



UNIVERSITY OF ICELAND

**„Access to specialised victim support services for women with disabilities who have experienced violence“**

**National Report  
Iceland**  
The Centre for Disability Studies  
University of Iceland

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## 2. Abbreviations

AP-2014: Action Program for Gender Equality (The current gender equality action programme in Iceland)

CAT: Convention Against Torture

ICCPR: International Covenant on Civil and Political Rights

CEDAW: Convention on the Elimination of all Forms of Discrimination against Women

CRC: Convention on the Rights of the Child

ECMR: European Charter for Equality of the Council of European Municipalities and Regions

EHCR: European Convention on Human Rights

CRPD: Convention on the Rights of Persons with Disabilities

GPC: General Penal Code

HRC: Human Rights Committee

PADDSV: Plan of Action to Deal with Domestic and Sexual Violence 2006 – 2011.

RPO: Rights Protection Officers for Disabled People

UPR: Universal Periodic Review

### **3. Executive Summary**

Documentation on violence against disabled women in Iceland is scarce. Research focusing on violence against women has mostly ignored disabled women and only addressed issues in relation to a limited degree. Disabled women are also absent in legal framework on gender equality. For example, the Icelandic gender equality law (Act on Equal Status and Equal Rights of Women and Men, no. 10/2008) does not mention disabled women. Similarly, in the Plan of Action to Deal with Domestic and Sexual Violence (PADDSV) that was in effect for the timeframe 2006 – 2011 only one of the 37 actions to combat domestic and sexual violence addressed disabled women especially. However, implementation of certain actions of the PADDSV did take notice of the vulnerable position of disabled women in regards to gender-based violence. Lack of monitoring and inadequate funding are the reasons why gender equality and action plans to combat violence against women have not been fully implemented. The current action plan to deal with domestic and sexual violence (PADDSV) expired in 2011 and there is no current action plan regarding gendered violence. The outgoing government (2009-2013) placed emphasis and focus on gender equality and combatting violence, but with no action plan in place these efforts have been haphazard and not carried out systematically. Following the general election a new election on April 27, 2013 a new government will come into office. It is unclear at this point if and to what extent the incoming government will focus on issues of gender, violence or disability. It is clear, however, that much more research and knowledge is needed to understand the nature, scope and effects of violence against women, in particular violence against disabled women.

## 4. Introduction

There is limited knowledge and understanding about violence against disabled women in Iceland. To our knowledge, no research has focused solely on violence against disabled and we are not aware of any studies addressing specialized support services for disabled women in Iceland who have experienced violence. The available research findings have mostly been reported in qualitative studies that have explored various aspects of the lives of disabled women and have encountered various examples of violence and abuse without intending to focus on such issues. An example is Guðrún V. Stefánsdóttir's (2008) doctoral dissertation which was a historical study of people with intellectual disabilities born before 1950 providing an in-depth long term insight into the everyday lives and experiences of disabled people. The findings revealed that the women who participated in the study commonly experienced discrimination and inequality, sexual and physical violence, and institutional abuse such as forced sterilization and the misuse of power by non-disabled people. Similar examples of violence have been reported in other qualitative studies even though the research topic was not directed at issues of violence. In Rannveig Traustadóttir's (1993) interviews with 20 young disabled adults about their experiences in the labour-market, participants described experiencing injustice and segregation. Two female participants also told of sexual violence they had experienced outside of work.

Similarly, in their book on mothers with intellectual disabilities and their children, Hanna Björg Sigurjónsdóttir and Rannveig Traustadóttir (2001) found that two of the mothers who participated in the study had become pregnant as a result of rape. Their book also accounts for the experience of a young woman who was forced to undergo sterilisation by her family members. In Kristin Björnsdóttir's (2011) qualitative study on how women with intellectual disabilities understand their autonomy and sexuality, participants described having experienced various forms of violence as children and adults. Three had been subject to sexual violence and one forced to have an abortion. The women also described how institutional practices had threatened their independence and hindered them from deciding where they lived and with whom. This theme of powerlessness among disabled women and the authoritative power of institutions can also be seen in research by Guðrún V Stefánsdóttir (2008) reported above.

Many of the causes and effects of violence appear to be deeply entwined within the fabric of the everyday lived experienced by disabled women and difficult to discern. Freyja Haraldsdóttir and Vilborg Jóhannesdóttir (2011) argue that disabled people in Iceland routinely experience institutional abuse due to how the social service system is structured and operated. Disabled people have little say about or control over the support or services they receive. As a result, services often fail to provide what disabled people want or need and are, at times, conducted in a manner which violates their human rights. This can result in a sense of fear, powerlessness and lack of security. Very little research exists on the topic of institutional violence and abuse with regard to disability services in Iceland. Researchers have, however, addressed and documented how practices and methods used by the staff working in residential homes for disabled people can result in a reduced quality of life and lead to various health problems among the residents (Guðný Jónsdóttir, 2011). There appears to be reluctance in defining such acts as violence, abuse or neglect.

Recent media coverage and research reports (e.g. Róbert Spanó et al, 2009) on violence in institutions and boarding schools for children in the mid to late 20<sup>th</sup> century have increased the Icelandic public awareness of the violence that can thrive in such places. In early 2007, heightened media coverage focused on the violence occurring in such homes, boarding schools and institutions for children prompted the Icelandic government to appoint a committee to investigate the relevant institutions and gather information about the scope of violence the children had suffered. One of these institutions

was the National Special School for Deaf and Hearing Impaired Children, a state institution which operated in Reykjavík for the period 1909-2002. The committee's report (Róbert Spanó et al, 2009) documents negligence and sexual violence most often committed by older students against younger students. Supervision and monitoring of the school by the authorities was judged to be severely lacking and the curriculum highly questionable, as it forbade the use of sign language and forced the children to use spoken language despite their hearing impairment. The investigation showed that many of the children who had attended the school suffered emotional trauma, as well as ruptured emotional ties with their parents and other family members due to the forced separation while attending the segregated school for deaf children in Reykjavík from the age of four.

