



University of Ljubljana  
Faculty of social work



## Information and Communications: Cornerstones of Justice for Victims of Crime with Disability (878604 — InfoComPWDs)

### Terms of Reference: International Legal Consultant

- Title:** International Legal Expert with expertise in the UN CRPD and the EU Victims' Rights Directive (2012/29/EU).
- Project:** Information and Communications: Cornerstones of Justice for Victims of Crime with Disability (878604 — InfoComPWDs). Co-funded by the European Union's Justice Programme (2014-2020)
- Duration:** October/November 2020 to June 2022
- Location:** Home based, with travel to attend international symposium in Brussels.
- Fee:** Fixed fee (inclusive of all costs, including all taxes) in EUR; plus travel and associated costs to attend international symposium in Brussels

## 1. Project Summary

Access to information and effective communication are essential for persons with disabilities victims of crime (the ultimate beneficiaries of this project) to participate effectively in criminal justice processes. The European Union Victims' Rights Directive (2012/29/EU) guarantees victims the rights, among others, to understand and be understood, to information, and to be heard. When criminal professionals fail to provide victims with disabilities with accessible information, do not have the knowledge and tools to communicate in ways victims with disabilities can



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understand, or cannot support victims with disabilities to express their needs and experiences, these rights are violated and victims do not receive justice. This project will analyse victims' access to their rights under the Directive and create practical tools for key stakeholders in the justice system.

The two-year project, from July 2020 to June 2022, is being implemented by a consortium of nine organisations. The work is taking place in seven EU countries (Czechia, Slovakia, Romania, Bulgaria, Slovenia, Lithuania, Croatia) with Validity Foundation as the Coordinator, and an academic team based in Slovenia supporting a research component in the initial phase of the project. The Expert Consultant will ensure that the national level project activities bring added value to European and international practice and standards on access to justice for persons with disabilities.

## 2. Project aims and background

The project builds on the expertise and experience of Validity Foundation and the Consortium partners. Validity Foundation and project partners have previously investigated [access to justice for children with mental disabilities, exposed](#) abuses against children with disabilities in institutions in the [CHARM](#) project (JUST/2011/FRAC/AG/2799), and developed tools to enhance the skills of legal professionals to represent children with mental disabilities in the [Innovating European Lawyers](#) project (JUST/2015/JACC/AG/PROC/8625). These and other projects found that access to information and communication supports are central challenges for people with disabilities who come into contact with the criminal justice system.

A key innovation of the project is its focus on the nexus between the obligations set out in [EU Directive \(2012/29/EU\)](#) together with the more recent [EU Strategy on Victims' Rights 2020-2025](#), the [EU Disability Strategy 2010 – 2020](#), the [European Accessibility Act](#), and the United Nations' [Convention on the Rights of Persons with Disabilities \(CRPD\)](#). Although the EU acceded to the CRPD in 2010 and the Convention has been ratified by each of the 27 EU Member States, there is a lack of clarity as to how it applies in combination with existing EU law, and even less what that means in practice for people with disabilities. Further, findings by the European Commission published in [May 2020](#) illustrate that transposition of the Victims' Rights Directive has been insufficient in most EU Member States. There has been almost no assessment of whether and how the transposition of the Directive into national legal systems has affected the ability of persons with disabilities to access their rights. This project aims to improve access by people with disabilities victims of crime to their rights under the Directive and to inform the development and implementation of the international legal framework with evidence and promising practices.



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The project aims to:

- Highlight the perspective of persons with disabilities who are victims of crime with regard to the obstacles to, and support for, effectively exercising their rights to information and effective communication;
- Enhance access for beneficiaries to their rights under Directive 2012/29/EU and related acquis through developing an evidence base and set of multi-disciplinary recommendations on access to information and effective communication in criminal justice processes for people with disabilities who are victims of crime;
- Improve access to supports and accommodations for beneficiaries to communicate effectively and be understood, as well as provide professionals in the justice system with improved skills and practical tools to communicate effectively with beneficiaries;
- Promote on-going cross-disciplinary cooperation on information provision and communication by victims of crime with disabilities across criminal justice disciplines;
- Disseminate the new knowledge and deliverables to key target audiences in each project jurisdiction and across Europe;
- Contribute to the on-going consistent and coherent development, review and implementation of the Victims' Rights Directive, the UN CRPD and the European Charter of Fundamental Rights.

