PODCAST LITI-GATE:

Collaborate, Innovate, Advocate for Disability Rights

Episode Transcript

Host

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Welcome to LITI-GATE! In this podcast, we talk about the real challenges faced by persons with intellectual and psychosocial disabilities.

Many people with intellectual and psychosocial disabilities face discrimination and barriers to justice across the EU. But legal action can drive real change.

That's where strategic litigation comes in—it's not just about winning cases for individuals but challenging unfair laws to create lasting impact.

Through strategic litigation, advocates are working to hold the system accountable.

In this podcast, we'll explore these legal battles, meet the experts behind them, and uncover how the law can be a tool for justice.

Brought to you by LITI-GATE, funded by the Citizens, Equality, Rights and Values Programme of the European Commission.

[Music jingle/sound]

Simona Florescu

Hello everybody and welcome to our podcast. Today's discussion is about challenges and triumphs of strategic litigation for persons with disabilities. My name is Simona Florescu from Validity Foundation. I am joined by two lawyers and disability rights advocates from Bulgaria, Aneta Genova and Vladimir Mirchev.

Aneta has been working in this field for more than 20 years now. Aneta has a wealth of experience, having previously worked as a judge in Bulgaria. She also has an interest in social work and has a degree in art therapy.

Vladimir is an attorney at law specialised in human rights case, representing clients with disabilities and arguing for their rights, and together with Aneta and other Bulgarian. Lawyers, they have established the network of independent experts. The aim of this network is to pull together forces to develop strategies and to litigate for persons with disabilities. Aneta, Vladimir, welcome to this podcast.

Vladimir Mirchev

Thank you.

Simona Florescu

Anita, I will start by asking you to reflect on how you have started working in this field.

Aneta Genova

It's a long story started many years ago, probably in 2003, when I studied the clinical social work. I never finished this, but it gave me a lot of knowledge how to understand the psychosocial disabilities. In that time there was visits organised by the government in social care institutions and they invited the students from the university to participate to this team and in that way I took part, my professor invited me in such visit.

It was in South Bulgaria and I was so shocked to see how the people wit psychosocial disabilities are living in social care homes. It was dirty room with more than 20 women laying on the beds. The smell was terrible. There were not windows. There were, there was no light in the room, just table, just just out of my imagination to.

Once I went out of this, I decided that it should be done so I couldn't live anymore, knowing that it is this. So I started to work at programmes where I can participate and two years later I found that mental disability advocacy centre, the previous name of Validity Foundation, working for a lawyer, remote area with the task to develop a programme for protection of persons with psychosocial disabilities. So that is the way I started.

Simona Florescu

Vladimir, what is your experience with clients with disabilities?

Vladimir Mirchev

Well, it was five years ago at the beginning of my career when I met Aneta and some other colleagues from the network. At the beginning I was anxious and worried because this was totally new for me. And no longer after that I realised that all you have to be is to be a human being. Things get much easier. That's part of the contact with the clients and it's better to, to react to their problems, not from the position of a lawyer, for the first time, to gain their attention and credibility.

Simona Florescu

Thank you, Vladimir. I was thinking for our audience, perhaps it would be interesting to hear some stories of your client. Annette, could you think of one client that has particularly impacted you as a person or you as a lawyer?

Aneta Genova

The obvious answer of this question is his grand Chamber of European Court of Human Rights. And we on this case, but actually speaking about the people who affected me, I have to mention many other people.

Maybe Lucy was one of the first people I met in institution, but after him, I met some. I don't remember the number of people, but for sure we started more than 10 cases, even 20 maybe trying to challenge the internalisation of people with disability and guardianship. Both of the concept we wanted to prove that the deprivation in in social care home can be deprivation of liberty, and also that the guardianship prevents people to have access to justice. So I started at least then cases, some of them the final stage before the Bulgarian courts. Several finished. We exhausted all domestic remedies and only two cases reached the level of European Court of Human Rights.