Although the topic of institutional abuse and violence has not been prominent in academic debates in Iceland, research on the sterilisation of disabled women has been studied. In her research on the experiences of women with intellectual disabilities of sterilization and how it has influenced their autonomy and sexuality, Guðrún V Stefánsdóttir (2011) interviewed six women, all of whom had undergone sterilization. They described their experiences and the deep and difficult emotional impact it had on their lives. Some of the participants were not even informed that they had undergone the procedure but discovered it at later points in their lives.

The first Icelandic study which specifically focused on violence against disabled women was conducted at the request of the Icelandic Ministry of Welfare and was carried out at the University of Iceland by the Social Science Research Institute in collaboration with the Centre for Disability Studies in 2010-2011 (Félagsvísindastofnun, 2013). This was a qualitative research project based on open interviews with 13 disabled women who had been subjected to violence. Although all were identified as disabled women they had different impairments, had a wide age range, lived on their own or in disability residences, were married or single, had children or not, and lived in rural and urban settings. In short, this was a highly diverse group. The study revealed that participants had experienced many different forms of violence. This included violence they experienced as children: bullying in schools, physical and sexual violence from family members as well as violence experienced when under the protection of the child protective services. In their adult years the disabled women who participated in the study had experienced rape and other forms of sexual violence, emotional abuse and violence in the context of intimate relationships, and also institutional violence such as coerced abortion and breach of confidence by authoritative figures who were meant to assist and protect them. The report also addressed instances where routine working methods of staff in homes for disabled people resulted in violence or neglect (Félagsvísindastofnun, 2013). This small scale qualitative study indicates strongly that disabled women are at high risk of serious and repeated abuse and violence. However, this one small research project only provides a small part of the picture. There is a need for a large scale comprehensive study which can provide knowledge and information about the scale, causes, and effects of violence against disabled women, inform us on how it can be prevented and the support services necessary for disabled women who experience violence.

## 5. Legislation on violence against women and women with disabilities

### 5.1 Applicable international and regional standards concerning violence against women with disabilities

In Iceland, the European Convention on Human Rights (ECHR) is the human rights instrument that has had the most influence on Icelandic legislation and jurisprudence in recent years. Iceland is also a party to other international and regional human rights instruments which have had some effect on our legislation and jurisprudence. Iceland ratified the ECHR in June 1953, and has also ratified 13 of the Convention's 14 protocols. The ECHR was incorporated into Icelandic legislation in 1994 as Act no. 62/1994 (Lög um mannréttindasáttmála Evrópu). The ECHR was the only instrument that had been fully implemented into Icelandic legislation, until the 20<sup>th</sup> February, 2013 when the Icelandic parliament (Althingi) adopted a law implementing the United Nations Convention on the Rights of the Child (CRC). Iceland is also a party to other international and regional human rights instruments which have had some effect on our legislation and jurisprudence

In August 1979, Iceland signed and ratified the International Covenant on Civil and Political Rights (ICCPR) as well as its optional protocol. Icelandic courts have interpreted Icelandic legislation in accordance with the CCPR as well as the ECHR before it was incorporated into Icelandic law. The Human Rights Committee (HRC) monitors the implementation of the ICCPR and among its concluding observations in Iceland 2012, were comments regarding violence against women, particularly with regard to the impact of changes in the General Penal Code on violence against women with regard to the Action Plan on Violence Against Women and wanted to know if the Government had taken any special measures regarding women of foreign origin who are victims of domestic violence, including rape.<sup>1</sup>

Iceland ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its optional protocol in June 1985. Iceland's latest report to the CEDAW Committee was submitted in 2007 and the Committee issued its concluding observations in July 2008. The Committee recommended that the Icelandic government should, in accordance with General Recommendation no. 19, ensure comprehensive legal and other measures to address all forms of violence against women. It also recommended that the Icelandic government conduct a comprehensive research on the functioning of the justice system and to strengthen the general penal code and penal procedure laws to ensure adequate prosecution and conviction of perpetrators of acts of violence against women, in accordance with the grave nature of their acts. The Committee also recommended that awareness should be raised among the judiciary and police on the use of restraining orders and that sufficient financial resources be allocated to ensure that all women victims of violence have access to safe and appropriate means of protection and assistance. The Committee placed a special emphasis on women of foreign origin in this regard.

Iceland ratified the Convention Against Torture (CAT) in October 1996 and made its latest report in 2005. Most of the recommendations to Iceland from the CAT Committee have been the same as from the HRC mentioned above. The CAT Committee requested information regarding awareness raising campaigns and inquired whether the Icelandic

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<sup>1</sup> The full report is available at

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/455/69/PDF/G1245569.pdf?OpenElement>

All HRC reports on Iceland are available at <http://www2.ohchr.org/english/bodies/hrc/hrcls105.htm>

government had employed or increased training measures for professionals working in this field.

On 30 March 2007, Iceland signed the UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol; however, neither have yet been ratified. The Ministry of the Interior (responsible for human rights) is working on necessary legislative changes in collaboration with the Ministry of Welfare in order to prepare the ratification of the CRPD.

Iceland underwent the United Nations' Universal Periodic Review (UPR) procedure in March 2012 and received 84 comments and recommendations<sup>2</sup>. Most of these comments touched upon gender equality, status of the prison system, status of immigrants, gender based violence, treatment of sex offences and cases of domestic violence and sexual violence against children. The comments regarding gender based violence and domestic violence were, among other things, concerning the impunity and lenient rulings in cases on domestic violence and that research, data collection and analysis on causes and consequences of violence against women should be increased, especially as to why victims are reluctant to report offences to the police. Awareness raising of domestic violence and options for victims should be strengthened. Finally, measures should be taken to eliminate barriers resulting in women victims of domestic and sexual violence not submitting charges and seeking protection.

The Icelandic government which was in office 2009-2013 had plans to adopt the European Convention on Preventing and Combating Violence Against Women and Domestic Violence. It has made an assessment of the legal amendments necessary and has done work on renewing the Action Plan on Violence Against Women. This work was not concluded when this government lost its majority in general elections April 27, 2013. It remains to be seen what the incoming government will do.

