

Shadow Report Rhineland-Palatinate 2020

on the questionnaire on legislative and other measures to implement the Agreement of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) GREVIO/Inf(2016)1

Prepared by the RIGG-Intervention-Union RLP

Fachkreis der rheinland-pfälzischen Interventionsstellen



**Landesarbeitsgemeinschaft
autonomer Frauennotrufe**
für vergewaltigte Frauen und Mädchen
Rheinland-Pfalz



Koordinierungsstelle IST RLP

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Introduction

September 2020

The Interventions-Union Rhineland-Palatinate (Interventionsverbund Rheinland-Pfalz) is a specialist group of the Rhineland-Palatinate intervention project against violence in close social relationships and consists of representatives of women's emergency calls, women's shelters, women's shelter advice centres, intervention centres and perpetrator work facilities in Rhineland-Palatinate. In consultation with their committees, the members decided to jointly publish their respective shadow reports for RLP.

The lack of time and the special challenges faced by the corona pandemic resulted in difficulties in coordination. The shadow report is therefore the compilation of the independent reports of the respective organizations at state level, which are also responsible for the content.

The participating organizations were confronted with the task of preparing the report without financial support and in addition to their daily work with women affected by (sexual) violence and violence in close social relationships.

It was important to us to identify gaps in preventing and combating violence against women and in the help system in RLP and to make recommendations. We have named the most relevant points and areas for our respective institutions and referred to the corresponding articles in the convention.

With this report we hope to provide an important and necessary supplement to the state report / country report from Rhineland-Palatinate and thus to contribute to combating effectively and sustainably violence against women and violence in close social relationships.

The Istanbul Convention represents a milestone in the fight against violence against women. Our concern is to use and implement the opportunities that arise from it.

For this it is imperative that the federal government as well as the federal states and municipalities provide sufficient financial resources to equip all work areas of the specialist units. In addition, further specific specialist units required by the Istanbul Convention must be implemented and financed.

We are looking forward to the results of the evaluation process and of GREVIO.

If you have any questions, please do not hesitate to contact us.

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-Feedback from the intervention centres against violence in close social relationships and stalking Rhineland-Palatinate (IST)-

II. Interlocking policies and data collection (Chapter I of the Agreement, Articles 7-11)

A In August 1999 the Rhineland-Palatinate intervention project against violence in close relationships (RIGG) was passed unanimously in the state parliament.

RIGG had and still has the task of developing and implementing a comprehensive prevention and intervention concept against violence in close social relationships (VCSR). All state and non-state institutions that are active against violence in Rhineland-Palatinate are involved.

The joint body is the State-wide Round Table against Violence in Close Social Relationships (SRT).

The term VCSR was chosen since relation-/partnership-violence is not limited to the domestic area.

- **Targets of RIGG**
- Social ostracism of acts of violence
- Sanctioning the perpetrators through police interventions, criminal law measures and the exhaustion of civil law options
- Optimisation of help procedures and offers for women and their children and their networking
- Expansion of the rights of abused women by exhausting all legal options and extensive information and advice
- Raising awareness and education about male violence against women through intensive public relation work
- Development and implementation of preventive measures

Implementation in RLP

- State-wide Round Table against VCSR with interdisciplinary sub-groups
- Regional Round Table

- 2002 Violence Protection Act (at Federal Level)
 - 2003 Establishment of the first Intervention-units in RLP, now 17 interventions-units and a pro-active advisory-unit, which is due to receive the status of an intervention-unit
 - 2004 and 2011 updates of the POG RLP in relation the GesB
 - 2007 “Stalking-Amendment” –StGB § 238 Stalking (at Federal level)
 - Recognition of high-risqué and conference about cases of high-risqué in RLP
- Since 1999 no new resolution of the state parliament on GesB**
No all encompassing evaluation

C:

1. Mutual recognition has grown through RIGG, but the funding of the institutions for the intervention centres is insufficient. As a result, the agencies responsible for the offices had to increase their own contribution significantly, which led to, and still leads, to reducing hours and/or cuts in the number of advisory services. To make matters worse, the additional hours required are not financially adjusted to the real expenses due to the implementation of high-risk management. Most of the employees of the IUs have to do this work fitting it into the "normal" hour quota.
2. The cooperation between the women’s support institutions / police / perpetrator works / politics is well structured. However, there are not enough financial and human resources available for the necessary networking work. All ministerial financing at the state and federal level (staff positions / networking meetings / conferences) depends on the budget negotiations and cannot be reliably planned. They also have to be applied for again and again.

