Méndez Principles in your area in general and for adequately dealing with the vulnerability of suspects and accused persons in particular in your region?

Lack of specialized personnel, lack of regular training on this topic, lack of interactive methods of transmitting knowledge, lack of periodic evaluations and feedback on progress in interrogations. Lack of motivation to comply with all these requirements, lack of infrastructure or functional infrastructure in all institutions where interrogations are administered.

9) To what extent does the digitalization of justice pose an opportunity or a threat in light of the vulnerability of suspected and accused persons within the criminal justice system?

I think that the digitalization is more an opportunity than a threat.

10) Feel free to reflect on or add other aspects as well in your report.

A lot of problems are generated because of the lack of funds for trainings, for infrastructure, etc.

Name(s): Aura Preda

Affiliation: *assoc. prof. Law Faculty - "Spiru Haret" University, Bucharest/ researcher, Legal Research Institute-Romanian Academy, Bucharest (Romania)*

Individual report Hanna Lahtinen (Finland)

1) What is your evaluation of Principle 3 of the Méndez Principles as to the conceptualization/definition of vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

The definition is general and includes wide variety of possible vulnerabilities. This can be seen both as a strength and a weakness. It is good to be aware of how wide the variety of heightened vulnerability is. On the other hand, more specific examples could help professionals to recognize vulnerabilities and how they may affect the interviewees responses. Children are clearly recognized as a vulnerable group needing specially trained interviewers. Special training for interviewing in other situations of heightened vulnerability should also be available. And considering how common they are, perhaps even mandatory for all interviewers.

2) What is your evaluation of Principle 3 of the Méndez Principles and its accompanying Manual as to the identification of vulnerability? What are strengths and what do you consider weaknesses?

See the previous answer. The Manual does not offer concrete examples how to consider the needs of the vulnerable. There are many ways to meet the needs of vulnerable individuals that are suitable for all or most of them. E.g. careful preparing and taking more time for the interview than usual, speaking clearly, using simple language, explaining what is going to happen and why, making sure the interviewee understands what you have explained and being calm & patient. Examples like these would be helpful and they could be listed as a checklist. Many checklists are included in the manual. However, there is no checklist for how to prepare for interviewing a vulnerable accused/victim or minimum requirements how to treat them.

3) What is your evaluation of the Méndez Principles as to special measures/safeguards to address suspect vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

See the previous answers again. Some measures and safeguards are listed and they are well justified.

4) What is the current status of the implementation the Méndez Principles in your region/area?

Méndez principles are not well known in Finland yet. We just taking the first steps to improve the situation by organizing a training school to involve professionals in developing the quality of investigative interviews. There are several developments needed such as organizing science-based training and starting to record the investigative interviews more, perhaps even change the law so that it would be mandatory for the police. Now, some interviews are recorded but most of them are not. Systematic training for methods such as Cognitive Interview are not available.

5) List how the vulnerability of suspects and accused persons is defined in your jurisdiction.

No such definition exists.

6) Which special measures/safeguards/accommodations are available for vulnerable suspected and accused persons in your area/region?

None. The safeguard are the same for all individuals (Right to a lawyer, right to an interpreter, police is not allowed to lie and so on.)

7) What do you consider best practices with regard to dealing with the vulnerability of suspects and accused persons in your area/region?

We had a project focused on identifying and addressing the needs of accused neurodivergent Individuals in the Criminal Justice System. We produced and delivered materials and training to the police, lawyers and prosecutors during the project. However, I don't know if new employees are aware of the materials or how the guidelines are followed. There is a clear need for research on how vulnerabilities are considered in the criminal proceeding and national level standards/guidelines should be established.

8) What do you consider challenges / obstacles for the adequate implementation of the Méndez Principles in your area in general and for adequately dealing with the vulnerability of suspects and accused persons in particular in your region?

Lack of resources is a major challenge but also lack of awareness.

9) To what extent does the digitalization of justice pose an opportunity or a threat in light of the vulnerability of suspected and accused persons within the criminal justice system?

I think this is a very difficult question. It is both an opportunity and a threat, depending on what kind of vulnerability you have to deal with.

10) Feel free to reflect on or add other aspects as well in your report.

A lot of work is needed to better identify and address the needs of vulnerable accused! Raising awareness could be the first step.

Name(s): Hanna Lahtinen

Affiliation: University of Eastern Finland

Author bio (up to 100 words): Hanna Lahtinen, PhD, is a psychologist specialized in forensic psychology and a lecturer at the University of Eastern Finland. She coordinates forensic psychology studies and has published research on child abuse disclosure, investigative interviewing, and child sexual abuse material offenders. With extensive experience in child abuse investigations, she works as a psychologist, trainer, and supervisor. Her recent work

includes a project supporting professionals in identifying and addressing the needs of neurodivergent individuals accused in the criminal justice system.

Individual report Alan Cusack (Ireland)

1) What is your evaluation of Principle 3 of the Méndez Principles as to the conceptualization/definition of vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

Given the difficulty necessarily associated with any attempt to articulate a definition of vulnerability that is relevant to the plurality of criminal justice systems targeted by the Méndez Principles, I believe that the definition is good. Specifically, I value the definition's recognition of the situational vulnerability of all suspects in a police interview. This situational/environmental vulnerability is often overlooked. However, the definition goes further to recognise the heightened vulnerability of certain cohorts within the suspect population (e.g. age, disability, cognitive functioning, communicative fluency etc.). This serves as a good holistic account of vulnerability.

2) What is your evaluation of Principle 3 of the Méndez Principles and its accompanying Manual as to the identification of vulnerability? What are strengths and what do you consider weaknesses?

From my reading of the Méndez Principles, they offer very little (if any) guidance on how police or criminal justice agencies should identify vulnerability. The Principles simply list a series of examples of heightened vulnerability (Principle 135 & Principle 136) as well as situational vulnerability (Principle 133). Equally, the Manual on Investigative Interviewing for Criminal Investigations offers very little practical guidance on how to identify vulnerability. Instead, like the Principles, it focuses on listing types of vulnerabilities and steps to address them: "An interviewee may have additional needs requiring special attention considering their age, sex, gender identity, disabilities, inabilities, ethnicity, language, culture, education, and other factors that may put them in a position of vulnerability. Interviewers may have to engage specialist interviewers or counsellors, identify an appropriate place for the interview, initiate medical fitness screening, and engage other aides as the case may merit, considering their rights and vulnerability factors" (pp.26-27).

