

Report

Barriers for persons with disabilities

in criminal justice cases

in Bulgaria

October 2023



Crime – something done by a person which is wrong or against the law

Criminal case - the court needs to understand how the crime happened

Accused or defendant - a person who may have done something wrong or against the law.

The report presents the difficulties in **criminal cases**

for persons with intellectual and psychosocial disabilities

who are accused of a crime.



Report by **Kera Foundation** in a project called
"Inclusion and Access to Justice for
Defendants with Intellectual and Psychosocial
Disabilities"



Coordinator: Validity Foundation



International expert: International Commission of Jurists



8 countries from the European Union participate in the project:

Romania - Legal Resources Center



Portugal - National Federation of Social Solidarity Cooperatives



Czech Republic - Human Rights Forum



Slovakia - Human Rights Forum

Slovenia - Legal Center for Protection of Human Rights and
Environment



Bulgaria - Kera Foundation



Spain - Confederation for Full Inclusion



Lithuania - Mental Health Perspectives



How do people feel in court

„I didn't know how to say what I was thinking
because I didn't know how they would react,
I didn't want to make it worse.”



What do we know so far?

- The court knows the person with disability only from the diagnosis.
- Sometimes the criminal case is dismissed and the person is sent for treatment.
- They use the words insanity defense and compulsory treatment:

Insanity defense - when a person does not understand his or her actions, he/she cannot be responsible for them.

Compulsory treatment – when a person is dangerous to herself or himself or to other people, he or she might be sent for treatment.

- Persons with disabilities rarely receive extra support in criminal cases.
- Procedural accommodations are rarely used.

Procedural accommodations help persons with disabilities during criminal cases.

Procedural accommodations – anything that can help a person get to court and answer the questions they will be asked there.



„There was no one that could support me in court, only one orderly from the psychiatric hospital, but he knew nothing.”



„He does not know the lawyer's name.

He does not have the lawyer's phone number.

He has been in treatment for 4 months now

and does not know what is going on with the case

or for how long he will be there.

The lawyer did not explain anything to him.”



- Often lawyers are provided after the person tells their story to the police.
- Criminal justice professionals do not receive enough training on disability rights.
- Articles 12 (twelve), 13 (thirteen), and 14 (fourteen) of the Convention on the Rights of Persons with Disabilities (CRPD) are violated.

What needs to change?

- Not to limit people's rights.
- To have equal access to protection.



„They didn't tell me that I could use support.”

„At such times nobody helps you, even family runs away.”

- To have trainings for people who work in criminal justice.
- To have lawyers who provide help of good quality to persons with disabilities.
- To use communication experts to help persons with disabilities in criminal cases.



- To make documents in easy-to-read and plain language.
- To improve the links between disability rights laws and criminal cases.
- To have changes in the law that give persons with disabilities equal rights in criminal cases.
- To stop the insanity defense.
- To stop compulsory treatment.



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