## 5.2 National specific legislation concerning violence against women

At the outset of this section it is important to state that there are no special provisions in Icelandic legislation concerning violence against women (including disabled women).

Article 65 of the Icelandic Constitution states: "Everyone shall be equal before the law and enjoy human rights irrespective of sex, religion, opinion, national origin, race, colour, property, birth or other status. Men and women shall enjoy equal rights in all respects." Though disability is not mentioned specifically in the article, it has been interpreted as falling under "other status" and which has been confirmed by the Supreme Court of Iceland in at least two of its' judgments.<sup>3</sup> Many disability rights advocates have argued for the importance of including disability as a part of the human rights article of the constitution.

The only anti-discrimination act in Icelandic law is the Act on Equal Status and Equal Rights of Women and Men, no. 10/2008 (Lög um jafna stöðu og jafnan rétt kvenna og karla). One of the main aims of this act is to combat gender based violence and harassment. Art. 1(,i) and Article 2(5) define gender based violence. However, the Act does not contain provisions penalising such violence. There is no special definition of domestic violence in Icelandic legislation. However, the National Commissioner of Police has special procedural rules on how to register domestic violence.

The General Penal Code (GPC) no. 19/1940 (Almenn hegningarlög) has several provisions regarding violence, both physical and psychological, but all articles of the

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<sup>2</sup> The full report is available at

[http://www.upr-info.org/IMG/pdf/a\\_hrc\\_19\\_13\\_add.1\\_iceland\\_e.pdf](http://www.upr-info.org/IMG/pdf/a_hrc_19_13_add.1_iceland_e.pdf)

Please find more information at <http://www.upr-info.org/-Final-outcome-.html>

<sup>3</sup> Hrd. no. 125/2000 and Hrd. no. 177/1998



GPC are gender neutral and apply equally to men and women. In 2006, amendments were introduced to the GPC with the aim of combating violence in the home. These amendments consisted of harsher punishments for violence perpetrated against family members. In addition, serious abuse toward family members, a spouse or former spouse or other person closely related to the perpetrator is now subject to public prosecution and imprisonment of up to 2 years. It is also a punishable offence to use physical violence, illegal force or threat against someone due to his or her reporting of such acts to the police or a court of law. The amendments also included defamatory acts and acts against personal privacy; physical violence; sexual violence; acts against personal liberty; and financial exploitation and property damage.

In 2000, the Icelandic Parliament enacted restraining orders into Icelandic legislation for the first time. Act no. 94/2000, amending the Act on Criminal Procedure (Lög um breytingu á lögum um meðferð opinberra mála og almennum hegningarlögum, nálgunarbann), authorised the courts to instruct the police to implement restraining orders. Provisions on restraining orders are currently provided for by Act no. 85/2011 on Restraining Orders and Expulsion from the Home (Lög um nálgunarbann og brottvísun af heimili). The Act is designed to make it easier to exercise such measures against violent partners or stalkers. One major improvement is a three day time limit for the police to make a decision on restraining orders and/or expulsion requests. In addition, the Chief of Police in each police district can take up cases on his own initiative if he believes it necessary. Expulsion from the home is a temporary arrangement which will only be extended if the requirements continue to be met. Expulsion can only be used if other less invasive measures cannot achieve the desired result.

Article 40 of the Act on Criminal Procedure no. 88/2008 (Lög um meðferð sakamála), obligates the police to inform a victim of his/her rights according to law. Art. 41 contains a provision for the police, upon the victim's request, to appoint an attorney to guard his/her rights in cases of sexual offences, manslaughter, bodily injuries or offences against personal freedom or extortion. The appointment is obligatory if a victim of a sexual offence is under 18 years of age. The role of the attorney is to look after his/her client's interests and assist in making a personal damage claim (art. 45) in a criminal case. The attorney's fee is paid for by the State Treasury.

### **5.3 Further country specific legislation relevant for violence against women with disabilities**

Only one article in the General Penal Code mentions disability, Art. 194(2) (in Chapter XXII on Sexual offence) penalises as rape according to 194(1) if someone takes advantage of a person's mental disability to engage in intercourse or other sexual acts. The GPC has no article that penalises forced abortion or forced sterilisation.

Act on Counselling and Education on Sexual and Reproductive Health and Abortion and Sterilization no. 25/1975 (Lög um ráðgjöf og fræðslu varðandi kynlíf og barneignir og um fóstureyðingar og ófrjósemisaðgerðir) legalises abortion in certain specified circumstances but the mother always has to provide consent. Sterilization may be performed if an applicant is over 25 and wishes to undergo this procedure. If the applicant is under 25 years of age, some specific requirements have to be met including his or her informed consent. Art. 22, of the Act allows for a specially appointed legal guardian to give consent for sterilization if the person, due to mental illness, mental deficiency or other mental disorders, is permanently unable to understand fully the consequences of the action. As outlined in the Introduction of this report, research has documented that this provision (in conjunction with the Act on Legal Competence described below) has led to forced sterilization and, in some instances, sterilization without the person's knowledge.

Act on Legal Competence no. 71/1997 (Lögræðislög) states that a person over 18 years of age is competent to manage his or her affairs. Legal Competence is twofold; (1) the management of personal affairs (personal competence) and (2) financial affairs (financial competence). Legal capacity is the capacity to be a holder of one's rights and manage these rights. The Legal Competence Act has fairly wide ranging provisions to deprive people of their legal capacity due to mental deficiency, mental illness, physical impairment, long term serious illness and other similar grounds. The Act also allows, on similar grounds, involuntary incarceration and compulsory treatment. These measures are considered by many, particular by people with psychosocial disabilities, to violently remove their basic human rights. In addition, the Legal Competence Act seems clearly to be in violation of Article 12 of the Convention on the Rights of Persons with Disabilities and the Ministry of Internal Affairs is working on revising the Act.

