



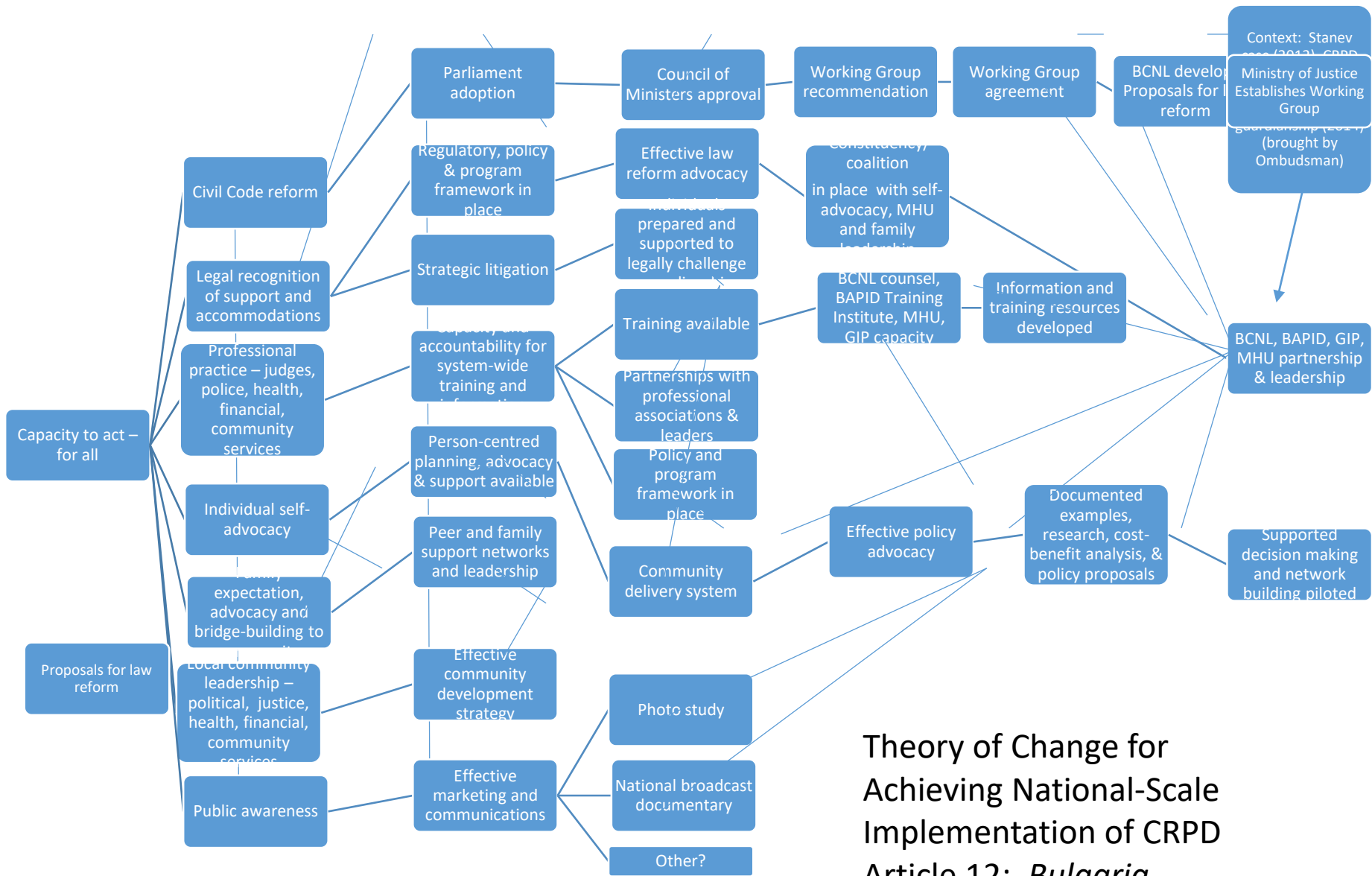
BCNL

“SOCIAL” COURT

***creating new community of
practice***

Bulgarian Center for Not-for-Profit Law

15 March 2019, EASPD



**Theory of Change for
Achieving National-Scale
Implementation of CRPD
Article 12: *Bulgaria***



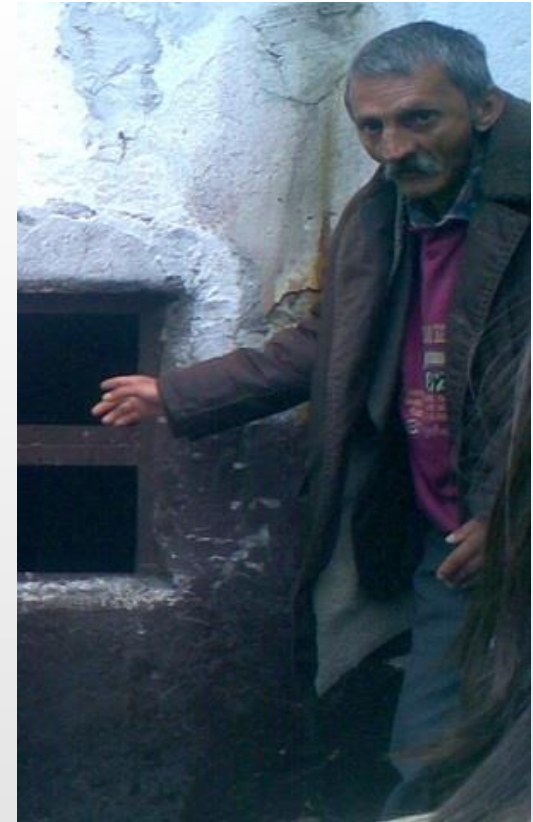
- ☞ not very developed general access to social care, healthcare, education; poverty is an issue.
- ☞ complicated heritage – 6500 in institutional care, 5000 in “waiting list”!
- ☞ very problematic guardianship regime



Guardian
ship
regimes=
statutory
discrimin
ation

Deprived from liberty

“It seems clear to the Court that if the applicant had not been deprived of legal capacity on account of his mental disorder, he would not have been deprived of his liberty. .”

