

Parallel report with special focus on girls women with disabilities on the "Answer to paragraph 36 of the Concluding Observations of the Committee on the Rights of Persons with Disabilities from the point of view of the Laender" with reference on the implementation of the Convention of the Rights of Persons with Disabilities under Art. 6 and Art. 16 in Germany - Federal Land Saxony-Anhalt¹-

Compiled by the Initiative Group "Parallel report paragraph 36"
by collaboration of other authors and experts

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The UN-CRPD Committee in its concluding observations² expresses its grave concern on the inadequate political consequences (para 35) and calls in paragraph 36 **to provide a comprehensive and effective strategy with adequate funding to ensure that women and girls with disabilities are effectively protected against violence in all public and private settings. It also recommends that the State party immediately establish or designate an independent body or bodies (...) to ensure that complaints linked to incidents in institutions [added by the reporting CSO-group: *and outside of institutions*]³ are handled by an independent body.**

1

¹ Online available as the 2nd listed document is the German Federal Governments answer, a synopsis on the federal states in German without mentioning editor, place and date at: https://www.gemeinsam-einfach-machen.de/GEM/DE/AS/UN_BRK/Staatenpruefung/staatenpruefung_node.html (source checked 22.01.2018). It will be attached herewith as Annex 01. The CRPD-Committee noted to have received it on 13. April 2016 and published it in English under the document number **CRPD/C/DEU/CO1/Add.1** of 27. Nov. 2017 "Information received from Germany on follow-up to the concluding observations" at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fDEU%2fCO%2f1%2fAdd.1&Lang=en. Since the pages of the German and English versions differ, the reference pages in the alternative reports differ as well. The pages in brackets in this English version are those of the English UN-document **CRPD/C/DEU/CO1/Add.1**.

² The "Concluding observations" of the UN-CRPD-Committee on the initial first State report of Germany of 13. May 2015 (CRPD/C/DEU/CO/1) in German-translated by the GIHR- you will find at http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/UN-Dokumente/CRPD_Abschliessende_Bemerkungen_ueber_den_ersten_Staatenbericht_Deutschlands.pdf (source checked online 22.01.2018); the original UN-version in English is available at the CRPD's webpage under 13.session 25.03.-17.04. 2015 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fDEU%2fCO%2f1&Lang=en (source checked 22.01. 2018)

³ The Initiative Group "Parallel report paragraph 36" likes to add ...to incidents in institutions and outside of institutions. The reporting group underlines: incidents from outside institutions need to be documented, monitored and handled by interventions of all kind if necessary by legal means even if they happen outside of institutions!

The State of Saxony-Anhalt's response on the living conditions of women and girls with disabilities and measures to implement the CRPD⁴ - which once a state party has ratified is to be implemented and contains a direct obligation to act - is in our opinion flawed and in some places requires additions and corrections, which we present as follows:

1. Strategies, measures and plans to protect women and girls with disabilities against violence in the public and private domains

<p>Information ST⁵ as of answer of Germany (ST = Saxony-Anhalt)</p>	<p>The state of Saxony-Anhalt answers with regard to the "protection of children and juveniles" (17 f., para 75-80), to "victim protection" (18 f., para 81)- also with regard to migration and asylum seekers (18, para 82)- and to "education" (19, para 83). In addition, reference is made to the state program for a "gender-equitable Saxony-Anhalt" (22, para 88-92). Only with the reference to the home inspection in connection with the control of the WTG LSA (19, para 86), the PsychKG LSA (19, para 87) in relation to mental illness and the reference to the State Action Plan Saxony-Anhalt of 2013⁶ (20, para 89) on the implementation of the <i>UN-Convention on the Rights of Persons with Disabilities</i> addresses the explicit regulations which aim at the context of disability, only this State Action Plan CRPD focuses in the area of action 5.7. "Girls and Women" on the protection of girls and women with disabilities.</p>
<p>Real current state</p>	<p>In a total of nine out of ten fields of action of the CRPD State Action Plan of Saxony-Anhalt, there is no reference to the human rights, needs and protection of girls and women with disabilities. This makes the cross-sectional approach (twin track approach⁷) as enshrined in the CRPD preamble and in art. 3, 6, 8, 16, 25, 28, 34, the analysis, legal consideration and implementation of measures on equal opportunities for girls and women with disabilities in all areas life, as defined in the direct linkage between the two United Nations human rights treaties, the CEDAW Women's Rights Convention and the CRPD, is severely restricted and not comprehended. Their rights in areas such as housing, education, participation, sport etc. remain undifferentiated and there is a danger that they will not be implemented adequately and their own voice in a participatory manner will not be regarded as in the sense of the CRPD. Although the aforementioned federal study has been available since 2013⁸, it has not been evaluated by the state of Saxony-</p>