The Act on the Protection of Rights of Disabled People no. 88/2011 (Lög um réttindagæslu fyrir fatlað fólk) aims to protect disabled people's rights and assist them to uphold their rights in both public and private matters. Chapter III contains provisions regarding Rights Protection Officers for Disabled People (RPO) which are appointed to all regions of the country. Their role is to monitor the situation of disabled people in their respective region and assist them in various matters regarding their rights. Chapter IV has provisions regarding a Personal Spokesperson for a disabled individual of his/her own choice. The role of the spokesperson is to assist the disabled individual to (1) protect his or her rights; (2) assist in personal matters; (3) have an overview of and assist with the person's financial matters and private property rights. These two new roles: the Rights Protection Officer and the Personal Spokesperson can be a valuable resource to help reduce, prevent and protect disabled women against violence as well as to supporting them in reporting violence.

## 5.4 Conclusions concerning legislation

There is a significant gap in Icelandic legislation concerning violence against women in general and violence against disabled women. Although the General Penal Code offers protection from violence, some further amendments need to be made to the legislation in order to provide every possible victim protection and necessary assistance. Definitions of gender based violence and domestic violence should be added to the GPC and special provisions made penalising such violence. Awareness and knowledge of various forms of violence is lacking in most sectors of society, whether it be the police, victims or the general public. No particular legal efforts have been made to protect marginalized groups such as immigrant women and disabled women from violence.

# 6. Implementation of Legislation

## 6.1 Policies and programmes

Since 1985, Althingi (the National Parliament of Iceland) has passed five action programmes on measures to implement gender equality in Iceland. The current action programme in effect is for the period 2011-2014 (AP-2014).<sup>4</sup> While previous action programmes listed special actions as the responsibility of different ministries to promote equality, the current programme is split into thematic areas (such as the labour market,

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<sup>4</sup> An English version of this Action Program is available at <http://jafnretti.is/D10/Files/Gender%20Equality%20Action%20Programme%202011-14.pdf>

political representation, gender-based violence, and education). Listed, along with the actions under each theme, is information about which ministries or governmental institutions are in charge of implementing the action. According to the AP-2014, the responsibility of the five actions relating to gender-based violence falls on the Ministry of the Interior and the Ministry of Welfare. These actions include the development of an action plan against gender based violence and analysing the situation of disabled women and in particular their risk of being subject to violence, abuse and exploitation.

The latest Plan of Action to Deal with Domestic and Sexual Violence (PADDSV) was launched by the Icelandic government in 2006 and was valid for the period 2006 – 2011<sup>5</sup>. The plan is based on the view that gendered violence affects the entire society and should not be tolerated. The plan is divided into two parts. The first part deals with combating violence against children and actions to that affect and the second part contained 22 specific actions aiming to combat domestic and sexual violence against women. Listed in the PADDSV is information on which ministries or governmental institutions are in charge of implementing each action. Information about the budget or cost of implementation are, however, not included. The PADDSV places emphasis on preventative measures, improvement of services for women who are subjected to violence and the improvement of treatment available to perpetrators. The PADDSV urges coalition work between national and local governments and NGOs to prevent violence against women and to improve the support available for women who have been subject to violence. The actions included awareness-raising on domestic violence and violence against pregnant women and to improve training curricula of those who work with victims of gender based violence, such as health-service providers, ministers of religion, psychologists, teachers, policemen, lawyers and judges. Actions involving the local authorities included the making of a guideline action plan to assist and support that the municipalities in the making of their own action plans. One of the objectives of the PADDSV was an extensive research project including quantitative and qualitative studies to provide insight into the nature of gender based violence and evaluate the support available for women who have experienced violence. In 2011 the Ministry of Welfare presented a final report on the implementation of the PADDSV along with proposals for continued government measures.<sup>6</sup>

PADDAW expired in 2011 and according to the AP-2014 the Ministry of the Interior and the Ministry of Welfare share the responsibility for the creation of a new government action plan of action to deal with domestic and sexual violence for the period 2011-2015. This plan of action shall be based on the experience and research from PADDSV and include extensive research and emphasis on the examination of gender based acts of violence, prosecution and the handling of these cases within in the judicial system. The action plan is to be consistent with the European Convention on Preventing and Combating Violence Against Women and Domestic Violence. The Government appointed a committee to write the action plan, the representatives of which came from ministries, the Centre for Gender Equality, state-prosecutors office, Reykjavík Metropolitan Police, Association of Local Authorities and NGOs working in the field of domestic and sexual violence. However, the deadline for drafting the new action plan was 2011 and it has still not been produced. According to information from the Centre of Gender Equality the new action plan is ready but unlikely to be approved by the Government since its implementation is estimated to be too costly. In the wake of the new general election on April 27, 2013 it is unlikely that matters will progress much in the near future. As a consequence, there is no action plan in Iceland on issues regarding sexual violence. The programmes and initiatives currently being worked on within the ministries are

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<sup>5</sup> An English version is available at [http://www.velferdarraduneyti.is/media/acrobat-enskar\\_sidur/Plan\\_of\\_Action\\_to\\_deal\\_with\\_Domestic\\_and\\_Sexual\\_Violence.pdf](http://www.velferdarraduneyti.is/media/acrobat-enskar_sidur/Plan_of_Action_to_deal_with_Domestic_and_Sexual_Violence.pdf)

<sup>6</sup> English version is available at [http://eng.velferdarraduneyti.is/media/rit-og-skyrslur2012/Ofbeldi\\_gegn\\_konum\\_enska\\_feb\\_2012.pdf](http://eng.velferdarraduneyti.is/media/rit-og-skyrslur2012/Ofbeldi_gegn_konum_enska_feb_2012.pdf)

based on the proposals for government measures presented in the final report on the implementation of the PADD SV and on special priority programmes launched by the ministries on their own initiative or in collaboration with other actors.