E: The intervention agencies have been compiling uniform statistics since they were founded. However, the data cannot be checked for correlations because it is an Excel table that is limited in its evaluation function. It is primarily used to provide evidence of utilisation for the ministry.

F: Since January 2006 there has been no new evaluation of the work of the intervention units. The high-risk management was accompanied for over one year and evaluated. The report was presented by the University of Landau in March 2016. The implementation of high-risk management varies from region to region.

III. Prevention (Chapter III of the Agreement. Articles 12 – 17)

C and D:

There is a lack of standardized and certified further training for the employees of the IUs. There are single special days / special conferences / networking meetings, which are partly financed by public authorities. Further training or further education can be carried out only through private funding by the employees, in most cases the umbrella agencies participate only with small subsidies.

It is up to the individual commitment of the single person which training courses are conducted.

IV. Protection and support (Chapter IV of the Agreement. (Articles 18 – 28)**A:**

In Rhineland-Palatinate, women affected by violence are informed by the officers about the pro-active advice offered by the intervention units when they come into contact with the police or are involved in police operations. With the consent of those affected, the employees of the IUs receive the contact data and make proactive contact. Forms are available in different languages.

D:

1. There are 17 intervention units in Rhineland-Palatinate. The geographic coverage is very different. Accessibility is difficult in rural areas the employees sometimes have to offer advice at different locations, which exacerbates the personal situation.
2. The intervention units have different staffing capacities. The numbers vary between one employee with a ¼ position and two employees with a total of one staff position. What all offices have in common is that the personnel capacities for the consultations / network and public relations work are insufficient.

According to the state's statistical office, Rhineland-Palatinate had over 2,012,000 female residents over the age of 18 in 2018. If it is assumed that statistically every fourth woman is affected by violence in relationships, which results to be in charge of approx. 29,588 affected women per IU, regardless of the personnel and infrastructure.

3. The availability varies from two working days to five working days depending on the staffing of the IUs. The IUs are not staffed at night, on public holidays and weekends.
4. There is a regular exchange within the specialist circuit of the intervention centers. The employees take part in special days, training courses and network meetings. As a rule, they have professional qualifications as social workers, pedagogues or psychologists, many with additional qualifications for advisory services in the areas of violence and crises.
5. The intervention centers are specialist advice centers for women who have been affected by violence in close social relationships or stalking. The intervention units aim their offer to all women, regardless of origin, language, impairments, social status, etc. However, the intervention units do not have on-site interpreters. IUs and women's shelters are supported by a telephone interpreting service, as long as there is sufficient funds in the respective annual budget.

The accessibility is very different depending on the intervention unit.

There is a children and adolescents intervention center (KIST) that offers a special advisory service for children affected by violence in close social relations. It is fully financed by project funds and is only secured for two years.

6. In 2017, 3177 cases were recorded in the statistics of the IUs. In 2018 there were 3,571 cases, the numbers are still increasing.
7. Financing comes as a fixed amount from the Ministry for Women, Family, Youth, Integration and Consumer Protection RLP and a share of the umbrella institution. Initially the share of the umbrella institution was set at 10 %. Due to rising costs, which were not adequately absorbed, it is now over 25%, sometimes up to 50%. The funds must be reapplied for each budget year.
The financing of the high-risk management is paid proportionally based on the number of cases from the previous year. In most of the IUs the costs exceed the funds available for high-risk management.
8. There is a variety of carriers. Non-governmental organizations for women, Diakonie (Protestant), Caritas (Catholic), Social Service of Catholic Women, associations for social justice services, etc.
9. The counseling service for those affected is free of charge and independent of the women's individual background.
10. The staff of the IUs is active within the network with the police, general social services, women's support facilities, perpetrator work facilities, lawyers, child protection services, life advice centers and many more in order to be able to match the women as closely as possible.

F: Of 17 intervention units in RLP, there is only one IU that offers a special (for limited time) for the clients' children. Another IST offers an offer for children in cooperation with the youth welfare office.

There is a lack of comprehensive, uniform and adequately financed advisory services for children. Another point is that psychosocial process support according to StPO § 406g is not possible for many children who have witnessed violence against women (in many cases their mother), since the offense of dangerous bodily harm does not allow accompanying counselling. However, this is the case in many cases of "domestic violence".

