

National Cooperation Protocol: Introducing Intermediary Scheme BULGARIA

This document is to describe the process of setting up and piloting a communication facilitator (intermediary) scheme in Bulgaria as being the outcome of a collaboration between various actors in the disability rights field within the EU co-funded project “ENABLE - Enabling inclusion and access to justice for defendants with intellectual and psychosocial disabilities” (ENABLE – 101056701 - JUST-2021-JACC).

Background: In 2020-2021 an extensive research was conducted by the same Bulgarian team on the rights of victims with disabilities within another EU co-funded project “Voices for Justice: Victims of Crime with Disabilities” (JUST-AG-2019 / JUST-JACC-AG-2019-878604). The findings and recommendations made out of it were focused on the gaps in communication and need of supporting specialist to validate the possibility for effective communication in the first place. Later on, by raising awareness for the need of such specialist in Bulgaria, the international Fair Access to Justice HUB supported the delivery of training for communication facilitators (CFs). In 2023, within this funding five speech and language therapists from Bulgaria were trained for the role of CFs by a certified justice intermediary from England. They were trained to facilitate communication with persons with disabilities in trial and pre-trial criminal justice proceedings in Bulgaria.

Now, within the ENABLE project, another research was conducted and a briefing report delivered which only confirmed the JUST conclusions about the lack of effective communication with persons with disabilities in criminal justice. This time about defendants with disabilities. Thus, the ENABLE project became a platform to elaborate on the work done with regard to communication facilitation in criminal justice proceedings, along with other kinds of procedural accommodations. With CFs being entirely new to the Bulgarian justice system and with no legislation whatsoever, expertise of professionals of different background was highly required – internationally, of specialists who had the experience with the CF role in their systems, and locally, of experts both from the justice and non-justice field, including persons with disabilities. Below this protocol describes the process of such collaboration and its results.



Scope of cooperation: Creating a set of rules, principles and instruments for introducing the new role of CF in the Bulgarian criminal justice process.

Goal: Establishing a sustainable model of the CF service which maintains compliance with the UN Convention on the Rights of Persons with Disabilities.

Participants: Five speech and language therapists from Bulgaria; three local lawyers from Kera Foundation, international partners: two certified CFs from England and New Zealand, one director of a CFs program in Mexico; two local judges; persons with disabilities.

Mechanism: The participants worked on the task for about one year, from May 2023 to May 2024. They grouped differently throughout this period, mostly online in working groups and individual consultations. Some only reviewed the written content created in the process and left comments.

Description of the process: First, a research was carried out on existing CF (intermediary) schemes around the world, including information about applicable legislation and the outcomes of its practical implementation, learning from both negative and positive experiences. Then series of working groups and consultations between the participants were held in order to identify what from the other countries' models would work best in Bulgarian context and still be compatible with the local legal system.

In the very beginning, the group of newly trained CFs, the local lawyers and the international partners had preliminary discussions to outline the fundamental directories for setting up the CF scheme: a) set up the scope and principles of work of the CFs; b) define the new role within the Bulgarian legal system and attach legal grounding to it; c) create guidelines and tools for the new role to be put into practice; d) create a sustainable source of information about CFs and their work, together with a referral system e) target stakeholders and strategize around a communication campaign.

The group then elaborated on each of the above and started creating relevant content while keeping account for the interrelations between all:

I. About the CF role internally:

- 1) Clear description of what CFs actually do – Once trained, the CFs explained and described the process and specific professional instruments which the service in substance will operate with.
- 2) Principles and ethics – Having the international partners shared experience from their systems, the CFs and local lawyers put up a list of principles which are needed for the CF scheme to be sustainable, professionally operated and in line with the CRPD, given the Bulgarian justice context.
- 3) Funding – To create a service which remains impartial and meets high professional standards, funding must be considered a matter of fundamental importance. Therefore, while looking up to good practices from abroad, the CFs and local lawyers decided that payment of the CF service must be set from the very beginning as responsibility of the justice system, similar to other justice expert roles.

- 4) Pricing – Pricing of the service was also carefully consulted so as to be as close as possible to other expert services which already exist in the justice system, and at the same time be affordable yet fairly rewarded.

II. **Putting the new role into practice**

- 1) Identifying the need for CF – CFs and local lawyers created a set of questions and brief guidelines for the legal actors to be able to identify when a person might have specific communication needs which to require the support of a CF.
- 2) Legal grounding – having other countries’ legal framework researched, local lawyers put up a list of applicable Bulgarian and international legislation to help legal actors and other shareholders feel confident when requesting/appointing a CF in justice proceedings.
- 3) Create a CF referral mechanism – implementing good practices from England, CFs and local lawyers created a referral form for justice actors who would like to involve a CF in trial or pre-trial proceedings. The form was made available online (see more about the website below), easy to operate with and quick to complete. It was designed to gather short but sufficient information for the CFs to be able to decide to whom amongst them to assign the case and to make all necessary preparations.

III. **Framework document**

A framework document was created describing the process of training, all rules and principles of CFs’ work, as well as guidance on how and in which cases to involve a CF. On one hand, the document gathered useful information to present the CFs scheme in Bulgaria to anyone interested especially justice actors. On the other hand, it serves as a framework of rules and principles about the CFs work itself.

IV. **Feedback**

Before piloting and going public, local lawyers consulted broadly the draft framework document with the international partners and two local judges and lawyers, as well as with persons with disabilities.