It was one person from social care home. She passed away, during the procedure and his case never been decided by the European Court. His sister wanted to prove the case, but the court refused because he was the person who placed in the special care home. So only Lucy survive and he was able to go through the whole procedure before the European Court of Human Rights and after that.

Simona Florescu

What was the reason that brought you to the deprivation of liberty and guardianship?

Aneta Genova

Actually, it's not one-person work. It's a whole team behind this. Even more than one team, actually, because it was community working in this area, it was also Validity foundation. A lot of people dedicated to research. What is the consequences of the placement in social care, home, involuntary treatment, all these things. So it was clear from human and legal point of view that the deprivation of legal capacity leads to deprivation of liberty.

So this exactly happened to Lucy. And he was placed under guardianship because of some conflict of his family because he has crises and problematic behaviour, and his guardian become somebody from a municipality. For example, he didn't know anything about him. So this lady for the municipality and the Guardian decided very fast to place him in social care home. It was in the mountain more than 400 kilometres from his town and in host environments he hadn't possibility to go out because his ID was kept by the director. And if he decided to go somewhere the director has had obligation to call the police to it was real detention. No, no way to say something else when you know the situation. When it's exercised in this way, it's violation of rights.

Simona Florescu

When you met Lucy, do you remember? How? How did you meet? How was the first encounter that you had with with Lucy when you went to visit the social home?

Aneta Genova

It was in 2005, for sure. Maybe in the summer he was placed in social care home in Pastora, which is small village, very hidden in the forest. So I went there with a colleague of mine from adhering Bulgarian committee. Actually my colleague met him before and they had the discussion that he wanted to start the case for remove the guardianship and she helped him to file the same complaint to the prosecutor.

Simona Florescu

And what is the typical way that you would meet clients at that time that you would visit institutions?

Aneta Genova

I participate in monitoring visits as a part of the team. I discussed with people their problems in different institutions, for example. I remember one person who was placed in social care home by his ex-wife. After the divorce, he decided he doesn't need him at home anymore and placed him in the special care institution. I remember this person very well because he was very educated, very intelligent. He knew several languages including French, English. Actually I thought he maybe he he can be very good advocate after all, but unfortunately he also passed away and didn't survive to the end of the legal battle. It has happened to many people. So yeah, it it was very sad work actually because we went, we met a lot of people, we started something and there was no guarantee that we will reach a positive end.

Simona Florescu

How long it's actually ligation take from the moment you met the client until you would get a court ruling in Bulgaria and then afterwards if you went to the European Court?

Aneta Genova

In Bulgaria it was quite easy because in that time there were there wasn't legal remedy to challenge the garnish. Even Lucy and the other client with whom we reached the [inaudible] of human rights. They hadn't right to start the case for abolishment of the guardianship, so it was easy. We just asked the court to start the procedure in the Court of fields. We asked the prosecutor to start the procedure because this was potential remedy and the prosecutor field and that's it. We had anything we couldn't start the case for our compensation for human and degrading conditions because person under guardianship cannot start such case.

Simona Florescu

Who could start these cases?

Aneta Genova

Only the guardian, but the guardian is the director of the institution who create these conditions or who is dependent from the municipality or the government. Person who is under guardianship cannot start any other procedure he can for in the case of Lucy, but he couldn't start case for compensation for the inhuman and degrading conditions in the social care homes. It is possible to be started only by the guardian.

Simona Florescu

So how were, what were Lucy's complaints in practise?

Aneta Genova

Years after this battle, he had the speech before group of lawyers and people who had interest in this area, and I wanted to, I want to use his own words. His main complaint was that they have placed there to die, he was sure. He he was witness of many people dying there. He wanted to work. But there there was no no way, really. So he he had possibility to go somewhere close to the social care home and to work for somebody just for cigarette. He understood it's exploitation. He needed to, to be around people. He was very social person actually. So, he he wanted to be married. It's prohibited by the law for people with social disabilities and who have a guardianship, he wanted to have a normal life actually.