3) What is your evaluation of the Méndez Principles as to special measures/safeguards to address suspect vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

It is very weak in failing to offer any clear guidance on what supports (particularly, at the pre-trial stage of proceedings) are available to vulnerable persons. The strength of this is that the document is sufficiently vague to be of relevance to multiple jurisdictions. The central weakness is its failure to act as blueprint or reference point for international policy makers and criminal justice agencies.

4) What is the current status of the implementation the Méndez Principles in your region/area?

While police interview practice in Ireland largely aligns with best international practice, this is attributable to causative factors beyond the Mendez Principles (namely in response to Tribunals which called for improved practice). As a result, most of the Principles are adhered to but this is not directly because of the Mendez Principles.

5) List how the vulnerability of suspects and accused persons is defined in your jurisdiction.

There is no statutory definition of vulnerability in Ireland.

6) Which special measures/safeguards/accommodations are available for vulnerable suspected and accused persons in your area/region?

Responsible Adult (for children and adults with “mental handicap”)
Access to a Lawyer (non-statutory basis) for all suspects.

7) What do you consider best practices with regard to dealing with the vulnerability of suspects and accused persons in your area/region?

An Garda Síochána is currently considering the introduction of an Easy-Read Notice of Rights which was designed with input from adults with lived experience of intellectual disability. If this Notice is adopted by An Garda Síochána, it would represent the first Easy-Read Notice of Rights of its kind in the world and, as such, would act as a model of best practice. Also the GSIM interview model- which was designed by Gisli Gudjonsson and John Pearse – adheres to best international practice.

8) What do you consider challenges / obstacles for the adequate implementation of the Méndez Principles in your area in general and for adequately dealing with the vulnerability of suspects and accused persons in particular in your region?

A key issue relates to the prioritisation, at a policy level, on addressing the needs of vulnerable victims/complainants, as opposed to the needs of vulnerable suspects. As a result, Ireland’s pre-trial procedural support framework is very outdated (Custody Regulations 1987). In order for the Mendez Principles to have meaningful effect their ethos needs to be incorporated into legislative-drafting process. The ongoing preparation of the Policing Powers Bill represents a unique opportunity in this regard.

9) To what extent does the digitalization of justice pose an opportunity or a threat in light of the vulnerability of suspected and accused persons within the criminal justice system?

Provided that the digitization process is pursued in a manner that respects the seminal due process rights of an accused. In particular, the accused's right to test by way of cross-examination any inculpatory evidence than I do not see it as posing a threat. However, it will be pivotal that disclosure practices by prosecution counsel that precede any recorded pre-trial cross-examination are complete and accurate.

10) Feel free to reflect on or add other aspects as well in your report.

I would very happy to explore these issues in further detail through academic commentary and/or at the conference workshop.

Name(s): Alan Cusack

Affiliation: University of Limerick

Author bio (up to 100 words):

Alan is an Associate Professor, and Director of Policing Studies, at the University of Limerick. He is also the co-founder of the Irish Mendez Centre for Investigative Interviewing. Alan is a qualified solicitor and a graduate of University College Cork (BCL, LL.M, PhD), University College Dublin (Dip. Emp) and the Law Society of Ireland (Solicitor, 2012). Alan's research on vulnerability and the criminal process has been widely published. He has acted as an Expert Advisor to the Minister for Justice, Garda Commissioner, European Commission and Department of Justice. Alan has provided expert analysis on criminal procedure for national media outlets.

Individual report Katie Maras (England & Wales)

1) What is your evaluation of Principle 3 of the Méndez Principles as to the conceptualization/definition of vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

I like the recognition that the interview is a situation of vulnerability first and foremost. This section (sec. 132-134) is clear and feels appropriately detailed.

The subsequent section (sec. 135) on individual vulnerability is less clear – this could be improved by rewording the section heading (to, e.g., “Individual Vulnerability”), before going onto more clearly demarcate different *types* of individual factors or groups and how each might be impacted. I appreciate it’s not feasible (nor appropriate) to list every possible vulnerable group, but it might help to at least outline how different types of individual factors present different considerations for interviewers. For example, belonging to a marginalised group has very different implications from having dementia. Perhaps this section could be structured by the issue and its implications (e.g., cognitive differences and difficulties; socio cultural differences) and within those refer to examples of individual groups and how they might be impacted. There could also be clearer emphasis on the intersection between situational and individual vulnerability – i.e., that individual vulnerability will be *further* compounded by situational vulnerability.

The recognition of other individual level vulnerabilities that are more transient (e.g., intoxication) in sec. 136 is helpful, although I think some of this (e.g., the nature of the offence under investigation, and sec. 141) would be better under the situation section.

2) What is your evaluation of Principle 3 of the Méndez Principles and its accompanying Manual as to the identification of vulnerability? What are strengths and what do you consider weaknesses?

Sec. 143 “Before carrying out an interview, authorities should assess whether the interviewee may be in a situation of vulnerability” – I feel this also needs to encompass individual vulnerability here. Although some individual-level vulnerabilities will not always render an individual as vulnerable in an interview context, for others they will. The wording currently implies it is only the situation.

More focus on initial steps to identification of vulnerability would also be helpful. Should interviewers have considering potential vulnerability as part of their checklist prior to all interviews, with all interviewees? And at what point, exactly?

3) What is your evaluation of the Méndez Principles as to special measures/safeguards to address suspect vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

The emphasis on recording and ensuring only highly trained, specialist interviewers conduct interviews with vulnerable persons is good. I suppose there’s not much more specific direction that can go in here, given the varying jurisdictions.

4) What is the current status of the implementation the Méndez Principles in your region/area?

The UK – pretty good!

5) List how the vulnerability of suspects and accused persons is defined in your jurisdiction.

The Police and Criminal Evidence Act (PACE), and the associated Codes of Practice (Home Office, 1984, 2008) in England and Wales. Code C (updated in 2018) provides guidance regarding the detention, treatment, and questioning of vulnerable suspects:

(d) ‘vulnerable’ applies to any person who, because of a mental health condition or mental disorder (see [Notes 1G](#) and [1GB](#)):

(i) may have difficulty understanding or communicating effectively about the full implications for them of any procedures and processes connected with:

- their arrest and detention; or (as the case may be)
- their voluntary attendance at a police station or their presence elsewhere (see [paragraph 3.21](#)), for the purpose of a voluntary interview; and
- the exercise of their rights and entitlements.

