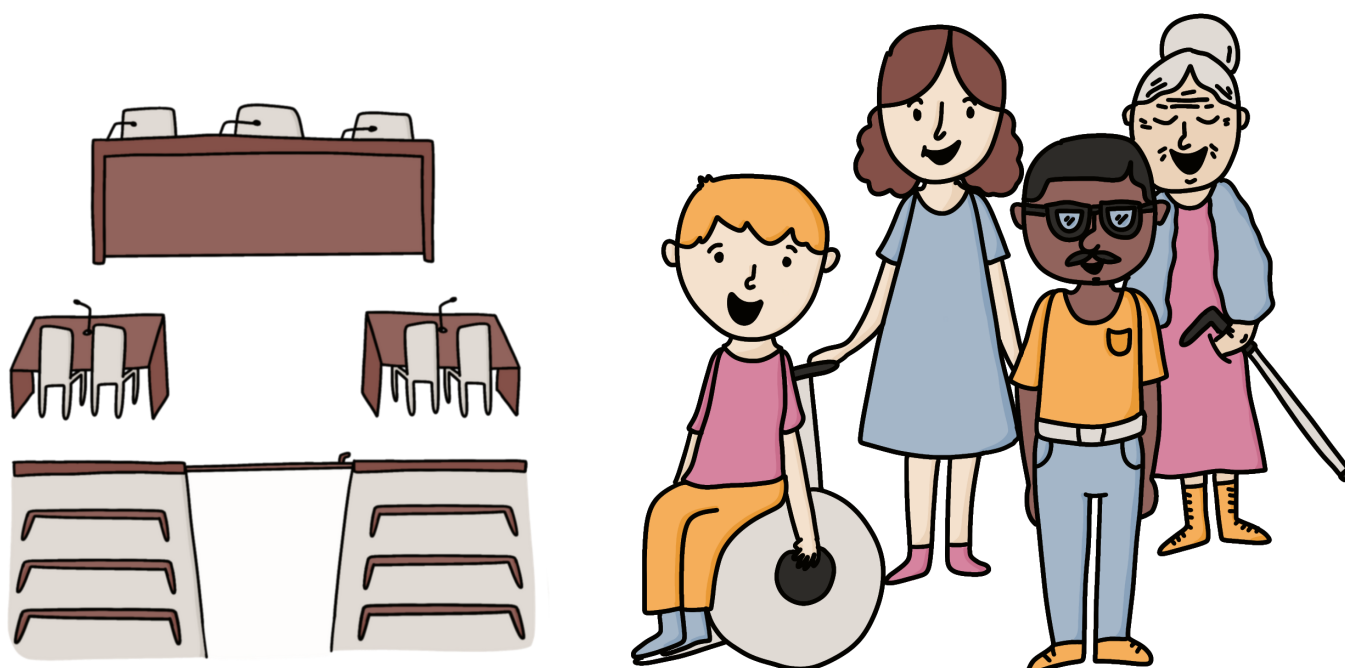




Co-funded by  
the European Union

# DEFENDANTS WITH DISABILITIES IN CZECH REPUBLIC

Easy-to-read version of the Czech report



VALIDITY



FORUM  
Human Rights





## Name of this project is **ENABLE**.

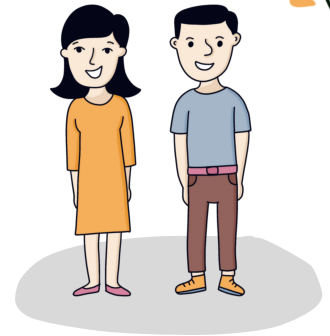
The word ENABLE means helping with inclusion and access.

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## Who is the **ENABLE** project for?

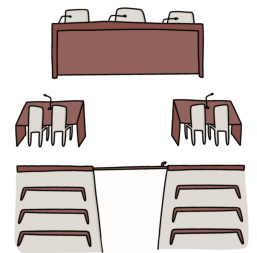
People with intellectual and psychosocial disabilities, who are involved in the justice system and who are involved in criminal cases.

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## What is the goal of the **ENABLE** project ?

