European Network on Independent Living

ENIL contribution to the public consultation on the EU Strategy on Victims' Rights 2026–2030

The European Network on Independent Living (ENIL) welcomes the development of the new EU Strategy on Victims' Rights 2026–2030 and calls on the European Commission to ensure that the rights and experiences of disabled victims are fully reflected in its priorities and actions.

Disabled people face significant barriers not only in accessing justice but also in reporting crimes, obtaining protection and accessing victim-support services. These barriers can be particularly serious for people with intellectual or psychosocial disabilities, women and girls with disabilities, people living in institutions and those whose experiences involve intersecting forms of discrimination.

For ENIL, the starting point must be that disabled people are not merely individuals in need of protection, but rights holders entitled to make our own decisions, exercise our legal capacity and access justice on an equal basis with others.

The Strategy should build on the revised EU legal framework for victims' rights, including Directive 2012/29/EU as amended by Directive (EU) 2026/1472, while ensuring consistency with the UN Convention on the Rights of Persons with Disabilities (CRPD). Its implementation should address not only the formal recognition of rights but also the structural and practical barriers that continue to prevent disabled victims from exercising them effectively.

Against this background, ENIL identifies six priorities that should guide the development and implementation of the new Strategy, with particular emphasis on removing structural barriers, ensuring effective access to justice and safeguarding the autonomy and rights of disabled victims.

1. Address violence, exploitation and abuse in institutions and segregated settings

The Strategy should explicitly recognise the risks of violence, exploitation and abuse faced by disabled people living in institutions, residential facilities and other segregated settings.

People living in these environments may depend on the very individuals or organisations responsible for abuse, making it particularly difficult to report incidents, access independent support or challenge violations of their rights. Institutional practices may also normalise certain forms of violence, coercion and restrictions on personal autonomy.

ENIL calls for accessible, confidential and independent reporting mechanisms, effective investigations, protection against retaliation and independent monitoring of institutions. Reporting mechanisms must be available directly to disabled people, without requiring the involvement or approval of institutional staff or guardians.

The Strategy should also address the specific risks faced by victims who remain dependent on the individuals or institutions implicated in alleged abuse. Protection measures should include

immediate access to independent advocacy, legal assistance and community-based support, together with effective safeguards against retaliation. Where a victim wishes to leave an institution, the lack of accessible housing, personal assistance or other necessary support must not prevent them from obtaining protection. In accordance with Articles 16 and 19 of the CRPD, responses to violence must respect the victim's will and preferences and must not result in further institutionalisation, segregation or unnecessary restrictions on personal autonomy.

2. Guarantee legal capacity, self-representation and supported decision-making

Disabled victims must be recognised as individuals with the right to exercise their legal capacity and make decisions concerning their own cases.

In practice, people with intellectual or psychosocial disabilities may face assumptions that they cannot understand proceedings, provide reliable testimony or make decisions independently. As a result, family members, guardians or professionals may be allowed to speak or act on their behalf without sufficient regard for their will and preferences.

Particular attention should be paid to the assessment of disabled victims' testimonies. A person's disability, communication style, support requirements or use of supported decision-making must not, in itself, be treated as grounds for questioning their credibility or excluding their evidence. The Strategy should promote guidance and training for judicial and law enforcement professionals to prevent discriminatory assumptions and ensure that victims can provide evidence through accessible communication methods, with appropriate procedural accommodations.

The Strategy should promote supported decision-making, self-representation and access to independent support where needed, in line with Articles 12 and 13 of the CRPD.

Support should enable disabled victims to understand information, communicate their experiences and participate meaningfully in proceedings. It must not become a mechanism for substituting their decisions with those of others.

Procedural accommodations and decision-making support must be distinguished from substitute decision-making arrangements. The need for assistance in communicating, understanding legal information or participating in proceedings must not be used to justify restrictions on legal capacity or the exclusion of the victim from decisions concerning their own case. Support arrangements should be based on the individual's will and preferences, including their choice of support persons, and accompanied by appropriate safeguards against conflicts of interest and undue influence.

3. Ensure accessible reporting, effective police responses and procedural accommodations

For many disabled victims, the greatest barriers arise at the very beginning of the justice process.

Crimes may go unreported because police stations, reporting procedures and communication channels are inaccessible, or because victims fear that they will not be believed or taken seriously. Even when incidents are reported, disability-related hostility may not be recognised, complaints may be dismissed as minor disputes, and victims may receive inadequate information or follow-up.

