



**The World Organisation Against Torture, the Bulgarian Helsinki Committee and the Mental Disability Advocacy Centre call on the Bulgarian Parliament to legislate to stop human rights violations of persons with mental disabilities**

**Geneva, 3 December 2008**

**On the International Day of Persons with Disabilities, the World Organisation Against Torture (OMCT), the Bulgarian Helsinki Committee (BHC) and the Mental Disability Advocacy Center (MDAC) come together to express their serious concern over the situation of persons with mental disabilities, one of the most marginalised and discriminated groups in Bulgarian society.**

In a series of letters to members of the Bulgarian Parliament and Government, officials and elected representatives in the European Union, and the United Nations Special Procedures mandate holders, the three organisations underline that persons with mental disabilities in Bulgaria, “frequently face social exclusion and severe human rights violations, including violence and ill-treatment”, and express their concern that, “[i]nadequate legislation together with entrenched institutional policies and practices also compromise their socio-economic well-being, as well as that of their families”.

Regardless of the skills and capabilities which persons with mental disabilities in Bulgaria possess, they are often deemed incompetent, deprived of their legal capacity and placed under guardianship. Bulgaria's outdated legislation on deprivation of legal capacity removes a person's right to make their own decisions and denies the exercise of their basic human rights, including the rights to marry, vote, work, take legal action and seek judicial remedies. Deprivation of a person's legal capacity also impedes their rights to a fair trial, to own property and to respect for their personal and family life. In most cases, persons with mental disabilities who are placed under guardianship in Bulgaria are forced to live in large and remote residential institutions and to remain there for the rest of their lives. Once institutionalised, they are at risk of ill-treatment from staff and subjected to prison-like regimes. Indeed, living conditions in some of these institutions have been deemed to amount to inhuman and degrading treatment.<sup>[1]</sup> OMCT, BHC and MDAC express their deep concern over allegations of ill-treatment within Bulgarian institutions and the occurrence of deaths, neither of which are effectively investigated by the authorities.

The material conditions in Bulgaria's institutions are generally poor. Frequently, residents receive no form of habilitation, rehabilitation or therapy, including quality education or vocational skills training which impedes any hope for their reintegration to the community. Institutions are also characterised by a lack of adequate or appropriate medical care, and persons with disabilities who have been deprived of legal capacity are unable either to give consent to, or refuse, treatment or medication. It has been documented that institutionalisation in conditions such as those found in Bulgaria leads to the deterioration of a person's mental and physical health. Indeed, the lack of individual assessment of their health needs and the poor healthcare they receive result in a disproportionately high death rate among persons with mental disabilities living in institutions.

The large part of guardianship law is covered by the *Bulgarian Family Code*, which is currently under review before the Bulgarian Parliament. OMCT, BHC and MDAC are concerned that the present draft fails to ensure respect for the basic human rights of persons with mental disabilities as set forth in the United Nations Convention on the Rights of Persons with Disabilities, to which Bulgaria is a signatory. In particular, the draft fails to provide tailor-made mechanisms for persons with disabilities to exercise their individual autonomy and be treated as equals before the law. It also does not offer persons facing guardianship proceedings any entitlement to compulsory legal aid in order to ensure adequate legal representation. There is still no articulation of a guardian's responsibilities towards persons under guardianship, nor has a mechanism been developed to effectively monitor guardians. Furthermore, the current draft does not provide for any community-based support for persons with disabilities and their families.

OMCT, BHC and MDAC therefore call upon members of the Bulgarian Parliament and Bulgarian Government to implement guardianship reform by introducing amendments to the Family Code currently under review in order to ensure respect for international human rights norms. Priority must be given to closing down institutions and enabling community living, as well as to the empowerment of, and provision of support to persons with mental disabilities to ensure the full enjoyment of their human rights - civil, political, economic, social and cultural.

OMCT, BHC and MDAC also call upon the European Parliament and European Commission to urge Member States to ratify the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol, and to ensure that all Member States comply with European and international standards on the rights of persons with disabilities.

---

For further information, please contact:

Michael Miller, OMCT; tel: +41 (0)22 8094923, email: mm@omct.org

Daniela Furtunova, BHC, tel: +359 (0)2 9440670, email: daniela@bghelsinki.org

Victoria Lee, MDAC, tel: +36 1 413 2730, email: mdac@mdac.info

---

[1] See European Committee for the Prevention of Torture, Report on Bulgaria, CPT/Inf (2008) 11. See also European Committee for the Prevention of Torture, Report on Bulgaria, CPT/Inf (2004) 23, §§33, 35.

L'OMCT a son siège à Genève, en Suisse. Elle coordonne le réseau SOS-Torture composé de 282 organisations régionales et internationales dans 93 pays sur cinq continents.

Contact : [omct@omct.org](mailto:omct@omct.org)