The project will produce: 4 practical resources for professionals and beneficiaries in the form of printed and online handbooks and information packs; 7 national findings reports; 1 set of research methodology and tools capable of application across the EU; 1 international synthesis report; and 1 external project evaluation report as well as a dedicated project webpage.

At the same time, Validity Foundation is coordinating a second EU co-funded project focused on making criminal justice systems child-friendly in three EU countries, by improving how individual assessments are conducted for children with disabilities, unaccompanied minors, or children deprived of parental care. The two projects draw on a very similar international legislative framework and conventions. They are being implemented in close cooperation, and it is anticipated that the findings, outcomes and deliverables will be complementary.

### 3. Role of Expert Consultant

The expert consultant will be an individual or a small team bringing together relevant expertise and experience. The consultant plays a critical role in ensuring the project success and impact, especially in the EU and international context. The consultant will create a 100-page international synthesis report and review key project deliverables vis-à-vis the EU acquis and the CRPD. The



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consultant will support the project to achieve EU added value (as required by the European Commission) through the creation of materials that can be used or replicated outside the project countries. They will also ensure that the project deliverables contribute to evolving European and international norms in the areas of victims' rights, access to justice and disability.

#### 4. Tasks, deliverables and timetable of Expert Consultant

The consultant will contribute to the project through the following specific tasks and deliverables.

1. Create a 100-page international synthesis report with a comparative overview of the national findings and analysis vis-à-vis European and international law;
2. Provide advice and guidance to Validity's Project Manager and the research team on the development and implementation of the research methodology and tools, and the national findings reports;
3. Co-produce a set of four practical tools (the Toolchest) together with Validity's Project Manager for key stakeholders in the criminal justice system, including persons with disabilities victims of crime; and
4. Participate in an international symposium in Brussels in 2022 to launch the synthesis report and publicise the project outputs with EU and international stakeholders and policy makers.

The main role of the consultant is to create the international synthesis report with an executive summary.

##### 1. Create an international synthesis report

The main task of the consultant is to write an international synthesis report which will be published at the end of the project. The consultant will research and write a 100-page report which clearly sets out the relevant international and European legal standards; synthesises, compares and analyses the seven national findings reports against this international context (in particular Directive 2012/29/EU and the CRPD); and includes multi-disciplinary recommendations to improve access to information and effective communication for persons with disabilities victims of crime in Europe. This report is aimed at European Union officials and policy makers, national and international advocacy and human rights NGOs, governments, and professionals in the fields of victims' rights, access to justice and disability. The consultant will create a 10-page executive summary of the report which will be translated into all project languages (English, Bulgarian, Croatian, Czech, Lithuanian, Romanian, Slovak and Slovenian) and an English easy-to-read version. The report will be available in an electronic format on the project webpage, with a limited number of colour printed copies for targeted distribution at EU, national and international levels.



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The consultant will:

- Review the data collected during the research phase and recommend how missing data can be added or substituted (December 2020 – June 2021); and
- Write the international synthesis report, a comparative analysis across the seven project countries with recommendations applicable across all EU jurisdictions. This will include a proposed contents lists; agreeing the contents, structure and substance of the report with Validity Foundation’ first and second drafts’ development of report recommendations in consultation with Validity Foundation; writing the 10-page executive summary; and producing a final draft for publication and distribution (December 2021 – April 2022).