The Icelandic Ministry of the Interior and the Ministry of Welfare are responsible when it comes to issues regarding gendered violence. In addition the Ministry of Education, Science and Culture and the Prime Minister's Office are involved in certain implementations and measures. In fact, all ministries are required to work on matters regarding gender equality to some degree. According to article 13 of the Act on Equal Status and Equal Rights of Women and Men, no. 10/2008, all ministries are to appoint a representative with expertise in gender equality to monitor issues relating to gender equality within the ministries and the institutions that answer to them. However, when it comes to implementation of the AP-2014 regarding violence against women and the PADD SV, the Ministry of the Interior and the Ministry of Welfare hold the greatest responsibility. According to the AP-2014 the Ministry of the Interior is responsible for two actions: (1) measures to prevent prostitution and (2) strategies against domestic violence. The Ministry of the Interior is also, along with the Ministry of Welfare, responsible for the making of a new government action plan for the period 2011-2015.

The current and recent panels and committees or other special programmes on the subject of violence against women within The Ministry of the Interior and Ministry of Welfare are as follows:

- The Prime Minister's consultative team to consult on and ensure effective resources for the victims of sexual crimes, especially children. The team published a report in April 2014 there they listed and prioritized actions they deemed necessary for Iceland to undertake in order to combat violence against women and children. This report will be discussed in more detail shortly.
- A panel of specialists to assist, advice and comment on issues regarding allegations about sexual violence and assault within religious institutions. This project is on-going.
- A collaboration team to supervise compliance with a coordinated overall policy, in accord with the proposals from the PADD SV for continued government actions. The collaboration consists of representatives of the Ministry of Welfare, the Ministry of the Interior, municipalities, the police, the Centre for Gender Equality and NGOs.
- A committee on pornography to examine police resources to enforce laws on porn and make recommendations for improvements. This project is finished. Their final report has not been made public.
- A consultation programme regarding the handling of rape cases within in the judicial system. The project included members of the police, NGOs working with victims of violence, the state's attorney, staff of the rape emergency room and scholars in the field. The programme concluded by delivering recommendations for improvements and actions, one of which was the launch of an academic research project in collaboration with the research centre Edda to assess the handling of rape cases within in the judicial system. Preliminary results from this study were made public on the 19<sup>th</sup> of April 2013<sup>7</sup>.

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<sup>7</sup> The results from the study in Icelandic are available at

- A consultation project regarding pornography in collaboration between the Ministry of Welfare and the Ministry of Education, Science and Culture. The consultation team invited specialists, scholars and NGOs to collaborate. The programme concluded with an open conference about porn as well as delivering a report with recommendations for improvements and actions to combat the problem of porn in Icelandic society. This report has not been made public.
- An awareness raising project about sexual violence against children in collaboration between the Ministry of Welfare and the Ministry of Education, Science and Culture.
- Gender Equality Council is appointed by the Minister of Welfare after each parliamentary election. The Council has eleven representatives nominated by various women's organisations, civil society organisations, academic institutions, the Association of the Local Authorities in Iceland, Labour Organizations and the Employers Association. The Gender Equality Council works closely with the Centre for Gender Equality and the Minister of Welfare. The focus of the Gender Equality Council is on promoting equality in the labour market and the coordination of work and family life.
- In 2009 the government launched a temporary programme and appointed a special working group (Equal Rights Monitoring) tasked with evaluating the impact of the economic crisis from a gender perspective. The group did a report that covered many topics, including those of gender based violence and the impact of the crisis on health care institutions. The report has not been made public.
- The Ministry of Welfare is responsible for the programme Men Take Responsibility which is a treatment programme that offers counselling to male perpetrators to break abusive behavioural patterns.

Institutions that answer to the Ministry of the Interior and are associated with or in charge of coordinating or enforcing issues regarding violence against women are the State Attorney, The National Commissioner of the Icelandic Police and the Police, where the department of sexual offences handles matters relating to sexual violence.

The Ministry of Welfare is responsible for administration and policy making of social affairs, health and social security in Iceland as prescribed by law, regulations and other directives. According to the AP-2014 the Ministry of Welfare is responsible for implementations of three actions regarding gender based violence. Alongside the Ministry of the Interior, it is responsible for the making of a new government action plan in regard to gendered violence for the period 2012-2016. The Ministry of Welfare is also responsible for strengthening an intervention programme that offers counselling to male perpetrators to break abusive behavioural patterns and for a study on the position of disabled women with regard to gendered violence.

Institutions that answer to the Ministry of Welfare and associated with, or are in charge of coordinating or enforcing issues regarding violence against women are health services such as hospitals and local and regional health care centres, and the Centre for Gender Equality.

Other initiatives launched recently on the subject of violence against women are as follows:

- In 2009 the government appointed a multi-ministerial committee responsible for the action programme (AP 2011-2014) in accordance with the government's objectives to increase focus on issues regarding gender equality. This was also in accordance with the objectives stated in the platform of the Social Democratic Alliance and Left Green Party coalition government 2009-2013, where it is stated that the coalition government will place increased emphasis on gender equality issues and take action to eliminate gender-based violence and implement preventative measures.
- In April 2013 the government announced that it would allocate 189 million krona to finance actions combating sexual offenses against children in accordance with suggestions from the prime minister's consultative team. This was partly done in response to the growing number of reports, complaints and accusations of child abuse and sexual violence against children reported to the police. The majority of the funds go into actions earmarked to prevent violence against children but this will also benefit and strengthen services to women who have experienced violence, such as the strengthening of the police force, the promotion of prevention and education and increased funding to NGOs that work with victims of violence. In a report from the prime minister's consultative team, detailing the funding, information about the responsible ministries or governmental institutions are in charge of implementing each action can be found along, with information about the budget or foreseen cost<sup>8</sup>.

The Centre for Gender Equality is a national bureau in charge of administering the Act on Equal Status and Equal Rights of Women and Men no. 10/2008. The Centre provides education and counselling for NGOs, governmental and municipal authorities, companies and individuals. As stated in article 4 of the Act of Equal Status and Equal Rights of Women and Men, no. 10/2008, the Centre is responsible for monitoring the implementation of the act and supervise educational and informative activities. The Centre is to advise, make suggestions and proposals on measures to achieve gender equality. The Centre is also to monitor gender quality developments in society at large by gathering information and initiating research. When it comes to the subject of gender based violence the Centre is restricted to working on preventative measures in collaboration with organizations and other government authorities.

