



Hate speech and hate crime against persons with disabilities

European Disability Forum
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**Updated Position Paper and Recommendations on hate
speech and hate crimes against persons with disabilities**



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The European Disability Forum

The European Disability Forum is an independent NGO that represents the interests of 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisation of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

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Introduction

Persons with disabilities across the European Union continue to face disproportionate levels of hate speech, harassment and violence. Whether offline or online, these acts are often rooted in stigma, stereotypes and discrimination that persist in society. Despite this reality, disability-related hate speech and hate crime remain insufficiently recognised and addressed in law and policy.

This updated position paper builds on the [2021 EDF position and recommendation on hate speech and hate crime](#). It reflects recent developments in EU and national legislation, policy, and data. It aims to provide an overview of the current legal and policy frameworks, highlight remaining gaps, and present recommendations to strengthen protection for persons with disabilities from hate speech and hate crime.

Summary

Despite additional initiatives on combating hate speech and hate crime, progress in ensuring equal protection for people with disabilities across all EU countries remains slow and fragmented.

Key findings include:

- **EU legal framework:** The European Commission's proposal to extend the list of EU crimes under Article 83(1) Treaty on the Functioning of the EU (TFEU) to include hate speech and hate crime is a crucial step toward harmonised protection across all bias

motivations, including disability. However, the proposal remains **blocked in the Council**, preventing further legislative progress.

- **New EU legislation:** The **Directive on combating violence against women and domestic violence** introduces aggravating circumstances for offences committed on the grounds of disability, setting an important precedent. The **revised of the Victims' Rights Directive** strengthens the rights of victims with disabilities, including access to support services, and access to justice through the provision of procedural accommodation.
- **Digital environment:** The **Digital Services Act** and the **EU Code of Conduct on Countering Illegal Hate Speech Online** have improved monitoring of online hate, yet **disability-based hate speech remains poorly detected and rarely reported**.
- **National developments:** Progress at national level remains uneven. The majority of EU Member States still do not explicitly recognise disability-based bias in hate crime laws. One positive reform includes Ireland's **Criminal Justice (Hate Offences) Act 2024**, which explicitly names disability. A **proposed reform in Poland** recently failed under constitutional review.
- **Persistent data gaps:** Only a few Member States collect and publish data disaggregated by bias motivation, and **disability is among the least reported grounds**, limiting understanding of the scope of hate crime and hate speech against persons with disabilities.

Overall, despite recent legislative and policy advances, persons with disabilities remain insufficiently protected from hate speech and hate crime in the EU. Stronger and harmonised legal provisions, better data collection, and accessible justice mechanisms are needed to ensure equal protection and effective responses.

We call on the EU and Member States to adopt swift actions to address the current gaps and issues, including:

- Ensure that hate speech and hate crime are added to the list of EU crime under Article 83(1) TFEU, by **approving the proposal in the Council**.
- Ensure **disability-bias are addressed in new EU laws and policies and their implementation**
- Reform and align **national criminal laws** to explicitly recognise disability-based bias in hate crime and hate speech provisions

- Strengthen **data collection and monitoring**
- **Train police, prosecutors, and judges** on recognising, recording and prosecuting disability-motivated hate crimes
- Guarantee **accessible reporting and victim-support mechanisms**
- **Develop or update national strategies** on combating hate crime and hate speech and explicitly address persons with disabilities

Background

There are over 100 million persons with disabilities in the European Union, 60 million of them being women and girls with disabilities. Persons with disabilities are more at risk of being victims of violent crimes, **including hate crimes**, than other persons,¹ and to face **harassment, hate speech and ableist** comments in their daily life. For example:

- 50% of persons with disabilities report experience of harassment, comparing to 36% of persons without disabilities (over a 5-year period)²
- 17% of persons with disabilities experience physical violence, comparing to 8% of persons without disabilities³
- 30,5% of women with disabilities have experienced violence by any perpetrator. The figure raises to 46,1% concerning women with 'severe' disability.⁴

National laws and policies addressing hate crimes on the grounds of disability

Across the EU, protection from hate crimes motivated by disability is still not guaranteed everywhere.