The expert will also contribute to other key deliverables and work programmes during the implementation of the work. The scope of work and timetable for the consultant is as follows:

## **2. Provide advice on research and national findings reports**

The Institute of Social Protection (IRRSV-Slovenia), in collaboration with the Faculty of Social Work at the University of Ljubljana, are leading the development of an action-research methodology and associated data collection tools and guidance. The purpose of the research is to develop an evidence base on access to information and effective communication for persons with disabilities victims of crime in criminal justice processes in order to develop a set of recommendations and practical tools. IRSSV and the University will work with project partners to implement the research in each country, tailoring the approach to the particular national context and organisational profile. The research methodology will be published as a 25-30 page report in English to enable replication of the research in other EU countries, and potentially internationally.

The research findings will be set out in seven national reports of 15-20 pages each. The reports will be written in the national language (Bulgarian, Croatian, Czech, Lithuanian, Romanian, Slovak and Slovenian) and will be translated into English and into English easy-to-read format. Each report will include a component on the experiences of people with disabilities in written, video, photographic, audio or other format. These reports will form the information base from which the international synthesis report will be drafted.

The consultant will:

- Provide guidance to the research team to ensure that the necessary European and international standards inform the research tools and methodology, bringing to bear their legal perspective to complement the researchers sociology expertise and ensuring the information sought is relevant and sufficient for the development of the international synthesis report (November to January 2020); and



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- Read and review the final national findings reports in English, assessing whether they address the relevant international legislation and guidance, and make recommendations if required (March to June 2021).

### **3. Co-produce four practical ‘handbooks’ (the Toolchest)**

The consultant will work closely with Validity’s Project Manager to develop a set of practical written tools and guidance in English which can be adapted and translated for use in individual countries:

- i) A Handbook for professionals on communication with victims of crime with disabilities;
- ii) A Handbook for judges, prosecutors and judicial personnel on ensuring accessibility and accommodations to facilitate communication by victims of crime with disabilities in court proceedings;
- iii) Guidelines for lay-advocates and victim support service providers on supporting victims of crime with disabilities in criminal justice processes; and
- iv) An Information Pack in easy-to-read read format for victims of crime with disabilities on their rights, criminal proceedings and available supports.

All together the four handbooks/information packs will be approximately 40 pages long. The deliverables are referred to collectively as handbooks in this section, though they may take on quite different formats depending on the audience.

The consultant will:

- Work with Validity Project Manager to create draft contents and outlines of the handbooks (February to April 2021);
- Work with Validity Project Manager to write the contents of the handbooks (May to September 2021);
- Consult with stakeholders and experts on the draft handbooks and support Validity’s Project Manager in creating the final version of all handbooks, ensuring that they address the relevant international legislation and guidance and reflect up to date expertise in the field and good practices around the world (August to September 2021); and
- Advise on how to adapt the handbooks to national contexts (October 2021).

### **4. Participate in an international symposium in Brussels in 2022 to launch the synthesis report and publicise the project outputs.**

The consultant will attend the international symposium in Brussels, planned for May 2022, where the findings, practical tools and project recommendations will be presented to delegates, experts and policy-makers from the EU along with European NGOs and other stakeholders. The consultant will contribute to planning the event, identifying participants to invite, and presenting the




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outcomes of the research alongside other speakers. The consultant may also be asked to make press statements, be interviewed by media and generally support the dissemination of the project findings and recommendations.

The consultant will:

- Contribute to and review plans for the international symposium, including the contents of the event, speakers, and participants (February to April 2022);
- Speak at the international symposium and provide support to other speakers (May 2022);
- Support the dissemination of the project outcomes through media, social media or other means of outreach (May to June 2022)

### Summary and timetable of tasks and deliverables:

	Task/Deliverable	Timetable
1	Review research data collected	December 2020 – June 2021
	100 page international report	December 2021 – April 2022
	10 page executive summary	January – April 2022
2	Guidance to research team on methodology	November 2020 – January 2021
	Read/review national findings report	March – June 2021
3	Draft contents and outline of handbooks	February – March 2021
	Co-write handbooks	February – April 2021
	Review/consult on handbooks	August – September 2021
	Advise on adapting handbooks to national contexts	October 2021
4	Contribute to plan for international symposium	February – April 2022
	Attend and speak at international symposium	May 2022
	Support dissemination of project outcomes	May – June 2022

