



Permanent Mission  
of the Federal Republic of Germany  
to the Office of the United Nations and  
to the other International Organizations  
Geneva

Ref.: (please quote when answering): Pol 381.70/13  
Note No.: 306/2011

### Note Verbale

The Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to the other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to refer to its Verbal Note dated September 18, 2011 concerning the request for relevant information for the preparation of the OHCHR analytical study on violence against women and disability.

The answer of the Federal Republic of Germany is enclosed to this Verbal Note. The German Permanent Mission would appreciate to receive an acknowledgement of receipt at the earliest convenience.

The Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to the other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, December 12, 2011



To the  
Office of the United Nations  
High Commissioner for Human Rights  
1211 Geneva 10  
by e-mail: [registry@ohchr.org](mailto:registry@ohchr.org)/[vbirga@ohchr.org](mailto:vbirga@ohchr.org)

**Please provide information on other measures (legislative, administrative, juridical or other) aimed at the development, advancement and empowerment of women with disabilities**

The Federal Act on Equal Opportunities for People with Disabilities (Behindertengleichstellungsgesetz (BGG)) and Book IX of the Social Code (Sozialgesetzbuch (SGB IX)), which regulates rehabilitation and participation of people with disabilities, now take account of the specific situation of women (with disabilities) and include provisions relating to girls and women with disabilities.

These provisions cover matters such as the advancement of women, equal opportunities, special needs to be recognised in all benefit areas and in the general recommendations of the rehabilitation providers, the involvement of advocacy groups of women with disabilities in the preparation of quality assurance recommendations, introducing a supplementary entitlement to assertiveness training in the framework of rehabilitation sport and gender-specific reporting.

The vocational training centres for young disabled persons and the retraining centres for adults with disabilities are also known to provide women-specific training measures. But basically rehabilitation measures are prescribed on a case by case basis. The situation of the individual - and not gender - is the decisive criterion.

**Are there provisions for regular home visits and inspections of medical institutions where women and girls with disabilities are living/receiving treatment? How do these work?**

There are no provisions for regular home visits and inspections of hospitals. Regular home visits and inspections shall neither be envisaged for those cases where girls and women (either with or without disabilities) have been taken in for treatment in a hospital.

**What measures have been adopted to provide information and education to women and girls with disability and their families, caregivers and health providers on how to avoid, recognize and report instances of exploitation, violence and abuse?**

Awareness raising and qualification of medical personal in treating women as victims of domestic violence is an important goal of different measures supported financially by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in this area. E.g. the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has supported S.I.G.N.A.L. the scientific monitoring of a health intervention program in the field of hospitals. A handbook for practitioners has been developed within the framework of this project. To adequately support women affected by violence within the ambulant treatment the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has supported the model project "medical intervention against violence MIGG". This project included the development and implementation of a concept for training of medical practitioners, to qualify them to recognize violence as root cause for health impairments and to treat patients affected by violence accordingly. This included the training of 140 general practitioners and gynecologists. The model project was scientifically monitored and supported by a counseling committee. After its finalization in 2011 the results shall be made available to the ambulant medical treatment in Germany.



**What are the means to report violence against women and girls with disabilities in different settings, including medical centres and institutions? To what extent are these known and accessible?**

First of all it has to be pointed out that the hospital admission of a patient and the therewith connected hospital admission contract entails duties of the respective hospital to protect the patient - irrespective of his or her gender. Within the scope of these duties to protect, the hospital has to ensure by appropriate organisational measures that during their stay, patients – both women and men – will be protected from impairments, and also from harassments by third parties.

However, if there are harassments or even cases of violence against patients - women and men - **all** persons affected have the opportunity of laying an information or having this information laid with the hospital management or with the public prosecution office (where appropriate, with the nearest police station) competent for criminal prosecution and to file criminal charges. Moreover, any kind of complaints - also in cases of harassment/violence – may be passed on to the patients' advocate who - according to the law of the respective Federal Land - has to be appointed at all licensed hospitals, and who represents the patients' concerns and may directly and any time contact the competent agencies – after having obtained the consent of the patients. When being admitted to a hospital, the patients are regularly informed about the existence of the patients' advocate and their right to have recourse to her/him.

