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

**Methodological Guidelines**

**for**

**National Reports – Workstream 1**

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# Content



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1. Short introduction

The present methodological guidelines for the analysis of the legal and policy framework for national reports in the four partner countries (Austria, Germany, United Kingdom and Iceland) include the following basic components:

* Legislation on violence against women and women with disabilities
* Policies and programmes
* Institutions
* Conclusions (obstacles, good practices)
* Recommendations

Each project partner will analyse **the available information and already existing research** concerning its country.

The overall objective of the desk research is to improve the knowledge and understanding of the legal and policy framework as well as the available support structures. This report uses as source existing reports, studies and available statistics. In general, information on the issue of violence against women with disabilities might be scarce. Nevertheless, the national report aims at collecting the available information. Main methodology of this report is desk research; only in case if further information for general clarification is needed, telephone interviews shall be conducted. The collection of information within this desk research (legal, policy framework and structure of victim support services) is essential for workstream 2, where especially data and experiences of experts working in the field of specialised victim support services will be identified per online survey and interviews. The empirical research forms the research focus of the overall project.

The analysis aims to answer specific questions if and how the countries fulfil their national obligations as stated in international and regional instruments and measures aimed at the protection of women and especially of women with disabilities who have experienced violence.

Hence the further objectives include

* the assessment of the legal and policy context concerning protective measures against violence for women and their applicability for women with disabilities.
* the assessment of specialised victim support structures provided by governmental and non-governmental actors for women who experienced violence towards their awareness and accessibility towards disability related issues and
* the assessment in particular the services offered through specialised disability service providers in how far they offer support for women with disabilities who have experienced violence.

Following the **desk research** national reports will be drafted. Afterwards, a comparative report will be prepared, focusing on international standards and strategies, pointing out similarities, differences, good practices and recommendations.

1. Important definitions and main international and regional standards

## 1. Definitions and Core Terms

### 1.1 Violence against Women

**UN Declaration on the Elimination of Violence against Women (1993)**

* "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.
* Violence against women encompasses (Art. 2):

“(a) Physical, sexual and psychological violence occurring in the

family, including battering, sexual abuse of female children in the

household, dowry-related violence, marital rape, female genital

mutilation and other traditional practices harmful to women, non-spousal

violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within

the general community, including rape, sexual abuse, sexual harassment

and intimidation at work, in educational institutions and elsewhere,

trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”

Women with disabilities may experience violence in particular ways in their homes and institutional settings, perpetrated mainly by family members and caretakers or (to a lesser extent) by strangers.

Violence against women with disabilities includes violence accomplished by physical force, legal compulsion, economic coercion, intimidation, psychological manipulation, deception and misinformation of which a lack of free and informed consent is a key analytical component. Violence may include omissions, as well as overt acts that harm a person’s physical or mental integrity (EDF, 2009)

Despite these definitions given, the project team discussed the term ‘violence’ and decided that the 4 categories of violence (sexual, institutional, psychological and physical violence) need to be handled **flexible**.

In this project, a **broad definition of violence** is essential. Domestic violence would be too narrow and might cover all life situations in which women with disabilities experience violence. Project partners decided to be open concerning the definition of violence against women, also to probably new forms of violence. It depends on the women who experienced violence taking part in this project, how they define violence.

The **term ‘victim’** should rather be prevented in the language of the reports in order to stress that these women are also survivors. Instead of ‘victim’ for instance ‘women who experienced physical/psychological/sexual/institutional violence’ should be used.

### 1.2 Women with Disabilities

The project is based on the definition of disability outlined in the UNCRPD, including those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with other. (UNCRPD, 2006).

For the project we consider women with disabilities aged between 18/19 and 65 years old.

Important is to state that disability ‘is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others’ (UNCRPD, Preamble). Furthermore, the general principle of UNCRPD in Art. 3 (d) is stressed: ‘Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity’.