V: Substantive Law (Chapter V of the Agreement, Articles 29 – 48)

A:

Violence Protection Act

- the burden of proof lies with the person affected
- documentation is very difficult, especially with psychological violence
- if a resolution is rejected or a settlement is reached, also costs will arise
- in the event of a violation - high barriers to prosecuting the offender
- decisions by the family courts - contact law undermines the Protection against Violence Act

StPO Art. 406g

Assignment of psychosocial process support is often not possible for victims of violence in close social relationships, since in most cases “only” the offense of dangerous bodily harm is fulfilled. The special burden caused by the often long-lasting violence and the exercise by a close person is secondary to the offense and does not allow any accompanying counselling.

E:

1. In our experience, acts of violence against women are often ignored when it comes to questions of access and custody (Art. 31 Section 1).
2. In many cases the woman is made responsible for the protection of women and children (Art. 31 Section 2).

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-Feedback by the Women's Shelters in Rhineland-Palatinate-

Every day violence against women and children takes place in different forms, regardless of social class, nationality, culture and religious affiliation.

The aim and task of women's shelters is to enable women affected by psychological, physical, sexual and socio-economic violence as well as stalking to lead an independent, self-dependent and self-determined, non-violent life.

The range of services offered by the Rhineland-Palatinate women's shelters includes the following work areas:

- Counselling by telephone in crises situations and emergency cases
- Providing and organizing sheltered living space for women and children affected by violence
- Psychosocial counselling and support for women in the women's shelter
- Pedagogic work with girls and boys in the women's shelter
- Follow-up advice after moving out of the women's refuge
- Outpatient counselling
- Public relations
- Committee and networking work, cooperation with other institutions
- Administration, project organisation and project management

By ratifying the Istanbul Convention, Germany has committed itself to protecting women from violence internationally and nationally.

In order to meet this requirement, a low-threshold, needs-based and adequately financed help and support system is required.

In the following we refer to the Istanbul Convention in the context of the Rhineland-Palatinate women's shelters.

IV. Protection and Support (Chapter IV of the Agreement; Articles 18 – 23)

Background

There are 17 women's shelters, most of them in cities. An 18th women's shelter is on its way of being established.

In Rhineland-Palatinate, complex supporting structures, work organizations and employees' teams, have emerged over the decades. Working concepts and their implementation have been continuously developed, the optimization of the offers was based both on the demand of the women and children concerned and on the locally very different conditions and catchment areas. The aim of the conference is to improve the conditions for women to lead a self-determined life and to reduce violence against women and children.

D. Specialised Support Services: Women's Shelters

° Sponsors:

The sponsoring landscape in Rhineland-Palatinate is characterized by diversity and differentiation.

14 women's shelters are sponsored by their own sponsoring association. Two women's shelters are under the sponsorship of the Social Service of Catholic Women (SKF) and one house is sponsored by the German Red Cross (DRK).

° Coordination and Networking

The Rhineland-Palatinate women's shelters are well networked locally and nationally and work closely with the actors in the chain of intervention in the event of violence in close social relationships (RIGG - Rhineland-Palatinate intervention project against violence in close social relationships). To support networking a coordinating office of the Conference of Women's Shelters in Rhineland-Palatinate has been established in 2019.

Challenge:

The network coordinating office is limited to 15 working hours per week and has to be applied for annually.

° Counselling Offer:

The advisory services offered by women's shelters include crisis and emergency advice over the phone, outpatient advice, advice during the women's shelter stay and follow-up advice after moving out.

The women's shelters offer advice to migrant women in various languages. In this context, we work closely with interpreters in person or by telephone.

Challenge:

For direct translations individual applications are required. For interpretation via telephone the budget has to be applied for annually.

° Number of women's Shelters / Family Rooms:

As a total there are 107 family rooms (286 places for women and children) available at the 17 women's shelters.

To meet the recommendation of Istanbul-Convention and to meet the minimal-requirements there ought to be 407 family rooms available (= 1 family room per 100,000 residents). Therefore in Rhineland-Palatinate a deficit exists of 300 family rooms.

° Number of women requesting support:

In Rhineland-Palatinate a total of 916 persons were supported in the women's shelters during the year 2019, or 433 women and 473 children.

Challenge:

During 2019 the Conference of Women's Shelters in Rhineland-Palatinate no available space was reported on 90 days.

