

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

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**National Report  
Germany  
University of Gießen  
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## **2. Preface**

In this country report on the situation of disabled women who have experienced violence in Germany, all available information on statistics, research, policies and legal responses to violence against (disabled) women is compiled. It discusses proceedings as well as open problems and challenges from the perspective of critical social and policy research.

The researchers who have prepared this report and are country partners of this Daphne project have conducted a broad representative survey on violence against disabled women in Germany from 2008 – 2011 which was one of the broadest national surveys on the subject that was ever done. They are still involved in national research and political action to improve the situation of disabled women (and men) who have experienced violence and work closely together with NGOs and with parts of the German government.

The following country report will give an overview over the past and present situation of violence prevention and victim support for disabled women in Germany. It will furthermore give information on the relevant stakeholders and actions taken in the field on a national basis.

## **3. Executive Summary**

In Germany various activities in the field violence against disabled women took place since 2005. Particularly within the last years it has worked on this subject intensively – national action plans were established and in addition interest groups for disabled women discussed this topic as a violation of human rights. Interest groups as e.g. Weibernetz e.V., the German CRPD-Alliance and the state coordination agency for the implementation of UNCRPD suggested measures of prevention and were furthermore highly involved in making existing problems public. The current problematic situation was analyzed within a national representative survey on violence against disabled women. Furthermore, prevention projects and public relations were increasingly conducted in order to improve the situation and the support for disabled women in and after situations of violence. In Germany, the implementation of the UNCRPD is particularly controlled by the National CRPD Monitoring Body of the German Institute of Human Rights.

The representative survey which was carried out from 2008 to 2011 revealed a two- to threefold higher prevalence of violence for disabled women. Furthermore, it was shown that violence is integrated in a system of discrimination and structural violence. According to the study also women living in institutions are protected against violence insufficiently.

At the governmental level, particularly the Ministry of Family Affairs, Senior Citizens, Women and Youth dealt with this subject since 2007 by means of the support of re-

search, model projects and networking within social practice. Moreover, as a consequence of the survey's results state governments became increasingly active as well as the Federal Ministry of Labour and Social Affairs which is responsible for the implementation of the UN convention.

Additionally, women's support services (shelters / counselling services) were highly involved in this topic by means of establishing barrier-free access and networking more intensified with interest groups of disabled women.

Encouraged by the survey results and stakeholders' activities on a national level there is by now an improved knowledge about the extent of the problem and a high motivation to change the situation. Low-threshold and barrier-free support services are offered extensively but don't cover all areas, yet. Even though there are efforts to improve the protection of disabled women in institutions against violence, for instance by guidelines, the practical implementation is still challenging. For example, the Violence Prevention Act and the eviction order for perpetrators cannot be applied in cases of domestic violence against disabled women in residential institutions; an effective protection of women in care and dependency situations is neither ensured sufficiently, yet.

## 4. Introduction

Within the past decades, a lot of research on violence against women in general has been conducted, but research on violence against women with disabilities is still thin. Several studies found hints for severely increased prevalence rates compared to women without disabilities; women with disabilities seem to experience violence more often, more frequently and are affected by more severe violence (see Nosek et al. 2001; Marge 2003; Brownridge 2006; Smith 2008; Powers et al. 2009; Hall and Innes 2010; Foster and Sandel 2010).

These tendencies could be confirmed by a German representative prevalence study on violence against disabled women that was conducted from 2008 – 2011 by the Interdisciplinary Centre for Women and Gender Studies at the University of Bielefeld (funded by the German Ministry of Women's and Family affairs, see Schröttle et al. 2012, 2013). From 2010 to 2011, a total of 1,561 disabled women aged 16 to 65 years living in households as well as in institutions, with different disabilities, were interviewed face-to-face about their life situation, stress, discrimination and experiences of violence in childhood, youth and adulthood. The findings show that disabled women have experienced psychological, physical and sexual violence through different kinds of perpetrators in their adult lives two- to threefold more frequently than women in the average population. Differences in life situations, types of disability and discrimination shape structure and backgrounds for higher vulnerability.

- **Psychological violence and psychologically-harmful acts in adult life** were reported by 68-90 % of disabled women, depending on the investigation group (in comparison with 45 % of the average female population); deaf and blind women and those with mental health problems were affected by this most frequently. The acts ranged from verbal insults and humiliation through discrimination, marginalisation and repression, to threats, blackmail and psychological terror.
- **Physical violence** in adult life was reported by 58-75 % and therefore almost twice as many women compared with the average female population (35 %). Deaf women and women with mental health problems were affected most frequently.
- Depending on the investigation group, **sexual violence** in adult life (coercive sexual acts) was reported by 21-43 % of disabled women. They were hence affected by sexual violence in adult life roughly two to three times more frequently than the average female population (13 %). Once more, deaf women and women with mental health problems were worst affected by this.

Violence in childhood and youth as well as disempowering constructions of disabled girls and women play an important role. The study reveals the connection between violence, health impact and disability in women's lives. Disabled women are not only at greater risk

of violence, but also (previous) experiences of violence in women's lives contribute to health and mental impact and disabilities later on. Disabled women had experienced physical violence, but particularly psychological violence on the part of parents more frequently than the average female population, even by those who were not disabled in childhood and youth, yet. Moreover, they were between twice and three times more likely to have been subject to sexual abuse in childhood and youth. Sexual abuse in childhood and youth committed by adults was experienced by 20-34 % of disabled women.

The study showed that it is more difficult for disabled women to get help and support in and after situations of violence. Dependencies and self-esteem problems played an important role here. The isolating effect of disability, on the one hand, and of violence, on the other hand, was a further key barrier. This is aggravated by the fact that most support services are not accessible for disabled women. Particular difficulties in seeking help became obvious regarding women living in residential institutions. They had no possibilities for seeking help actively and claiming their rights on their own. Furthermore, women with intellectual or mental disabilities are often regarded as less credible and reliable. All in all, violence against disabled women is embedded in the societal discrimination and exclusion of disabled women and men, as well as in constructions of victimisation, gender and disability, that weaken disabled women and built the preconditions for their higher vulnerability. Therefore it is very important to strengthen disabled women in order to prevent violence (Schröttle/Hornberg et al. 2012).