(ii) does not appear to understand the significance of what they are told, of questions they are asked or of their replies:

(iii) appears to be particularly prone to:

- becoming confused and unclear about their position;
- providing unreliable, misleading or incriminating information without knowing or wishing to do so;
- accepting or acting on suggestions from others without consciously knowing or wishing to do so; or
- readily agreeing to suggestions or proposals without any protest or question.

6) Which special measures/safeguards/accommodations are available for vulnerable suspected and accused persons in your area/region?

See Annex E: <https://www.gov.uk/government/publications/pace-code-c-2019/pace-code-c-2019-accessible#bookmark68>

Mainly centres around Appropriate Adult provision.

7) What do you consider best practices with regard to dealing with the vulnerability of suspects and accused persons in your area/region?

Appropriate Adult provision.

8) What do you consider challenges / obstacles for the adequate implementation of the Méndez Principles in your area in general and for adequately dealing with the vulnerability of suspects and accused persons in particular in your region?

Lack of intermediary provision (in practice) for vulnerable suspects, as there is for vulnerable witnesses.

9) To what extent does the digitalization of justice pose an opportunity or a threat in light of the vulnerability of suspected and accused persons within the criminal justice system?

TBC! There is an argument both ways – the evidence is still building so difficult to say at this stage.

10) Feel free to reflect on or add other aspects as well in your report.

Name(s): Katie Maras

Affiliation: University of Bath

Author bio (up to 100 words):

Katie Maras is an expert on the intersection between neurodiversity and the Criminal Justice System (CJS). Her UKRI-funded research has been pivotal in demonstrating how the CJS needs to work better for vulnerable populations, in particular to better support autistic witness, victims and suspects to recall evidence and access justice in a system that was developed for neurotypical individuals. She has developed novel theoretically-informed and legally-compatible police interview methods, and is currently leading a three-year ESRC project examining Special Measures in Court. She is also leading a new ESRC/NPCC-funded 'Policing Academic Centre of Excellence (P-ACE) at the University of Bath.

Individual report Samantha Fairclough (England & Wales)

1) What is your evaluation of Principle 3 of the Méndez Principles as to the conceptualization/definition of vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

It is refreshing to see the situational vulnerability that police custody / the interview can create for ALL (regardless of 'other vulnerabilities') and an acknowledgement of the different impacts this can have on the detainee, though I note that these are predominantly instrumental (i.e. relating to their ability to give accurate info in the interview) rather than about the inherent trauma/heightened distress this can cause different individuals.

It is good to see an understanding of the way the situational vulnerability interacts with other vulnerability factors (though I dislike the reference to those factors as 'risk' factors). Even if not meant as a segue to thinking about risk (vs vulnerability) the language is important.

Also good to see vulnerability noted as a dynamic and evolving concept. The plus side of the use of the word 'risk' (though I still think another way of phrasing would be better) is that there is implicit recognition that the factors listed do not make a person vulnerable per se, there is still an assessment to be made. This makes it less determinist (though may not translate that way in practice).

2) What is your evaluation of Principle 3 of the Méndez Principles and its accompanying Manual as to the identification of vulnerability? What are strengths and what do you consider weaknesses?

The way children are dealt with is better than other vulnerable groups, since there is more specific notes about why children are a vulnerable group, what needs to be avoided and therefore how to proceed (i.e. with interviewers with specialist training).

The provision of a list risks under inclusiveness as those applying it might not look outside of those conditions/factors listed or may see the ones listed as the most important or likely to cause issues (rather than it being merely illustrative).

Specific references to distinctions between suggestibility, acquiescence and compliance are useful in helping those working with vulnerable suspects to see some of the risks.

3) What is your evaluation of the Méndez Principles as to special measures/safeguards to address suspect vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

I like that children cannot waive their right to a lawyer.

Can be confusing that what is essentially the AA role is referred to as an intermediary (when this is a specific term of art in some jurisdictions).

There could be more specific examples of how communication assistance (and an assessment of communication) can be achieved. Also query the underlying assumption that the interview

will go ahead – I think an overt reference to the need for an assessment and the potential conclusion that the suspect is not fit for interview.

The general material is vague (necessary due to its cross-jurisdictional application) but I think this will make it more challenging to show non-compliance with the Méndez principles.

4) What is the current status of the implementation the Méndez Principles in your region/area?

I don't know

5) List how the vulnerability of suspects and accused persons is defined in your jurisdiction.

PACE Code C

6) Which special measures/safeguards/accommodations are available for vulnerable suspected and accused persons in your area/region?

Lawyer (for all), AA, possible intermediary but very ad hoc and it seems rare.

7) What do you consider best practices with regard to dealing with the vulnerability of suspects and accused persons in your area/region?

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8) What do you consider challenges / obstacles for the adequate implementation of the Méndez Principles in your area in general and for adequately dealing with the vulnerability of suspects and accused persons in particular in your region?

Funding and awareness. Legal provision of intermediaries. Timing – finding an intermediary within required time frame and conducting assessment and interview.

9) To what extent does the digitalization of justice pose an opportunity or a threat in light of the vulnerability of suspected and accused persons within the criminal justice system?

Probably both – depends on vulnerability. What it requires is an acknowledgement of those different contexts and the requirements within it so that vulnerability can be contextually assessed.

10) Feel free to reflect on or add other aspects as well in your report.

Name(s): Samantha Fairclough

Affiliation: University of Birmingham

Author bio (up to 100 words): Dr Samantha Fairclough is an Associate Professor in Law at the University of Birmingham. She has researched and published extensively on the conceptualisation and treatment of vulnerable people in criminal trials with a particular

interest in their ability to testify. Her work argues for the equal treatment of defendants vis-à-vis witnesses and the provision of support on humane treatment grounds in addition to instrumental concerns for evidence quality. Samantha co-convenes The Vulnerable Accused Network, runs the Defending Vulnerability blog, and is a member of The Advocate's Gateway management committee, that provides free toolkits to practitioners on responses to vulnerability.

Individual report Ashlee Beazley (Belgium)

1) What is your evaluation of Principle 3 of the Méndez Principles as to the conceptualization/definition of vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

The identification of the interview as a situation of vulnerability is a strength of Principle 3—indeed, the mere existence of this principle is itself necessary and important. In particular, Principle 3 does well to highlight the interview as a structural process in which a power imbalance is already acute.

That said, I am not sure the recognition that ‘virtually all persons being interviewed’ (para. 132, Principle 3) find themselves in a situation of vulnerability because of an interview to be a helpful nuance. While this is undoubtedly true, and certainly reflects discussions in the scholarship (e.g. Martha Fineman's theory of vulnerability), this does appear to contradict what follows in Principle 3, particularly the attempt to identify specific (forms of) vulnerability.