- to improve the knowledge of people working in the justice system about the needs of people with disabilities (For example, lawyers, police officers, judges and others.)
- improving access to legal services for defendants with disabilities



## How does the **ENABLE** project work?

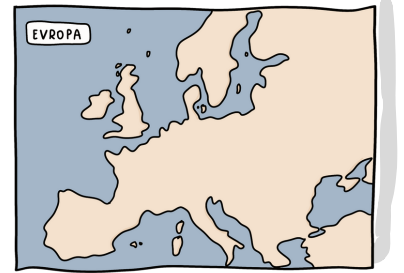
- we did **research**  
We have talked to defendants with disabilities and people who work in the justice system.
- we will produce a **bench book**  
The bench book will provide information for judges and other staff.  
They need information to ensure, that people with disabilities are heard and understand court activities.
- we will prepare a **special protocol**  
A protocol is an official way of doing things or system of rules. Our protocol will help people with disabilities in accessing the justice system.



The project involves people from countries in the European Union:

- Legal Resource Centre (**Romania**)

- Fenacerci - National Federation of Social Solidarity Cooperatives **(Portugal)**
- Forum for Human Rights **(Czech Republic and Slovakia)**
- International Commission of Jurists - European Institutions **(Belgium)**
- KERA Foundation **(Bulgaria)**
- PIC - Legal Centre for the Protection of Human Rights and Environment **(Slovenia)**
- Confederación Plena Inclusión España **(Spain)**
- Mental Health Perspectives **(Lithuania)**



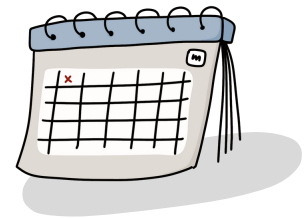
The project is coordinated by the international organisation **Validity Foundation**.



People and organisations, working on the ENABLE project, have needed experience and knowledge.



This project runs from **September 2022 to August 2024**. It is funded by the European Union.



### What is already **DONE**?

We wrote a **research report** about people with disabilities, who have been asked questions by the police or in court. We wanted to find out, what **barriers** they had to overcome. And also, how Czech Republic **respects** their rights.



### What rights do persons with disabilities have?

The rights of people with disabilities in court are in the **UN Convention on the Rights of Persons with Disabilities**. The Convention is an international law on the rights of people with disabilities. The UN CRPD tells the states, what to do, so that people with disabilities have the same rights as others.



**Article 13** is about a person with disability in court.

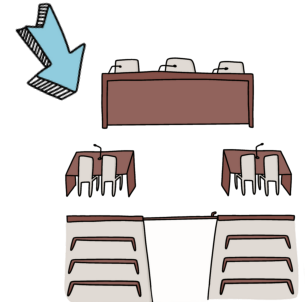
**People with disabilities have the right to go to court.**

They have the right to support and to be told, what is happening in court.



**A person with disability can testify.**

This means, they can say in court, what they saw or heard.



States must give **training - education** to police and prison staff . So that they know, how to treat people with disabilities and how to talk to them.



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## How did we do the research?

In our research, we put together a lot of information. First, we **studied laws and policies.**



Then we asked questions to:

- **defendants** with disabilities
- **criminal law experts** (judges, lawyers, mental health professionals, police officers)
- **professionals** from services and organisations, **that defend the rights** of people with disabilities



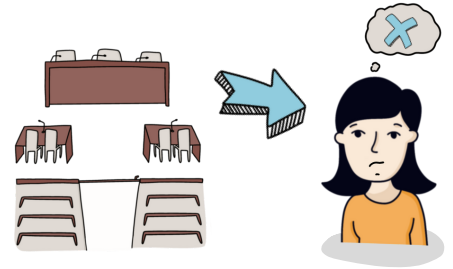
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## What **BARRIERS** did we describe in the research?

Czech **laws** do not allow any change for people with disabilities, who find themselves arrested by police or in court.



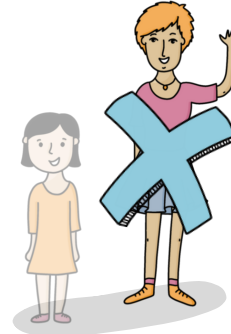
Police officers, lawyers, judges and other professionals often **fail to adapt what they do** to the needs of people with disabilities.



A person with disability, who goes to the police or to court, is often alone.



They **don't have a close person with them** - someone on their side.



Often they are **not allowed to have a free lawyer**.