Only **13 EU Member States explicitly addressed bias based on disability in their criminal code**: Austria, Belgium, Croatia,

¹ [EU Strategy on victims' rights \(2020-2025\)](#)

² FRA, [Fundamental Rights Survey: CRIME, SAFETY AND VICTIMS' RIGHTS](#) (2021), page 22.

³ Ibid, page 18.

⁴ [Eurostat](#), 'Women who have experienced violence by any perpetrator, by level of disability (activity limitation)'.

Finland, France, Greece, Hungary, Ireland, Lithuania, the Netherlands, Romania, Slovenia and Spain.⁵

Protection against disability hate crime in the EU

- EU countries that explicitly prohibit hate crime in their criminal code
- EU countries that do not explicitly prohibit hate crime in their criminal code



⁵ This number is based on the finding of the EU Fundamental Rights Agency '[Violence against children with disabilities: legislation, policies and programmes in the EU](#)' (2015), page 9, and EDF research. The UK was not included as it is not a EU Member State anymore.

Between 2014 and 2025, we only identified a change of law in **Ireland**.

Ireland's new law: Hate Offences Act, including disability

In October 2024 the Irish Parliament enacted [the Criminal Justice \(Hate Offences\) Act 2024](#) (Act No. 41 of 2024) with the purpose of introducing **aggravated offences** where criminal acts are committed and motivated by hatred of persons on account of certain "protected characteristics".

Section 3 of the Act defines "protected characteristic" to include disability among other grounds (race, colour, nationality, religion, national or ethnic origin, descent, gender, sex-characteristics, sexual orientation).

Key elements of the reform include amendments to existing legislation (for example the Criminal Damage Act 1991, the Criminal Justice (Public Order) Act 1994, and the Non-Fatal Offences against the Person Act 1997) so that when an offence under those statutes is found to be **aggravated by hatred** (i.e., the perpetrator demonstrates hatred of, or is motivated by hatred of, a group defined by reference to a protected characteristic) then **enhanced sentencing** may apply. The Act came into effect on 31 December 2024 for those provisions.

This reform fills a major gap in Irish law (Ireland had been one of the few EU countries without explicit hate-crime legislation) by statutorily recognising disability as a protected ground and enabling that bias motive to enhance sentencing for specified offences. This makes it possible, for example, to prosecute an assault or criminal damage offence as "aggravated by hatred" when the victim was targeted because of their disability.

In **Poland** the government drafted a significant reform of the criminal code in 2024 to include disability (alongside age, gender, sexual orientation) as a protected characteristic in hate-crime and hate-speech offences. The reform aimed to strengthen the law's reach to groups previously excluded. However, the bill was referred to the Constitutional Tribunal⁶ and blocked as judged

⁶ "On 26 March 2025 Polish Parliament adopted an amendment that extends the list of protected characteristics to also include age, disability, gender and sexual orientation. The amendment extends the scope of hate crimes provisions also to cases when the discriminatory motive is based on assumption or association to the protected characteristic. However, on 17 April 2025 Poland's President referred the new regulation to the discredited Constitutional Tribunal, which leaves its entering into force uncertain." See: Amnesty International, [Submission on Poland](#) to the UU Committee on the Elimination of All Forms of Discrimination Against Women, 93rd Pre-Sessional Working Group, 7-11 July 2025, List of Issues Prior to Reporting.

inconsistent with the constitution.⁷ The judgment does not reject the idea of protecting disability as a ground but says the draft bill's form and wording were constitutionally defective (vagueness, board scope and insufficient precision).

Only a few EU countries resort to enhanced penalties for disability hate crime.⁸ Enhanced penalties stress the severity of bias-related offences, by clearly separating the hate motivation from the basic offence. An example is **Belgium**. Article 377bis of the Belgian Criminal Code permits the prison sentence to be doubled when the assault is committed intentionally against a person with a disability. Another example is **Hungary** that has specific penalties for "violence against a member of the community" which include persons with disabilities.⁹

However, most countries address disability hate crime through **aggravating circumstances**. In its 2025 report, the FRA noted that although bias motivation can also be defined as an aggravating circumstance, it may be only one among many, with the result that police reports and court proceedings are less likely to consider this motivation alone. The bias element may therefore remain invisible, which increased the victim's suffering and at the same time reduces the chances that perpetrators will be deterred from committing bias-related offences in the future. This is the approach of Austria, Croatia, Finland, France, Lithuania, the Netherlands, Romania and Spain.¹⁰