⁴ Especially under Art 6 and Art 16 CRPD including the "Concluding observations" of the UN-CRPD-Committee; even if all articles of the CRPD-Convention apply to women, Art 6 and 16 explicitly express further measures for the special needs and protection of women and girls.

⁵ The German text of **CRPD/C/DEU/CO1/Add.1** of 27. Nov. 2017 "Information received from Germany on follow-up to the concluding observations"; the answer of the Land Saxony.-Anhalt with reference to the Concluding Observations CRPD you will find here for download: [https://www.gemeinsam-einfach-machen.de/SharedDocs/Downloads/DE/AS/UN_BRK/Ziffer_36_Beantwortung_Laender.pdf? blob=publicationFile&v=1](https://www.gemeinsam-einfach-machen.de/SharedDocs/Downloads/DE/AS/UN_BRK/Ziffer_36_Beantwortung_Laender.pdf?blob=publicationFile&v=1), (source checked 27.09.2017)

⁶ German version of the 'Land of Saxony-Anhalt State Action Plan on the implementation of CRPD' published at at: "einfach machen" Unser Weg in eine inklusive Gesellschaft. Landesaktionsplan Sachsen-Anhalt zur Umsetzung des Übereinkommens der Vereinten Nationen über die Rechte von Menschen mit Behinderungen. Hg. Ministerium für Arbeit und Soziales, without place and year; [Magdeburg 2013; p. 115-119 of 136 pages); Download https://ms.sachsen-anhalt.de/fileadmin/Bibliothek/Politik_und_Verwaltung/MS/MS/3_Menschen_mit_Behinderungen_2015/Landesaktionsplan.pdf (source checked 08.01.2018)

⁷ See *Twin Track Approach* (TTA; in German: zweispuriger Ansatz) explicated by Sabine Häfner (2010): Frauen mit Behinderungen in der Rehabilitation: Fortschritte durch die Behindertenrechtskonvention? Presentation in representation of the Network Article 13/ *Netzwerk Artikel 3*, in occasion of the Conference "Wirkung der BRK auf die Rehabilitation in Deutschland" (Impact of the CRPD in the area of rehabilitation in Germany), 14. and 15. January 2010, slight 6 ff.; download: <http://www.netzwerk-artikel-3.de/dokument/haefner%20vortrag%2015-1-s.pdf>

⁸ Federal Ministry for Women, Seniors, Families and Youth (Ed.): Lebenssituation und Belastungen von Frauen mit Behinderungen und Beeinträchtigungen in Deutschland (The life situation and burdens of women with