These failures can leave disabled people exposed to repeated violence and harassment, undermine their confidence in the justice system and discourage future reporting.

The Strategy should therefore promote accessible reporting mechanisms, disability awareness training for police and judicial authorities, appropriate identification of victims' individual support needs, and effective follow-up on complaints.

Digital reporting channels, victim-support platforms and online information services must also be accessible, including to people who use assistive technologies or alternative communication methods. Digitalisation should expand access to justice rather than create additional barriers or replace accessible in-person support.

Procedural accommodations must be available from the first interaction with law enforcement and throughout investigations and judicial proceedings. These may include accessible information, alternative communication methods, communication assistance, additional time and other accommodations based on the individual's requirements.

The Strategy should support the effective transposition and implementation of Article 22 of Directive 2012/29/EU, as amended by Directive (EU) 2026/1472, through practical guidance on the individual assessment of victims' support and protection needs. Such assessments should begin at the earliest possible stage, involve the victim directly and be reviewed as their circumstances evolve. They should identify communication and accessibility barriers, risks of retaliation, dependence on alleged perpetrators and support requirements arising from intersecting forms of discrimination. Assessments must be carried out by appropriately trained professionals and should distinguish individual support needs from discriminatory assumptions about disability or legal capacity.

The Strategy should also address secondary victimisation caused by inadequate institutional responses. Repeatedly requiring victims to recount traumatic experiences, failing to provide communication support, dismissing complaints because of disability-related assumptions or conducting interviews without appropriate accommodations may discourage reporting and undermine effective access to justice. Member States should be encouraged to establish coordinated procedures, accessible complaints mechanisms and independent review of failures to provide necessary support or accommodations.

The Commission should encourage the development of coordinated, disability-inclusive protocols for police authorities, prosecutors, judicial professionals and victim-support services. These protocols should clarify responsibilities for identifying and providing procedural accommodations, facilitate appropriate referrals between services and minimise unnecessary repetition of

interviews or assessments. Organisations of persons with disabilities should be involved in their development, implementation and evaluation.

Importantly, access to victim-support services must not depend on whether a formal police complaint has been made. Victims should be able to obtain information, protection and support independently of their decision to report a crime.

4. Strengthen the identification and response to disability hate crime

Disability hate crime remains an important concern, particularly where disabled people experience repeated harassment, threats, intimidation or violence motivated by disability-related prejudice.

Disability hate crimes may be treated as isolated incidents of antisocial behaviour or interpersonal disputes, without adequate consideration of discriminatory motivation or patterns of repeated victimisation. The Strategy should therefore promote consistent recording practices, the identification of possible bias indicators and specialised training for law enforcement and judicial authorities. Particular attention should be paid to discriminatory language or conduct and to circumstances in which disability-related hostility may otherwise remain unrecognised.

Particular attention should be paid to intersectional discrimination. Disabled people may experience violence and hostility shaped by disability alongside gender, racial or ethnic origin, age, sexual orientation, migration status or other characteristics. These experiences should not be overlooked because authorities focus on only one possible discriminatory motive.

However, recognising an incident as a disability hate crime is not sufficient if the victim cannot effectively exercise their rights. Disabled victims must be able to report incidents, provide evidence, access procedural accommodations, participate in proceedings and obtain effective remedies.

5. Guarantee accessible, community-based victim-support services

Victim-support services must be accessible to all disabled people, including those with high support requirements.

This involves more than physical accessibility. Information, communication, psychological support, legal assistance, emergency accommodation and other services must be available in formats and through arrangements that respond to different access requirements.

Particular attention should be paid to the accessibility of services for women and girls with disabilities who experience gender-based or sexual violence, as well as for children with disabilities who are victims of crime. Support arrangements should be age-appropriate, gender-sensitive and trauma-informed, while respecting the person's autonomy, communication requirements and right to participate in decisions affecting them. The Strategy should promote consistency with the relevant provisions of Directive (EU) 2024/1385 on combating violence against women and domestic violence.

Services must also respect disabled people's autonomy, privacy, choice and control. Disabled victims should not be required to enter institutional or segregated settings to obtain protection or support.

Where necessary, access to personal assistance, communication support and other individually chosen forms of support should be ensured, including during reporting, investigations, court proceedings and recovery. The Strategy should also support effective access to legal aid for disabled victims who are entitled to participate as parties in criminal proceedings, ensuring that eligibility assessments and application procedures do not create additional disability-related barriers.