In addition, within the scope of an intra-institutional quality management of hospitals (Sections 153a ff. of Social Code Book V), a regular complaints management for patients' concerns has been organised. Thus it is ensured that - beyond the opportunities already described before - patients can make use of contact points for possible complaints, e.g. also in cases of violence which occurred during their hospital stay. In future, the planned Act on Patients' Rights is to explicitly stipulate a patient-oriented complaint management.

Findings or data on violence against women and girls with/or without disabilities in connection with hospitalisations are not available to the Federal Ministry of Health; as far as we are informed there is no systematic record, but only a few scientific studies and inquiries on this topic.

The Ordinance on Participation in Workshops for Persons with Disabilities (Werkstättenmitwirkungsverordnung (WMVO)) regulates that the genders' representation on the workshop council shall equal their numerical proportion (section 3 (2)).

**To what extent are public institutions, such as police stations and hospitals, accessible to women and girls with disabilities?**

The Federal Act on Equal Opportunities for People with Disabilities (BGG) broadly regulates accessibility defining disability, taking into account the special needs of women with disabilities and laying down provisions on targets for accessibility in the private sector. The Federal Act on Equal Opportunities for People with Disabilities focuses on accessibility especially in the public area with a specific emphasis on the Federal Government's voluntary commitment for barrier-free buildings. In its accessibility policy Germany also pursues the approach of barrier-free access in all spheres of life. People with disabilities - regardless of their gender - should not have undue difficulties and should generally not depend on outside help when they wish to normally use or access buildings or other premises, means of



transport, technical devices, information processing systems, acoustic and visual information and communication technology and other designed living areas. Hence the provisions on accessibility are the core element of the Federal Act on Equal Opportunities for People with Disabilities which served as the model for the equal opportunities legislation of all 16 Federal States. The responsibility for the design and equipment of police stations and hospitals lies with the Federal States.

The Federal Government has no information of the degree of accessibility of public buildings of the Federal States.

**Are there shelters for women victims of violence? To what extent are they physically accessible to women with disabilities?**

There are approximately 360 Women's Shelters all over Germany. 36 Women's Shelters are accessible for wheelchairs.

(Data source: Online search for women`s shelters of the Association of Women's Shelters; last update: 10.11.2011)

Link to the Online search for women`s shelters:

[www.frauenhauskoordinierung.de/index.php?id=14](http://www.frauenhauskoordinierung.de/index.php?id=14)

**Are there disaggregated statistics on crimes against persons with disabilities?**

See below (answer to the next question).

**Please provide information on the total amount of registered complaints for violence against women and girls with disabilities? Of the total amount how many were dismissed? What were the main reasons for dismissal? Of the cases that were prosecuted, how many resulted in convictions?**

No disaggregated statistics are collected in criminal proceedings when it comes to acts of violence committed on women and children with a disability.

**What system is in place to ensure legal aid for women and girls with disabilities who have been victims of violence?**

All victims who have been injured by an offence designated in section 395 of the German Code of Criminal Procedure (Strafprozessordnung – StPO) can join the proceedings as a private accessory prosecutor. This accordingly also applies to female victims with a disability. The list contained in section 395 of the Code of Criminal Procedure names for instance causing bodily harm, sexual offences and breaches of the Act on Protection Against Violence (Gewaltschutzgesetz). Additionally, individuals who have been violated by another unlawful act may also join the proceedings as a private accessory prosecutor if, for particular reasons, this appears to be necessary to safeguard their interests, especially because of the serious consequences of the act (section 395 subs. 3 of the Code of Criminal Procedure). This provision is equally applicable to female victims with a disability. The status as a private accessory prosecutor enables victims to defend their own legal positions in the proceedings so that, in accordance with section 397 of the Code of Criminal Procedure, private accessory prosecutors can for instance table motions or ask questions, make statements or lodge



appeals. Private accessory prosecutors can apply in accordance with section 397a subs. 2 of the Code of Criminal Procedure to be awarded legal aid for calling in an attorney in case of financial need. For victims of serious violent crimes, such as sexual offences and attempted homicides, sections 397a subs. 1 and 406g subs. 3 of the Code of Criminal Procedure provide that an attorney is to be appointed as counsel to the victims of these offences upon application without regard to their personal income and assets. This makes it much easier for these particularly vulnerable victims to defend their interests.