Anhalt for country-level requirements. In addition, the prospective "further investigations" to the current analysis of the living conditions of women and girls with disabilities and their prevalence of domestic, sexual and sexualized gender related violence as well of a systematic concept of the protection from all forms of gender based violence for affected women and girls in the public and private domain of Saxony-Anhalt are still missing. These should be developed, according to the state's response to the CRPD committee , to gain insight into threats, in an advisory body made up of government and civil society inclusive representatives. Furthermore, there is no financial guarantee to provide access or accessibility in women's and children's protection shelter, counselling centres or victim protection institutions, especially not for the women with hearing and visual disabilities and with mental and psychological impairments who are the ones most affected by sexualized violence (Symposium Min.ASI 15.09.17). Despite initial legal efforts since 2007, the institutions involved in child protection are still not acting adequately coordinated. Although meetings of networks on Early Help and family midwives take place, however, the respective activities by family midwives, youth welfare office and public health office are not yet operating coordinated. Teachers and other professionals usually do not come into contact with content related to sexuality and the prevention of sexualized violence during their vocational education. There is also a lack of corresponding regular training and continuing further education programs. In particular, there is still a lack of an advanced inclusive sexual education: instead the ministry responsible has as its first step announced it will slow down inclusion.⁹ Although there are housing and residential institution supervisors and a inspection commissions for institutions and residential facilities for persons with disabilities in place, their visits are only conducted every three to five years, and the questions asked do not refer to any questions of a necessary catalog on items of prevention and protection of gender specific sexual violence. The whole range of the topic of enabling self-determined sexuality within the housing arrangements (keywords: privacy, information sessions with the clients, etc.) is currently not or only in exceptional cases instead realized in practice. To our knowledge there are even institutions which do not have any concept of protection against all that forms of violence: That there are no guidelines for the prevention of sexualized violence and for the promotion of sexual self-determination in place, in the institutions is rather the rule and a scandal since this is a violation of the CRPD and of the human rights of the targeted women and girls. Besides the indications of missing or inadequate concepts in the institutions, it becomes apparent that there are no contact points for parents who are in need of counselling and help with the issue of sexual violence. There is a lack of contact points for girls and women adapted to the needs of disabled girls and women affected by sexual violence. Barriers mostly exist in poor wheelchair

disabilities and impairments in Germany), Bielefeld, Frankfurt, Cologne, Munich, 20. February 2013; available in its long version only in German at <https://www.bmfsfj.de/blob/94206/1d3b0c4c545bfb04e28c1378141db65a/lebenssituation-und-belastungen-von-frauen-mit-behinderungen-langfassung-ergebnisse-der-quantitativen-befragung-data.pdf>

⁹ MDR-the regional TV and radio broadcast (29.05.2017): <https://www.mdr.de/thueringen/inklusion-befragung-lehrer-mitteldeutschland-100.html>, (source checked 04.01.2018); The MDR news for the state of Thüringen reported a FORSA-telephone survey undertaken between 04.04. and 09.05. 2017 nation-wide in Germany, which involved 2050 teacher, including 250 teacher from 'Mitteldeutschland' (mainly from Saxony, Saxony-Anhalt and Thüringen) on their opinion about inclusive education in classes. Nation-wide 54 percent, in Saxony-Anhalt even only 49 percent of teachers agreed to the inclusive approach. The MInister for Education of Saxony-Anhalt, M. Tullner, than announced, this says the MDR-text, that he intends to slow down the implementation of Inclusion in schools. He was quoted: *"There are equally good reasons to teach children in to train children in special needs schools."* On 21.12.2017 he presented a concept which strengthens separate schools for children with special needs <https://www.mdr.de/nachrichten/politik/regional/foerderschulen-sachsen-anhalt-100.html>