A survey conducted by the Federal Association of women's advice centres and women's helplines (bff) in 2009 dealt with the problem of barrier-free access in particular. By means of an online survey victim support services were asked to what extent they are accessible for disabled women. Merely 26 % of the institutions were totally accessible for wheelchair users, further 36 % partially. A little more than a third of the institutions are equipped with information materials in easy language (35 %) or consulting services in sign language. A barrier-free website is offered by only 9 %. It was also shown that many institutions are sensible of this problem and currently improving their conditions, but however, these results also show that barrier-free access to victim support services for disabled women is not taken for granted, yet.

Here a big problem becomes obvious. On the one hand disabled women are affected by violence much more frequently than women in the average population. On the other hand, particularly for these women help seeking within the supporting structure is linked to numerous barriers. Due to these facts the situation of violence affected disabled women is specifically problematic and needs more activities to be taken in future practise and policy work.

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

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

At the international level there are several relevant agreements focusing on the protection of disabled women/people against violence and discrimination that were also signed by the Federal Republic of Germany.

The UN-Convention on the Rights of Persons with Disabilities (UNCRPD) that was adopted in 2006 and entered into force in 2008 was ratified by Germany in 2009. This convention intends to enforce, beneath others, the general right on “Equality and non-discrimination” (Article 6), the specific support of women and girls (Article 6) and “Freedom from exploitation, violence and abuse” (Article 16).

According to article 16 of UNCRPD states have to:

- “1. (...) take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.
- 2.(...) take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.
3. (...) ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.
4. (...) take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. (...)
5. (...) put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.”

In Germany an independent monitoring body was implemented at the German Institute of Human Rights in order to control and realize the UN- Convention on the Rights of Persons with Disabilities. Moreover, according to article 33 of the UN-CRPD a state coordi-

nation agency was established and located at the commissioner of the disabled of the Federal Government in order to support the realization of the convention. Furthermore a national action plan for the concrete implementation of the Convention was developed by the Federal Government. This action plan contains an overall strategy, summarizing aims and activities for the following ten years. Additionally, provisions for a widespread national report on the situation of disabled persons were made which also include a big representative survey on the situation of disabled people in Germany to be conducted in 2014. In the action plan of the Federal Government it is stressed that disabled women often suffer multiple discriminations and particular regard should be made to the needs of disabled women and correlating disadvantages should be eliminated (Articles 6 and 16). These aspects were also included in Disability-Mainstreaming-Activities as well as in the planning and implementation of the prospective national report on the situation of disabled persons. Additionally, interest groups for disabled women are supported by the government specifically (see also chapter 6.1). At the federal level 10 out of 16 federal states developed action and measurement plans.

Even though in the previous national actions and plans for the implementation of the UN-CRPD violence against disabled women (and men) is addressed explicitly, it is not one of the main topics of action. This could be referred to the fact that mainly the Federal Ministry of Labour and Social Affairs is responsible for the implementation of the UN convention so that rather aspects concerning educational, professional and economical discriminations are focused.

*The “Convention on the Elimination of All Forms of Discrimination Against Women” (CEDAW) was adopted in 1972 and ratified by Germany in 1985. Violence against women (with disabilities) is not explicitly mentioned by CEDAW. However, in General Recommendation No. 19 on violence against women, the CEDAW committee defined gender-based violence as a form of discrimination against women falling under Art. 1 CEDAW. Furthermore the CEDAW committee requires in General Recommendation No. 18 from State parties to provide information on women with disabilities in their state reports and asks for information on measures which ‘ensure that they have equal access to education and employment, health services and social security’. The Committee on the Elimination of Discrimination against Women notes in this context that there are only insufficient data and information concerning the disabled women’s situation and recommends an intensified data collection; also regarding measures referring to an equal access “to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life”.*

Under the direction of the Ministry of Family Affairs, Senior Citizens, Women and Youth the German government commissioned several studies dealing with the life’s situation and violence experiences of disabled women; the necessity of an improved protection and support was included in the national action plan to combat violence against women

and model and supporting projects that pursue this goal were sponsored (see also chapter 6.1).

The third important international agreement concerned with violence against women that was ratified and signed by Germany is the “Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence“ which came into force in April 2011. Besides other aspects this convention claims extensive protection and support for victims of violence, improvements of legal norms, prevention of violence against women and regular data collections and reports on violence against women and domestic violence at the national level. In this convention no specific activities concerning the protection and support of disabled women are provided, it is merely requested to implement each measurement free from discrimination and taking the compliance of human rights into consideration:

“The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.” (Article 4 (3))

The German government, especially the Ministry of Family Affairs, Senior Citizens, Women and Youth developed a variety of activities for the protection of women from domestic and sexual violence in general, and particularly for the protection of disabled women. These will be described in chapter 5.2 and 6.1 of this report in more detail.

## **5.2 National specific legislation concerning violence against women**

In Germany significant progress was made concerning legal conditions for the intervention in cases of violence against women during the last 15 years. Domestic violence is no longer considered as a private problem but as a problem of public interest for which protective and sanctioning measures have to be provided from the state.

By means of the Violence Prevention Act (Gewaltschutzgesetz) which came into force on 1<sup>st</sup> January 2002 the legal protection for victims of domestic violence was improved. Abused women and their children have now the right to stay in the – previously – shared flat and the perpetrator can be evicted. Furthermore civil protection orders – as e.g. no-contact orders – can be imposed for victims of violence. In almost every federal state intervention strategies in cases of domestic violence were adapted appropriately by the police. Additionally, a broad package of protection measures was introduced by the federal government and the federal states which is evaluated continuously by the federal-state working group “domestic violence”.

The Violence Prevention Act also includes regulations for the protection against stalking and persecution by known and unknown perpetrators. In order to improve the protection in accordance with the criminal code against continued persecution, harassment and threat the new statutory offense § 238 (stalking) of StGB (German Criminal code) came into force on 31<sup>st</sup> March 2007. According to the penal provisions higher sentences are provided for cases the perpetrator puts with his/her crime another person at deadly or highly health-damaging risk or causes the death of the victim, of a relative of the victim or of another person close to the victim. § 112a of StPO (German code of criminal procedure) also refers to these cases. Thereby in severe cases the possibility is provided to arrest dangerous perpetrators and thus avoid serious offenses against life and limb.