Simona Florescu

And for all of these things, he needed the consent of the guardian? Who was the person in the institution in charge of supervising him.

Aneta Genova

He has no to start case yes, but to start work it wasn't possible because he was on the guardianship. It's prohibitted totally even concerned not help in this place. The guardianship is something affecting his life. Totally. It's not, not not normal life after.

Simona Florescu

So you decided to start a case on his behalf, even though you knew that the case will be lost in Bulgaria. Could you tell us why you took that decision?

Aneta Genova

Yes, because, we wanted to start case before the European Court were right and the only way was to go through the procedure.

Simona Florescu

And when had you decided that that this was a strategic issue, the issue of guardianship and deprivation of liberty?

Aneta Genova

We knew it's a strategic case since the very beginning it was clear because if we win the case, it means that we will prove that it's deprivation of liberty. The guardianship is institute and I have to say Lucy was aware about this. He was sure that we are doing this not for only for him, it's for everybody. He was absolutely dedicated to this case. It's it's really fascinating how

they understand the the role of the strategic litigation and the meaning of their life to change many other people's lives.

Simona Florescu

So if I understand correctly. What motivated Lucy he was not only to change his personal situation. But he wanted to change the situation of other people.

Aneta Genova

He was aware.

Simona Florescu

He was aware of that.

Aneta Genova

He was sure that we will win the case. I was who had doubts. He was sure all the time.

Simona Florescu

And what happened to to him, to his personal situation after the delivery of this judgement.

Aneta Genova

Actually the change came before the decision a little bit. Before that he was moved from this big institution in his hometown in, in another kind of group home. In the beginning, he was in temporary home for people without homes and then he was placed in a group home for people with social disabilities, and this place was in the centre of the psychiatric hospital and he told me once that he is, he had more freedom in the big institution than now. He still was under guardianship.

Once the decision came he received his compensation. In that time he hadn't guardian and the municipality of Rila, which was the guardianship body for in his case. They decided that once he is moved, they couldn't be guardian. There is no reason for the municipality to ensure guardian for him, so they left him without. So he received the money from the compensation left without support or how to manage them.

So being deprivation from liberty and from social access for so long. He just spent them travelling and getting fun. He in one point he rented house. He left the group home. So he he rented a house. But without support, he couldn't manage well everything. So he became homeless in one point and then I managed to put him in that organization, which helped him a lot to improve his life and live in the society. But nothing happen. Again, become homeless and end up in another. It was named Group Home, but it was kind of institution not very big. He had some freedom there. It was better. We travelled a lot abroad because there was hearing, for example, for the general measurement on the decision and he was present his

case in Strasbourg once, then we were invited in Dublin. He started to speak and develop his advocacy capacity and he worked with. In where he realises it's not my case, it's his case and he is the person who can tell people about what happened in the social care homes, how it's terrible and he has this power. I was witness of this transformation, just a victim of the system to somebody who can, yeah, who care for freedom.

Simona Florescu

Had less of an impact in terms of his legal position, but it was very important for empowering him for for building him as a person.

Aneta Genova

Actually asking me this, I remember in the plane for Strasbourg, we had a long discussion about the case and he wanted to speak in the front of the court and he wanted to tell them I'm a person I'm not an object. they haven't got the right. They just to move me here and here. He wanted to speak. The court didn't allow him, so I spoke instead of him and I took specific time in the end to say exactly his words to the Court from his point of view. He was sure about his message, but the development, as advocates, it was some kind of personal growth for him. The contact with people with all these international community, this change, the work with this Canadian lawyer. It was very important for him and we allow him to start building his own speech not to intervene him, not to tell what to say, how to say, helping him to find his own words, how to express his feelings and experience the the fact that people came to see him, not me. I I couldn't forget the woman, when he realised this and told me you were in the public, I am the important person here. Then I went in the public and she told me oh no, not so far. So it's not the case itself, it's the whole story behind that.