	<p>accessibility, not to mention accessibility and assistance (-devices and financial investments) for working with blind, deaf or mentally ill persons. The above-mentioned offers in school contexts apply only in general: there are currently no adequate offers on violence and sexual violence in the school contexts which are accessible and gender sensible arranged for the use of disabled children and juveniles. There is no coordinating and networking function in the state of Saxony-Anhalt that guarantees protection.</p>
<p>Recommended measures for an improvement</p>	<p>(1) To develop a study on the current analysis of the situation of women and girls with disabilities and experiences of violence and the systematic-conceptual protection from violence for affected women and girls in the public and private area at the state level.</p> <p>(2) On this basis, a comprehensive, effective and financially secure concept with a timely set of objectives and measures must be presented in order of the State.</p> <p>(3) The state shall order a basic assessment of the current state about a. in which institutions gender-differentiated concepts for the protection from all forms of violence exists, b. about how they are implemented and operated in the institutions, and c. how effective they are and d. how far each of them is in compliance with the CRPD standards.</p> <p>(4) The appropriate examination of the current state should be undertaken with explicit regard to concepts for the prevention of sexualized violence and the promotion of sexual self-determination.</p> <p>(5) The mandates of the Home Inspectorate and the Visiting Commissions of the State of Saxony-Anhalt should be specified in terms of the assessment of the mandatory concepts on the protection from violence as well as in terms of the concepts for the prevention of sexualized violence and the promotion of sexual self-determination; this should also be anchored in the Act on Forms of Residential Accommodation and Participation of the <i>Land</i> Saxony-Anhalt (WTG-LSA)¹⁰.</p> <p>(6) Developing and establishing of curricula for the vocational education, training and lifelong capacity building which i.a. shall be anchored in the study and training courses in the context of school (teachers Therapeutic Education and rehabilitation Studies) and institutional and private in house care.</p> <p>(7) Further development of the counselling infrastructure: Up to now, the Land has only instructed the specialized counselling centres for persons with disabilities and their families and other support facilities such as women's and child protection shelters to ensure that accessibility will be established at the point the reconstruction and extension of institutions and rooms or at the point when new occupants are incoming. Currently even this is not financially underpinned in the Lands budget, so that the specialized counselling services are financially threatened in their existence at the moment of such reconstructions or relocations.</p> <p>(8) In schools and institutions for persons with disabilities concepts should be introduced and brought to life, which are aimed at the prevention of sexualized violence and the promotion of sexual self-determination.</p> <p>(9) Ensuring the information, intervention and coordination functions required by the UN-CRPD financially secure structures such as the formation of a Land Coordination Focal Point for Women and Girls with Disabilities and a Land Working Group of Women and Girls with Disabilities and the formation of a state coordination focal point.</p> <p>(10) a. In the state budget appropriate financial resources must be allocated, once for investment by the Land, and secondly for retrieval by existing facilities (institutions/ centres) and those facilities which have to be adapted to the UN-</p>

¹⁰ Act on Forms of Residential Accommodation and Participation of the *Land* Saxony-Anhalt (WTG-LSA) of 17. February 2011; download in German http://www.landesrecht.sachsen-anhalt.de/jportal/portal/t/26ju/page/bssahprod.psml?pid=Dokumentanzeige&showdoccase=1&js_peid=Treffeliste&fromdoctodoc=yes&doc.id=jlr-WohnteilHGSTrahmen&doc.part=X&doc.price=0.0&doc.hl=0#focuspoint (checked 08.01. 2018) or <http://www.landesrecht.sachsen-anhalt.de/jportal/?quelle=jlink&query=WohnteilHG+ST&psml=bssahprod.psml&max=true&aiz=true>

	<p>CRPD standards, so that the UN-CRPD standards can be implemented de facto without delay.¹¹</p> <p>b. Further there is an urgent need to clarify the legal binding nature of the UN CRPD and other Human Rights Treaties, so that the (Land) Government transfers the necessary standards into reality in the human beings' interests and for their benefits.¹²</p> <p>(11) All fields of action of the CRPD State Action Plan must be analyzed and adapted to the rights and needs of girls and women with disabilities in all areas of life in the sense of the twin track approach.¹³</p>
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2. Statutory provisions and other binding requirements for the protection of women and girls with disabilities against violence's

Information ST as of answer of Germany (ST = Saxony- Anhalt)	<p>According to the state government, legal regulations are all in place and contain explicit provisions (see German version item 1, p. 35 f.; English version, item 1- Act to Protect Child Welfare and Promote Children's Health from 9 December 2009, page 32 f.). So far only the "revision of the guidelines on the prevention of violence as well as on intervention plans, in particular for institutions for the provision of disability assistances, on child and youth services and on care and health care" is planned (33).</p>
Real current state	<p>The status quo, in particular with regard to the prevention of sexualized violence against children and juveniles as a whole has improved significantly. Likewise, there are shortcomings in the practical implementation, et al in terms of vocational education, training and lifelong capacity building for professionals. It is clearly visible that the regulations for children and juveniles with eligibility requirements are still insufficient. This applies both to school contexts and to residential care facilities. For adult persons with disabilities, there are currently no adequate legal regulations and practical measures aimed at the protection against violence and the prevention of sexualized violence, i. a. the residential and participatory law of the Land in this regard is very imprecise and makes no specific specifications. This is also obvious in the requirement description written by the state government itself, in which it announces that the "revision of the guidelines on the prevention of violence and the intervention action plans..." are solely in planning. The "reasonable arrangements for the protection against violence" demanded by the CRPD have not yet been anchored in state law. Special needs of girls and women with a migration background and refugee girls and women are not at all mentioned. The Act of the Land Saxony-Anhalt on Equal Opportunities for Persons with Disabilities (BGG-LSA)¹⁴ until today has not yet been amended with regard to the gender-specific problems and the need for action in accordance with Art. 6, 9 and 16 of the UN-CRPD.¹⁵ The Federal Law on Civil Protection against Violent Acts and Reenactments (Act on Protection against Violence-GEwSchG) which is used in Saxony-Anhalt as in all federal states, has not yet been amended</p>