Consequently, there is not just ‘one way’ to describe disability. The project team acknowledges that it is necessary to negotiate the **complexity of disability** rather than having a specific definition.

The project team agrees in the necessity of a **discussion about multiple discrimination** (UNCRP, Art. 6). It agrees in using an intersectional approach referring to ethnicity, sexuality etc. Furthermore the socio-economic status will be added into the definition.

Discussion of terms:

‘Intellectual disabilities’ vs. ‘learning difficulties’: The more internationally accepted term seems to be ‘intellectual disabilities’. In general, concerning all terms partners can chose which terms to be used in the country report. Different countries use different terms, therefore it is up to the partners to decide which term fits best in the context of the report.

‘Disabled people’ vs ‘people with disability’: Different terms are used and some prefer ‘disabled person’ since persons do not have disabilities but are disabled by their environment. Partners may use the language of UNCRPD, nevertheless they can decide which terms fit better in their point of view.

Definition of women:

The project team decides that it will accept all women (also for instance transgender) who follow the call. The main criterion is the **self-identity of the person as woman** and not the physical aspect.

### 1.3 Participation

There is no definition given in the application for ‘participation’. It is used internally for the project. The project team agreed in the use of the **subjective perspective**.

Consequently, **adjustments of the application/description of the project are necessary:**

Knowledge or information generated by participation of disabled women in the project WILL be included in the analysis.

Referring to the **questions in the interviews** it was agreed, that the questions will be very open. The target is to encourage women to speak what is important to them. However, it is also essential to give a direction, but not too much direction. Referring to the guidelines it is again important to guide the **focus groups** but not steer them in the direction the project team would like to go. Openness is the main methodology.

It is necessary to consider **women with different backgrounds and living situations** including women of minorities, migrant women, transgender persons considering themselves as women, women with different socio-economic backgrounds, etc.

**Referring to the leaflets and brochures, the project team will use an easy language to receive a high participation.**

### 1.4 Barrier-free access

In general, the definition of UNCRPD, Art. 9 on accessibility is used. Nevertheless, it is necessary for this project to find out, how disabled women define barrier-free access. The definition is not limited to UNCRPD. There might be further barriers which are identified throughout the project.

Not all materials of the project will be available barrier-free due to limited budgets. Nevertheless, the short version of the findings as well as the information leaflets for women will be published in Braille and easy language.

## 2. Main international and regional standards

#### 2.1.1 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)

CEDAW was adopted in 1972 and is ratified by Austria, Germany, Iceland and United Kingdom and therefore has to be implemented by these countries. Violence against women is not explicitly mentioned by CEDAW. However, in General Recommendation Nr. 19 on violence against women, the CEDAW committee defined gender-based violence as form of discrimination against women falling under Art. 1 CEDAW.

The CEDAW committee requires in General Recommendation Nr. 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’.

In the context of discrimination of women in health care, CEDAW declares under Art. 12 that

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

In addition the CEDAW committee stresses the importance of ensuring equal access to health care for women with disabilities (General Recommendation Nr. 24, para. 25).

Regarding equality before law, CEDAW states in Article 15:

1. States Parties shall accord to women equality with men before the law.

As a consequence, the CEDAW committee includes the topic of violence against women with disabilities also in its concluding observations.

See for example the concluding observations for Germany, 2009 (CEDAW/C/DEU/CO/6, para. 44) <http://uhri.ohchr.org/document/index/969ec501-b1a9-46e5-971f-30b01b646200>

CEDAW: <http://www2.ohchr.org/english/law/cedaw.htm>

General Recommendations Nr. 19 (violence against women), Nr. 18 (disabled women) and Nr. 24 (women and health): <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom12>

Universal Human Rights Index (search tool for country-specific information from human rights mechanism): <http://uhri.ohchr.org/>

#### 2.1.2 Convention on the Rights of Persons with Disabilities (UNCRPD)

UNCRP was adopted in 2006 and entered into force in 2008. Austria, Germany and United Kingdom ratified UNCRPD.

