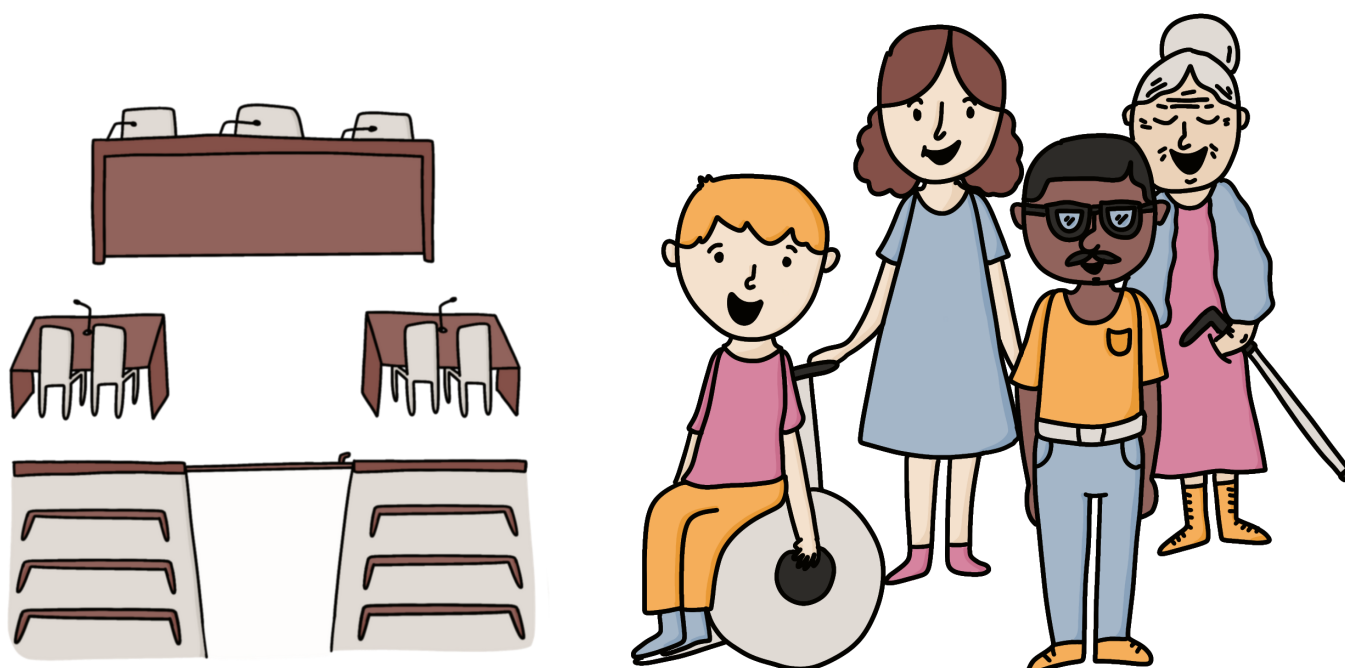




Co-funded by  
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# DEFENDANTS WITH DISABILITIES IN SLOVAKIA

Easy-to-read version of the Slovak report



VALIDITY

FENACERCI

FORUM  
Human Rights

icj  
International  
Commission  
of Jurists  
European Institutions (ICJ-EI)

K  
KERO FOUNDATION

pic  
CENTER ZA PRAVO VARNOSTI  
ČLOVEKOVIH PRAVIC IN DEJAVIA

J  
CENTRUL DE RESURSE  
JURIDICE

Plena  
inclusión

PSICHIKOS  
SVEIKATOS  
PERSPEKTYVOS



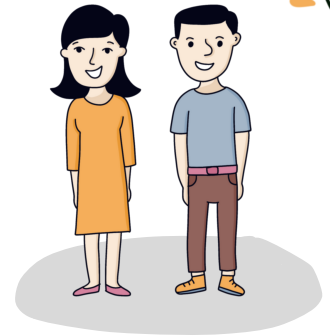
## Name of this project is **ENABLE**.

The word **ENABLE** means helping with inclusion and access.

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

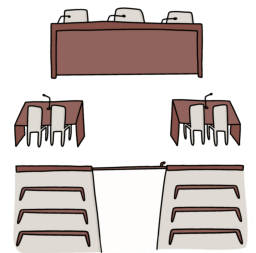
People with intellectual and psychosocial disabilities, who are involved in the justice system and who are involved in criminal cases.



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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



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

- we did **research**  
We 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.



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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**)



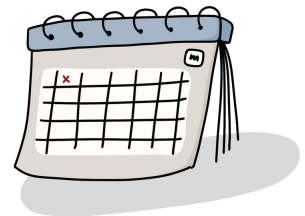
The project is coordinated by the international organisation **Validity Foundation**.



People and organisations, working on the ENABLE project, have 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 succeed. And also, how Slovak Republic **respects** their rights.



