

CJEU: Exclusion of Blind Juror from Participating in Criminal Proceedings not Justified

News

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On 21 October 2021, the [CJEU ruled](#) that a blind person cannot be deprived of his/her possibility to perform the duties of a juror in criminal proceedings. The case at issue (C-824/19) plays in Bulgaria, where a woman, VA, who has a permanently reduced capacity to work due to loss of vision, had studied law and been admitted as a juror by the *Sofijski gradski sad* (Sofia City Court, Bulgaria). She was assigned to a criminal chamber of that court but did not participate in a single oral procedure in criminal proceedings in the period from 25 March 2015 to 9 August 2016.

The CJEU had to decide whether the exclusion of a blind person from performing duties as a juror in criminal proceedings was compatible with the provisions of Directive 2000/78 establishing a general framework for equal treatment in employment and occupation, read in light of the guarantees of non-discrimination enshrined in the EU Charter of Fundamental Rights (CFR) and the UN Convention on the Rights of Persons with Disabilities. The CJEU noted that VA had been excluded from all participation in criminal proceedings, irrespective of the matters concerned and without any effort to determine whether reasonable accommodation could be provided. The CJEU also observed that, after the introduction of electronic allocation of jurors in August 2016, VA participated as a juror in the judgment of numerous criminal matters. Therefore Art. 2(2)(a) and Art. 4(1) of Directive 2000/78, read in the light of Arts. 21 and 26 of the CFR and of the UN Convention, must be interpreted as meaning that they preclude depriving a blind person of the possibility of performing the duties of a juror in criminal proceedings.

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