¹¹ see under item 3, page 6

¹² ibid.

¹³ see reference 6, page 2

¹⁴ of 16. December 2010; download in German <http://www.landesrecht.sachsen-anhalt.de/jportal/?quelle=jlink&query=BehGleichG+ST&psml=bssahprod.psml&max=true&aiz=true> (checked 08.01. 2018)

¹⁵ At the time of submission of this alternative report, there was at least a draft of the relevant amendment in the first voting step of the process. The Land Disabled Advisory Council Saxony-Anhalt has opened the procedure with it. It now has be proceeded in two steps into the cabinet and in the state legislature to be voted there. The representative of the Land Women's Council has introduced the necessary amendments to Art. 6 and 16 of the BRK there in February 2018.

	<p>to the effect that the protection of women and girls in facilities is guaranteed inclusive and the expulsion of the perpetrator can take place here as well.</p> <p>Also regarding the general awareness rising and information dissemination about the changes of §177 Penal Code (StGB) on "Sexual assault, sexual coercion and rape", which was changed recently after the civil society campaign "No-means-No" on 04.11.2016, there is a lack of information in easy language for women and girls with disabilities as it exists equally a lack of information and clarification in easy language about their access to their right under the reformed law. So far, especially for girls and women with disabilities in institutions there is no protection under § 2 of the Civil Protection Against Violence and Reenactments Act, if the perpetrator, for example, is the assistant or a caregiver, although it is known that this happens. The girls and women with disabilities in institutions are thus still excluded from protection by the right to removal of the perpetrator, since the institutions and facilities for persons with disabilities are by definition "not a permanent joint household within the meaning of the law".</p>
Recommended measures for an improvement	<p>(1) In particular, legislation is needed to set clear measures in school contexts for children and juveniles with special needs, in residential facilities and other modern forms of housing for persons with disabilities (children, adolescents and adults) and including for refugees in accommodations; additionally the law must define and secure financially a continued evaluation and a sufficient structure of personal on all staffing levels;</p> <p>(2) Saxony-Anhalt should establish legal regulations to ensure "adequate provisions" for the protection from violence and to contribute to the improvement of accessibility to the health care system.</p> <p>(3) The Act of the Land Saxony-Anhalt on Equal Opportunities for Persons with Disabilities (BGG-LSA) must be amended with regard to gender-specific problems and the need for action in accordance with Art. 6, 9, and 16 UN-CRPD.</p> <p>(4) The Federal Law on Civil Protection against Violent Acts and Reenactments (Gewaltschutzgesetz - GewSchG) shall be amended with regard to the right to protection and to the access to rights for women and girls with disabilities in institutions, - the law needs to be adjusted in such a way that they can make use of it including all its financial provisions, measures for counselling, information, assistances and the necessary needed legal basis for expulsion of perpetrators .</p> <p>(5) Furthermore, information shall be provided in easy language and other communication support techniques shall be released to make the necessary emergency hotlines and all services known in adequate accessible formats.</p>

3. Financing violence protection strategies

Information ST as of answer of Germany (ST = Saxony- Anhalt)	No statement provided by the Land Saxony-Anhalt
Real current state	For all prevention from violence strategies and those strategies to prevent sexualized violence, the Land has so far not provided separate, continuous funding (34 f.). Any activities have to be funded by the obligatory regular budget s for institutions by the Land Saxony-Anhalt or national budget provisions.
Recommended measures for an improvement	1) To prepare a study to analyze the living conditions of women and girls with disabilities, about root causes and impacts of violence against them and for to draft a systematic concept for protection against violence for affected women and girls in the public and private domain in Saxony-Anhalt, appropriate financial means must be planned and showed off in the budget of the Land Saxony-Anhalt.