Further changes were made concerning the judicial responsibility for measurements referring to the Violence Prevention Act which now concentrate on family courts in order to bring about faster decisions.

In general, within the last 10 years legal policy activities concentrated very much on domestic violence in intimate partnerships and in recent years also on sexual abuse of girls and boys in institutions. Referring to the criminal prosecution of sexual violence against adults there were only a few significant changes since the recognition of rape in marriage as an offence in 1998. On the one hand the coercion term was expanded by means of the exploitation of a vulnerable position; on the other hand the victim has now the option to be represented in an accessory prosecution.

For protecting disabled women it is important that measurements provided by the Violence Prevention Act referring to domestic violence aren't effective for women living in residential institutions and situations of care. Moreover, it is difficult to protect disabled women against domestic violence effectively when they live in dependency on the perpetrator and are reliant upon his/her care and assistance. At legal level, there are no appropriate protection and support measures introduced for these cases so far.

Particular in cases of sexual violence it is especially for women with learning disabilities and mental health-problems very difficult to prove their assertions as they are often regarded as unreliable by court.

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

In Germany, at the federal level there are very few legal regulations to protect disabled people against violence explicitly or to sanction such offences taking into account the disability so far. Nevertheless, an improved legal protection of disabled people especially against sexual violence and sexual abuse was reached by particular alterations within the reform of the law governing sexual offences. § 179 StGB (German Criminal code) which regularizes sexual abuse of persons incapable of resistance also includes sexual

abuse of persons “that due to a learning or mental illness or disability, a substance addiction or a pervasive disturbance of consciousness or that are physically incapable of resistance” and can be sanctioned with imprisonment for a minimum threshold of not less than one respectively two years. According to § 177 for cases of sexual violence in that victims did not defend themselves it can be proofed if victims e.g. found themselves not able to defend also due to their disability so that this incident would be regarded as rape or sexual assault. Furthermore the criminal liability for sexual abuse in residential institutions, counselling, treatment, assistance and therapy was extended. For sexual abuse persons can be punished that exploit a specific dependency relation, e.g. the position as a doctor or advisor in order to perform sexual acts with a person who entrusts him/herself or was entrusted to him/her. (Apparent) agreement of the patient or the client does not invalidate the crime<sup>1</sup>.

By now many residential institutions for disabled people introduced guidelines that especially deal with sexual abuse by professionals and provide obligatory procedures concerning the handling with perpetrators, victims and the legal consequences. These are regarded as a relevant component for the prevention of violence in institutions but can only be effective if disclosure and prosecution is supported actively by the management and an appropriate organizational structure. So far, in internal institutional guidelines there are hardly any binding regulations how to protect residents in institutions effectively against violence by other residents and against psychological, physical and structural violence.

In a position paper published by the state coordination agency according to article 33 of the UN-CRPD, located at the commissioner of the disabled of the Federal Government, beneath others persistent legal deficiencies in implementing the Violence Prevention Act for disabled people are noticed:

According to the paper established measures for immediate protection against violence (hazard defence by police as well as Violence Prevention Act) have no effects on disabled women with their specific life situations. This is for instance the case when the perpetrator is in charge to care for or assist the victim. Fast solutions were missing in order to compensate the need of support immediately in case of evicting the offender from the flat (see position paper of the state coordination agency, 2012, p. 12). For affected disabled women living in residential institutions for disabled the eviction order cannot be applied when the perpetrator lives in the institution as well and is thus to be entitled to benefits of rehabilitation. As institutions are not considered as domestic communities enforcing the eviction order according to the Violence Prevention Act is impossible to use it here (cf. Arnade/ Häfner 2009; Puschke 2006, cited from coordination agency 2012, p. 13).

Thus, according to this position paper, measures would have to be taken that

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<sup>1</sup> See Zinsmeister, [http://www.kompre.de/rechtsarchiv/4oerecht/7freihschutz/einleitung\\_freihschutz.html](http://www.kompre.de/rechtsarchiv/4oerecht/7freihschutz/einleitung_freihschutz.html)

- aim to broaden the Violence Prevention Act appropriately according to residential institutions and residential groups of disabled people
- Provide unbureaucratic and fast assistance and a possible change of residence if wished by the woman and support for women in care and assistance situations (ibid. 13).

Additionally, barrier-free access (e.g. by means of appropriate equipment and assistance) to victim support services should be provided for these women.

#### **5.4 Conclusions concerning legislation**

Even though legal conditions in Germany improved significantly during the last 10 to 15 years with regard to protection and legal sanctioning for domestic violence and advancements were also reached for particular regulations concerning sexual violence and sexual abuse, these regulations have no effects on a significant amount of disabled women.

Thus, women in care and dependency relationships with the perpetrator and women experiencing violence in residential institutions by other residents cannot or only hardly make use of the Violence Prevention Act.

Moreover especially women with psychological impairments or learning / intellectual disabilities have problems in context of criminal trials or interventions to prove offences unambiguously respectively to be regarded as reliable in approval certificates. The fear not to be taken seriously or of not being believed but also the dependency situations regarding care and assistance prevent women from reporting incidents to the police already at the outset.

## 6. Implementation of Legislation

### 6.1 Policies and programmes

In the last 5 to 10 years, after the ratification of the UN Convention on the Rights of Persons with Disabilities and also increased after and during the conduction of the national survey on violence against disabled women numerous activities developed that aimed to prevent violence against disabled women and to improve the support for disabled women who experienced violence.

The network “Weibernetz e.V.”, an interest group for disabled women in Germany, publicized this topic successfully in policy, research, lobby work and victim support services for affected women. Thus, a recording of the topic violence against disabled women into the national action plans to combat violence against women was achieved. Additionally, the conduction of a national representative survey focusing on violence against disabled women could be realized which allowed a comparison to average female population from a national prevalence survey on violence against women in 2004. Furthermore a pilot project was conducted by “Weibernetz e.V.” in which women living in residential institutions were instructed as women’s representatives and served as contact persons for topics as violence but also other problems for other female residents. Such projects strengthen the self-determination structures in institutions and simplify access to help and support for disabled women, also in cases of violence. The survey as well as the model project were funded by the Ministry of Family Affairs, Senior Citizens, Women and Youth.

