

Victim Support Europe Annual Conference 2013

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Rights of People with Disabilities who Experience Crime
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Outline

- Background
- Positive Outlook
- Challenges
- Additional Challenges for People with a Disability
- Legal and Human Rights Standards
- Some Recommendations for Change

Background

- ICCL Publication “A Better Deal: The Human Rights of Victims in the Irish Criminal Justice System” (2008)
- Monitoring passage of the Victims’ Rights Directive
- Victims’ Rights Conference, Dublin, April 2011
- *JUSTICIA* Network
- *Know your Rights on the Victims’ Directive* (Maria McDonald BL, 2012)
- Forthcoming research, *An International Review of Legal Provisions and Supports for People with Disabilities as Victims of Crime* (Kilcommins, Edwards and O’Sullivan)

Victims of Crime in Ireland: The Positive Outlook

- Increased visibility of the victim
- Victims of Crime Office/ Commission for the Support of Victims of Crime
- Statutory provisions and increased accommodation of victims
- Funding for victim support groups
- Ireland a champion of the Victims' Rights Directive

Victims of Crime in Ireland: Challenges

- Information (lack of consistency and uniformity)
- Participation (full participation not universal)
- Remedy (attrition rates)
- Privacy (lack of private areas in courts)
- Protection (under reporting)
- Support (inadequate support services)

People with Disabilities: Added Challenges

- .Offences which criminalise conduct which exploits people with disabilities
- .Reporting
- .Evidence
- .Post Trial

Offences which Criminalise Conduct which Exploits People with Disabilities

- .Criminal Law (Sexual Offences) Act 1993, section 5
- .Criminal Justice (Withholding Information on Offences against Children and Vulnerable Persons) Act 2012, section 3
- .Prohibition on Incitement to Hatred Act 1989

Reporting

- .Under-reporting
- .Evidence that crimes against people with disabilities are reported at a much lower rate
- .Challenges in early stages of reporting process; compounded for people with disabilities

Evidence

- .Television link evidence
- .Intermediaries
- .Removal of Wigs and Gowns
- .Pre-trial Statements
- .Identification Evidence
- .Competency
- .Unsworn Evidence
- .Corroboration

Post Trial

- .Victims Impact Statements
- .Aggravating factor in sentencing

Legal and Human Rights Standards

- Council of Europe Recommendation 2006(8)
 - Article 3 (4)
- European Convention on Human Rights
 - Article 8 (right to private life)
 - Article 3 (freedom from inhuman or degrading treatment)

Legal and Human Rights Standards

- Victims' Rights Directive

- Identification (Article 22)
- Protection (Article 23)

- UN Convention on the Rights of People with Disabilities

- Particularly Articles 12 and 13

Some Recommendations for Change

.Policy

- Language, strategic identification, training, structured and enhanced service mechanism

.Legal

- Incitement to Hatred, television evidence, support person, corroboration warnings and judicial directions, test of competency, video evidence by electronic means, restriction of cross examination, aids to communication, aggravating factor at sentencing, ratification of the CRPD

Victims Rights

This section of the portal is designed to make it quick and easy to access information on the rights of victims of crime, in particular as this pertains to the rights contained in the recently adopted Victims' Directive, and the place of victims of crime within the upcoming successor to [The Stockholm Programme](#). The most up-to-date and relevant documents, press releases, academic comment, legislation, and case-law have been collated and organised here in this fully-searchable central storage space. Here you can get an overall sense of the information available in the area of victims' rights or quickly find a specific document.

Legislation



– EU Legislation

[Submissions/Publications » Know Your Rights on the Victims' Directive](#)

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Thank you

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