## 5. Requirements and expertise

The consultant (or team) should meet the following requirements. Preference will be given to qualified candidates who self-identify as having a disability:

- Current or former academic, practising lawyer or legal expert in an international organisation or DPO/NGO;
- Possess a postgraduate degree (or equivalent) in disability law, criminal justice, EU law, victims' rights or a similar field of relevance to this project and research;
- Minimum of 10 years experience in EU and disability law;



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- Published in a relevant field;
- Knowledge of or experience in litigating criminal law preferred, especially in a civil law jurisdiction;
- Appreciation of the disability rights movements and victim perspective;
- Experience working collaboratively with networks of organisations;
- Fluent in written and spoken English with ability to produce high-quality publications targeting multiple audiences;
- Understanding and experience of European Union policy making an asset;
- Knowledge of and experience in Central and Eastern Europe an asset;
- Central/Eastern European language an asset;
- European Union citizenship or right to work in the European Union.

## 6. Tender and contracting process

Applicants are asked to submit:

- A letter of interest
- CV, including list of prior publications
- Financial offer indicating a breakdown of fees for each task and the total in EUR
- A proposal of approximately 2 pages outlining the technical approach to the work.

Applications for the work should be sent to [jointheteam@validity.ngo](mailto:jointheteam@validity.ngo) by 9 November 2020 with *Application for Expert Consultant Role: InfoComPWDs* in the subject line.

More information about Validity is available on the website: [www.validity.ngo](http://www.validity.ngo)

### Payment and fee:

The consultant will be contracted by Validity Foundation. Payments will be made in installments, subject to negotiation with the consultant, and the final payment will be made upon approved submission of all tasks, deliverables, and invoices. The contract will be from November or December 2020 to the end of June 2022.

### Conflicts of interest:

Please declare any known or potential conflicts of interest, in particular with any member of the InfoComPWDs Consortium (listed in Annex A).

### Criteria for selection:

Value for money, taking account of the proposed fee, the quality of the proposal, and the expertise of the applicant.



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## Project Partners

COUNTRY	ORGANISATION	BRIEF DESCRIPTION
<b>Consortium Coordinator, Hungary</b>	Validity Foundation	18 years substantive expertise in advocacy and international strategic litigation on the rights of people with disabilities
<b>Bulgaria</b>	Chance & Support	14 years of experience working with people with disabilities, people from different ethnic groups (including Roma people), women and elderly people, developing new methodologies of social work, and providing direct support
<b>Croatia</b>	VWSS CROATIA Victim and Witness Support Service	specialised expertise in providing information, psychological and legal aid to victims of crime, and operate a national call centre for victims of crime
<b>Czechia/Slovakia</b>	Forum for Human Rights	expertise in human rights advocacy, strategic litigation, research and awareness-raising on the rights of vulnerable groups, including persons with disabilities, and the principle of non-discrimination
<b>Lithuania</b>	PsP Mental Health Perspectives	brings extensive experience in disability-rights, including implementing a crucial project on enhancing procedural rights of suspects and accused persons with intellectual and/or psychosocial disabilities in criminal proceedings.
<b>Romania</b>	CLR Centre for Legal Resources	excellent experience and skills in providing complex legal and professional support to people with disabilities who have experienced human rights violations
<b>Slovenia</b>	IRSSV-SLOVENIA Institute for Social Protection	leads the research and data collection. It has three decades experience in evaluation and monitoring service provision for people with disabilities in Slovenia and have coordinated cross-border projects
<b>Slovenia</b>	PIC Legal Centre for the Protection of Human Rights and the Environment	legal expertise in protecting, supporting and defending marginalised and vulnerable groups and provides legal assistance to more than 1,000 people with disabilities each year
<b>Slovenia</b>	UL Faculty of Social Work, University of Ljubljana	develop the research methodology for the project and implement it in Slovenia. They have developed action research methods and researched the rights of people with disabilities since the 1980's



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