Moreover, in accordance with section 68b of the Code of Criminal Procedure legal council is appointed for vulnerable victims for the duration of the examination at the expense of the state; victims of grievous offences have a right to this.

**What special measures have been envisaged in legislation and practice for victims and witnesses with disabilities?**

Provisions on barrier-free access to justice for persons with disabilities are contained in the Courts Constitution Act (Gerichtsverfassungsgesetz – GVG) and in the Code of Criminal Procedure. There is for instance provision to make the documents intended for blind or visually-impaired persons available to them in a form which they can comprehend and that communication with a blind or visually-impaired person in the hearing is facilitated. An attorney is appointed to witnesses with disabilities in criminal proceedings if they are unable to defend themselves or on examination as a witness if they are unable to exercise their powers themselves.

Number 21 of the Guidelines for Criminal and Administrative Fines Proceedings (Richtlinien für das Strafverfahren und das Bußgeldverfahren – RiStBV) currently contains special provisions on dealing with persons who are hard of hearing and deaf-mute. For instance, in accordance with Number 21 subs. 2 sentence 1 of the Guidelines for Criminal and Administrative Fines Proceedings, an interpreter is as a rule to be appointed who has a knowledge of sign language when hearings are held with people who are deaf-mute and deaf.

An amendment of Number 21 of the Guidelines for Criminal and Administrative Fines Proceedings is to regulate the treatment of persons with disabilities even more clearly in future and do even better justice to the interests of persons with all kinds of disabilities. In accordance with an agreed version of the draft, No. 21 of the Guidelines is to contain the following wording:

- (1) Persons with disabilities shall be treated with particular consideration with regard to their interests.
- (2) With regard to the exercise of the option in accordance with section 186 subs. 1 of the Courts Constitution Act, the public prosecutor shall on lodging the public charge provide information regarding a hearing or speaking disability of which he/she has become aware in a suitable form.
- (3) It is recommended to have hearing-impaired or speech-impaired persons repeat what they have understood of questions, witness testimony or oral discussions. If they are also unable to repeat even with technical aids, or have not availed themselves of their option, it shall be endeavoured to ensure that the court takes a measure facilitating communication in accordance with section 186 subs. 2 of the Courts Constitution Act.
- (4) When examining witnesses with a mental or learning disability it is recommended to endeavour to ensure in suitable cases that, where possible, a person enjoying the



confidence of the person with a disability attends the examination who is able to facilitate communication between the latter and the person carrying out the examination.

(5) In case of the examination of accused persons, convicts or persons who are entitled to join the proceedings as a private accessory prosecutor who are hearing-impaired or speech-impaired in the preparatory proceedings, insofar as is necessary for the exercise of the rights of these individuals in criminal proceedings, the public prosecutor should endeavour to ensure that the court appoints an interpreter or translator.

**What specific training is conducted for law enforcement and legal personnel on the rights of women and girls with disabilities and effective ways to communicate with them?**

The German Judicial Academy – a national training institution for further training of judges and public prosecutors from all over Germany, jointly funded by the Federation and the Länder – regularly offers further training events which deal with the complex material of victim protection and all the associated questions and in doing so also pursue interdisciplinary approaches, such as communication with particularly vulnerable victims. Conferences on “Victim protection-related questions”, on “Dealing with victims of sexual violence, particularly children/teenagers, during criminal proceedings” as well as “Violence in the family (criminological, family and criminal law aspects of a multifaceted topic)” have become part of the standard repertoire of the annual programme. The lively participation in these conferences demonstrates the active interest on the part of both judges and public prosecutors.

Moreover, the Federal Länder also offer further training events on their own responsibility. Finally, conferences which target the EU and its law are also offered by the European Judicial Academy (EJA) in Trier, such as a seminar on the topic of the “United Nations Convention on the Rights of Persons with Disabilities”.



Female and male persons with disabilities are entitled to rehabilitation benefits and services. These are not gender-specific, but are geared to the specific situation of the person concerned.

Persons who sustain a personal injury as a result of a violent crime, including persons with disabilities, are eligible for compensation under the German Act on Compensation to Crime Victims (Opferentschädigungsgesetz - OEG). For details see:

<http://www.bmas.de/EN/Service/Press/recent-publications/victims-criminal-injuries.html>