2) What is your evaluation of Principle 3 of the Méndez Principles and its accompanying Manual as to the identification of vulnerability? What are strengths and what do you consider weaknesses?

The distinction made by Principle 3 between individual risk factors and situational risk factors for vulnerability is a useful one, for it recognises that vulnerabilities may be (a) multiple; and (b) the result of different processes. These (non-exhaustive) lists, meanwhile, are also reasonably extensive in what they proffer as factors. That said, there is also an ambiguity to them—their language is not always precise, and so concretely identifying those with vulnerabilities of the kind listed as risk factors may not be a straightforward process. For example: what does “difficulties” in communication or understanding mean, in practice? Likewise: what is a “weakened” state? Weakened in comparison to what?

3) What is your evaluation of the Méndez Principles as to special measures/safeguards to address suspect vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

The recommendation that authorities should ‘implement enhanced protections and special measures designed to address the specific needs and rights of persons in situations of heightened vulnerability’ (para. 142, Principle 3) is a sensible one, yet the phrasing of this recommendation (and those which follow) is also not clear: what are “situations of heightened vulnerability?” Does this only cover the “situational” risk factors for vulnerability listed at para.

136 of Principle 3 or does it also include those individually-based risk factors given at para. 135?

Likewise: what, precisely, are “enhanced protections”? What equates to an enhanced protection (and does this only mean “legal”—i.e. rights—protection?) will differ between jurisdictions. What is “enhanced” for one may in fact be a regression in protection for another. A suggested minimum standard of protection and suggested minimum special measures (beyond those given at paras. 143ff) would be more useful.

4) What is the current status of the implementation the Méndez Principles in your region/area?

Not implemented (to my knowledge).

5) List how the vulnerability of suspects and accused persons is defined in your jurisdiction.

While there is in Belgium a provision provided in the Code of Criminal Procedure for vulnerable victims or witnesses, there is little codified which specific regard to vulnerable suspects and accused persons. The former—Art. 91*bis*—defines a ‘vulnerable adult’ as ‘any person whose vulnerable situation by reason of age, pregnancy, illness or physical or mental impairment or infirmity is apparent’. This definition only applies, however, to victims or witnesses who need to give evidence before a judicial authority.

For vulnerable suspects and accused persons specifically, as Lore Mergaerts has discussed (cf. Mergaerts and Dehaghani (2020) 11 NJECL 313), the attention given in Belgium has been limited. The approach to date has primarily been a focus on ensuring such vulnerable persons are granted access to legal assistance—as if the mere presence of legal counsel is sufficient to mitigate for any vulnerabilities the suspect or accused may have. Crucially, there is no definition of “vulnerable suspect” or “vulnerable accused” in the Code of Criminal Procedure.

6) Which special measures/safeguards/accommodations are available for vulnerable suspected and accused persons in your area/region?

Given the limitations above, as also discussed by Lore Mergaerts, there is little in the way of special accommodations or safeguards available to vulnerable adult suspects or accused persons. Two measures/practices have thus far been adopted: the first is the recommendation by the College of General Prosecutors in Belgium to apply the regulations for minor suspects or accused persons to adult suspects or accused persons with intellectual disabilities. While this is not binding, the presence of this recommendation from the College nonetheless provides a suggested practice, alongside further support in favour of greater (formalised) recognition of vulnerability in suspects and accused persons.

Secondly, the Code of Criminal Procedure now also explicitly provides that the language used by the police to inform a person about their rights should be adapted to that person’s age or ‘potential vulnerability which hampers their ability to understand those rights’ (Art. 47*bis*

§6(2), CCP). The possibility of an interpreter is also provided for, under this same Article, for those who are vulnerable because of communication or language barriers, including speech and hearing disabilities (Art. 47*bis* §6(4), CCP).

7) What do you consider best practices with regard to dealing with the vulnerability of suspects and accused persons in your area/region?

Training of practitioners—e.g. through programmes such as SUPRALAT—to ensure they can adequately identify and respond to suspects or accused persons with vulnerabilities. Such training, however, should extend to all legal practitioners involved in the criminal justice system, who will engage with suspects or accused persons: judges, prosecutors, defence counsel, interpreters, police...

8) What do you consider challenges / obstacles for the adequate implementation of the Méndez Principles in your area in general and for adequately dealing with the vulnerability of suspects and accused persons in particular in your region?

At present, the lack of a sufficient—and specific—legal framework for vulnerable (adult) suspects and defendants is a significant obstacle in Belgium. Belgium needs to address this lacuna.

9) To what extent does the digitalization of justice pose an opportunity or a threat in light of the vulnerability of suspected and accused persons within the criminal justice system?

As I will discuss in my upcoming presentation for the VACJS Conference, the digitalization of justice offers the vulnerable suspect or accused persons the possibilities of both opportunity and threat. To begin with the latter, there is significant risk that the possibilities of remote participation (e.g. via videoconference) may entrench existing vulnerabilities, particularly those where the suspect or accused has difficulties with communication, understanding or otherwise “participating” in their own criminal justice proceedings. Likewise, the use of digital technologies brings with it the additional risk of a specific vulnerability: that of digital vulnerability or illiteracy, or the difficulty in using digital technologies.

At the same time, if the risks of digital vulnerability are addressed, for those suspects who are vulnerable in other ways but who are digitally literate, digital technologies may confer significant opportunity. For example: the possibility to appear remotely, via videoconference, to one’s trial, may allow a vulnerable accused to experience less stress or anxiety and so facilitate their participation in the proceedings more effectively.

10) Feel free to reflect on or add other aspects as well in your report.

While ensuring vulnerable suspects and accused persons are able to take advantage of digital technologies in criminal proceedings (where appropriate or possible for them to do so), is an important development, this should not be at the expense of ensuring that sufficient definitions and safeguards for these same persons are present within domestic legal frameworks. This is particularly important to avoid the use of digital technologies exasperating

vulnerabilities in some suspects or accused persons, for whom the use of such technologies is not a suitable accommodation.

Name(s): Ashlee Beazley

Affiliation: KU Leuven

Author bio (up to 100 words): Ashlee Beazley is currently a postdoctoral research associate, teaching assistant and assistant project coordinator at the KU Leuven. She holds a PhD from the KU Leuven where she defended her thesis on 'Poor Lawyering: A Comparative Study of the Quality of Criminal Defence Assistance in England and Belgium' in 2023. Her research interests include comparative criminal law and procedure, European criminal law, legal history, legal ethics, and defence and fair trial rights. In November 2025 she will begin an appointment as a Marie Skłodowska-Curie Postdoctoral Fellow at the University of Luxembourg.