The Strategy should encourage Member States to assess the accessibility of existing victim-support services and address the barriers that prevent disabled people from using them.

Support should not end automatically when criminal proceedings conclude. Disabled victims may require continued psychological, legal, communication or practical assistance during recovery, particularly where the crime has disrupted their living arrangements, personal assistance or existing support networks. The Strategy should encourage coordinated and adequately funded community-based services that respond to these circumstances without making support conditional on institutional placement or limiting the victim's autonomy and choice.

Effective access to compensation and other forms of redress must also be ensured. Procedures for claiming compensation should be accessible and should not impose additional barriers relating to disability, communication requirements, legal capacity or access to appropriate support. Victims should receive accessible information and assistance throughout the process, including when seeking compensation through national schemes or criminal proceedings. The Strategy should also recognise the importance of rehabilitation and recovery measures that enable disabled victims to maintain or regain control over their lives.

6. Ensure CRPD compliance, participation and accountability

The Strategy must be fully aligned with the UN Convention on the Rights of Persons with Disabilities (CRPD), particularly Articles 5 (equality and non-discrimination), 12 (equal recognition before the law), 13 (access to justice), 16 (freedom from exploitation, violence and abuse) and 19 (living independently and being included in the community).Particular attention should be paid to Article 16(3), concerning independent monitoring, and Article 16(4), which requires measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who experience exploitation, violence or abuse, in conditions that respect their dignity and autonomy.

Specific attention should also be given to women and girls with disabilities, in line with Article 6, and children with disabilities, in line with Article 7.

ENIL calls for the meaningful involvement of disabled people and their representative organisations in the development, implementation and monitoring of the Strategy, in accordance with Article 4(3) of the CRPD.

The Strategy should establish a monitoring framework with measurable indicators that go beyond the number of victims reporting crimes. These should address the accessibility of reporting mechanisms and victim-support services, the provision and refusal of procedural accommodations, access to independent support, the identification of disability-related hate crimes and the outcomes of complaints concerning inadequate victim assistance. Data should be appropriately disaggregated, where feasible and lawful, including by disability, gender and age, while respecting privacy, data protection and voluntary disclosure.

Organisations of persons with disabilities should be meaningfully involved in defining these indicators, reviewing implementation and identifying systemic barriers. The Commission should encourage Member States to publish accessible monitoring findings and adopt corrective measures where persistent shortcomings are identified.

Conclusion

The new EU Strategy on Victims' Rights offers an important opportunity to close the gap between the formal recognition of victims' rights and their effective enjoyment by disabled people. Achieving this requires more than acknowledging disability-related barriers: it requires concrete measures to remove them across every stage of the justice process.

ENIL calls on the European Commission to ensure that the Strategy promotes accessible reporting mechanisms, effective procedural accommodations, individualised support, independent protection against violence and abuse, and meaningful access to remedies. These measures must respect disabled people's legal capacity, will and preferences and must not reinforce institutionalisation or substitute decision-making.

The Strategy should also establish clear implementation priorities, measurable indicators and mechanisms for the meaningful participation of organisations of persons with disabilities in its development, implementation and monitoring.

A genuinely victim-centred approach must recognise disabled people as rights holders whose autonomy, dignity and equal participation are essential to the effective protection of victims' rights. ENIL stands ready to contribute its expertise in Independent Living and disability rights to support the development and implementation of a Strategy that delivers these commitments in practice.

About the European Network on Independent Living

The European Network on Independent Living (ENIL) is a disabled-led, cross-disability network of disabled people and their representative organisations. ENIL promotes the right to independent living, as set out in Article 19 of the UN Convention on the Rights of Persons with Disabilities (CRPD), its General Comments and the Guidelines on deinstitutionalisation, including in emergencies. ENIL's work is guided by the CRPD and the Independent Living principles, enshrined in

the Independent Living Pillars. ENIL is active at the Europe-an level, and internationally, through cooperation with Centres for Independent Living from around the globe. ENIL's actions and activities are based on the social and the human rights models of disability, and on the principles of inclusive equality, self-determination, solidarity and intersectionality.

ENIL has participatory status with the Council of Europe (i.e. is a member of the Conference of INGOs) and consultative status with ECOSOC.

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