It is also important than in the past, some EU countries had lower penalties when a victim had a disability. The FRA refers to Austria, which until 2013 handed down lighter sentences for crimes in which the victim was a "defenceless" or a "psychologically impaired" person.¹¹

The UN Committee on the Rights of Persons with Disabilities adopted several recommendations on hate crime against persons with disabilities when evaluating European countries. For example, in 2024 it recommended to **Sweden** to "amend the national legislation on hate crimes and include provisions on hate crimes

⁷ See: <https://trybunal.gov.pl/en/news/press-releases/after-the-hearing/art/przeslanki-penalizacji-mowy-nienawisci-5>

⁸ FRA, [Violence against children with disabilities: legislation, policies and programmes in the EU](#) (2015), pages 9 and 38.

⁹ See Section 216 of Act C of 2012 (Criminal Code): https://thb.kormany.hu/download/a/46/11000/Btk_EN.pdf.

¹⁰ Fundamental Rights Agency, [Equal protection for all victims of hate crime: The case of people with disabilities](#) (2015), page 5.

¹¹ Ibid.

against persons with disabilities, and ensure the collection and analysis of data on hate crimes specifically against persons with disabilities.”¹² In 2022, it recommended to **Hungary** to “establish well-defined investigation methods, protocols and procedures for combating hate crimes against persons with disabilities.”¹³

It is interesting to note, in a positive sense, the example of **Spain**, where the denial of services (whether public or private) on the basis of disability is punishable by imprisonment and disqualification from certain professions. This is established in Articles 511 and 512 of the Spanish Criminal Code, which follow Article 510 regulating hate crimes and hate speech.

National action plans

Many EU Member States have developed **national action plans to combat racism, intolerance, and hate crime**. These frameworks are key to promoting equality and inclusion, yet they often overlook the experiences of persons with disabilities who may face discrimination and hate on multiple grounds, such as gender, ethnicity, or migration status.

Good practice: inclusion of persons with disabilities through their representative organisations

In **Greece**, the National Confederation of Disabled People (NCDP) plays a central role in integrating disability into national anti-racism policies. As a full member of the National Council Against Racism and Intolerance under the Ministry of Social Cohesion and Family, NCDP contributed to drafting the National Action Plan Against Racism and Intolerance 2020-2023.¹⁴ Thanks to this involvement, the plan included several references to persons with disabilities and recognises disability-based hate crime and hate speech as specific forms of intolerance requiring targeted action.

NCDP continues to participate in the drafting of the new Action Plan and has actively spoken out against disability-based hate incidents, calling for the establishment of a unified mechanism for recording discrimination cases, the improvement of the Action Plan’s monitoring system, the inclusion of qualitative indicators, and the implementation of targeted interventions. This model

¹² CRPD Committee, Concluding observations on the combined second and third periodic reports of Sweden, para. 14.

¹³ CRPD Committee, Concluding observations on the combined second and third periodic reports of Hungary, para. 34.

¹⁴ <https://ministryofjustice.gr/English/wp-content/uploads/2022/08/NAP-en-I.pdf>

shows how formal inclusion of organisations of persons with disabilities in national equality structures helps mainstream disability perspectives and strengthens national responses to all forms of hate and intolerance.

EU law and policy on hate speech and hate crime

The only criminal law instrument at EU level, the [2008 Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law](#), requires Member States to criminalise racist and xenophobic hate speech and hate crime, but it does not extend to other grounds of discrimination such as disability. As a result, the protection of persons with disabilities from hate-motivated offences continues to depend solely on national laws.

In December 2021, the European Commission [proposed](#) to **extend the list of “EU crimes” under Article 83(1) of the Treaty on the Functioning of the European Union to include hate speech and hate crime**, allowing the EU to adopt harmonised rules covering all grounds of discrimination, including disability.¹⁵ However, the proposal is currently blocked in the Council. This political deadlock prevents the EU from adopting common criminal law standards against hate speech and hate crime beyond racism and xenophobia.

Other legislative and policy developments have sought to address related gaps from a **victims’ rights, violence against women, and digital governance perspective**.