Individual report Lütfiye Kaya Ciceralli (Turkey)

1) What is your evaluation of Principle 3 of the Méndez Principles as to the conceptualization/definition of vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

As a forensic psychologist living in Türkiye with a strong commitment to biospheric values and rights-centered approaches, I find Principle 3 which centers on the recognition of vulnerability to be both progressive and ethically vital. However, from a psychological and ecological-humanistic lens, there are areas that could be deepened or expanded. Strengths of the approach are Holistic Recognition of Vulnerability embracing social, psychological, cultural, and situational dimensions and Dynamism of Vulnerability concept which recognizes that vulnerability is not fixed while individuals may become vulnerable due to trauma, power imbalances, or procedural disadvantages. These are significant in Türkiye, where ethnic minorities, political detainees, LGBTQ+ individuals, or even vegan prisoners may experience systemic and contextual forms of vulnerability not always recognized under law. Dynamic aspect aligns well with personality-informed models of stress reactivity, especially for high-neuroticism, high-agreeableness, high-introversion or low-resilience individuals. Emphasis on the Interviewer's Responsibility to reveal suspect vulnerability is also a strength which does not necessitate the vulnerable accused to disclose it. Ethically, this supports a trauma-informed and human-rights-consistent stance, which is especially crucial in coercive or custodial environments like those in Türkiye.

As weaknesses the broad yet underspecified definition of vulnerability may be brought up. While expansive, the definition may be too open-ended, making implementation uneven. Interviewers without training in trauma, personality, or intersectional identity may miss key cues of vulnerability. This is potentially risky in Türkiye, where interrogation practices are still confession-driven and often lack psychological insight. Another gap is the neglect of environmental/nonhuman considerations. From a biospheric values standpoint, the principle could better integrate ecological or animal-based vulnerabilities in detention (e.g., vegan detainees' needs, or access to ethical food/healthcare). Incarcerated individuals with ethical dietary values and behavior, such as vegans, are often overlooked, creating additional psychological harm and ethical violations. Lack of integration with personality and developmental frameworks is another weakness. People with dependent, avoidant, or borderline traits may be disproportionately harmed by coercive settings. Similarly people with social anxiety may be more vulnerable. Yet these dimensions are missing from the framework. Recognizing personality dynamics could enhance risk detection and interview tailoring

Here, my suggestions are (1) Introduce personality-informed tools for assessing vulnerability (e.g., trauma reactivity, dissociation scales, resilience profiles) (2) Highlight veganism and minority ethics as part of psychosocial vulnerability—not just lifestyle choices (3) Critically assess local relevance: How might Türkiye's social and political context mask or distort vulnerabilities (e.g., through stigma or institutional bias)? (3) Push for ecological justice within custodial ethics — connect the rights of the person to the broader web of life, which aligns with biospheric integrity and sustainable dignity.

2) What is your evaluation of Principle 3 of the Méndez Principles and its accompanying Manual as to the identification of vulnerability? What are strengths and what do you consider weaknesses?

Principle 3 and its Manual provide a strong foundation for identifying vulnerability during detention and interviews. One major strength is that they encourage proactive identification of vulnerability—rather than waiting for individuals to speak up, which is particularly important in places like Türkiye where many fear stigma, retaliation, or shame. Another strength is the broad understanding of vulnerability, going beyond medical conditions to include trauma, social exclusion, and communication barriers. This aligns well with modern psychological and human rights standards. Finally, the Manual emphasizes the need for ongoing assessment—recognizing that a person’s vulnerability may change over time depending on their experiences in custody.

However, the Manual has some important weaknesses. It relies on general advice rather than specific tools, missing an opportunity to include structured psychological assessments that could make identification more reliable. It also overlooks certain forms of vulnerability tied to personality traits or moral identity. For example, people who are extremely compliant, or those with strong ethical commitments (like vegan detainees), may be especially fragile under coercion, but the Manual doesn't address this. Furthermore, it lacks guidance on how to recognize vulnerability in different cultural or political settings. In Türkiye, for instance, fear of being labeled a terrorist or the stigma around mental illness often keeps people silent. Finally, there is little attention given to environmental or moral factors—such as how being detained in an ethically distressing or polluted setting might affect one’s well-being. These dimensions deserve more focus if we are to truly understand vulnerability in all its forms.

To improve the identification of vulnerability under Principle 3, future developments should include structured assessment tools that are specifically adapted to custodial settings. This would make identification more consistent and grounded in evidence. Additionally, vulnerability should be recognized not only in terms of trauma or disability but also in relation to personal values and identity—such as experiences of moral injury, ecological distress, or chronic patterns of guilt and shame. Interviewers should be trained to recognize less obvious signs of distress, such as excessive politeness, overcompliance, emotional numbness, or internal moral conflict. Finally, vulnerability frameworks must be tailored to local cultures. In Türkiye, this means involving psychologists, anthropologists, and community

3) What is your evaluation of the Méndez Principles as to special measures/safeguards to address suspect vulnerability? What are strengths of the approach taken and what do you consider weaknesses?

The Méndez Principles introduce a powerful shift to Reid-style accusatorial interrogation systems leading to rights violations and torture by emphasizing voluntary, respectful, and non-coercive interviewing. This change alone, if properly applied in countries like Türkiye, could reduce false confessions and psychological harm, especially in politically charged or high-risk cases, like we recently witness in Istanbul mayor Imamoğlu’s and linked cases. The safeguards proposed for vulnerable individuals, including those with trauma or communication challenges, show clear alignment with global standards like the Istanbul

Protocol. Importantly, the Principles also stress that risks don't stay the same over time, meaning protections must be ongoing and responsive, not just a one-time checklist.

However, the safeguard system lacks operational clarity. There are few specific instructions for how to act when someone silently shuts down, hides distress, or shows signs of over-compliance, especially in environments where speaking up is risky. The framework also misses important psychological factors like moral rigidity, dependency, or guilt-driven behavior, which can silently shape how detainees respond under pressure. In places like current Türkiye under Erdoğan's fascism, where distrust of institutions and fear of political retaliation are real, safeguards must be culturally and politically adapted. People like Atatürk's followers, non-conservatives, non-AKP, or ethical objectors may face unique psychological risks that standard approaches don't address. Moreover, the manual overlooks identity-based needs—such as philosophical or ethical diets—where violating those values may lead to serious distress. These are not superficial concerns but deep-rooted parts of a person's dignity.