And actually I want to trace here that yes, the the the case is very important, but I'm super proud from that everything happened after that. It's not easy life for Lucy that the case didn't change his human life. But all these parts through the International Society recognition of his experience. This was the most important thing for me and I'm really proud.

Simona Florescu

I see. Thank you, Aneta. Could you tell us a little bit about the impact that this judgement had on the legal system in Bulgaria?

Aneta Genova

Speaking for changes in the legal system, I have to notice here that the decision came not not alone in the same tim,e Bulgaria ratify Convention for Rights of Personality, Disability or COPD. So the combination between the decision and the Convention that to making. Change in the legal system, not immediately.

The first thing happened was the change in dual procedure code, which will now people to start case for removal of the Guardianship directly. So, they have access to justice now, especially for this topic, removal of guardianship. Later there there was change in the legislation related to social care. Now we have Social Assistance Act according to which the

placement in social care home is possible only with the court decision if the person is placed on the place against you.

Also, the law requires that wishes of person with the disability have priority before the opinion of their guardian. Or a social worker. It's on theory, it's in the law. It's not very well exercised, but it is in the wall now. Also there, there was a lot of work done in Bulgaria for creating new wall, for replacing guardianship and to be replaced with system or supported decision making which never happened. But anyway there is a small several rules in the world which introduce the supported decision making as a concept they are not practical and taking into account the court decision in standard case. And the fact that Bulgaria is assigned to CRPD already, we have to acknowledge the change in the the case law because the courts start to recognise CRPD rules and start to apply Article 12 directly, which means that many people with disabilities starts to have chance to start cases directly only on the ground of Article 12. Even the national law doesn't allow this.

Simona Florescu

In in Bulgaria, a person who is under guardianship still cannot file a case in court?

Aneta Genova

Yes.

Simona Florescu

except if it's a case about the guardianship.

Aneta Genova

Yes.

Simona Florescu

And only if they are under partial guardianship.

And you've mentioned that the courts now should listen to the wishes of of persons disabilities in in cases and what is your experience?

Aneta Genova

Actually there is a procedure hearing of person with disabilities place guardianship when they should be placed in the in the social care. Not only big institutions, but also group homes, but actually even the court puts the maximum efforts to understand the wishes of and preferences of persons with disabilities.

There is very well informed judges, very progressive, who put maximum efforts to understand the wishes of persons with disabilities, but in some cases judges don't like is serious and

labelling people with disabilities as not capable to care for their own affair makes judges to think that they couldn't have a proper opinion.

Simona Florescu

So if I understand correctly, the practise is patchy with some judges listening to persons with disabilities, with some judges not really listening to persons with disabilities. I'm wondering, Vladimir, if you if you recognise some of these challenges that that Aneta has mentioned.

Vladimir Mirchev

Yes, Aneta said a lot of things change after this case. For example, I, from my practise I cannot imagine that. A person with disability is not hurt at the court. It's a role, it's even in the in the wall and it's concerns case for lifting the guardianship, for example, or for putting guardianship. But not only this, for example, recently we had a client who had a case for going in, vote for the EU Parliament, I have to mention that the client is put under full guardianship, but he considers that Bulgarian law violates his rights, which are guaranteed by the EU and that's why he initiated the procedure for allowing him to vote, which ended up in the court. But which was a good practise here is that the court decided to base its decision on assessing the capability of the the person to to assess the needs for voting, the result of voting and what is he voting for?

So the court declared that they could base their decision on this. But the good practise ended here because the the court decided not only to hear the client in the court hearing but also to appoint the forensic opinion, which was very biased and actually based mainly on his previous style from hospitals and eventually the court rejected this.

Simona Florescu

So, so this client wanted to to vote right? And, and then the court, what were the questions that he had to answer in court so that he could vote in theory?