Several provisions are relevant for this study, which are set out below. Since the treaty is a rather young document, information about the actual implementation of UNCRPD in the State parties is scarce. There are initial reports of State parties given thus far, but no concluding observations at the moment.

The initial reports on UK and Germany are available at: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/futuresessions.aspx>

The Austrian report is available at: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Session9.aspx>

Iceland signed the UNCRPD in 2007, but did not yet ratify the UNCRPD.

<http://www.un.org/disabilities/countries.asp?id=166#I>

The EU ratified the UNCRPD in 2010.

<http://www.un.org/disabilities/countries.asp?id=166#I>

Relevant provisions:

Article 5 (Equality and non-discrimination)

Article 6 (Women with disabilities):

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Article 9 - Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

c) To provide training for stakeholders on accessibility issues facing persons with disabilities;

d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 12 - Equal recognition before the law

States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law and shall recognize that they enjoy legal capacity on an equal basis with others in all aspects of life.

Article 13 - Access to justice

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Article 16 - Freedom from exploitation, violence and abuse

1. States Parties shall 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. States Parties shall also 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. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

4. States Parties shall 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. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

5. States Parties shall 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.

#### 2.1.3 International Covenant on Economic, Social and Cultural Rights (ICCPR)

ICCPR stresses in General Comment Nr. 5 the importance to implement measures against the discrimination of women with disabilities (para. 19). It furthermore requires from State parties to ensure access to medical and social services (para. 34).

See for instance: Concluding observations for Germany (2011, E/C.12/DEU/CO/d): <http://uhri.ohchr.org/document/index/556c54b9-98a0-4af9-a338-8c2e64870424>

ICCPR: <http://www2.ohchr.org/english/law/cescr.htm>

General Comment Nr. 5: <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/4b0c449a9ab4ff72c12563ed0054f17d?Opendocument>

#### 2.1.4 Monitoring: Universal Periodic Review

Further information on implementation of relevant obligations of human rights treaties can be found in the documents of the Universal Periodic Review.

Documents by country: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>

Report on the implementation of recommendations (only UK at the moment): <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx>

#### 2.1.4 European laws and policies

**Council of Europe Convention on preventing and combating violence against women and domestic violence (CM(2011)49 final)**

The convention was adopted in May 2011 and did not enter into force so far. Nevertheless, all project partner countries signed the convention.

In particular relevant of the convention is chapter IV of the convention which contains obligations regarding protection and support. Art. 18 regulates that all measures have to ‘address the specific needs of vulnerable persons’. This includes also women with disabilities.[[1]](#footnote-1)

Text of the convention:

<https://wcd.coe.int/ViewDoc.jsp?Ref=CM%282011%2949&Language=lanEnglish&Ver=final>

Explanatory report to the convention: <https://wcd.coe.int/ViewDoc.jsp?Ref=CM%282011%2949&Language=lanEnglish&Ver=addfinal&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>

In the **European Union** there is no specific legal act on violence against women. The criminalisation of violence against women is primarily competence of the Member States. Nevertheless, the EU addresses violence against women in different policies and instruments.

**EU guidelines on violence against women and girls and combating all forms of discrimination against them**

(General Affairs Council of 8 December 2008)

In these rather general guidelines, the EU points out that women with disabilities belong to the group of ‘more vulnerable’ victims, without any further explanation what this might entail.

Text of guidelines: <http://www.consilium.europa.eu/uedocs/cmsUpload/16173cor.en08.pdf>

**EU Strategy for equality between women and men 2010-2015**[[2]](#footnote-2)

The strategy includes the issue on violence against women, but does not make a reference to the specific situation of women with disabilities.