	<p>(2) In order to ensure equal and barrier free accessibility in safe houses and shelters for women and children, women's counselling centres and victim protection facilities, appropriate information and communication technologies and systems must be provided in accordance with Art.9 UN-CRPD and have to be financially underpinning in the current budget planning and decisions of the Land.</p> <p>(3) In addition to the initiation of a Counselling Center For Accessibility, an adequate amount of budget for the formation of a permanent working Land Coordination Focal Point for Women and Girls with Disabilities and for accessibility in counselling and victim protection facilities should be provided by the Land.</p> <p>(4) In principle, as a regular, continuous offer, empowerment training for persons with disabilities should be offered in residential facilities and all forms of modern housing for persons with disabilities, especially for women and girls with disabilities. Financing for this is to be continuously ensured by the Land Saxony-Anhalt, in a way that allows every resident of such an institution to benefit at least once every two years from a good and professional competent offer.</p>
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4. Involvement of persons with disabilities in the development and implementation of the violence protection strategy/strategies (e.g. in connection with empowerment courses or courses on the subject of (sexual) self-determination / protection against violence)

Information ST as of answer of Germany (ST = Saxony-Anhalt)	Land Action Plan to Implement the UNCRPD, area of activity: women and girls with disabilities - violence prevention (39); Persons with disabilities are included in the development of recommendations and guidelines for the prevention of violence and in connection with the implementation of all other measures (Working Group on Work, conferences on participation, symposia) (39).
Real current state	The Land Action Plan has not yet led to sufficient concrete measures for participation and empowerment. To an extreme low extend (20.000 EURO per 2018) funds have been set aside by the Land as a defined budget article for all measures of the CRPD-Land Action Plan for the year 2018. The Land Government argues more finances are in the general budgets of all other resorts (mainstreamed). This remaining finances for an CRPD mainstreaming and the funding of the overall of measures under the CRPD obligations are not open declared and cannot be transparently recognized by citizens, politicians and the Civil Society Organizations; as such they cannot be claimed or requested. The Working Group on work, participation conferences and symposia currently take place are only partly participatory, but this meetings, events and the materials are always so poorly developed in respect to inclusiveness, that the content for the participating persons with disabilities are not or hardly understandable. Due to the lack of financing, it is often not possible to use Easy Language, sign language, etc. at the respective events. Persons with disabilities participating in working groups will not be provided with any (technical) work equipment as e.g. with "supported decision-making" in order to participate properly.
Recommended measures for an improvement	<p>(1) Sufficient financial resources are made available to secure already in the planning phase an inclusive preparation of the Working Group on work, participatory conferences and symposia. Moreover all resort budgets (of all ministries) shall declare the volume of finance for measures under CRPD in a transparent manner. Yet the global finance volume of CRPD defined finances must be scaled up so that a Land Coordination Focal Point for Women and Girls with Disabilities will finally be implemented and can work permanently secured.</p> <p>(2) Participation should not only be understood as a blank "slogan" for having persons with disabilities passive in the room, instead the objective is that active</p>

	participative decision-making processes shall be initiated and realized in which persons with disabilities are definitely represented, in any case Women and girls - and at any time to fully and informed decision enabled, so that they can actively participate and help shape.
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5. Planned / existing independent bodies (Part 2)