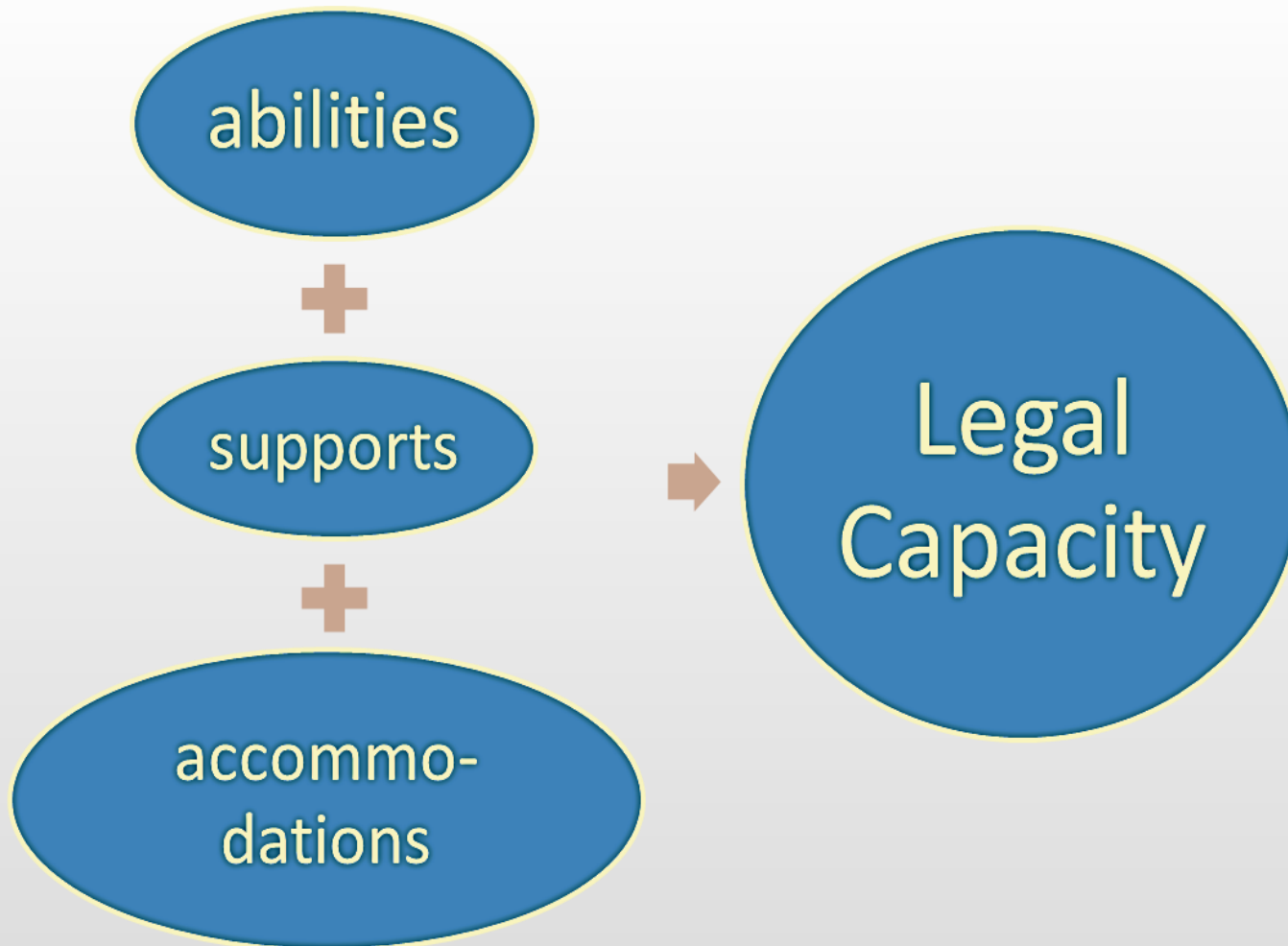


European court of human rights, grand Chamber, *case of Stanev v. Bulgaria*,
p. 154.



- ☞ community program that is piloting the alternative
- ☞ very progressive draft law; shrinking the legal doctrine
- ☞ huge advocacy movement, led by parents and DPOs

Pilot projects: The new formula



The policy window:



- ✓ Placement of adults under guardianship – court control regarding the consent
- ✓ Formal placement in the beginning, but ...
- ✓ The role of CSOs - key partners and agents of change

- ☞ new special interpreter – SDM interpreter, now we want special court expert
- ☞ the court is discussing the art. 12 in reliance with article 19 and art. 13
- ☞ recognition of the pilot program for SDM as “reasonable accommodation”

Conclusions:



☞ need for multilevel comprehensive advocacy for changing the legal framework, but also creating community of practice

☞ strategic cases that capitalize the achievements of the pilot program

☞ challenges around the social – legal interdisciplinary work