Vladimir Mirchev

Well, some of the questions were connected to to the voting itself. Does he know what will be voting for this? Does he know some of the persons who you would like to vote for? but some questions were general, for example, you know what year is now? What is the year of Parliament, also? And I think he managed to to answer most of the questions, but for those that he couldn't, his answer was look, I'm I'll put in an institution I cannot even watch TV so that to inform myself. And this was very reasonable. I I should mention connecting to the to the institution part that the Court obliged those who are in charge in this institution to bring the class to the court hearing.

Simona Florescu

And the judgement so so this client was asked several questions about his voting. Some of which I think many of us wouldn't know perhaps ourselves, like what is the European Parliament and what does the European Parliament do? I think.

But I'm curious about the the forensic opinion. So if I understand correctly from what you're saying, the judgement was ultimately based on the forensic opinion?

Vladimir Mirchev

Yeah. Because the questions, the expertise was whether he understands the process of voting and what he will be voting for, it's like kind of the same questions to the client. The expertise itself, which was very, very, very long and based on his style, visits of hospitals, psychiatric hospitals, he had very short conclusion that he is unable to form a political vote

Simona Florescu

Did the expert meet with the client?

Vladimir Mirchev

Yeah, the expert had to meet with the client. Nevertheless, his opinion was based most of the history of his medical record.

Simona Florescu

On his medical records. Yeah. So it feels on the one hand that what is being given with one hand is is taken with the other hand sometimes.

Vladimir Mirchev

Of course, yes.

Simona Florescu

I wonder because this, your clients this case is take years before a judgement, what is your opinion about the clients and and what keeps them in persevering despite the time that it takes?

Vladimir Mirchev

Well, most of the clients believe that the domestic court and the European Court of Human Rights are last resort, but those who most of them consider that this is not only their private case, they believe that they are part of some bigger cause which litigation can change the situation not only for them, but for persons like them. To change the system to positive litigation and this is the way they see themselves like figures in this litigation because they want to help people like them.

Simona Florescu

What about you Aneta? what do you think drives the client's motivation to keep litigating?

Aneta Genova

I completely agree with Vladi. This understanding of the bigger calls that the potential to change many others, right.

Simona Florescu

And what do you think litigation can bring to the clients?

Vladimir Mirchev

Maybe the first thing that litigation brings to the class is the positive feeling that something is happening, that someone is working for their problems and trying to help help, because they're not forgotten this way.

The more people are enlightened for their eyes, the more litigation could devolve, which could lead to to positive decisions. Or the opposite if negative domestic decisions may result in good decisions of the European Court of Human Rights, this could change policies, persons with disabilities. We have positive experience through mitigation, naturally become advocates for disability rights and through systematic such example. But there are many more.

Simona Florescu

About you, Aneta, what do you think? What can litigation bring to advocating for disability rights?

Aneta Genova

The litigation needs some preparation, some thinking about the structural problems and naming which legal term, where is the problem? what is the problem? And change the political efforts, even the advocacy efforts even before the decision. Because naming with the terms of law the problem, can change the game somehow, it's super important. Important. It's a kind of using the language of all. For example, we can name the social care in the institutions. Social care, we can name culture and will help us to make this distinction.

Simona Florescu

That is very interesting and I think it's a it's a good bridge to to my next question which is? What happened to social care homes in Bulgaria?

Aneta Genova

Some of them still exist. Some of them are still object of interest of international bodies like Freedom for Prevention of Torture, and the reports are very worrying because severe violation

of human rights are still there. Some of them are caused like the the social care home in Pastra. Where Lucy used to live. It's caused people are moved in Group homes and in many group homes. The situation is not better in my opinion than in the bigger institutions that the small group homes are still institutions. Even their smaller new build, in some cases the new group homes are created in the former institutions, in the yard or in the same building, evven it is prohibited. So question was what happened to the Social Care institutions? They're still still there, unfortunately.

Simona Florescu

Just in a different form.

Aneta Genova

Some of them still exist, in the same form

Simona Florescu

Can I ask you, Vladimir, why is it in your opinion that the small group homes, the ones where 8 persons with disabilities are living at the time, are still institutions?