As an example, we would like to point out 120 cases that had to be rejected in 2019 due to a lack of space in the Trier women's shelter. It is not known if out of the 120 persons that called maybe a woman has called several times.

The length of time women spend in the women's refuge has increased over the years. This is partly due to the fact that individual problems have worsened, but above all to the difficult situation on the housing market. It is difficult to find adequate and affordable housing. As a result, the places are not available to other women and children in crisis situations.

° Target groups:

Women above the age of 18 and their children affected or threatened by violence.

Women's shelters are places of refuge and protection for women and their children who are affected by violence in close social relationships. The women must be able to organize their everyday life independently and to provide for themselves and their children.

The shelter is mainly realized by not disclosing the address and by anchoring the anonymity of the place in the house rules. In the interests of victim protection, the employees on the emergency telephone do not give any information about residents or their children. This also applies to the public authorities and offices.

Challenge

We see the anonymity of the addresses of the women's shelters at risk because residents have to register under the actual address of the women's shelter in accordance with the Federal Registration Act. This will then appear in their personal identification documents.

In its "nationwide standards for the necessary equipment and professional work in women's shelters", the Paritätische Gesamtverband calls for the following personnel resources, based on the currently available family places:

Area of operations	Standards according to parity requirements	Missing requirement in RLP converted into skilled worker hours per week
Advice and support for women during and after their stay at the WS	1 full-time equivalent per 4 places for women	71 hours
Surcharge for on-call duty	Compensation per hour of on-call duty is 12.5 % of the generally agreed hourly wage	There is no statement possible, it is on offer but not paid every time
Educational work with children	1 full-time equivalent per 4 places for children	686,25 hours
Organisation of shelter	0.25 full-time equivalent per 4 places for women	58.5 hours
Management and Administration	1.5 full-time equivalent, not linked to actual number of places	724.25 hours (Assumption: here a lot is done voluntarily)
Out-door consulting	1.5 full-time equivalent, not linked to actual number of places	670 hours
Total: Evaluation reflects the data provided by 15 Women's Shelters in RLP		2,210 hours of missing expert hours in RLP resp. 56.75 full-time equivalents

Challenge:

In order to meet these standards, Rhineland-Palatinate lacks around 60 skilled labour positions with the current number of family places.

Particularly striking is the shortfall in women's shelters in Rhineland-Palatinate in the areas of educational work with children with a shortfall of 686 hours, out-door consulting (670 hours) and management / administration / public relations (724 hours).

It should be pointed out that the current situation of women's shelters in Rhineland-Palatinate does not meet the requirements resulting from the Istanbul Convention. One family place is recommended for every 10,000 inhabitants.

In accordance with the Istanbul Convention, a total of 300 family places are missing, which in turn means a shortage of 15,553 specialist hours.

The financing and the expansion of the technical work of the employees in the women's shelters must be secured. Only in this way can all work areas in the houses be adequately and professionally covered.

This also applies to prevention work, public relations and political work, which is essential to counter prejudices and gender stereotypes and to initiate changes.

° Accessibility:

The emergency number is the first and most important possibility for those affected to contact the women's shelter. The numbers can be found in daily and weekly newspapers, in

the telephone directory and on the Internet or can be obtained from authorities or the police.

In the women's shelters, receptions are possible almost around the clock. Outside of office hours, the women's shelters can be reached via an on-call service - also on weekends and public holidays. During these times, receptions and telephone advice are possible.

Challenge

The remuneration and the professional staffing of the on-call duty are not secured.

° Gender-based understanding and security:

All women's shelters work with a gender-based understanding of violence.

The professional action of the employees is based on the principles of partiality for victims of violence and helping people to help themselves.

° Financing / Costs for the women

Financing happens

- through budget funds of the federal states and municipalities (cities),
- from individual benefit entitlements of the affected woman according to SGB II, SGB XII
- own funds of the sponsors in the form of donations and fines.

All women's shelters in Rhineland-Palatinate receive a basic amount from the state government. This basic amount is the same for every house, regardless of its size and the stand-by rooms. The basic amount consists of a staff cost subsidy and, for the first time in 2019/2020, a flat-rate material cost allowance of € 10,000 for specific projects.

Of 17 women's shelters, 16 receive municipal funding of different amounts, one house does not.

Challenge:

The current funding for women's shelters in Rhineland-Palatinate is inconsistent, inadequate and insecure.