The [Victims’ Rights Directive](#) of 2012 sets minimum standards for the rights, support and protection of victims of crime in the EU. In 2023 the European Commission proposed a revision of the Directive to strengthen access to information, support and justice for all victims, with specific provisions on accessibility and reasonable accommodation for persons with disabilities. The reform also sought to improve the collection and disaggregation of data on victims, which is essential to understand and address the scale of disability hate crime. However, the proposal has gaps, as it did not include, for example, requirement of data collection disaggregated by disability. In December 2025, the EU reached a provisional agreement on the text of the directive.¹⁶ It includes a new article on the rights of victims with disabilities that strengthens access to

¹⁵ See at: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/extending-eu-crimes-hate-speech-and-hate-crime_en

¹⁶ https://ec.europa.eu/commission/presscorner/detail/en/ip_25_3017

services and, for the first time in EU law, requires the provision of procedural accommodation¹⁷ in accessing justice.¹⁸

In addition, the [EU Directive on combating violence against women](#) adopted in 2024 created obligations for Member States to recognise **aggravating circumstances** for crimes covered by the law¹⁹ when they perpetrated against some people or under certain circumstance. This includes offences “committed against a person made vulnerable by particular circumstances, such as a situation of dependence or a state of physical, mental, intellectual or sensory disability”.²⁰ The Directive needs to be transposed by Member States by the 14th of July 2027. However, there are still many gaps in the Directive as it does not cover many offences – for example rape and physical violence are not included – and there is not obligation to collect data disaggregated by disability.²¹

In the online sphere, the [Digital Services Act](#), applicable since 2024, establishes **clear obligations for platforms to act against illegal content, including hate speech**. It introduces transparency and accountability mechanisms for very large online platforms, requiring them to assess and mitigate systemic risks, such as the spread of hate content. While the Act does not specifically refer to disability, it provides an important framework for addressing ableist hate speech and harassment in the digital environment. The [EU Code of Conduct on Countering Illegal Hate Speech Online](#), launched in 2016 and updated several times, has been an additional voluntary tool for cooperation with major platforms.²² However, monitoring reports seldom mention disability-based hate speech.

At policy level, the European Commission’s [2021-2030 Strategy for the Rights of Persons with Disabilities](#) acknowledges that hate speech and hate crime against persons with disabilities persist across the Union and

¹⁷ Article 13 of the CRPD requires Parties to the Convention to “ensure effective access to justice for persons with disabilities on an equal basis with others, including through the **provision of procedural and age-appropriate accommodations**”. Procedural accommodations must always be provided to ensure equal and fair access to justice. It is not limited to a proportionality test. See CRPD Committee General Comment No 6 on equality and non-discrimination. Para 25(d): “Procedural accommodations’ in the context of access to justice should not be confused with reasonable accommodation; while the latter is limited by the concept of disproportionality, procedural accommodations are not.” Para 51: “An illustration of a procedural accommodation is the recognition of diverse communication methods of persons with disabilities standing in courts and tribunals.”

¹⁸ The final text of the revised directive was not available at the time of publication of this paper.

¹⁹ Female genital mutilation, forced marriage, non-consensual sharing of intimate or manipulated material, cyber stalking, cyber harassment and cyber incitement to violence or hatred (see articles 3 to 8 of the Directive).

²⁰ Article 11 of the Directive.

²¹ More information in [EDF guidance: Transposing the EU Directive on Combating Violence Against Women \(2025\)](#).

²² On 20 January 2025, the revised Code of conduct on countering illegal hate speech online + (the ‘Code of conduct+’) was integrated into the [regulatory framework of the Digital Services Act \(DSA\)](#).

calls for improved data collection, training for law enforcement and support to victims.

In addition, the Commission adopted [Joint Communication on “No place for hate: a Europe united against hatred”](#) in 2023. It also hosts a High-Level Group on combating hate speech and hate crime. However, it does not seem that there was consultation with organisations of persons with disabilities and thus the disability perspective is very limited.