Vladimir Mirchev

Because actually nothing changes in the treatment of these people. Yeah, the group homes are smaller. Yeah, they're in better condition than the former ones. But this is institution after all this. It continues some rules that people live like they're in prison like I have to do particular things every day to wake up at the same time, to have breakfast at the same time, have lunch the same time, go to bed at the same time. They don't have the choice with whom to leave. That's why it's an institution. Nevertheless, it's more than and practically nothing change.

Simona Florescu

From from the legal perspective. I'm wondering what do you think would be an immediate change that should happen?

Aneta Genova

Actually possible even its took so long time, the replacement of guardianship system which support the decision making system is crucial because it will open the door for many other changes.

Simona Florescu

And could you tell us a little bit about the supported decision making system, how what, what does it mean? Supportive decision making.

Aneta Genova

In previous years there was process for drafting new all about the supportive decision making. And during this process, which took several years, many lawyers and experts from social fields and professors in law came together and created this draft law, which introduced the the system of measures. Including supporting decision making in the area the person needs this support, also preliminary declaration. Which can be created by a person with type social disability in time of remission. How he or she wants to be treated in time of crisis, and so on. And the the good thing for this work and this draft law was that everything is based on experience. Several organisations apply the the proposed rules in the real cases they they work directly with clients applying these ideas and it became clear that support the decision making as a process by experts who are well educated for human rights and disability rights can change dramatically the life of these people.

Also, people with disabilities. Were involved in creating some ideas like preliminary declaration, and I have to say it's it's really working very well because I told this idea in my practise and supporting our clients sometimes we are able to apply this and it's working really.

Simona Florescu

And what do you mean? Can you give us an example of a preliminary declaration and how it worked in your practice?

Aneta Genova

Yes, of course. For example, we have a client who has a crisis time to time. So we sit together with her and to create it upon what we have to do in case of crisis. So she she pointing people of trust, and if all three people decide that she has to go in the hospital, one of them, he has to put her in the hospital and she put us in a in connection. And we were in. That's when this happened in the reality also he gave us symptoms. For example, he he told me when you notice that I'm doing this and this and this, you have to ask me to go in the hospital. It was surprising for me when this happened, but I knew because I had her instructions what to do so I can contact with the other two people and pressed her in the hospital and she agreed because it was not involuntary. She she agreed because she knew this is the room and she created the law, not somebody else.

I have to say it was several years ago. After that, she hadn't hospitalizations anymore because it's it worked. It's make her life better. Uh, of course, yyears after that, we noticed that that we need change because the situation changed. We need new rules and we have to start working on. These new rules. Now I hope, but yes, that her life changed dramatically and also introducing the system of support people to communicate better their problems. Like an independent expert who help the people with disabilities to communicate with court. Because without this it's very difficult to solve this complicated illegal procedure. It's difficult for people without disabilities. What about people who spend life in the institutions, or who have, let's say, intellectual disabilities?

So it's a very important tool for people with disabilities to have access to that case, but unfortunately it's not recognised in Bulgaria yet. There is a small programme, people who are in this programme are speech therapists who have knowledge how to help people with

disabilities to express themselves and how to make the complicated legal language easy to understand for people with disabilities. So that is super important. I I want to see such expert in each level it's. If a person with disability can reach intermediary in the beginning of the procedure the the chance to win the case is much bigger than if there is no this to support.

Simona Florescu

Do you have such examples of positive examples of intermediaries in your practise?

Aneta Genova

No, in my practise I still haven't because we haven't the chance to use this. But I know a criminal case when the person with disability was only the witness of the the crime. So the judge invited intermediary to help person to describe what happened. And without these experts, the judge never will understand what exactly happened during the crime because it's just a small problem in Bulgaria just started. It's not regulated by law. These two things. If they happen, they will take many other and I think it's just political will is missing.

Simona Florescu

Thank you. I would be very curious from from you, Vladimir, if you could give us some examples of what you think should change in Bulgaria? For the benefit of persons with disabilities.