To make matters worse, the applications for public funds (municipalities, districts, state) from the women's shelters have to be made again from budget period to budget period, as these are not legally guaranteed.

Due to this insecure financing, the employees in the women's shelters, in addition to their original work in the women's shelter, have to seek other necessary means to secure their work. This means that resources are being lost for supporting women and children.

A binding, nationwide, needs-based regulation that is secured the long term is required for financing. It must be ensured that all women and children affected by violence receive advice, protection and shelter. Basic funding must not be tied to the number of women and children housed, nor to the number of inquiries and contacts made by those seeking help.

The system based on the entitlement to benefits according to SGB II / SGB XII not only leads to insufficient funding for women's shelters, but also to discrimination and de-facto access barriers.

According to this financing model, the costs are passed on to the women and their children. For a stay in a women's shelter in Rhineland-Palatinate, usage fees (e.g. rent, ancillary costs) are incurred, which are financed through the women's benefit entitlements according to the Social Code (SGB II; SGB XII). This means that women with sufficient income have to bear the costs of their stay in the women's refuge themselves, women without sufficient income have to apply for social benefits according to SGB II / SGB XII. Women without a right to minimum income (e.g. migrants with insecure residence status or without papers, women with disabilities, schoolgirls, students or trainees) cannot be admitted, or only for a short time, as the women's shelters depend on funding.

A cost clarification in advance would mean steps backwards and raise the access barrier.

In the so-called 3-pillar model (1st basic amount, 2nd flat rate, 3rd house costs / spatial equipment), women's shelters are financed as institutions and the responsibility for protecting and supporting women and their children affected by violence lies with the state and not in women and children themselves.

The “3 pillar model”, for which a legal assessment is now also available, takes into account the supra-regional orientation of the women's shelters and includes the provision of help for all women seeking help, regardless of their legal status, religion or nationality.

It must be ensured that all women affected by violence and their children have access to protection and support.

° Spatial status of the women's shelters

Challenge:

Many women's shelters in Rhineland-Palatinate are in a poor structural condition, the spatial conditions are not optimal and do not meet the needs-based and contemporary standards according to the Istanbul Convention. Most women's shelters in Rhineland-Palatinate are not barrier-free. This excludes women and children with impaired protection and support. In addition, several residential units usually have to share a toilet / bathroom, which also prevents the acceptance of older boys. In times of Corona even hygiene regulations can hardly be observed. Often only one kitchen and insufficient lounges / living rooms are available.

There is hope for partial improvement through the federal investment program “Together against violence against women”.

Innovative concepts of women's shelters that reach women and children, who have so far been insufficiently considered, covering necessary structural measures must be financed by the federal investment program. These include among others

- Accommodation facilities for women with adult adolescents older than 14 years
- Accommodation facilities for women with more than 3 children
- Barrier-free accommodation for women and children with restricted mobility (= wheelchairs)

- Suitable, adequate protection and counselling facilities must be created for all women affected by violence with impairments of any kind (technical, spatial and personal)
- Accommodation of women with pets
- More adequate accommodation for older women with specific needs.

D. Specialized support services: specialist advice centres

The outpatient specialist counselling centres are affiliated to the women's shelters in Rhineland-Palatinate. They offer fast, non-bureaucratic and low-threshold help and advice for those affected. They are recognized as an important pillar in the intervention process against violence in close social relationships (RIGG).

External specialist advice centres or separate rooms are available for counselling at 15 of the 17 women's shelters.

The consultations take place by phone and in person on options for individual protection as well as on all legal, financial and health issues. If necessary, the contacts can also take place in the form of home visits or accompaniments.

The services offered by the specialist advice centres are free of charge and, if desired, anonymous. In addition to women affected / threatened by violence, multipliers from a wide variety of professions and private individuals can also contact the counselling centre for advice and information in cases of violence in close social relationships.

Financing happens via

- voluntary services by the municipalities
- through extensive own or third-party funds (e.g. donations, fines)
- by using the general state funding for prevention for women

Challenge:

The inquiries received by the specialist advice centres are continuously increasing. In 2019, 4,322 telephone and personal consultations place were registered.

In contrast to this is fact that the current financing of these outpatient specialist advice centres in Rhineland-Palatinate is inconsistent, as well as inadequate and insecure.

In the women's shelters in Rhineland-Palatinate, state funding can be used to finance a maximum of 10 hours of preventive counselling per week. According to the standards, 1.5 specialist positions are required.