Article 10 of the Act on Equal Status and Equal Rights of Women and Men, no. 10/2008 requires the municipalities to appoint gender equality committees after each local government election. The committee is to examine, monitor and advice on issues regarding gender equality and take initiative on measures to ensure the equal status and equal rights of women and men. The committee is responsible for the making of a four year action programme on gender equality. According to information from the Centre for Gender Equality very few municipalities have done such an action plan. One exception is the City of Reykjavík which since 2011 has an Action Programme on Equality which places emphasis on awareness raising and gender mainstreaming.

According to the PADD SV 2006-2011, local authorities are to work in collaboration with the national government, media and NGOs to raise awareness on gender based violence. Since the PADD SV has expired there are no current actions plans that place

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<sup>8</sup> The report is available in Icelandic at

<http://www.forsaetisraduneyti.is/media/Skyrslur/skyrsla-urraedi-fyrir-tholendur-kynferdisbrota.pdf>

responsibilities on the municipalities. The municipalities are not required to have special plans of action to combat gendered violence and violence against children. In the national conference of the Association of the Local Authorities in Iceland held in September 2011 a resolution was passed encouraging local authorities to work to promote gender equality and make plans of actions on issues regarding gendered violence. According to the PADDISV the Ministry of Welfare should make guidelines and encourage the municipalities to make action plans on issues regarding violence. According to sources from within the Association of Local Authorities in Iceland, very few municipalities have made such action plans to combat gender based violence. However, in 2012 the City of Reykjavik adopted an Action Plan Against Gender Based Violence and Violence Against Children focusing on prevention, support for victims, training, collaboration and treatment for perpetrators. The town of Akureyri has also adopted an Action Plan to Combat Gender Based Violence and Violence against Children. Their plan focuses on prevention, and the strengthening of support services for victims and treatment for perpetrators.

Six Icelandic municipalities have signed the European Charter for Equality of the Council of European Municipalities and Regions (ECMR). The charter contains commitments to promote equality and the signing of the charter is viewed as a declaration of intent to work on promoting gender equality. It also provides measures against gender based violence and can be used as a model for municipal initiatives.

Institutions that answer to the municipalities and are associated with, or in charge of coordinating or enforcing issues regarding violence against women are health care institutions and centres, social services and schools.

## **6.2. Institutions and organisations: relevant actors in the field – the support structure**

Below are the relevant actors in the field of violence against women and disabled women which support women who have been subject to violence:

**Stígamót (Education and Counselling Centre for Survivors of Sexual Abuse and Violence)** is the most prominent NGO in the field of victim support in Iceland. It provides free individual counselling and self-help groups and 12 step programs for survivors of rape, sexual molestation, sexual harassment, pornographic exploitation and prostitution. They also run a shelter for survivors of prostitution and human trafficking. The organisation places emphasis on education and awareness raising. It has held international conferences on the topic of gendered violence and offers presentations and public speaking. Stígamót is well known in Icelandic society and cooperates with social services, hospitals and other relevant actors. Despite being an NGO, Stígamót is subsidised by the Icelandic government. It is also partly funded by individual contributions.

**Kvennaathvarfið (The Women's Shelter)** is a grass roots NGO established in 1982 providing a safe shelter for women and children who have been subject to psychological or physical abuse in their home. The shelter also offers assistance for rape victims and has a helpline that is open 24 hours. It is located in Reykjavik but services women from all over the country. Ten people work at the shelter which can house up to 20 women at a time. Kvennaathvarfið has participated in general awareness raising on issues of domestic violence in Icelandic society.

**Kvennaráðgjöf (The Women's Counselling)** offers legal advice and social counselling and support, free of charge, to women and men. Kvennaráðgjöfin employs lawyers and social workers and students of law and social work.

**Neyðarmóttaka nauðgana (Rape Emergency Ward).** There are two special hospital wards in Iceland for people who have experienced rape or other sexual violence. The wards provide victims with a variety of support and employ specialised nurses, doctors, psychologist and lawyers. The wards are located in Reykjavik and Akureyri.

**DrekaSlóð (Dragenpath)** is a small NGO offering support to people who have experienced any type of violence. DrekaSlóð is located in Reykjavik and provides individual counselling, self-help groups and 12 step programs. DrekaSlóð is partly subsidised by the Icelandic government but is mainly funded by individual contributions.

**Réttindagæslumenn (Rights Protection Officers for Disabled People) (RPO)** protect and assist disabled people with upholding their rights in both public and private matters. Eight RPOs are distributed throughout Iceland, each responsible for a specific region of the country. They monitor the situation of disabled people in their region and assist them in various matters. RPOs can be instrumental in helping to reduce and prevent violence against disabled women as well as to empower them to report such violence and provide assistance in doing so.

**Aflið (Strength)** is a small NGO located in Akureyri. It provides support to women who have experienced domestic violence. It is mostly funded by individual contributions but has received subsidy from the Icelandic government.

**Sólstafir (Sunrays)** is a small NGO located in Ísafjörður in the West Fjords of Iceland. It provides support to women who have experienced domestic violence. It is solely funded by individual contributions.

**Félagsþjónusta sveitarfélaga (Municipal Social Service)** have various resources to assist women who have experienced violence. They offer practical advice, help with housing, financial assistance and counselling. Some municipalities have self-help groups for women who have experienced violence. The municipalities work in collaboration with the Women's Shelter.

**Hjálparlína rauða krossins (The Red Cross Helpline 1717)** is a toll-free number open 24 hours a day for those who need assistance due to grief, anxiety, fear, depression and/or suicidal thoughts. Red Cross volunteers offer immediate emotional support to those who feel distressed or lonely, and, when needed, provide information on how and where to obtain further assistance. The Helpline is operated by Red Cross staff and volunteers who have experience in providing assistance to people in distress.