V. **Piloting and dissemination**

The CFs and local lawyers strategized around means of communication to pilot and inform about CF scheme publicly.

- 1) Identity and publicity: In order for the CF service to be recognizable, legitimate and easy to reach, the CFs and local lawyers, with the help of a logo and a website designer, created a logo of the CFs cooperative, as well as a website with all relevant information about the service and CFs team in Bulgaria, including the referral form. For links see section ‘Directory’ below.
- 2) The Framework Document serves among other things to present and inform about the CF scheme in Bulgaria. The document was also translated in English language and distributed internationally for other countries to be informed and to learn from the Bulgarian experience, especially those planning to set up an CF scheme.
- 3) An easy-to-read version of the document has been currently prepared by one of the CFs and is to be consulted further with an expert by experience (person with disability) before publishing.

- 4) Piloting event – an online event took place as a way of piloting the scheme and publicly announce the existence of CFs in Bulgaria. The CFs and local lawyers presented the CF scheme the way it is designed to operate in Bulgaria while the international partners shared experience about the CF model in their countries.
- 5) Communication campaign – To spread the word further a recording of the piloting event was uploaded online in Bulgarian, Spanish and English language and distributed among local and international shareholders. For links see section ‘Directory’ below. Additionally, the local lawyers created a leaflet for justice actors with the most important information about CF and how to make a referral. An easy-to-read leaflet about the CF scheme is also to be prepared and made available to persons with disabilities especially those in contact with the justice system. Other than that, CFs were already a part of the agenda of the series of working groups and trainings carried out within the ENABLE project. Awareness raising will continue through trainings and other public events in the future.
- 6) This protocol – by describing the step-by-step process this protocol by itself will also serve for extended collaboration purposes. We will disseminate it to share the Bulgarian experience with international shareholders which plan to introduce a CF scheme in their countries.

VI. Sustainability

All of the above deliverables were meant for establishing a sustainable model of the CF service in Bulgaria. Yet, sustainability requires a dynamic and continuous maintenance. In this regard, two goals were determined as fundamental: keep the practice compliant with the CRPD and advocate for the CF role to be explicitly legislated.

- 1) CRPD compliance – the CFs and local lawyers agreed to regularly meet and discuss the CFs’ practice, as it grows and develops, from the perspective of the CRPD. Then if necessary, to amend the framework document and adjust the practice in order to stay compliant with the CRPD. Persons with disabilities, especially those who already used the CF service will be invited to share their living experience and give recommendations.
- 2) New legislation – the extensive work done within this collaboration was expected, among other goals, to trigger national relevant reforms. So it did, rather naturally. While raising awareness about CFs, the local lawyers and CFs were invited by the Ministry of Justice to take part in a working group which to draft and propose to the Parliament new pieces of legislation and/or amendments improving access to justice of persons with disabilities. The local lawyers already submitted several proposals amongst which were provisions regulating the CF role. The work of the group is still in progress.

Results: Through the working groups and trainings, and extensive research, the ENABLE project created opportunities for finding like-minded professionals and had a prolonged multi-disciplinary collaboration. This collaboration resulted in creating a framework of rules, resources and other content needed for setting up and piloting the role of CF in Bulgaria – a whole new service which advances access to justice of persons with disabilities, including defendants with

disabilities. With the National Bench Book and all, it also helped raise awareness about the problems in communication with persons with disabilities and lack of procedural accommodations in criminal justice proceedings. This elevated the dialogue amongst professionals on the need of legislative amendments in this regard.

Directory: Website of the CFs in Bulgaria: <https://communication-facilitators.bg/>

Link to the framework document about the CF role, the way it is designed to operate in Bulgaria:

<https://communication-facilitators.bg/what-is-cf/> (in English language)

<https://communication-facilitators.bg/kakvo-e-kp/> (in Bulgarian language)

Recording of the piloting event in English language: <https://youtu.be/KrJgEaREAk0>

Recording of the piloting event in Spanish language: <https://youtu.be/MzZrRFco55U>

Recording of the piloting event in Bulgarian language:

<https://www.youtube.com/watch?v=dkTvfTqbGPY>

Additionally, you may find the National Briefing Paper on the barriers faced by defendants with disabilities in Bulgaria at: (Bulgarian version: www.kerafoundation.com/wp-content/uploads/2023/07/FINAL_KERA_2023_06_19_National-briefing-paper_Bulgaria_BG.pdf

and English version: https://www.kerafoundation.com/wp-content/uploads/2023/07/FINAL_KERA_2023_06_02_National-briefing-paper_Bulgaria_ENG.pdf), and its easy-to-read version: (Bulgarian version:

https://www.kerafoundation.com/wp-content/uploads/2024/02/2024_02_08_ENABLE_Bg_ETR_Bulgaria.pdf and English version: https://www.kerafoundation.com/wp-content/uploads/2024/02/2024_02_08_ENABLE_Eng_ETR_Bulgaria.pdf)

and the National Bench Book about procedural accommodations and good practices in Bulgaria at: (Bulgarian version: <https://www.kerafoundation.com/wp-content/uploads/2024/08/BULGARIA-NATIONAL-BENCHBOOK-BG-Final.pdf> and English version: <https://www.kerafoundation.com/wp-content/uploads/2024/08/BULGARIA-NATIONAL-BENCHBOOK-EN-Final.pdf>), and its easy-to-read version soon to be uploaded at the same website.