Vladimir Mirchev

One of the main changes I'd like to see is more colleagues wants to being involved in litigation for persons with disabilities because it this would lead to not only quality but then quantity change. In practising such litigation.

Simona Florescu

Why? Why is it in your opinion that there are such few lawyers working on these type of cases?

Vladimir Mirchev

When we search for some practise for some cases, we cannot really find any in Bulgaria. For example, of about the mentioned voting rights case, there is nothing before us. I'd like to to enrich the course practise.

Aneta Genova

I want to add something, the listening body. I start to think that we need not only quantity of new lawyers but also quality. Because being lawyer means to follow the case or to do what is usual. But doing strategic litigation means to have big creative. To use uh, well, legal norms in in quite different to combine national with international law with international law to collect

case law, not from from our country, but also from European Court of Human Rights and even other countries. It's very difficult work actually and lawyers who are doing this work should be a little bit more brave than use lawyers because doing strategic litigation means sometimes to face rejections, to have an upset judge in front of you. to have blaming given that you are not working in the best interest of the client. So yeah, we need brave and more creative lawyers.

Simona Florescu

So if I understand correctly, we need not only more lawyers but but better lawyers and lawyers who dare to challenge the system.

Aneta Genova

Yes, and better educated in human rights and civility rights international case law.

Simona Florescu

Thank you, Aneta. Thank you, Vladi. For your very interesting insights, we have discussed about the case of Lucy Stanek versus Bulgaria. And as we have said, this case is one of the very important cases not only for Bulgaria, but for Europe and worldwide in the field of of disability law. It is a case that tackles institutionalisation of persons with disability. It also tackles the the topic of guardianship.

To close our conversation. I would perhaps like to ask you to make one final remark on the the challenges that you see in in your your current life practise, which you would perhaps try to to undertake through litigation in in the near future.

Vladimir Mirchev

We've noticed that the European Union is financing the creation of infrastructure of group homes, which, if such financing didn't happen, maybe most of the group homes shouldn't exist. Obviously the the Union is nourishing the institutionalisation not supporting the institutionalisation. So by inspiring us to challenge at a domestic level the creation of such group homes and especially the financing.

Unfortunately, it didn't succeed because of the court didn't even recognise the legal interest of persons with disabilities who were the actual claimants. This case was a few days ago. It finished forever, but there is a special opinion of a judge of the Supreme Administrative Court who supported this in our arguments and accepted that persons with disabilities should be allowed to challenge this operational programme before the Court. We are considering to bring this case to the European Court of Human Rights, especially with the help of this special opinion of the judge.

Simona Florescu

Thank you, Vladimir. I was wondering, Aneta, if you could tell us something. About what challenge which you are planning to undertake through litigation in in the near future?

Aneta Genova

Future, it's difficult to say one challenge I think it's more than one, but because it's the end of our conversion. maybe it's time to discuss a little bit for the from the broader perspective. Because people with disabilities, they are not out of the society, they are victims of gender based violence. They're also victim of climate change. Some of them are refugees, some of them are minorities or have minority background. So we have to start thinking for these broader conceptions and to see people with disabilities in the context of the real life. Speaking for what we want to challenge, we want to challenge from this broader perspective the discrimination against people with disabilities.

Simona Florescu

Thank you, Aneta. Thank you, Vladimir for this very inspiring discussion. Thank you for listening to us. For those of you who are interested in following the network of independent experts further, please access their website at www.nie.expert, the website for now is only available in Bulgaria, but please feel free to access their Facebook page, network of independent experts / N i.e. Thank you very much for listening and have a good day everybody.

[Music]

Host

Thank you for tuning in! We hope you'll join us again next time as we continue to advocate, collaborate, and innovate for disability rights!

We also would like to thank all our speakers for sharing their experiences with us and for allowing us to learn from and build on them. This podcast was brought to you by the LITIGATE project.

Written Disclaimer under the podcast file:

The LITIGATE project is funded by the European Education and Culture Executive agency of the European Commission.

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