At the same time victim support services for women who experienced violence became more and more active and aimed at providing more barrier-free access. The bff for instance, a Federal Association of women’s advice centres and women’s helplines conducted already in 2009 a nationwide online-survey regarding barrier-free access and observed that significant progress is still necessary and that this would also have to be financed by sponsors. The bff but also the coordination of battered women’s shelters and regional networking initiatives intensified their work in developing barrier-free access and offers for disabled women; furthermore public relations for this target group was implemented (e.g. by barrier-free websites and information material in easy language, sign language and with audio files). For this a very successful project was conducted by the bff (Title of the project “Access for all”) that intended to improve the access to specialized counselling services for disabled women. In this context a manual for barrier-free accessibility in specialized counselling services for women and girls was developed in which concrete guidelines for practitioners were included. By this time, the bff but also other networking agencies for specialized institutions as well as interest groups for disabled women work together very closely and contribute actively to political decisions in gov-

ernmental bodies for the implementation of the UN-CRPD. On a state level in the context of the coordination agency for the implementation of the UN-CRPD which is located at the Federal Government Commissioner for Matters relating to Disabled Persons a committee of experts “freedom and protection rights, women, partnership, family and bio-ethics” was established. This committee deals intensively with topics concerning violence against women and published a position paper in 2012.

On the civil societal level the so called German CRPD-Alliance was established - a broad alliance of organisations of civil society that aims at critically commenting the first state report of the Federal Republic of Germany on the implementation of the UN convention on the Rights of People with Disabilities by writing a “parallel report”. In this alliance more than 70 organisations merged that represent the whole range of communities in Germany that work for a better disability policy.

In the position paper of the state coordination agency (see above) as well as in the report of the German CRPD-Alliance measures for a better protection of disabled women (and men) are requested, as e.g. measures with respect to barrier-free access to protection and support services for women that experienced violence, offers for strengthening the self-confidence for disabled women, changes in the Violence Prevention Act, in criminal code as well as in criminal procedure, trainings for all relevant occupation groups (police, justice, public health, education, administration), the legal claim to gender-equal care, measures for violence prevention and protection in institutions and structural changes in care and assistance of disabled people that ensure the self-determination and privacy.

Besides the Federal Government Commissioner for Matters relating to Disabled Persons and the Federal Anti-Discrimination Agency which focuses on discrimination and inclusion of disabled people in 2013, particularly the Ministry of Family Affairs, Senior Citizens, Women and Youth and the Federal Ministry of Labour and Social Affairs became active on the level of national ministries. The Ministry of Family Affairs, Senior Citizens, Women and Youth focused the problem of violence against disabled women already in the national action plan II to combat violence against women in 2007 and promoted surveys (on violence against disabled women) and model projects for combating and preventing violence against women in the following years (see above). Furthermore, the political interest group of disabled women “Weibernetz e.V.” and their national and international networking were supported. In addition, a nationwide helpline was established by the German government for all women who experienced violence; currently it is aimed to make it barrier-free for disabled women.

On the governmental level the Federal Ministry of Labour and Social Affairs is in charge of the implementation of the UN Convention on the Rights of Persons with Disabilities that was signed in 2007 by Germany as one of the first countries. From that time on different reports on the situation of the implementation were published in Germany (disability report 2009, first state report 2011) though here the topic on violence is addressed rather marginally. This also applies for the national action plan for the implementation of

the UN-CRPD that was produced in 2011 and which was (not only) with this respect criticised by lobbies as insufficiently dedicated. Nevertheless, the reconception of the report on disabled people's situations submitted by Hornberg/Schröttle et al. (2012) in the context of a scientific expertise recommends an own focus on "violence and protection" of disabled people and a gender-sensitive recording for each topic of prospective reports. By now it is hard to appraise to which extent prospective reports but also the intended nationwide survey on the life situation and participatory opportunities of disabled people in 2014 will consider these recommendations. At least a smaller study on violence experiences of disabled men in households was commissioned by the Federal Ministry of Labour and Social Affairs that reveals a high extent of physical and psychological violence against disabled adult men. A survey on violence against men living in residential institutions for disabled and thus are particularly vulnerable is still to be done. Furthermore an internet portal called "Einfach teilhaben" (= "making integration easy", see [www.einfach-teilhaben.de](http://www.einfach-teilhaben.de)) was established that provides numerous information and services on the subject disability. Here the topic violence against disabled women is included as well.

Activities regarding the implementation of the UN-CRPD differ between the federal states; but at the level of federal states several measures and action plans were conducted that are very dedicated and progressive, as e.g. in North Rhine-Westphalia, Hesse, Schleswig-Holstein and Rhineland-Palatinate. For Germany this is relevant in so far as different political areas as education, career advancement, social contributions and safety are regulated in Germany federally. With respect to violence in Schleswig-Holstein for instance a working group concerning violence against disabled people was established within the council of crime prevention that summarized extensive measures for restraining and preventing violence against disabled people in their final report<sup>2</sup>.

Since 2000 the federal-state working group "domestic violence" accompanies the national implementation of the action plans I and II of the Federal Government to combat violence against women. This group includes each responsible Federal Ministry, conferences of specialised ministers, local authorities, professional associations and nationwide networking agencies for counselling centres and battered women's shelters. Also in the context of this panel the results of the representative survey on violence against disabled women were discussed intensively and strategies for the improvement of the situation developed.

The independent monitoring body, implemented at the German Institute of Human Rights in order to control the national implementation of the UN- Convention on the Rights of

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<sup>2</sup> See [http://www.schleswig-holstein.de/IM/DE/InnereSicherheit/RatKriminalitaetsverhuetung/Downloads/konzept\\_menschen\\_mit\\_behinderung\\_\\_blob=publicationFile.pdf](http://www.schleswig-holstein.de/IM/DE/InnereSicherheit/RatKriminalitaetsverhuetung/Downloads/konzept_menschen_mit_behinderung__blob=publicationFile.pdf)

Persons with Disabilities criticises that still in 6 federal states action plans for the implementation of the convention are missing. With respect to the results of the national survey that showed very high rates of women that experienced violence already in 2011 governmental entities were requested by this body to provide appropriate measures that protect disabled women and girls inside as well as outside of their residence against each form of exploitation, violence and abuse according to article 6 and 16 of the UN-CRPD. In addition existing institutions should be organised in a way that excludes abuse and violence. This would also include the establishment of independent ombudsmen<sup>3</sup>. Especially since the publication of the high numbers of human rights violations and violence in the context of the first national survey on violence against disabled women the central agencies of care institutions for disabled became increasingly active in implementing guidelines and provisions in order to improve the protection of disabled women (and men) in residential institutions. At the same time the necessity of extensive structural changes in order to provide a right to self-determination, integrity and protection against violence was discussed at expert conferences and workshops which were also attended by the authors of this country reports. However, for these changes funding had to be provided by governmental institutions.

