Victim Support Europe Annual Conference 2013

Edinburgh 30 – 31 May 2013

Rights of People with Disabilities who Experience Crime Deirdre Duffy

Irish Council for **Civil Liberties**



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







.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 StatementsAggravating 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



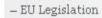




Victims Rights

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 <u>The Stockholm Programme</u>. 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



Submissions/Publications » Know Your Rights on the Victims' Directive





SEARCH

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Thank you

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