As a result, the staff at the specialist advice centres must seek additional funds. As a result, important resources that are required for the original work in the counselling centre are lost. To make matters worse, even if donations are successfully acquired, they have to be repaid proportionally to the subsidizing agency.

A binding, uniform and long-term regulation of financing is required, for example through regular financing instead of voluntary benefits. Sufficient financing of appropriate premises, material costs and additional personnel expenses are required. In Rhineland-Palatinate, for example, the majority of the rent for the consultation rooms has to be financed through donations from the sponsor.

Special focus on children / adolescents

Women's shelters are also facilities for protecting children. The number of children in women's shelters is the same or often higher than the number of women.

According to Article 22 of the Istanbul Convention, it stipulates that specialized support services should be provided for all victims of violence against women. In this context, it is important that children having witnessed the violence receive psychosocial support and counselling at the same place where their mothers are cared for (e.g. women's shelters, specialist advice centres, intervention centres).

Challenge:

Not all women's shelters can offer accommodation for adolescents above 14 years of age, which increases the threshold of access for some women.

F. Protection of children/ adolescents, who are victims of violence or witnessed violence⁽¹⁾

Background:

The specialist group "Children" of the 17 Rhineland-Palatinate women's shelters welcomes the Istanbul Convention and sees it as a groundbreaking basis for improving the support system and thus the situation of children in the area of violence in close social relationships. With regard to children, there is still a considerable need for action in Germany in the context of "domestic violence".

The following implementation deficits must be resolved with particular urgency:

Article 26 – Protection and support for child witnesses

- (1) *Parties shall take the necessary legislative or other measures to ensure that in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence covered by the scope of this Convention.*
- (2) *Measures taken pursuant to this article shall include age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interest of the child.*

The Convention hereby explicitly recognizes the need for action with regard to children as witnesses of domestic violence by creating an obligation for states through Article 26 to provide their own protection and support offers for these children.

The current personnel situation using the example of Rhineland-Palatinate makes it clear that the above Measures cannot be properly implemented.

In order to be able to meet the "nationwide standards for the necessary equipment and professional work in women's shelters" from the Paritätischer Gesamtverband regarding educational work with children in women's shelters, 1 full-time equivalent is required for every 4 available places for children. In the 17 women's shelters in Rhineland-Palatinate alone, the lack of skilled labour hours, especially in the area of educational work with the children, is striking. A total of 686 hours are missing here. (see: Number of employees; page 3).

Article 31 – Custody, visitation rights and safety

- (1) *Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account.*
- (2) *Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.*

Here, too, the implementation of the Istanbul Convention requires effective measures.

In Germany the protection of girls and boys from their violent fathers is currently inadequate and insufficient.

It has been proven that the time immediately before and after breaking up from a violent man is the most dangerous for women and children. Most violent attacks and murders of women and children take place during this period.

Despite this, incidents of domestic violence are often not taken into account in court decisions on custody and access rights. For many victims and their children, compliance with certain instructions on personal contact can pose a major security risk, as they often result in direct encounter with the perpetrator.

Both the safety of women and the well-being of the child are endangered by the often rigid and systematic enforcement of access rights. This even applies to fathers who have exercised physical and sexual violence against the mother and / or child and who have abused them psychologically. This follows from a legal opinion that does not take the mothers' reasons for exposure to violent fathers called for by them seriously enough and thus unintentionally promotes a child's welfare risk.

Also to be taken into account is the risk of re-traumatising the child who has been exposed to violent attacks by the person with access authorisation.

Protection and security for women and children must take precedence over the rights of violent fathers.

Article 45 – Sanctions and measures

- (1) *Parties shall take the necessary legislative or other measures to ensure that the offences established in accordance with this Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. These sanctions shall include, where appropriate, sentences involving the deprivation of liberty which can give rise to extradition.*
- (2) *Parties may adopt other measures in relation to perpetrators, such as:*
 - *monitoring or supervision of convicted persons*
 - *withdrawal of parental rights, if best interests of the child, which may include the safety of the victim, cannot be guaranteed in any other way.*

Article 45 makes it clear that measures relating to parental rights must never lead to harm or harm to the child.