Text of strategy:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0491:FIN:EN:PDF>

**European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe**

The strategy outlines how the EU and national governments can empower people with disabilities so they can enjoy their rights. The strategy focuses on eliminating barriers across eight main areas: accessibility, participation, equality, employment, education and training, social protection, health, and external action. For each area, key actions are identified and include a timeline. There is no specific reference to violence.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF>

#### 2.1.5 Further relevant materials

Materials on national legislation concerning violence against women (chapter 5.2):

Women Against Violence Europe (WAVE): Country Report 2011 – Reality Check on European Services for Women and Children Survivors of Violence:

<http://www.aoef.at/cms/doc/CR_komplett_2011_NEU.pdf>

WAVE Statistics, number of women’s shelters in EU countries:

<http://www.wave-network.org/sites/wave.local/files/wave_statistic3.pdf>

WAVE: General country information:

<http://www.wave-network.org/country-info>

## European Institute for Gender Equality (EIGE): Review of the Implementation of the Beijing Platform for Action in the EU Member States – Violence against Women:

<http://www.eige.europa.eu/sites/default/files/Violence-against-Women-Victim-Support-Report.pdf>

European Commission – Eurobarometer: Domestic Violence against Women:

<http://ec.europa.eu/public_opinion/archives/ebs/ebs_344_en.pdf>

Council of Europe (2007): Protecting Women against Violence (country specific information in Annex):

http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EN\_CDEG\_2007\_3\_complete.pdf

1. Country report structure

To ensure comprehensiveness and comparability of the analysis, all country reports should follow the structure described below. All sections and subsections should be filled in. Where there is no relevant information, because for instance no data are available, this needs to be explicitly indicated.

## 1. Content

## 2. Abbreviations

## 3. Executive Summary

## 4. Introduction

In this part of the report a general description/ overview on the topic of women with disabilities and violence will be given **based on available and already existing reports, studies or statistics**. It has also to provide different forms of violence, the specific situation of women with disabilities who experience and experienced violence as well as, if existing in the country, statistical data on the resumption of violence against women with disabilities.

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

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

This part will describe the implementation on the most relevant international and regional commitments concerning violence against women and women with disabilities such as CEDAW or UNCRPD on the national level. This chapter will offer an overview of the country’s compliance with international or regional obligations and should show to which extent these standards are transposed in the country. In this chapter, for instance, relevant concluding observations of the human rights treaty bodies or conclusions/recommendations of the Universal Periodic Review should be mentioned here.

### 5.2 National specific legislation concerning violence against women

This chapter should give an overview of the existing legal framework concerning violence against women, which can encompass civil, criminal, administrative and constitutional law. Is there a specific legal act on violence against women or various relevant provisions? Describe also the legal mechanisms which are relevant for the prevention of violence as well as protection and support of those affected by violence, such as protection orders.

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

List here further legislative acts which might be relevant concerning violence against women with disabilities, but which are not covered by the framework concerning violence against women.

### 5.4 Conclusions concerning legislation

Describe here briefly any gaps you have identified in the legislation concerning violence against women. Are for instance women with disabilities adequately considered in the legislation?

## 6. Implementation of Legislation

### 6.1 Policies and programmes

Chapter 6 forms the most relevant part of this report. In this part, implemented policies, programmes and mechanism based on the legislation concerning violence against women should be described. Detail here for instance existing National Action Plans, strategies or inter-ministerial working groups or initiatives of specific provinces of the county. Explain which ministries or governmental institutions are in charge of implementing or coordinating this issue and whether there are specialized courts, law enforcement units or trainings for public officials. Indicate also whether there is a specific budged earmarked for implementation.

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

This section will provide information on the existing actors (state and non-state) that are relevant in the field of violence against women and women with disabilities, meaning for example, organisations, NGOs providing counselling or care facilities, etc. The kind of actor should be mentioned and the main functions should be shortly described. This includes relevant actors in the field of violence against women and relevant actors in the field of violence against women with disabilities who are dealing with violence. In this section not a general overview of all relevant actors should be described. The focus should be laid on the existing support structure for women affected by violence, which includes for instance counselling centres, emergency shelters, helplines, etc. Finally the main relevant actors in these fields should be identified and listed. They serve as the basis for the selection of possible interview partners in WS2, where the experiences of experts working in the field of specialised support services for women, including services for disabled women who have experienced violence, are documented and analysed.