In 2025, the UN Committee on the rights of persons with disabilities recommended that the EU “continue existing efforts to combat hate speech against persons with disabilities, including persons with disabilities in marginalised groups and in migration situations, and to extend the criminal provisions against hate crimes to disability.”²³

Data and statistics

Official statistics on disability-related hate crime are not available in most EU Member States. Where such statistics do exist, they are not always disaggregated according to bias motivation, type of crime, gender or age of the victim.²⁴

Data from 2016-2017, had showed that only 5 EU Member States disaggregated data on hate crime by disability as a bias motivation: Croatia, Denmark, Finland, Netherlands and Spain.²⁵ At that time, 5 EU Member States did not collect disaggregated data at all: Bulgaria, Latvia, Malta, Romania and Slovenia.²⁶

More EU Member States might now collect data disaggregated by disability, but unfortunately no EU overview is currently available.

In 2023, 9 EU Member States reported data on disability hate crimes to the OSCE:²⁷ Austria, Belgium, Finland, Germany, Greece, Hungary, Italy, the Netherlands and Spain. This indicates some sort of disaggregation at national level.

²³ CRPD Committee, Concluding observations on the combined second and third periodic reports of the European Union, para. 25.

²⁴ Ibid, page 39.

²⁵ See FRA, [Hate crime recording and data collection practice across the EU](#) (2018), pages 24-25.

²⁶ Ibid.

²⁷ See <https://hatecrime.osce.org/disability-hate-crime>

Examples

Austria: In 2023, the Austrian police recorded 5,668 hate crimes, with 125 being against persons with disabilities.²⁸ They included theft/robbery (26), physical assault (25), vandalism (23), damage to property (23) as well as threats/threatening behaviour (26).²⁹

Italy: In 2021, there were over 200 hate crimes against people with disabilities in Italy. The most common types of hate crimes motivated by bias against people with disabilities were physical assault, theft, and robbery. That year, there was also a case of homicide.³⁰

Netherlands: in 2023 the police recorded 3,301 hate crimes, with 50 being disability hate crime. They include physical assaults (19) and threats/threatening behaviours (14).³¹

Examples of hate crimes against persons with disabilities in EU Member States

The Organisation for Security and Co-operation in Europe (OSCE)'s [collection of hate crime data](#) gives an overview of the multiple forms of hate crime and hate speech faced by persons with disabilities in the EU. For example, in 2023, 22 hate crimes against persons with disabilities were reported.³² The figure may appear small but may be explained by the low reporting of persons with disabilities and the lack of disaggregated data gathering.

Cases include threats and attacks against persons with disabilities, and attacks against properties used by persons with disabilities. Several cases show that the crimes may have been based on more than one bias, such as disability and ethnic origin, migratory status, religion and sexual orientation.

Below we give a few examples that come from the OSCE (period 2016-2023) and others are information provided by EDF members.

²⁸ A further 155 recorded bias motives were excluded from this category as the legal basis for their recording falls outside the OSCE hate crime definition.

²⁹ See in full: <https://hatecrime.osce.org/austria>

³⁰ See [Statistica, Crimes motivated by bias against people with disabilities in Italy 2021, by type](#).

³¹ See in full: <https://hatecrime.osce.org/netherlands>

³² https://hatecrime.osce.org/incidents?year=2023&bias_motivations=8

Austria

- An Afghan man with disabilities was subjected to racist insults and physically assaulted by police at a police station. (2018)

Belgium

- Five men, between 18 and 23 years old, were charged guilty for the murder of Valentin, a 18-year-old boy with intellectual disability. The victim was abducted, raped and tortured.³³

Czechia

- A man with multiple disabilities was slapped in the face by a male nurse in the psychiatric hospital where he was hospitalized. The perpetrator had previously harassed and humiliated the victim. (2022)

Finland

- A transgender person with eating disorders and living with obesity was threatened by a group of neighbours who repeatedly uttered body-shaming insults in the victim's apartment building. (2022)

France

- A French blogger with a cerebral-motor disability, on the international day of people with disabilities, received threatening messages like "Kill yourself", "We should gas you" and "Warning: retarded". (2019)³⁴

Greece

- A school for children with visual and hearing impairments was vandalised and burglarised, causing damage that was disproportionate to the theft. Children's lockers and

³³ <https://france3-regions.francetvinfo.fr/hauts-de-france/belgique-cinq-jeunes-reconnus-coupables-torture-viol-meurtre-valentin-deficient-mental-1687504.html>

³⁴ <https://www.ladepeche.fr/article/2015/12/04/2231275-suicide-svp-faut-gazer-alerte-debile-mental-youtubeur-handicape-face.html>

television sets for people with hearing impairments were destroyed, door locks were broken and equipment was stolen. (2019)