Ensuring contact with the violent parent not only harms the child as a rule, but can also entail major risks for the safety of the victim. Having access rights gives the perpetrator an opportunity to make contact or to meet the victim, which in no way corresponds to a ban on contact and proximity or any other existing court order. It is important to ensure that the coherence of all legal means used to protect victims is not hindered by other legal measures.

Article 48 – Prohibition of mandatory alternative dispute resolution processes or sentencing

- (1) *Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of this Convention.*
- (2) *Parties shall take the necessary legislative or other measures to ensure that if the payment of a fine is ordered, due account shall be taken of the ability of the perpetrator to assume his or her financial obligations towards the victim.*

As a result of the family law reform (FamFG) 2009, the risk situation for women affected by violence and their children has increased after the separation in Germany.

The priority and acceleration requirement of the FamFG proves to be very problematic. According to this, in custody and access law proceedings, a court hearing should take place at the latest after one month, in which the first decisions on the contact between father and child are to be made. The suspension of contact is hardly taken into account in legal practice. The accelerated procedure with the emphasis of orientation towards consensus, compulsory counselling, rapid initiation and enforcement of contacts, contact care by social services, the assessment with the aim of reaching an agreement and much more carry the risk of underestimating the importance of traumatising again and of solidifying existing dysfunctional structures and power relations.

The victims of these acts of violence can never conduct such proceedings on an equal footing with the perpetrator. Due to the nature of the assault, the victims may feel shame, helpless and vulnerable, while the perpetrator may again feel a sense of power and dominance.

Mediation is not a suitable measure in the domestic violence intervention process!

"Exercising joint custody and handling of it can even exacerbate the conflict and therefore - also for this reason - have a negative effect on the children." (FamRin Fauth-Engel 2013).

Challenges

There are some serious problems and challenges in the implementation of laws protecting children affected by close social violence.

Although the legislation aims to protect the best interests of the child, children are not adequately protected in cases of domestic violence.

Children who grow up in situations characterized by violence in close social relationships experience violence against others and are often directly victims of violence. The problem is the lack of recognition of harm to children (child welfare endangerment) through experiencing violent situations.

In Rhineland-Palatinate alone, the number of children and young people (2019 = 473) who were admitted to a women's shelter with their mothers suggests that the number is not a negligible number.

VII. Migration and Asylum (Chapter VII of the Agreement, Articles 59 – 61)

For migrant women, fleeing to a women's shelter can, among other things, be difficult due to a lack of cost coverage or residence obligations restricting movement.

Furthermore, it is particularly difficult for them to separate from their violent partner, as their residence status in the event of family reunification or family asylum depends largely on the continuation of the marriage. Separation threatens to lose the right of residence. This

leads to great insecurity and threat and is a major reason for staying or returning to the abusive husband.

The Istanbul Convention contains several articles for the protection of migrant women and refugee women affected by violence, the implementation of which optimizes protection against violence.

Article 59 (1) provides that women affected by violence, whose residence status depends on the spouse, in the event of the dissolution of the marriage or the relationship in particularly difficult circumstances, upon application, receive an independent residence permit regardless of the duration of the marriage or relationship.

According to Article 59, Paragraph 2, the deportation or deportation procedure can be suspended after separation from the spouse. This is intended to enable women affected by violence to apply for their own residence permit.

In addition, persons affected by violence against women must be given an extendible stay in accordance with Article 59, Paragraph 3 if their stay is necessary due to their personal situation or to participate in an investigation / criminal proceeding.

An extension of the residence permit is often difficult if the residence is based on family reunification and this basis no longer exists due to the separation. To illustrate this, we would like to utilise the following case study as an example.

A 47 year old African woman has three children, has been married for 20 years and lives in Germany. She spoke fluent German and had a temporary residence permit that expired during her stay in the women's refuge. Despite the long stay in Germany and the fact that she and her children had their centre of life here, this did not matter initially. The violent attacks by her husband could be proven by police records. Even after so many years, a residence permit can still depend on the husband and make separation difficult.

Germany has entered reservations with regard to Article 59 Paragraphs 2 and 3 and will not implement these provisions from the Convention in Germany.

The Conference of Women's Shelters very much regrets this and calls on the Federal Government to withdraw the reservations regarding Art. 59 Para. 2 and Para. 3 of the Istanbul Convention and implement the provisions contained therein consequently.

Regulation is also required for EU citizens who seek protection and refuge in a women's refuge. In most cases, they are not entitled to social benefits and cannot support themselves either. In particular EU citizens with young children are disadvantaged. Due to the frequent lack of childcare, they are hardly able to pursue employment in order to earn their own living or to receive supplementary benefits.