To strengthen these safeguards, structured tools should be introduced to assess risk more thoroughly—including psychological, cultural, and ethical dimensions. Interviewers must be trained to spot hidden distress signals like emotional detachment, excessive politeness, or passive surrender. Community-based safeguards—such as involving ethical advisors or psychological support—should complement legal ones. Lastly, basic needs like ethical food and clean air must be seen as part of protecting vulnerable people, not afterthoughts. Safeguards must be living-beings-centered and flexible enough to reflect the lived realities of detainees.

4) What is the current status of the implementation the Méndez Principles in your region/area?

The Méndez Principles have not been officially adopted or integrated into Turkish law, policy, or law enforcement training. Government institutions such as the Ministry of Justice and police authorities have not referenced or endorsed the Principles, and no formal training or manuals incorporate their standards. That said, there is partial overlap between the Principles and existing Turkish laws. For example, rights such as access to legal counsel, the right to remain silent, protection from coercion, interpreter access, and medical examination are enshrined in laws like CMK Articles 147–150 and TCK Articles 94–96 as in the Table 1 below. However, implementation is uneven, especially in politically sensitive cases and for marginalized groups.

In practice, serious obstacles remain. Coercive interrogation methods continue—particularly in terrorism-related cases, while rights like early lawyer access or video-recorded interviews are often delayed or denied. There's also no standardized, rights-based interviewing model in use. Reports from NGOs highlight ongoing abuse and the absence of structured vulnerability assessments.

Encouragingly, civil society interest is growing. Organizations such as TİHV, İHD, and MAZLUMDER advocate for ethical and non-coercive practices. A small number of academics and professionals have begun referencing the Méndez Principles in research and training. However, monitoring remains weak. Türkiye's official National Preventive Mechanism lacks

independence and transparency, and international bodies like the CPT and SPT have repeatedly reported shortcomings in detainee safeguards.

In summary, Türkiye has not formally implemented the Méndez Principles. Some legal safeguards exist on paper, but translating them into real, non-coercive practice remains a major challenge. Progress will depend on institutional reform, adoption of structured interviewing models, and stronger independent oversight.

Table 1. Suspect Interview Safeguards in Turkish Law/Practice

Safeguard	Turkish Law/Practice
Right to counsel at first contact	CMK Art. 150 (often delayed in practice)
Protection from coercion or ill-treatment	CMK Art. 148–149; TCK Art. 94–96 (anti-torture provisions)
Right to remain silent and informed consent	CMK Art. 147
Access to interpreter	CMK Art. 202
Right to medical examination	Theoretically guaranteed, often inconsistently implemented

5) List how the vulnerability of suspects and accused persons is defined in your jurisdiction.

Turkish law does not define “vulnerability” explicitly, but certain categories of people receive legal protections. Children are seen as inherently vulnerable and benefit from special procedures. People with mental illness or cognitive difficulties are recognized under the penal code and have access to forensic evaluations. Non-Turkish speakers are legally entitled to interpreters. Women—especially pregnant or nursing—receive some protection under sentencing laws.

Victims of torture or trauma receive limited recognition, mostly through indirect references like the Istanbul Protocol. Meanwhile, groups like LGBTQ+ individuals or political detainees are not formally acknowledged as vulnerable under law, despite frequent reports of targeted abuse. Similarly, ethical or moral vulnerabilities (e.g., related to dietary or religious beliefs) are not protected, even though they can be deeply distressing in custody.

The Turkish Constitution and international conventions to which Türkiye is a party (such as the ECHR, CRC, and CRPD) offer a foundation for protecting vulnerable individuals. However, in practice, Türkiye lacks a system to screen for vulnerability upon arrest or detention. Intersectional vulnerabilities and less visible forms of psychological distress remain legally unrecognized. The Case of Osman Evcan is a striking example of how vulnerable accused demand their rights. He is a life-sentenced prisoner in Türkiye, famously went on hunger strikes to demand respect for his vegan dietary rights which he helped secure through earlier protests. In 2012, his actions led to an amendment in the prison food regulations, recognizing vegan and vegetarian diets alongside religious dietary needs. Despite the legal reform, prison authorities later violated this right. Evcan was reportedly served meat-based or spoiled meals, prompting another hunger strike in 2018. His protest drew parliamentary attention. Major

opposition party CHP's deputy Sezgin Tanrikulu raised the issue in parliament, demanding accountability for the violation of Evcan's legal right to vegan food. Eventually, after 44 days of striking, Evcan's demands were met: he was moved out of solitary, allowed exercise and conversation, and provided a vegan diet. However there is no news over what food he is served now, years later after his 2018 strike.

Please see the blue highlighted excerpt below for more information about how vulnerability is defined in Türkiye:

Definition of Vulnerability in Turkish Jurisdiction (Ceza Hukuku Bağlamında)

1. No Single Unified Definition

Turkish law does not provide a singular or codified definition of "vulnerability" for suspects or accused persons. Instead, it uses implied categories and protective provisions that apply to certain groups based on age, mental or physical capacity, language, and other factors.

2. Implicit Categories of Vulnerability in Legal Texts

a. Age-Based Vulnerability

- Children under 18 are considered inherently vulnerable.
- Special protections apply under:
 - o CMK (Criminal Procedure Code) Art. 236 & 239 – Child victims or witnesses must be heard with psychological support.
 - o Law No. 5395 on Child Protection – Addresses rights and procedural protections for children in conflict with the law.

b. Persons with Mental Illness or Cognitive Impairment

- Turkish Penal Code (TCK) Art. 32: Mentally ill individuals are considered criminally irresponsible or of diminished responsibility.
- CMK Art. 74 and related procedural laws grant these individuals the right to forensic psychiatric assessment and adjusted legal procedures.

c. Non-Turkish Speakers / Foreigners

- CMK Art. 202 requires an interpreter for suspects or accused persons who do not speak Turkish.
- Language barriers are legally acknowledged as a source of procedural vulnerability.

d. Women, Especially Pregnant or Nursing

- Vulnerability is not directly stated, but protective provisions exist in enforcement and detention practices:

- o Law on Execution of Sentences (5275), Art. 16/4: Sentences for pregnant women may be postponed.

- o International conventions ratified by Türkiye (e.g., CEDAW) also influence practice.

e. Victims of Torture or Trauma (Limited Procedural Recognition)

- Although there is no systematic vulnerability screening, CMK Art. 147 requires that suspects be informed of their rights and not coerced.