Germany

- A male Libyan asylum seeker who uses a wheelchair was subjected to anti-Arab insults, repeatedly punched in the face and, after falling out of his wheelchair, was repeatedly kicked while lying on the ground by a group. The victim sustained injuries. The main perpetrator, who has a far-right background and had been implicated in previous racist attacks, was prosecuted for a racist and disablist hate crime. (2019)

Italy

- Three young men were arrested for torture on people with disabilities. The victims were filmed while they were tortured, and the images spread on social media. (2021)³⁵

Ireland

- A man of Chinese descent, who has a disability, was subjected to racist insults and had his medication stolen by colleagues at work. (2019)

Lithuania

- In July 2025, a high-profile case emerged in the public sphere in Lithuania: in a comedians' podcast, persons with achondroplasia were publicly mocked using degrading comparisons, stereotypes, and offensive terms. This content was widely shared on social media platforms, received hundreds of thousands of views, and sparked discussions about bullying and manifestations of hate speech against persons with disabilities. The Lithuanian Disability Forum, along with other organisations filed reports regarding a potentially committed criminal offense. The police initiated a pre-trial investigation on their own initiative, which is ongoing.³⁶

³⁵ <https://www.agrigentonotizie.it/cronaca/disabili-torturati-arresti-licata.html>

³⁶ <https://www.lrt.lt/naujienos/lietuvoje/2/2604995/lrt-projekto-dalyvis-mato-patycias-klajumo-laidoje-tai-yra-labai-skaudu?srsId=AfmBOoq3Xuq82-NZNZoANRW8r-9XxaEGcbeVOEpESI9L8L->

Poland

- A man with a learning disability and insecure housing was severely beaten in the face and stomach by a group who filmed the attack and published the video online. Throughout the attack, the perpetrators made disablist comments and insults. The victim sustained injuries to the head, face and chest. (2023)

Spain

- Four people were arrested for hate crimes against a person with intellectual disabilities. The person was attacked and screamed at "abnormal, we are going to kill you".³⁷

Hate speech and hate crime in digital environments

Persons with disabilities are also at higher risk of facing hate speech, violence and abuse online. According to recent research, the cases of online hate crimes against persons with disabilities are growing, according to research.³⁸ For example, an article by Deutsche Telekom reports that in **Germany** roughly 20% of online hate comments are directed at people with disabilities.³⁹

This explains why in the Council of Europe report on children with disabilities in the digital environment,⁴⁰ all interviewed children were unanimous in saying that they did not disclose their disability online, because of fear that so doing would lead to discrimination or rejection. Moreover, for many children and young people with disabilities, cyber-bullying is an extension of face-to-face bullying that makes them afraid of using digital platforms.⁴¹

In 2024, [ZARA](#), a counselling centre for racism and hate crime member of the National Disability Council in **Austria** registered 31 cases of online hate crime against persons with disabilities, 17 of which concerned

[AsHEVK5nL](#); Report of the Commission for the Monitoring of the Rights of Persons with Disabilities, page 65: https://lygybe.lt/wp-content/uploads/2025/12/jt-asmenu-su-negalia-teisiu-konvencijos-nuostatu-igyvandinimo-stebesenos-ataskaita_2025.pdf (in Lithuanian)

³⁷ <https://www.elmundo.es/madrid/2019/04/11/5cae1820fc6c83f0288b462b.html>).

³⁸ <https://www.leonardcheshire.org/about-us/our-news/press-releases/online-disability-hate-crimes-soar-33>

³⁹ Deutsche Telekom, 'Hate on the net: Diversity instead of exclusion' (2023)

⁴⁰ <https://www.coe.int/en/web/portal/-/two-clicks-forward-and-one-click-back-children-with-disabilities-reveal-their-experiences-in-the-digital-environment>

⁴¹ <https://www.anti-bullyingalliance.org.uk/sites/default/files/field/attachment/disabled-young-peoples-views-on-cyberbullying-report.pdf>

women with disabilities. The number is low, not not because incidents are rare, but because it depends heavily on whether cases are reported. Many more cases likely go unreported.

More examples of abuses and hate speech can be found on the BeSafe project report of Inclusion Europe,⁴² which collects cases of persons with intellectual disabilities online, including unwanted publication of photos, privacy issues, harassment, money extortion, and cyber-bullying, among others.