Sometimes when they do have a lawyer, lawyer doesn't do the job well, because it's for a person with a disability.



When a person needs **support to communicate**, the professionals don't know how to give it.



They only recognize sign language interpreters and communication systems for people with hearing problems.



**The voice of a person with disability is often not heard.**



The most important thing often is, what the expert witness says.



What the person with a disability says, or what actually happened, isn't really checked.



The problem is, is that the experts are not well **trained**.



Often they **don't know**,  
**how to support** a person with disability.  
They don't know  
**how to communicate** with them,  
who to ask for help.



To better fulfill the rights of people with disabilities,  
the involvement of **mental health professionals**,  
**social workers and NGOs**,  
**or the Probation and Mediation Service**  
is needed.



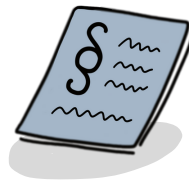
However,  
these services must be involved  
from the start of the criminal cases.



## What should be **CHANGED**?



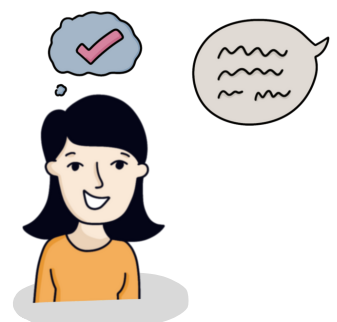
The laws should be changed,  
so that a person with a disability  
can have access to all their rights.



When they are in contact with the police or the courts,  
they should be able **to have a mediator** or a **facilitator**.  
That's someone,  
who's not on anybody's side.

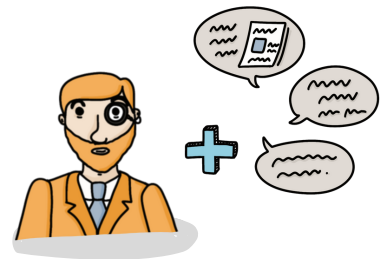


**Communication support** should be put in place  
with a person with disability.



This can be the support of someone close to the person,  
accessible documents and easy to understand language.

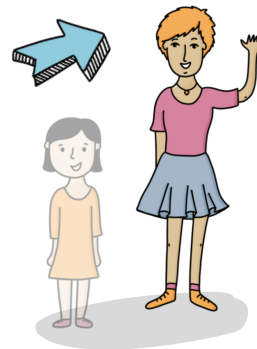
It should be ensured, that **the opinion of the expert witness is not the only basis** for making a decision in criminal cases.



Every person with disability should get a **free lawyer**. The lawyer should do their job to the best they can.



**A loved one or support person** should be able to be there for a defendant with disability during all parts of the criminal case, from the very first moment.

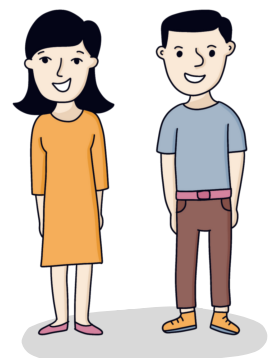


When speaking about the rights of people with disabilities, we must always speak **directly to people with disabilities and the organisations advocating for their rights**.



## CONCLUSION

We believe, that this report will help to **improve the accessibility of criminal cases** for people with disabilities.



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WE ARE DOING THESE ACTIVITIES THANKS TO A EUROPEAN PROJECT.  
THE MONEY IS FROM THE EUROPEAN UNION.

THE TITLE OF THE PROJECT IS '**ENABLING INCLUSION AND ACCESS  
ACCESS TO JUSTICE FOR DEFENDANTS WITH MENTAL  
AND PSYCHOSOCIAL DISABILITIES.**'

IT ALSO HAS A NUMBER: **101056701 - ENABLE -JUST-2021-JACC.**

EVERYTHING WE DO IN THE PROJECT, WE WRITE AND SAY,  
IS BASED ON OUR FINDINGS AND OPINIONS.

EUROPEAN UNION AND EUROPEAN COMMISSION  
MAY THINK AND SAY SOMETHING DIFFERENT.

THIS MEANS,

THEY CANNOT BE HELD RESPONSIBLE FOR OUR OPINIONS.

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This document has been produced with guidance from Inclusion Ireland  
on accessibility and proofread by a group of self-advocates.

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