Information ST as of answer of Germany (ST = Saxony-Anhalt)	The government of Saxony-Anhalt designates and marks as "implemented": (a) "Competent Authority pursuant to the Accommodation and Participation Act of Saxony-Anhalt" (47), (b) "Committee for matters of psychiatric health care, inspection commission"(48), (c) "Land Commissioner for the Concerns of Persons with Disabilities (BBM) "(48), (d)" Medical review board of the health insurance funds in Saxony-Anhalt (MDK Saxony-Anhalt) "(48);
Real current state	These bodies exist, but have little opportunity for regular review. No monitoring and evaluation processes are foreseen. It is true that there is the Inclusion Committee of the Disability Commissioner, composed of members of the ministries, appointed representatives of the associations, institutions and other disability representatives of the state and municipal authorities. But, this committee is not public. Dates, invitation and results (minutes) are not public: there is no way of access from the outside. This body is neither independent, nor suitable for a monitoring function, although it accompanies the implementation of the CRPD Land Action Plan. The bodies (a) and (c) as well as the focal point for the monitoring and accompany of the CRPD implementation are not independent, instead they are settled directly in the Land government and thus dependent and instruction bound. In addition, these bodies are not or only hardly known by persons with disabilities, so that they do not offer an effective entry for complaints. There are no statutory - and independent - complaints bodies in the facilities/institutions and other housing models for persons with disabilities therein. (b) The inspection commissions allow a selective view into the facilities. They talk with the residents. And, they report annually to the Land parliament. However, the inspection commissions have so far not been instructed to review concepts for the protection of violence, measures to prevent sexualized violence and for to promote sexual self-determination. Also, the reviews take place only about every three to five years.
Recommended measures for an improvement	<p>(1) Strengthening of the inspection commissions and broadening of their mandate. Ensuring that each facility is visited unannounced once a year.</p> <p>(2) Establishment of an independent body- located in specialist contexts of protection against violence and for the prevention of sexualized violence, whose staff members shall proof gender competence by training and work with a gender sensible approach and provides gender differentiated inclusive awareness raising and information materials. Accordingly, emphasis is placed on comprehensive strategies to disseminate regularly and comprehensively awareness and information about the complaints office and mechanisms and to remove barriers to access.</p> <p>(3) Within the institutions independent complaints bodies shall be set up which shall be known to the target groups and whose approach shall be gender-differentiated, thus they shall focus on gender equality and in particular on the linkage of the implementation of the UN-CRPD and UN-CEDAW, with special regard to the human rights and needs of the target groups including persons with disabilities who belong to minorities and to possible intersectional discrimination.</p> <p>(4) The Land Coordination Unit for Women and Girls with Disabilities to be established must be permanently able to work independently, as well as the Land Working Group for Women and Girls with Disabilities.</p>

6. Existing or planned independent structures in which / through which complaints arising from cases of violence or abuse against persons with disabilities in facilities are (also) handled (Part 3)

<p>Information ST as of answer of Germany (ST = Saxony- Anhalt)</p>	<p>The government of Saxony-Anhalt designates and marks as "implemented": (a) "Competent Authority pursuant to the Accommodation and Participation Act of Saxony-Anhalt" (57), (b) "Committee for matters pertaining to psychiatric medical care, inspection commission"(57), (c) "Land Commissioner for the Concerns of Persons with Disabilities (BBM) "(57),</p>
<p>Real current state</p>	<p>There are no clear contact persons for complaints in cases of violence and abuse in victim protection facilities. It is also not always guaranteed that the contact persons are gender- and discrimination-specific (diversity) trained. Furthermore It is not always secured that for women and girls with disabilities a. as on request can ask for a female contact persons or similar for men and boys there might be men as contact persons on request. Likewise, there is a lack of contact persons with the desired language skills or language mediators for migrants and refugees with disabilities.</p>
<p>Recommended measures for an improvement</p>	<p>(1) Victim protection facilities should define clear procedures for complaints and they shall right at the beginning of a contact communicate this procedures of complaints in easy language. (2) Complaints must also be facilitated by the necessary (foreign) language access (language skills/ translators, sign language and braille). Additional, especially in the area of optional complaints against sexualized/ sexual violence, same-sex contact persons should be available on request as is standard practice in the asylum procedure and is common in other counselling contexts. The existing regulation guaranteeing the right to interpreters' services as assistants has to be changed in accordance with the requirements of the UN CRPD so that mentally disabled and/or by violence targeted girls and women, migrants, asylum seekers and refugees girls and women can exercise their human rights.</p>