## What rights to 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.

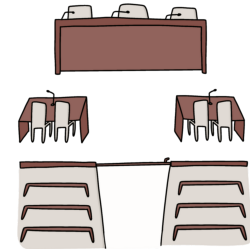


**Article 13** is about a person with a disability in court:



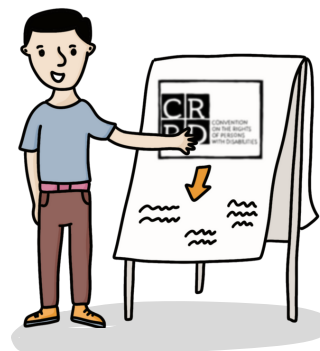
**People with disabilities have the right to go to court.**

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 gathered a lot of information.

First, we **studied laws and policies**.

Then we asked questions:

- **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



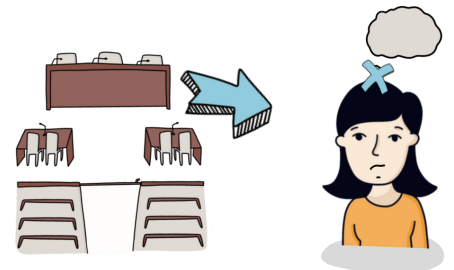
## What are the BARRIERS we have described in the research?

Slovak laws still allow **legal capacity to be limited** for some people with disabilities.

This means the court can say, that because of a disability a person **does not have the right to make decisions** about their own life.

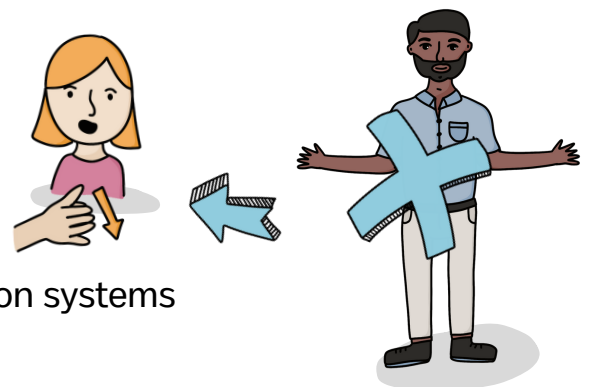


When a person with a disability is charged with a crime, this person often **needs support, so that they can understand** the criminal cases **or participate**.



For example, a **communication facilitator** who can help with understanding and explaining what is happening in the court.

This **is not used enough** in practice. Only sign language interpreters and communication systems are used for people with hearing problems.



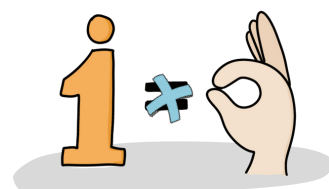
There is more protection in the law about the rights of vulnerable victims of crime such as children and people with disabilities.

**The rights of defendants with disabilities are not taken so seriously.**



There is no obligation in the law to **give information in an accessible way**.

There is no obligation to take into account the **individual needs** of an accused person with a disability.





So it depends **only on the will** of the police officers, judges and other professionals, whether to support the communication needs of a defendant with disability .



A defendant with a disability can get a **free lawyer**. The authorities often consider lawyers as a proof of a fair trial.



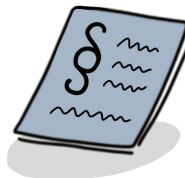
Criminal justice professionals however, have **little information** and are not trained on the barriers, defendants with disabilities face when they try to access justice.



Nor do they know, how **to make sure people understand** criminal cases and **equal access to justice**.

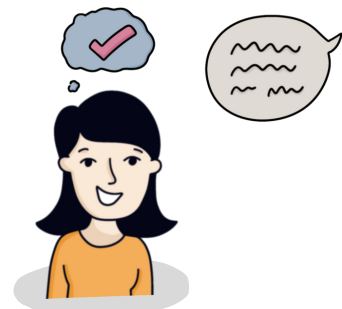


**What should change?**



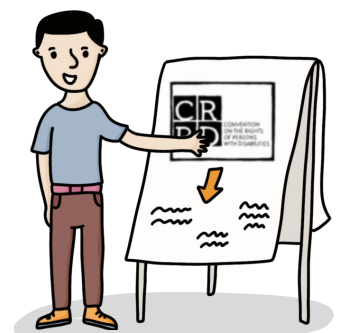
**New laws** should be adopted.

The duty should be to communicate and inform a person with a disability in criminal cases so that they understand.



Professionals should **be educated**:

- what supports a person with a disability may need and how to give it
- in communication
- how to know that a person has a disability
- what barriers they may face in criminal cases
- what support to give



**Access to justice** must be ensured from the start for a person with a disability in criminal cases. (From the very first contact with the police or judge.)



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



## CONCLUSION

We hope that this report will help to improve the accessibility of criminal proceedings 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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