Barriers in reporting hate speech and hate crime

Persons with disabilities victims of crimes, including hate crime or hate speech, have difficulties to report the offence due to a variety of barriers that are not adequately addressed by EU Member States.⁴³ This can explain the level of underreporting and the limited data available on persons with disabilities who have been victims of hate speech and hate crimes.

Lack of awareness of the victims

In some cases, victims with disabilities may not be aware of their rights and how to file a complaint, or believe that the crime may not be regarded as serious enough, or that the complaint would not be believed because of their disability.⁴⁴

This specifically affects women with disabilities, children with disabilities and persons with intellectual or psychosocial disabilities, in particular those placed under guardianship and other regime depriving them of their legal capacity. They may also lack the adequate support in their daily life to report the offence, especially when the perpetrator is someone they know.

In addition, persons with intellectual disabilities do not always realise that they have been victims of hate crime or have come to accept such incidents as part of their daily lives.⁴⁵

⁴² <https://www.inclusion-europe.eu/be-safe/>

⁴³ See [EDF recommendations on the EU Strategy on Victims' Rights \(2020-2024\)](#) (2020)

⁴⁴ FRA, [Equal protection for all victims of hate crime: The case of people with disabilities](#) (2015), page 3.

⁴⁵ Mencap, 1999; Joint Committee on Human Rights, 2008

Segregation and exclusion

Persons with disabilities living in segregated environments, such as residential institutions or other closed settings, face particular challenges in reporting hate speech or hate crimes. When the perpetrator is an employee or caregiver, victims may fear retaliation, loss of support, or disbelief. As a result, incidents are often handled internally, leading only to bureaucratic or administrative responses, such as transferring the perpetrator to a different position, rather than to a proper criminal investigation.

Institutions may also lack the necessary resources or trained staff to assist residents in reporting incidents to the police or accessing independent counselling and victim support services. Limited access to information, communication barriers, and lack of external oversight further isolate victims and contribute to the underreporting of crimes committed within institutional settings.

Physical and communication barriers

Inaccessibility of the built environment, such as inaccessible police station and courts, and of communication with people working of the justice system, create difficulties to report, investigate and sanction the offence. In addition, complaint procedures are not always accessible for persons with intellectual disabilities, Deaf, Blind or Deaf-Blind victims, where information is not available in Easy to Read, Braille and/or sign language.

First responders, such as police, are not trained in disability equality and are not prepared to carry out access audit to determine the accessibility of the police/prosecution/victim support process.

Good practice: inclusive and accessible police unit addressing hate crimes in Madrid

A good practice from Madrid, Spain, is the [Diversity Management Unit of the Madrid Municipal Police](#) ("Comisaría de Gestión de la Diversidad"). This specialised police unit addresses hate crimes, including those targeting persons with disabilities, and maintains regular cooperation with civil society organisations. According to information available on their official website, the unit also provides accessible materials to ensure inclusive communication and support for persons with disabilities, including proceeding in Braille, sign language interpreters and information on the rights of

victims in simple language. The facility is also accessible for persons with reduced mobility.

Bias, myths and stereotypes

Bias, myths, and stereotypes about persons with disabilities often lead to their experiences not being fully believed or taken seriously by the justice system. Within criminal proceedings, a disability or health condition may be used implicitly or explicitly to question their credibility, reliability, or capacity to give evidence. This is particularly common for individuals labelled or identifying as persons with intellectual or psychosocial disabilities.⁴⁶

Such attitudes are rooted in ableism, assuming that persons with disabilities are less capable, objective, or trustworthy. As a result, testimonies from victims or witnesses with disabilities may be dismissed, minimised, or require unnecessary corroboration. This systemic bias discourages victims from reporting and perpetuates their exclusion from justice.

Impact of hate speech and hate crime

Impact on persons with disabilities

Hate speech and hate crimes against persons with disabilities can create anxiety, fear and trauma and hinder their inclusion in society.⁴⁷

If incidents are not reported, recognised as crime or offence, and perpetrators are not held accountable, victims are at a high risk of repeat victimisation and bias motivated harassment.⁴⁸ As illustrated in the cases collected by the OSCE this can take many forms, from name-calling in the street to mistreatment on public transport or at dedicated parking slots, theft and destruction of schools, threats of violence and physical attacks.

