



EDF input on EU rules on victims' rights (update)

European Disability Forum Position Paper
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Input to the European Commission's consultation on EU rules on victims' rights (update) – call for evidence



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Introduction

The European Disability Forum

The European Disability Forum (EDF) is an umbrella organisation of persons with disabilities that defends the interests of over 100 million persons with disabilities in the European Union. We are a unique platform which brings together representative organisations of persons with disabilities from across Europe. We are run by persons with disabilities and their families, and as such represent a strong, united voice of persons with disabilities in Europe.

EDF is a member of the EU Victims' Rights Platform.

Specific expertise on gender and women's rights issues is provided by EDF Women's Committee. EDF is committed to the women's movement and an active member of the European Women's Lobby.

Background information

It is estimated that every year 75 million people across Europe continue to fall victims of crime. Persons with disabilities are at high risk of becoming victims and survivors of crimes, including violence, hate speech and crime, and harassment. For example, women with disabilities are two to five times more likely to face violence than other women, and 34 % of women with a health problem or a disability have experienced physical or sexual violence by a partner in their lifetime.

Already victims of physical, mental trauma or both, victims of crime shall not see their fundamental rights denied when reporting or accessing justice. All victims of crime, have the right to protection and a safe environment to report the crime and access justice, without fear of retaliation from those that caused them harm.

With the adoption of the [Victims' Rights Directive](#) and the [Victims' Rights Strategy 2020-2025](#), the European Commission and EU Member States committed to advance the rights of victims of crime. The EU and all its Member States also all ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD). Under the CRPD they have an obligation to ensure the rights of all victims with disabilities, including their right to information, reporting, access to victims' support services and access to justice.

However, it is still very difficult for victims with disabilities all over Europe to claim their rights due to discrimination, double-victimisation, lack of accessible information, support and protection.

Main issues faced by victims with disabilities in the EU

The European Disability Forum (EDF) is concerned that EU Member States do not effectively ensure the rights of victims' with disabilities enshrined in the Victims' Rights Directive and the CRPD. The following key issues, have been identified:

- **Lack of information** about what constitute a crime and how to report, particularly affecting people living in closed settings such as institutions, persons with intellectual disabilities and Deafblind persons
- **Difficulties reporting crimes** because of physical, communication and attitudinal barriers
- **Substituted decision making systems** (e.g. guardianship, curatorship) making reporting and access to justice difficult, especially when the legal guardian is the perpetrator of the crime
- **Lack of accessible victims' services** to victims with disabilities, including shelters, legal aid and psychological support
- **Failure to provide procedural accommodation** (e.g. sign language interpretation, documents in Braille) to victims and witnesses with disabilities in the justice system and **overall lack of accessibility** (e.g. court building not accessible to persons with reduced mobility)

The UN Committee on the Rights of Persons with Disabilities raised concerns about the rights of victims with disabilities in its Concluding observations to **Belgium, Croatia, Czech Republic, Denmark, Germany, Hungary, Luxembourg, Malta, Poland, Slovenia** and **Spain**.

In 2015 the CRPD Committee adopted recommendations to be followed by the EU in its [Concluding observations on the initial report of the EU](#).

The Committee made the following recommendations in relation to the rights of victims with disabilities and access to justice:

- Guarantee full access to justice and eliminate all barriers, including physical and procedural barriers, and those relating to legal capacity, in European courts
- Take appropriate actions to combat discrimination faced by persons with disabilities in accessing justice by ensuring that full procedural accommodation and funding for training justice personnel on the Convention are provided in its member States;
- Take measures to ensure that all persons with disabilities who have been deprived of their legal capacity can exercise their rights to access to justice;
- Accession by the EU to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) as a step to combating violence against women and girls with disabilities.

Recommendations

In light of the scope of the call for evidence on Criminal justice – EU rules on victims’ rights and the evaluation of the Victims’ Rights Strategy in which it took part, EDF recommends that the European Commission **amend its legislation** (policy options 2 and 3) to strengthen the rights of all victims of crimes in the European Union.

In particular the European Commission should:

1. **Strengthen its legal basis** by referring and aligning with the rights enshrined in the UN Convention on the rights of Persons with Disabilities, the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) and other key international instruments
2. **Ensure that all victims can report crimes**, including victims in closed setting such as persons in institutions, as well as migrants and victims in detention (sub-option b – broader scope of the legislative amendment)
3. **Include enhanced binding provisions on accessibility** of information on victims’ rights, victims’ support services and the justice system for persons with disabilities
4. **Strengthen the legal provision on training of practitioners** to ensure that they are trained on the rights and needs of victims with

disabilities, including all types of disability and paying particular attention to children and women with disabilities

5. **Require the collection of disaggregated data on victims** by age, gender, disability and other relevant grounds such as ethnicity and religion
6. **Require Member States to sanction the violation of victims' rights and double-victimisation**

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