## **7. Applicability of legislation to and accessibility of the support structure for women with disabilities**

The experience with the legal framework has not been flawless. The government that has been in office for the past four years (2009 – 2013) is now stepping down following the general election on April 27, 2013. This government has demonstrated a great interest in strengthening gender equality and has, among other things, initiated many committees, programs and various initiatives, and has devoted attention to gender equality work.



However, with regard to gender-based violence there has been no action plan to combat such violence since 2011. Due to that, work to prevent gendered violence has not been carried out systematically and has been without the necessary monitoring and follow-up. The outgoing government has gathered important information and mapped the situation. Many of the actions in the PADD SV 2006-2011 included research and gathering of information and publishing and distribution of educational material. Implementation of these actions was, in most part, successful. The implementation in other areas has been weaker and funding problems have been a constant barrier. The important work that has been conducted is currently at a vulnerable stage and it is unclear how things will be followed up by the incoming government. Since there is no firm implementation plan in place it is unclear what direction the new government will take or if it will follow through on the framework laid by the previous government.

Another significant barrier in the application of the legal framework is that gender equality and combatting violence seems to be of low priority and little value when compared to other legal frameworks. Most institutions (and individual politicians) agree on the importance of gender equality and do not hesitate to make political statements to that effect. However, when it comes to taking action and implementing operations there seems less will or initiative. This low priority is reflected in the work of many of the municipalities, the police and the courts. According to article 10 of the Act on Equal Status and Equal Rights of Women and Men, no. 10/2008 the municipalities are required to make action programmes on gender issues. To this day few municipalities have complied and presented such action programmes. According to information from the Centre of Gender Equality the presentation and wording of the laws are vague and unclear which makes them difficult to enforce. The efforts of the Centre for Gender Equality mostly go into guiding institutions through implementation and in the making of action programmes. The Centre can request information from institutions, such as action programmes and reports, and has the authority to issue fines. It has, however, not done so and it seems unclear whether the Centre has the authority to use such penalties. The Centre has made an inquiry to the government to clarify what authority they have to intervene when the gender equality act is now being followed.

A significant hindrance in matters regarding violence against women in Iceland is also a lack of active monitoring and coordination. Although responsible parties for each action in the PADD SV 2006-2011 are specified, no institution or work group was responsible for monitoring and seeing to it that actions were indeed implemented. When it comes to issues regarding gender based violence, the Centre for Gender Equality is solely responsible for matters regarding awareness-raising and prevention. The funding to the Centre is very limited and it has barely had enough budget finance its work. It is therefore paramount that an institution or a work group is made responsible for monitoring implementation and that they receive sufficient budget to do so. The lack of coordinating, monitoring, and collecting of information on the progress of implementation of each of the actions of the PADD SV has resulted in the fact that it is very hard to locate information about its implementation. It seems rather haphazard how actions have been prioritized and carried out and it seems clear that implementation has not been done in a systematic manner. The erratic implementation is partly due to lack of funds and the fact that in the funding of PADD SV each action was not earmarked.

Regarding legal frameworks, action plans and programmes on gender equality and violence, the addressing of disabled women is quite limited. For example, disabled women are not mentioned in the legal framework relating to gender equality. The Act on Equal Status and Equal Rights of Women and Men, no. 10/2008 does not mention disabled women in the context of gendered violence. Indeed, it does not mention disability at all. Of the 22 actions specified to combat gendered violence in the PADD SV 2006-2011, only one addresses disabled women especially in an action concerning research to examine violence against groups of women are more likely to experience violence than

other women. These groups identified in this respect are: immigrant women, disabled women and older women. This action was, however, not completed within the timeframe of the PADDSSV which ended in 2011. In the proposals for continued government measures included in the final report on the implementation of the PADDSSV, research on violence against disabled women is again advised, this time addressed separately from violence against immigrant women and older women. It is suggested that violence against disabled women in intimate relationships be investigated as a part of general research on disabled women.

In the AP-2014 a similar research action is proposed. It is noted that the status of disabled women should be explored in order to determine the need for affirmative action to ensure that this group of women enjoy human rights and fundamental freedom in full accordance with the UN Convention on the Rights of Persons with Disabilities. This study has been completed (Félagsvísindastofnun, 2013) and the findings are described briefly in the introduction of this report. Disabled women are not mentioned in other action plans. The action plans combating gendered violence of the municipalities of Reykjavík and Akureyri do not address disabled women who have experienced violence, and do not mention disability at all.

Some implementation of the PADDSSV took notice of the vulnerable position of disabled women and addressed it especially. The educational material published and distributed to increase knowledge and skills of staff working with victims of gender based violence addressed disabled women in the context of being a group of women more likely to be subject to violence than other women (Ingólfur V. Gíslason, 2008). The studies done to explore and evaluate the services available to women who experience violence enquired especially whether the services extended to disabled women and whether they were accessible for women who use wheelchairs (Anni G. Haugen, 2009; Guðrún Helga Sederholm, 2010). These studies will be discussed in more detail below as they provide insight into the accessibility of the specialised victim support services. Other implementation of PADDSSV actions only took disabled women into account to a limited degree and made no reference to accessibility issues. The implementation of actions concerned with education to the public, awareness-raising and prevention did not reach disabled people and published materials and educational material was not made accessible to meet the needs of a diverse population. Actions regarding quantitative research and gathering of statistics on the scope of violence against women in Iceland did not address disabled women especially. In fact, two large quantitative studies have been done in the past twenty years at the request of the government, neither included disabled women. As a result no statistics are available on the scope of violence against disabled women in Iceland.

In accordance with the PADDSSV 2006-2011, studies have been done to explore and evaluate the services available to women who experience violence. As stated above, these studies addressed disabled women to a certain degree. A study exploring professional views of the social services and child protection services within nine municipalities found that information within these services regarding violence against groups of vulnerable women was limited (Anni G. Haugen, 2009). Findings revealed that women who have experienced violence often enter these services when to seek assistance with practical matters such as financial issues. In many cases the women are preparing to leave an abusive partner or have already left when they come into contact with the social services. However, the study also found that disabled women who have experienced violence rarely seek assistance from the social services. Professionals within the social services are sometimes informed about such violence through other sources, such as home-help, nursing staff, neighbours or relatives (Anni G. Haugen, 2009).