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

Describe in this chapter the experiences with the legal framework on violence against women in general. What are the difficulties in applying the legal framework? Is the legal framework on violence against women applicable to women with disabilities?

Further question is, to which extent the implementation of this legislation takes women with disabilities into account. Is the group of women with disabilities for instance mentioned in the national strategy, programmes or part of trainings?

This section will provide information on the accessibility of specialised victim support services, institutions/ organisations for women with disabilities who have experience violence – is the environment, information and communication (in urban and rural areas) accessible on an equal basis with others and following the universal design? Which gaps exist between the legislation and the application of the law and accessibility of support services in practice?

## 8. Conclusions

### 8.1 Identified obstacles

### 8.2 Good practises

The elaboration of good practice examples in this chapter will focus on legal standards, policy implementation and institutional structure. Here, good practice examples can be included which are not specifically developed for women with disabilities, but which is considered as applicable for this group also. They will form the basis and background information for WS 4, in which good practices will thoroughly be identified together with the advisory group members and relevant stakeholders in each country after having gained the results from the empirical analyses of WS 2 and WS 3.

## 9. Recommendations

The recommendations in this chapter should be addressed to national policy makers (ministries, law enforcement institutions, etc.) and to actors working in the field of specialised support services, including organisations for women with disabilities who have experienced violence. These recommendations will also feed into the development of further recommendations in WS 4.

## 10. Bibliography

1. Timeline

* the final guidelines for the country report will be available on 25th of February, 2013
* the country reports has to be sent to the coordinator before 30th of April, 2013
* coordinator will send out draft comparative report before 31st of May, 2013
* re-drafting and finalisation of comparative report before 15th of June, 2013

1. Technical Details – Language and style requirements

## General requirements

The report should be balanced, written in neutral language and contain no unsubstantiated statements. The national reports should be max. 25 - 30 pages. You should submit one copy as a Word in English language, using British spelling and paper of standard size A4 or 81/2x11. Use single line spacing and leave margins like indicated in the template for the national reports (see Annex). Kindly use Arial font 11 points.

## Chapters

The titles of main chapters (E.g. Legislation on violence against women and women with disabilities) shall be used as indicated in the Template for National Reports (Heading 1, Heading 1.1. etc.) Please follow the chapters agreed upon via feedback by all partners and use the template for the national reports (see Annex).

## Order and numbering of pages

Please number all pages of the entire report serially in the down right corner, starting with 1 on the page following the cover page.

## Citations

For citations use quotation marks (“ “) and provide full reference to the text in a footnote on the bottom of the page. The citation style is as following: Authors surname, authors first name: Title. Place of publication, date: page (where the citation can be found).

## 5. References

### 5.1 Footnotes

Please use font 9 for footnotes.

### 5.2 Bibliography

Please arrange the entries alphabetically by surnames of the authors, with each entry as a separate hanging intended paragraph.

* + Book reference: Authors surname, authors first name: Title. Place of publication, date.
  + Periodical Article reference: Authors surname, authors first name: Title of the article. Name of periodical. Date of the periodical: page numbers of the article.
  + On-Line Database Articles: Authors surname, authors first name: Title of the article. Date. URL of database. Access date
  + Encyclopaedia Article reference: Authors surname, authors first name: Title of the article. Name of encyclopaedia. Place of publication, date.

# Annex

## 1. Template National Reports

1. See Explanatory Report to the Convention, para. 87 and para. 120. [↑](#footnote-ref-1)
2. COM(2010) 491 final, 21.9.2010 [↑](#footnote-ref-2)