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

On federal level the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) is a highly relevant actor in the field of violence against (disabled) women. In this context especially department 403 (protection of women against violence) is very active. The first national action plan was established in 1999, the second one in 2007. The implementation of the action plans is accompanied by the federal-state working group “domestic violence” since 2000. Guided by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth this working group includes each responsible federal ministry, conferences of specialised ministers, local authorities, professional associations and the nationwide networking agency for counselling centres and battered women’s shelters. The group is furthermore in charge of planning cooperating actions between the federal states and the federal ministries.

Since March 2013 the nationwide helpline “violence against women” is established in order to advise women affected by violence but also supporters in the social environment and people dealing with this subject professionally. Target groups are supported nationwide, free of charge, 24 hours a day. Even though this helpline was planned to be bar-

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<sup>3</sup> See <http://www.institut-fuer-menschenrechte.de/de/aktuell/news/meldung/article/pressemitteilung-menschenrechtsinstitut-gewalt-an-frauen-und-maedchen-mit-behinderungen-verhindern.html>

rier-free, critics of the association for deaf people claim that special target groups were not included sufficiently.<sup>4</sup> It is now aimed to gain access for all disabled women.

Besides the federal-state working group “domestic violence” there were also developments in the field of sexual violence. The federal-state working group “protection of children and youth against sexual violence” as a part of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth includes measures as a round table sexual child abuse or the independent agent for questions concerning sexual child abuse.

Another important actor within the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth is the “Referat für Gesundheit und Frauen in besonderen Lebenslagen” (= department for health and women in specific life situations) now called “Referat für Schwangerschaftskonfliktgesetz, Sexualaufklärung, Frauen mit Beeinträchtigung“ (= department for Act on Pregnant Women in Conflict Situations, sex education, disabled women) . This department concentrates on the situation of disabled women with the focus on health-related aspects and thus also commissioned the survey on “The circumstances of and pressures on women with impairments and disabilities in Germany” as the first national study on disabled women and violence.

There are moreover the Federal Ministry of Health and the Federal Ministry of Justice that could be important actors in this field, but are not yet very active concerning violence against disabled women. Additionally, research activities regarding the issue sexual abuse were supported by the Federal Ministry of Education and Research, particularly after the emergence of sexual abuse affairs in residential schools and catholic institutions.

Concerning the financial structure also federal state ministries play an important role. Especially Ministries of Social Affairs and Equality, making an important contribution by funding support structures and establishing plans together with the local authorities, and partly State Prevention Councils.

The German support structure can be described as follows. There are more than 350 shelters for battered women and more than 40 protection and refuge apartments with more than 6,000 places available. Furthermore, there are about 750 specialized counselling services concerning violence against women and 130 intervention services in cases of domestic violence. The support structure is funded by the federal states and regions but organized independently by several private agencies. Besides that there are networking agencies like the coordination of battered women’s shelters (“Frauenhauskoordination”), the Federal Association of women’s advice centres and women’s helplines (bff), the ZIF (central information centre of autonomous shelters) that support exchange, cooperating projects and networking between the women’s shelters, helplines and counselling centres. The former two networking agencies are financially supported by the

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<sup>4</sup> For deaf people it was not possible to contact the helpline 24 hours a day, furthermore specific technical equipment would be needed (software, webcam, fast internet) and available interpreters are not exclusively female. They furthermore question if appropriate barrier-free services for deaf women are known by each adviser.

Federal Ministry of Family Affairs, Senior Citizens, Women and Youth. Both organisations have meanwhile provided barrier-free websites.

Growing interests in the issue of disabled women in the support system are getting clear regarding increasing surveys in this field. Besides the first representative survey on violence against disabled women that was already mentioned above, the Federal Association of women's advice centres and women's helplines conducted an online survey referring to barriers and obstacles for disabled women in the support structure. Furthermore, activities were done like the provision of various information materials for support organisations that could also be addressed by disabled women. These brochures include guidelines for the first contact with disabled women, information concerning protection of violence for blind women, a handbook concerning barrier-free access in victim support services or information brochures in easy language, published by different interest groups together with the Federal Association of women's advice centres and women's helplines.

In some of the support services specialised working groups were established, as e.g. women's helpline in Hannover who established a group dealing with the issue sexual violence against disabled women and girls in 2007 and aims to support a constant exchange on this issue between different institutions.

However, the current situation of shelters for battered women can be described as inadequate with respect to particular target groups as disabled women. Depending on the form of disability many offers are only partially accessible. Additionally, there is a staffing shortage in quantitative as well as in qualitative perspective: there are neither enough nor adequately skilled professionals for the appropriate support of disabled women.

Further important actors are interest groups for disabled women. The most active one in Germany is Weibernetz e.V., political representatives of the interests of disabled women. Founded in 1998, Weibernetz is financially funded by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth since 2003 and is in charge of representing the interests of disabled women, networking with other federal and state organisations for disabled women. Furthermore, it serves as a contact and information service for the needs of disabled women and performs public relations by means of organising expert conferences or publications. Other important interest groups that are relevant are the Hessian network of disabled women ("Hessisches Netzwerk behinderter Frauen") or the network for women and girls with disabilities / chronic illnesses in North Rhine-Westphalia (NetzwerkBüro Frauen und Mädchen mit Behinderung / chronischer Erkrankung NRW) which e.g. established the project LAUT(ER)STARKEFRAUEN with the aim to remove taboos regarding violence against disabled women and to establish prevention strategies from the self-help perspective in order to protect disabled women and girls against violence more efficiently. Another relevant actor is the German association for deaf people which conducts activities as workshops about sexual abuse and domestic violence as well. Further relevant interest groups are People First, the German federa-

tion of the Blind and Visually disabled and the General Federation of Disabled People in Germany e.V. as well as regional sub-organisations of interest groups.