- Under İstanbul Protokolü (applied indirectly via case law), trauma can be considered in determining procedural safeguards, especially during police custody.

f. LGBTQ+ Individuals and Political Detainees

- These groups face clear practical vulnerability, but are not explicitly protected under Turkish law.

- Their vulnerability is often ignored in law, but increasingly documented in NGO reports and ECtHR rulings.

3. Safeguards for Vulnerable Individuals (Without the Term “Vulnerable”)

- Right to Counsel from First Contact (CMK Art. 150): Especially for minors and those unable to defend themselves.

- Prohibition of Coerced Confessions (CMK Art. 148): Confessions obtained under duress or by violating dignity are inadmissible.

- Use of Audio/Video Recording in Interviews (CMK Art. 147/6): While optional, this is seen as a safeguard for procedural fairness.

4. Constitutional & International Law Basis

- Constitution Art. 17 & 19: Protects personal integrity and prohibits ill-treatment.

- European Convention on Human Rights (ECHR) Art. 3 and 6: Interpreted in Türkiye’s jurisprudence to cover procedural fairness for vulnerable individuals.

- UN Convention on the Rights of the Child and CRPD (Convention on the Rights of Persons with Disabilities): Türkiye is a party, so these influence local legal obligations.

Limitations in Turkish Practice

- There is no formal system of screening for vulnerability at first contact with the justice system.
- No legal framework explicitly uses the term “vulnerable suspect” or “accused person” — it's a functional, not definitional, approach.
- Recognition of intersectional or moral/psychological vulnerabilities (e.g., veganism, PTSD, gender-based violence history) is virtually absent from formal law or police procedure.

Table 2. below summarizes these points.

Table 2. Recognition of Vulnerable Accused Groups in Türkiye

Group	Legal Recognition of Vulnerability
Children (under 18)	Explicit legal protections
Persons with mental illness/disorder	Procedural adjustments, reduced culpability
Non-Turkish speakers	Interpreters required by law
Women (pregnant/nursing)	Protective provisions in sentencing/detention
Political prisoners/LGBTQ+	Not formally recognized, only civil society response
Ethically/morally vulnerable (e.g. vegan)	No recognition or safeguards

5) Which special measures/safeguards/accommodations are available for vulnerable suspected and accused persons in your area/region?

In Turkey, legal protections exist for certain vulnerable groups, but these are fragmented as brought up above, inconsistently applied, and largely tied to formal legal status rather than a holistic understanding of vulnerability. The most detailed protections are provided for children under 18, who are entitled to mandatory legal counsel from the start, the presence of a psychologist or social worker during questioning, and limitations on repeated interviews to reduce trauma. These protections are grounded in the Child Protection Law (No. 5395) and the Criminal Procedure Code (CMK).

For individuals with mental illness or cognitive impairment, Turkish Penal Code Article 32 and CMK Article 74 offer recognition of diminished responsibility and allow for psychiatric evaluations. However, interview adaptations are not standardized, and accommodations often depend on the discretion of authorities. Similarly, non-Turkish speakers are entitled to interpreters at all procedural stages under CMK Article 202, though in practice, translation quality and availability can vary.

Persons with disabilities benefit from Türkiye’s commitment to the UN Convention on the Rights of Persons with Disabilities (CRPD), but actual accommodations (such as accessible formats or sign language interpretation) are often only provided if explicitly requested, and there are no standard procedures in place. For pregnant or nursing women, detention or sentencing may be postponed under Law No. 5275, but ethical or identity-based

vulnerabilities such as those related to philosophical dietary values, veganism, or moral beliefs are not formally recognized or protected.

More generally, all suspects have rights that indirectly benefit vulnerable individuals, such as the right to remain silent, access to a lawyer (automatically provided in some cases), and protections against coerced confessions. The law also allows for medical examinations and audio-visual recording of statements, though both are unevenly implemented.

Despite these safeguards, major gaps remain. There is no formal system to screen for vulnerability upon arrest or entry into custody. Psychosocial risks like trauma, moral distress, extreme compliance, or past abuse are not systematically identified or addressed. Additionally, political detainees, ethnic minorities (like Kurds and Roma), LGBTQ+ individuals, and those with strong ethical commitments (e.g., animal rights activists) face specific risks that are not acknowledged by law. Often, legal safeguards are bypassed in politically sensitive or national security cases, further undermining the protection of vulnerable groups.

Table 3. Safeguards and Challenges for Vulnerable Accused in Türkiye

Vulnerable Group	Safeguards/Accommodations	Challenges
Children (under 18)	Mandatory legal aid, psychologist, child-friendly interviews	Not uniformly available across regions
Mentally ill / cognitively impaired	Psychiatric evaluation, expert testimony, possible sentence reduction	Lacks structured support or specialized interviewers
Non-Turkish speakers	Right to interpreter	Interpreter quality and availability inconsistent
Pregnant/nursing women	Postponement of sentence	May not be applied in pretrial detention
People with disabilities	Convention on the Rights of Persons with Disabilities (CRPD) commitments	No national protocol or proactive accommodations
LGBTQ+, minority groups	Informal protective measures only	Often leads to isolation, stigmatization, or neglect
Trauma/moral/identity-based	No formal recognition	System blind to moral, psychological, and ecological needs

To sum up, while existing legal provisions offer a foundation, Turkey lacks a unified, trauma-informed, and rights-based framework for recognizing and addressing vulnerability. To align with the Méndez Principles, systemic reforms are necessary. These include institutional adoption of the principles, structured vulnerability assessments at intake, specialized training for law enforcement, and the integration of community-based and psychological perspectives into custodial practices. Civil society and academic sectors are increasingly advocating for these reforms, but state-level endorsement and implementation remain absent.

6) What do you consider best practices with regard to dealing with the vulnerability of suspects and accused persons in your area/region?

To improve the treatment of vulnerable suspects and accused persons, Türkiye should adopt a set of evidence-based, rights-driven best practices:

- 1) **Structured Vulnerability Screening:** First contact with the justice system should include psychosocial screening tools to identify trauma, psychiatric conditions, and communication barriers. Instruments should be brief, validated, and culturally adapted to Turkish context.
- 2) **Trauma-Informed Interviewing:** Coercive and confession-centric interrogation models should be replaced with investigative approaches like the PEACE model. Interviewers should be trained in rapport-building, active listening, and the psychological impact of trauma.
- 3) **Presence of Professional Support:** Vulnerable individuals should never be interviewed alone. Multidisciplinary teams, including psychologists and interpreters, should be made standard.
- 4) **Ethical and Cultural Accommodations:** Custody conditions must account for philosophical, dietary, gender, and moral identity needs. Ethical identity (e.g., veganism, environmental activism) should be recognized as a potential source of psychological vulnerability.
- 5) **Early Access to Legal and Family Support:** Immediate notification of counsel and family upon detention must be enforced without exception.
- 6) **Independent Monitoring Mechanisms:** Türkiye's National Preventive Mechanism must be strengthened with civil society participation, unannounced visits, and confidential detainee interviews. Oversight must include psychological audits of interrogation practices.