When repeated incidents do not receive attention by police or the criminal justice system, persons with disabilities may tend to

⁴⁶ [International Principles and Guidelines on access to justice for persons with disabilities](#), pages 7-8.

⁴⁷ Griffiths, M. 2014: [Disability Hate Crime: A guide for disabled people's organisations, law enforcement agencies, national human rights institutions, media and other stakeholders](#), Dublin: ENIL, pages 15 and 18.

⁴⁸ FRA, [Equal protection for all victims of hate crime: The case of people with disabilities](#) (2015), page 3.

internalise their oppression and marginalisation, concluding that they are responsible for the violence and injustice experienced.

There is a danger of imposing the label of vulnerable victim on persons with disabilities that can result in further exclusion and restrictions on their lives. The experience of persons with disabilities tends to be restricted to control due to labelling them as "vulnerable", and in need of professional decision-making to "protect them". This can be exacerbated by framing them as vulnerable in hate crime strategies.

Cross-border impact and issue with EU law

It is important to note that hate speech and hate crime can manifest themselves in cross border situations, involving a victim or perpetrator from different EU Member States for instance.

These cases highlight the need for a harmonised EU approach to guarantee consistent protection and enforcement. This would also contribute to fulfilling the EU's obligations under the UN Convention on the Rights of Persons with Disabilities.

Dichotomy of EU law

The lack of recognition of bias based on disability in criminal laws and policies at EU and national levels has created a hierarchy between victims, and a sense of what, in the view of the State and the EU is "acceptable" or not. In light with the right to equality and non-discrimination enshrined in the EU Treaties and the EU Charter for Fundamental Rights, victims with disabilities should be granted the same recognition in cases of hate speech and hate crimes.

Conclusion and recommendations

This update of our position paper confirms that still not enough is being done to address and combat hate speech and hate crime faced by persons with disabilities in the EU.

We identified a legal change in only 1 EU country, and while the proposal from the Commission to add hate crime to the EU Treaty was very welcome, it is currently blocked by the Council.

There is still an overall lack of research on hate speech and hate crime faced by persons with disabilities, as well as a lack of inclusion of representative organisations in the development, implementation and monitoring of laws and policies related to hate speech and hate crime.

The rights of persons with disabilities accessing the justice system continues to largely not being sufficiently ensured by EU countries. There is a lack of recognition of bias based on disability in criminal laws and policies in the majority of countries. Additionally, data on crimes is not consistently disaggregated by bias based on disability and by the victims' disability, age and gender.

We call on the EU and its Member States to:

- **Adopt harmonised EU rules on hate crime and hate speech**, by approving the extension of the list of EU crimes under Article 83 TFEU, ensuring that disability is explicitly recognised as a protected ground.
- **Ensure strong transposition and implementation of the Revised Victims' Rights Directive, Revised Anti-Trafficking Directive and Directive on combating violence against women**, guaranteeing accessible information, accessible support services, safety measures for victims of violence, and procedural accommodations⁴⁹ for victims with disabilities in the justice system.
- **Ensure accessibility and inclusion within digital-space regulation**, using the Digital Services Act and the updated EU Code of Conduct on Countering Illegal Hate Speech Online to improve the detection and reporting of disability-

⁴⁹ See footnote 17.

based hate speech, and to require platforms to publish transparent data.

- **Reform and align national criminal laws** so that all Member States explicitly recognise disability-based bias in hate crime and hate speech provisions, either as a specific offence or as an aggravating circumstance.
- **Strengthen data collection and monitoring** at both EU and national levels, ensuring that hate crime and hate speech statistics are disaggregated by bias motivation, including disability.
- **Train police, prosecutors, and judges** on recognising, recording and prosecuting disability-motivated hate crimes, and ensure cooperation with equality bodies and organisations of persons with disabilities.
- **Guarantee accessible reporting and victim-support mechanisms**, removing physical, communication and procedural barriers for persons with disabilities who wish to report hate crimes or seek justice.
- **Develop or update national strategies** on combating hate crime and hate speech that explicitly address the experiences, rights and needs of persons with disabilities, ensuring coordination with civil society and organisations of persons with disabilities.

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