Another study explored the services of non-governmental organisations and found that accessibility for disabled women is a serious problem (Guðrún Helga Sederholm, 2010). An example of this was that sign language interpreting services for deaf

women were scarce and insufficient. This was partly due to lack of competent interpreters but their services are also costly, especially for small organizations. The study also found that many of the NGOs were not accessible to women who use wheelchairs. However, in some cases where accommodation did not allow for wheelchairs, staff offered to meet people in their homes or in other accessible places. Findings furthermore revealed that The Women's Shelter, which is the only shelter for women who have experienced domestic violence in Iceland, was not accessible to women with reduced motor mobility. The Shelter's house cannot accommodate an elevator and is inaccessible for women who use wheelchairs or have difficulties with using stairs. In many cases there was a great uncertainty about the services due to limited funding. Finally, the study revealed limited accessibility to services outside Reykjavik. As a result, women in smaller municipalities can face difficulties finding support in their home town or region (Guðrún Helga Sederholm, 2010).

According to the PADD SV municipalities have been advised to provide housing or apartments for women who have experienced domestic violence, where they can stay before coming to Reykjavik to stay at the Women's Shelter. It is unclear whether this has been implemented. In the final report on the implementation of the PADD SV the municipalities are advised to launch some sort of collaboration so that women who have been subject to violence can seek services.

## **8. Conclusions**

### **8.1 Identified obstacles**

The most obvious obstacle to access to specialised victim support services for women in Iceland, including disabled women, is the fact that there has been no action plan on matters regarding gender based violence for the last two years. Although the government has been vigilant and shown interest in matters regarding violence against women, the actions that have been undertaken have been haphazard and reactionary. Another obstacle in matters regarding violence against women in Iceland is a lack of active monitoring and coordination when it comes to implementation. Inadequate funding has also been an issue.

With regard to the legal framework there seems to be a lack of interest and will among institutions to take affirmative actions to promote equality issues and prevent violence. The presentation and wording of the The Act on Equal Status and Equal Rights of Women and Men, no. 10/2008 is unclear. The Centre of Gender Equality seems to have limited authority when it comes to monitoring and the use of penalties.

There are numerous obstacles regarding combatting violence against disabled women, the first being the fact that disabled women are not mentioned in the Act on Equal Status and Equal Rights of Women and Men, no. 10/2008 does not address disabled women in the context of gendered violence. In addition other action plans or task forces have rarely taken disabled women into account when addressing issues of violence against women and limited research is available to form a knowledge base to address issues regarding violence experienced by disabled women and the development of appropriate support services.

## 8.2 Good practises

Unfortunately, the selection of good practices to report from Iceland is limited. However, we would like to point out the new Rights Protection Officers (RPOs) as an example of good practices. The RPO is new to the Icelandic support services available to disabled people and holds great promises. The role of the RPOs is to assist disabled people in upholding their rights in both public and private matters. These positions have the potential to play an important role. In addition to help prevent violence with their monitoring role, the RPOs can assist disabled women who have experienced violence in reporting the violence and provide necessary support to do so. As employees of the Ministry of Welfare the RPOs can also be important in raising the government's awareness of the importance with regard to violence against disabled women and help work towards the establishing appropriate support services. The potential is there but only time will tell if this will be realized.

## 9. Recommendations

Following are a few recommendations that would strengthen the work of combatting violence against disabled women and the establishment of appropriate support services for those who have experienced violence:

- There is a desperate need for a sound knowledge base regarding the many various forms of violence against disabled women. Research in this area, using diverse methods and theoretical approaches, and carried out in collaboration with disabled women, is the best way to create such much needed knowledge to base actions on.
- There is a need for a comprehensive legal framework that addresses gender-based violence in a comprehensive manner. It is important that this framework includes disabled women as well as other marginalized women.
- Violence against disabled women needs to be included in in action plans and equality programmes, and awareness raising about violence.
- The definition of gender-based violence and domestic violence need be added to the General Penal Code and special provisions should be made to penalise such violence. There is a need for further amendments to the legislation with regards to victim protection and necessary assistance for victims of violence.
- It would be a great improvement to establish an institute/centre or at least a multi-ministry working group that would be responsible for coordinating and monitoring the implementations of various action plans and programmes to combat gendered violence. This would also include the collection of data and information on these issues and make them available and accessible.
- The Centre of Gender Equality needs to be provided with sufficient funds and authority in order to fulfil its job.
- The Ministry of the Interior and the Ministry of Welfare share the responsibility creating a new government plan of action to deal with domestic and sexual violence.

- New legal initiative which took effect in 2011 should make it easier to enforce restraining orders and expulsion from the home of violent stalkers, partners or other family members. It is important to examine how effective this has been in practice in protecting women and their children from violence.
- It is important to evaluate the two new roles of Rights Protection Officers and Personal Spokespersons in order to determine if they are, indeed, a valuable resource to help reduce, prevent and protect disabled women against violence as well as supporting them in reporting violence.
- There is a need to examine if and to what extent disabled women are subject to forced sterilisation and abortion. In particular there is a need to study the current legal framework, which allows for a specially appointed legal guardian to give consent for sterilization if the person is considered to have mental disability. It is important to examine if this law is in violation of the UN Convention on the Rights of Persons with Disabilities (CRPD).
- There is also a need to examine the current legal capacity laws in Iceland in the light of the requirements of article 12 of the CRPD. In particular the generous provisions in the current legal capacity law for involuntary incarceration and forced treatment needs to be considered.
- Finally, we are of the opinion that article 65 of the Icelandic constitution should mention disability specifically as it mentions several human characteristics and factors that expose individuals to inequalities and protects their equal rights.

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