4. Obstacles to Implementing the Méndez Principles

Despite the visionary nature of the Méndez Principles, several entrenched obstacles hinder their effective application in Türkiye:

- 1) **Confession-Based Justice Culture:** Confessions remain the centerpiece of investigation and prosecution. This undermines any shift toward non-coercive models and incentivizes abusive practices.
- 2) **Narrow Legal Understanding of Vulnerability:** Turkish law recognizes only limited forms of vulnerability, ignoring moral identity, trauma history, minority stress, and cognitive patterns like "suggestibility".
- 3) **Training Gaps:** Legal and law enforcement professionals often lack training in trauma-informed, culturally sensitive, or rights-based interviewing methods. University curricula remain outdated.

- 4) **Authoritarian Hierarchy:** Centralized and hierarchical policing discourages innovation. Officers often lack the discretion—or fear punishment—for deviating from standard, confession-oriented procedures.
- 5) **Weak Oversight and Enforcement:** Existing bodies such as the National Human Rights Institution (NHRI) or Ombudsman Institution lack independence, enforcement power, and access to critical detention data. Violations of procedural safeguards often go unpunished.
- 6) **Infrastructure Deficits:** Many facilities lack prerequisites for ethical interviewing such as private interviewing rooms, video recording equipment, or access to qualified psychologists.
- 7) **Politicization and Security Narrative:** In high-profile or politically sensitive cases, rights are often suspended under the guise of national security. This selectively strips vulnerable individuals (e.g., Atatürk’s followers, atheists, anti-AKP people, Alevi people, highly educated people, environmentalists etc.) of protection.

Table 4. Challenges Specific to Vulnerability

Obstacle	Effect on Vulnerable Suspects
Lack of screening tools	Vulnerable people go unrecognized
No mental health or trauma training	Misinterpretation of behaviors (e.g., silence, withdrawal)
No individualized safeguards	One-size-fits-all procedures re-traumatize vulnerable detainees
Ethical or moral identity ignored	Vegan activists, conscientious objectors face psychological distress
Interpreter and disability access gaps	Communication is impaired; procedural fairness eroded
Weak complaint systems	Abuse or neglect often unreported or disbelieved

7) To what extent does the digitalization of justice pose an opportunity or a threat in light of the vulnerability of suspected and accused persons within the criminal justice system?

The increasing digitalization of Türkiye’s justice system through tools such as remote hearings, electronic case management, and emerging AI applications presents both significant opportunities and serious risks for vulnerable suspects and accused persons. Its effects depend heavily on how digital tools are designed, implemented, and integrated with ethical safeguards. When human-centered design is neglected, digitalization may amplify marginalization rather than alleviate it.

Opportunities: Enhanced Protection and Accessibility

Digital systems have the potential to improve documentation, transparency, and access to justice. For example, the use of audio and video recording during police interviews can deter

ill-treatment and coercion, while electronic case tracking systems (like UYAP) enhance procedural transparency — making it easier for defense teams to monitor case progress and legal deadlines. Remote hearings, when used ethically and with consent, can reduce retraumatization for individuals with PTSD, anxiety disorders, or physical disabilities. They also offer crucial access to legal proceedings for individuals in rural areas or those lacking mobility, especially when in-person participation would be burdensome or harmful.

Moreover, the ability to track legal rights and communicate with counsel digitally offers new procedural safeguards, particularly for lawyers representing clients with complex psychosocial needs. These systems can empower the defense, prevent manipulation of records, and improve real-time access to justice if they are accessible, understandable, and consistently used.

Threats: Marginalization, Bias, and Inequality

Despite these promising aspects, digitalization also introduces profound threats, especially when systems are introduced without attention to vulnerability. One key concern is the loss of human contact and empathic interaction in remote hearings or digital interviews. Vulnerability often manifests through subtle, non-verbal cues, signs that are easily missed when interactions are mediated through a screen. Judges and interviewers may fail to recognize trauma, confusion, or distress, leading to misinterpretations of silence, withdrawal, or compliance as indicators of guilt or consent.

Another major risk is the digital divide. Many vulnerable individuals including the elderly, poor, neurodivergent, or rural populations may lack the devices, digital literacy, or private space required for meaningful participation in online proceedings. Incarcerated individuals using remote platforms like SEGBİS often find themselves isolated from their legal counsel, undermining confidentiality and procedural fairness. Without proper safeguards, digital tools can become barriers to justice rather than facilitators.

Furthermore, AI-based risk assessment tools, while not yet common in Türkiye, pose a future threat if adopted without regulation. Such systems may use biased data or ignore psychosocial nuance, leading to misclassification of risk or wrongful pretrial detention. The absence of any legal framework governing algorithmic decision-making in criminal justice exacerbates this threat.

Finally, data protection and privacy risks remain largely unaddressed. Vulnerable individuals especially LGBTQ+ people, political dissidents, or those with mental health issues may not fully understand how their digital information is stored or used. If sensitive data (such as trauma histories or ethical beliefs) becomes part of a permanent digital record, it can result in long-term stigmatization and violate dignity and privacy rights.

In sum, in Türkiye, digitalization of justice holds transformative potential for improving procedural fairness, but only if implemented through a trauma-informed, accessibility-conscious, and ethically grounded lens. For vulnerable suspects and accused persons, digital tools must not replace human judgment or compromise the relational, empathetic nature of

justice. Instead, reforms must blend technology with strong safeguards, ensuring that innovation reinforces rather than replaces human rights, dignity, and individualized care.

Table 5. Costs and Benefits of Legal Digitalization

Digital Tool	Opportunity	Threat
SEGBİS Remote Hearings	Reduces stress and transfers	Limits rapport, detection of distress
UYAP e-Justice Platform	Improves access to procedural information	Inaccessible for digitally excluded populations
Video-recorded Interviews	Helps prevent coercion	Rarely used or poorly enforced in many regions
AI/automated decisions	(Hypothetical) speeds case triage	Risks bias, no transparency or oversight

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