Additionally, the German CRPD-Alliance and the state coordination agency for the implementation of UNCRPD should be mentioned as important actors in this field at this point, which were already described in more detail above.

In Germany institutions for support and residential institutions for disabled people are mainly organised by larger welfare bodies. Following the results of a current study on violence in institutions (Schröttle/Hornberg 2013, not published, yet) also in this context activities were broadened in order to protect people against violence so that these institutions can be seen as important partners, too.

As a monitoring service the German Institute for Human Rights reviewed the high rates of disabled women who experienced violence as a violation of human rights.

Finally it should be mentioned that cooperation between scientific research, supporting structures, lobbies and politics to combat violence against women is very close and constructive in Germany. Here support and advisements exist reciprocally concerning activities, measures, policy and projects.

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

Inner as well as outer (structural) barriers contribute to the fact that disabled women that experienced violence do often not receive professional support. This was revealed by surveys on affected women and the support system and also by expert interviews with professionals working in this field.

In the context of the German representative survey on disabled women also qualitative in-depth interviews were conducted with women that were affected by violence in order to find out about their experiences with violence, help and support. The women's statements showed that support offers are regarded by the women as badly matching to the target groups, not available on a low-threshold basis or not meeting the needs arising.

Furthermore autobiographical aspects, structural discriminations and inner obstacles as a consequence play a relevant role. The quantitative and qualitative survey on disabled women in Germany revealed that the particular vulnerability and risk as well as limited resources to defend violence and/or to seek support when experienced violence show a direct link between disability and demanding experiences in childhood. Especially women that are disabled since childhood and youth often experienced discrimination, psychological and border violations (e.g. by sexual violence) in their parental homes but also in institutions. Many women didn't feel accepted by their own family and describe their own childhood as less happy or unhappy. Also in adulthood many women felt not sufficiently accepted and inadequately integrated in close, trustful relations. These aspects can make disabled women more vulnerable and dependent in cases of intimate partner violence and violence by closely related persons. The great need of the women, the desire for attention, affinity and closeness, partly seen in connection with experiences of deficiency in childhood, made them vulnerable to violence and to be dominated by their partners. Some described major difficulties to decide to separate from a violent partner because their specific problems were an obstacle in forming a new relationship. In a similar way to parental violence, the partner's violence was justified by their being overtaxed by coping with the disability. The greatest problem for self-assertion in the relationship was the feeling of inferiority that had been instilled in them from childhood in the sense of not being able to make any demands, to have to accept what they are given.

Many persons concerned found violence and discrimination in an institutional context difficult to discuss. The institutions provided virtually no protection and there were hardly any opportunities to complain. Dependencies reinforced the lack of protection and served as a barrier to disclose current abuses. Areas of work which overstep the boundaries of privacy, such as physical hygiene, living close together in the institution and the subjectively-perceived inferiority and need, played a major role for the experience of violence in addition to dependence on staff. Becoming accustomed to the overstepping of the pri-

vacy boundaries in care and treatment could be misused, and constituted an obstacle to seeking support.

In addition to the individual factors that have been described, the structures prevailing in accommodation facilities can be identified as risk factors. As relatively closed systems, there is an increased risk of attacks not being discovered. Also women working in workshops for persons with disabilities reported that they were not protected against harassment and attacks from others working there.

Support was not available to the vast majority of women, or was badly matched to the target groups, was not available on a low-threshold basis or did not meet the needs arising. The interviewees' search for support was made more difficult in more than one way; in some cases by dependencies and by problems related to self-worth. A specific obstacle in seeking support was, moreover, the limited range of social contacts available. Especially for women whose mobility is restricted and for women with communication barriers obtaining access to advice agencies and women's refuges was a big problem.

A survey of the bff containing interviews with professionals of the victim support system for affected women shows that disabled women are underrepresented in counselling services in the majority of cases and a large percentage of institutions are not accessible barrier-free. A little more than half of the women's counselling services and help lines were not or only partially accessible for wheel chair users, only about 40% offered counselling for deaf women respectively were able to translate in German sign language, about every third in easy language and less than every tenth institution was equipped with a barrier-free website; guidance systems for blind women were almost continuously not available. Nevertheless, the survey also revealed that professionals were aware of the problems and started to improve the situation by means of various activities. More than a half of the counselling services already worked actively on the better access for violence against disabled women and about 60% cooperated with counselling services and residential institutions and workshops for disabled people. (cf. BFF Report) Nevertheless, this situation should have improved during the last years due to increased activities.

Almost all institutions reported that the implementation of barrier-free accesses is strongly limited by a lack of financial resources. Financial capabilities lacked in order to finance acquired reconstruction work or extra time for the counselling of disabled clients, the establishment of cooperation relations and for reaching disabled women actively. In addition, one quarter of the institutions reported a lack of knowledge and qualification as a main problem. With regard to the target group of women and girls with learning difficulties there would be a great demand for trainings. The counsellors described a further obstacle in arranging therapies particularly for women with learning difficulties. Additionally, financial resources were lacking with regard to communication, e.g. with deaf women. (cf. *ibid.*)

A further challenge regarding cooperation with the support system for women affected by violence und support structures for disabled people related to fears and taboos. On the part of women's counselling services the subject disability still comes along with taboos and fears and same applies for services and interest groups for disabled regarding subjects as sexuality and (sexual) violence. These two-sided taboos seem to serve as a barrier to examine intensively this topic. (cf. *ibid.*)

In the field of legal interventions other problems showed up that were noticed in the context of this survey but also in the former mentioned position paper of the state coordination agency as well as in the report of the German CRPD-Alliance. Many institutions described problems within the domain of violence protection for disabled women who are concerned. On the one hand there are gaps in the Violence Prevention Act for affected women living in residential institutions for disabled. On the other hand in cases of affected disabled women police and justice seem to proceed with a different certainty in action compared to cases of non-disabled women.

On a judicial level it was so far criticised that established measures for an immediate protection against violence (hazard defence by police as well as Violence Prevention Act) have no protective effects on disabled women with specific life situations (see position paper of the state coordination agency). This is for instance the case when the perpetrator is in charge to care for or assist the victim. Fast solutions are missing in order to compensate the need of support immediately when the perpetrator has to leave the flat. Furthermore protection against violence does not apply in residential institutions for the disabled. For affected disabled women living in residential institutions the eviction order cannot be adopted if the perpetrator lives in the institution as well and is thus be entitled to benefits of rehabilitation. (cf. *ibid.*) As institutions are not defined as "domestic communities" enforcing the eviction order according to the Violence Prevention Act is impossible (cf. Arnade/ Häfner 2009; Puschke 2006, cited from coordination agency). In order to provide an effective protection against violence solutions are needed that provide un-bureaucratic and fast support for affected women. The Violence Prevention Act would have to be broadened according to women living in residential institutions and care situations.

With respect to the access to justice for disabled women there are still substantial gaps. Especially people with communication problems, psychological or cognitive impairments are confronted with great obstacles as on the one hand experts of the police are not trained appropriately and on the other hand too little support is given to affected women before, during and after criminal trials. In addition, especially women with psychological impairments or cognitive disabilities have problems to prove an offence as their reliability is often doubted by approval certificates. Disabled people are not considered appropriately within the German code of criminal procedure (StPO). Existing safeguarding provisions for children do generally not apply to persons older than 18 years. (cf. position paper)

Even though the German code on court constitution (GVG) as well as the German code of criminal procedure (StPO) include regulations regarding barrier-free access to justice for disabled people (it is e.g. intended to make certain documents accessible to blind people in an appropriate form and to make communication with persons with speech or hearing impairments possible), up to now these are not implemented consequently. E.g. the right to legal aid does not include costs for assistance, interpreters or travels that are due to the disability. In general, disabled people that are entitled to social benefits are not able to finance these costs on their own. (cf. report CRPD-Alliance) Besides trainings and sensitization measures of police, prosecution and judges a legal claim to require funding for assistance, interpreting and travels should be specified. Moreover, psychosocial process support should be regulated within the StPO (German code of criminal procedure) in order to improve the support and companionship of disabled (victim) witnesses in criminal proceedings. Provisions for protection have to be applicable for adult affected people with learning /cognitive disabilities in order to improve their protection in court and within legal proceedings. New opportunities for interviewing witnesses within the investigation and court procedure had to be established as well. (cf. position paper)

Regarding the penal legislations it is criticised that offences against the sexual self-determination of disabled people are regulated insufficiently in the German Criminal code (StGB) (see position paper). As one example, uniform criteria for the inability to resist especially the impossibility to develop a will to resist had to be established.

In this context, it is first of all criticised that sexual abuse is punished to a lower degree if the affected person is unable to resist. If a person which is categorized as “able to resist” is sexually abused, the minimum penalty is one year. This punishment decreases to half a year if the person is categorized as “unable to resist”.

With the reform of the law governing sexual offences the legal protection of disabled people was improved particularly. § 179 StGB (German Criminal code) which regulates sexual abuse of people unable to resist now explicitly includes people that are unable to resist due to an impairment or disability. Due to this change it can now be proved if victims who didn't resist against a sexual assault were unable to do so due to their disability. In this case the offence could be charged as rape or sexual abuse and thus come along with a higher punishment.

On the other hand legal protection is needed for women that are principally able to express their will, but could not enforce it due to their disability or are unable to describe (within the criminal procedure) the way she resisted. For these cases innovations have no effects as these offenses would still be charged with lower punishments.

Another point is that statutes of limitations in the Criminal Code are regarded as too short and thus insufficiently with respect to abused people living in residential institutions. While depending on assistance people living in institutions are often unable to resist legally against sexual attacks. Due to this the statute of limitation should not come into

force until the person is no longer assisted in the institution in which the abuse took place. The insufficient ability to press charges should be taken appropriately into account. (cf. position paper)

Furthermore, women who live in residential institutions are confronted with specific structural conditions that are beneficial for violent incidents. Examples for this are missing single rooms or sanitary facilities that can't be locked but also living dependently. In addition, these women are often unable to go outside and seek help independently in case they are confronted with violence.

## 8. Conclusions

### 8.1 Identified obstacles

Progress and gaps in the existing system were described in this report at several passages. Here these are summed up.

Disabled women who experienced violence are confronted with numerous difficulties when seeking help and support. Besides inner obstacles that often result from former violent experiences, border violations and weakening biographical experiences there are outer structural barriers and discriminations that make support seeking difficult. These include structural conditions that exclude and isolate disabled people and in addition weaken their self-worth and their right to self-determination. Especially situations of care, assistance and accommodation in residential institutions bear the risk that affected women are not able to resist violence or to find access to the support system on their own due to dependency. In addition, especially for people with communication barriers it is extremely difficult to use appropriate support offers because the access is experienced as high-threshold. Often barrier-free access, also with regard to communication and information about these offers, is not available.

Even though intensified activities improved the situation in Germany during the last years there are still considerable obstacles for disabled women to receive support in cases of violence. Many services for support and protection are not accessible for disabled women; a fact that is also caused by a lack of financial resources. Furthermore, there is a lack of appropriate therapeutic offers for disabled women who experienced violence. This does particularly apply to women with learning difficulties and deaf women. Additionally, intern and extern support services and ombudsmen that are easy to reach are rare for women living in residential institutions; furthermore in this context the right to self-determination is often strongly limited. Moreover privacy for these women is often not protected properly. Partly caused by structural provisions and limited financial resources the women are furthermore socially isolated to a greater extent which indicates structural violence in institutions as well.

Access to police and justice is often difficult for disabled women. On the hand this can be attributed to access barriers with regard to communication and the appropriate intercourse with for instance people with learning difficulties; on the other hand this is caused by legal conditions with referring to the criminal or civil law. For women living in institutions or in care situations the Violence Prevention Act is not effective; additionally there are uncertainties in the field of sexual self-determination of disabled women and the penal evaluation. Furthermore, there is a risk of secondary traumatisations for women with

learning difficulties or psychological impairments who are not believed in cases of police report or court proceedings.

Inner barriers can be regarded as highly relevant barriers that prevent women from seeking support in and after situations of violence; they are closely associated with societal discriminations as e.g. the feeling of inferiority, having no rights to any demands and a life free of violence, being thankful for the support of others and the desire not to cause any additional trouble.

Here measures are necessary that aim at empowering disabled women. Disabled women should not only be regarded as victims of violence but rather be taken seriously as autonomous acting persons and also as partners for the establishment of improved support structures and violence prevention.

## **8.2 Good practises**

In Germany several examples of good practice could be observed which can only be documented partly at this point as not all examples of good practice are evaluated at a federal state level yet.

One example of good practice refers to the state support and funding of the self-determination and interest groups of disabled people and particularly disabled women. One example for this is the former described interest group “Weibernetz e.V.”. Moreover an autonomous civil societal system developed that proves and accompanies the implementation of the UN-CRPD critically as becoming visible regarding for instance the Monitoring Body of the German Institute of Human Rights, the German CRPD-Alliance and the state coordination agency for the implementation of UNCRPD.

Beyond that, the former mentioned exemplary networking project “Access for all” conducted by the Federal Association of women’s advice centres and women’s helplines (bff) initiated actively an improved access to support services for disabled women. After a critical evaluation of the situation practical suggestions and measures were initiated in several institutions. In addition, essential impulses for the barrier-free constitution of information materials and websites were given by the networking agencies of the support services.

Increasing cooperation of interest groups of disabled women/people with victim support services for women and their networking agencies can also be regarded as advancement and an example of good practice. This leads to an active integration of disabled women and their interest representatives as political actors in each step of the improvements in practice and policy. If such networking and cooperation on a federal level could also be increased regionally this would be a great step towards an improved support for disabled women that experienced violence.

In addition, the conduction of a national survey on violence and discrimination against disabled women that also included groups that are difficult to obtain as women in institutions, women with psychological and cognitive impairments as well as deaf women can be regarded as an example of good practice. This survey pointed out the existing problems very insistently and effected significant activities in all areas of practice and policy.

The very successful example of women's representatives in institutions, initiated and conducted by Weibernetz e.V. also serves as an example of good practice because it is low-threshold and includes women with learning difficulties in residential institutions as actors for the protection against violence and the support of victims of violence.

Furthermore, examples of good practice are noticeable in the field of agencies of care institutions for disabled, for instance with regard to the increased introduction of binding guidelines referring to the protection against violence or to the handling of suspected cases in institutions accompanied by training measures. The national action plans on a federal and state level can be regarded as examples of good practice as well, provided that they focus violence as a subject and lead to a consequent implementation of the aims in practice.

Moreover, trainings in sexual education as well as assertiveness and self-defence trainings for disabled women can be evaluated as examples of good practice that strengthen the right to sexual self-determination of disabled women and deepen the important subject of setting limits.

## 9. Recommendations

Central recommendations for a better protection and support of disabled women affected by violence are summed up very precisely in a position paper of the “state coordination agency according to art. 33 of the UNCRPD” in September 2012. Important civil societal actors contributed to this paper, including interest groups of disabled women and women’s victim support services.

Beyond others it is recommended:

- (1) Measures to strengthen and empower women and girls with different forms of disabilities (assertiveness and self-defence trainings, region-wide implementation of women’s representatives in institutions for disabled, education and information offers)
- (2) The implementation of guidelines for the prevention of violence and for the intervention in cases of violence in institutions for disabled, in schools, in ambulant and (partly) stationary services as well as institutions and services in the health sector and psychological and psychiatric sector.
- (3) Measures for the prevention of violence against disabled girls and women (sensitization and competence trainings of professionals in early interventions, employees of family supporting services, teachers, doctors as well as social workers that are in touch with disabled girls to recognize symptoms of violence early enough in order to intervene as soon as possible; region-wide and low-threshold offers to relieve and support parents of disabled children as well as caring relatives of adult women).
- (4) The improvement of violence protection on a legal level by means of reviewing the Violence Prevention Act in order to provide measures that are effective for women affected by violence living in residential institutions and those who depend on care and assistance (including measures that immediately cover the needs for support, care and assistance).
- (5) The legal claim for same-gender care and right of choice in care.
- (6) Measures to prevent structural violence in institutions for disabled (single-rooms and lockable washing and toilet rooms, freedom to choose the type of dwelling, strengthening of self-determination and self-representation structures in institutions, work with perpetrators in institutions, retreat areas for residents).
- (7) The establishment of statutory basis and structural reforms that restrict violence and compulsory treatments in psychiatric institutions and that result in equal participation for persons with psychiatric experiences.
- (8) The critical validation of sterilisation practices in Germany with disabled people.

- (9) The binding implementation of further education and trainings for employees in institutions for disabled, teachers, nursing personnel, but also police, justice and the health sector as well as for employees in the victim support system for women affected by violence (here systematical inclusion of interest groups of disabled people should be given); integration of the subject in apprenticeships and courses of studies of relevant occupation groups.
- (10) Establishment of a system providing low-threshold, cost-free, unbureaucratic, spatially accessible support and counselling services for disabled women and girls who experienced violence; extension of the barrier-free help and support system; for this adequate material and human resources for specialized counselling services and shelters should be given.
- (11) Provision of barrier-free information and communication (sponsoring of sign language interpreters, communication equipment and translations in other languages for counselling and handling with justice);
- (12) Extension of barrier-free therapeutic offers for disabled women and girls that experienced violence (particularly for women with learning difficulties)
- (13) Improved support of disabled women affected by violence in criminal procedures, equal appreciation before the law and barrier-free access to justice (evaluation of effectiveness of the penal protection of the sexual right to self-determination for disabled people and proposals for modifications; safeguarding provisions and support in criminal proceedings, establish new possibilities of questioning victimized witnesses; determine legal claim on process support).

The CRPD-Alliance addresses numerous of these demands in their report 2013 and complements them with the following aspects:

- Sponsors of institutions for disabled have to declare bindingly measures for the violence prevention and intervention also taking account of trans- and intersexual people.
- Care standards need to be defined, implemented and controlled effectively in a way that grievances in ambulant as well as stationary care are stopped and avoided in future. In order to reduce grievances in care, caregivers need to be trained about human rights.

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