It is not uncommon for women's shelters to finance the stay of EU citizens from third-party funds.

To illustrate the difficult situation of EU citizens without their own income and without any entitlement to social benefits, we sketch the following case: An EU citizen was freed from an apartment by the police, there was suspicion of physical abuse and forced prostitution, and she was heavily pregnant. She spoke almost no German, was mentally unstable, had neither health insurance nor was she entitled to ALG II (= unemployment benefits). To pursue a regular job was impossible due to a lack of knowledge of German and an advanced

pregnancy. There was no perspective in the country of origin. She lived in a women's refuge in Rhineland-Palatinate for six weeks after the delivery. The entire livelihood was covered by donations, the cost of accommodation in the women's shelter remained open. Medical check-ups and delivery were paid for via Medinetz. Apart from the women's refuge, no one felt responsible until the delivery.

In order for these particularly vulnerable women and their children to have access to protection and support, the right of women and children to safety must precede state control regulations.

Recommendations

From the situation report presented, we therefore recommend:

- Adequate financing of all women's shelters: Basic financing on a legal basis, also against the background of the enormous costs caused by violence in close relations.
- All work areas of the women's shelters must be secured in terms of personnel and finances.
- Expansion of staffing with multi-professional teams.
- The number of women's shelters should be gradually increased in consultation with the specialist staff of the women's shelters. Rural areas should also be taken into account.
- Access to women's shelters must be ensured for all women affected / threatened by violence and their children, including migrants with insecure residence status or without papers, women with disabilities, schoolgirls, students or trainees. A corresponding financing model is required here.
- The diversity of women seeking assistance must be taken into account. Support must be provided in a culture-sensitive manner. The financing of interpreters must be guaranteed.
- Suitable, adequate protection and counselling facilities (technical, spatial and personal) must be created for all women with impairments of any kind, who are affected by violence.
- Support for the municipalities so that action plans for the implementation of the IC can be initiated.
- Increase in the weekly working hours of the coordination office.
- Create affordable accommodations.
- Women's shelters need basic funding for prevention and public relations work, events, campaigns and projects that address the issue of violence in close social relationships in order to break down myths and prejudices against those affected and to improve their legal and social situation.
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- Sufficient and secured funds must be available for the advisory activities of the women's refuge workers in the external counselling centres, both for the rent and expenses of the premises and for the additional personnel costs.
- Securing / covering the rents for external premises.
- Women's shelters must have adequate resources to support children.
- In addition to crisis intervention, resource-oriented and gender-specific offers to relieve and stabilize the children and young people are necessary.
- Protecting children from violence must be taken seriously. The dangers of direct and indirect violence must be recognized and children must be given active protection from violence.
- Legal protection for children who experience violence against close relatives urgently needs to be improved. In particular, it should be ensured that existing legal options are used.
- Access rights for violent fathers / parents should be the exception not the rule. Children should never be required to associate with their father.
- Children must also be given greater and more careful consideration when issuing bans on contact and proximity.
- The federal government ought to ratify Art. 59 Section 2 and 3 of the Istanbul Convention.
- Change in the Federal Registration Act.

For the Conference of the Women's Shelters:

Gisela Brand (women's shelter Westerwald)

Jutta Kap (women's shelter Trier)

Silvia Bürger (women's shelter Speyer)

Karin Faber (coordinator)



**State working group for women's emergency call centres
Rhineland-Palatinate (LAG)**

Special units on the subject of sexualized violence

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**Questionnaire on legislative and other measures to
implement the Agreement of the Council of Europe on Preventing and
Combating Violence against Women and Domestic Violence
(Istanbul-Convention) GREVIO/Inf (2016)1**

**Feedback by the autonomous Women's Emergency Calls Units in Rhineland-
Palatinate (RLP) on the implementation of the Istanbul Convention in RLP**

For the LAG of the women's emergency call centres:

Eva Jochmann (FNR Mainz), Astrid Rund (FNR Rhein-Hunsrück-Kreis), Ilga Schmitz (FNR Speyer)

"Gender-specific violence is any form of violence through which women and girls are physically or psychologically injured, precisely because they are women or girls. This includes sexual harassment, bodily harm by the partner, stalking, rape, threats and much more."
(Federal Union of Women's Counselling Centres and Women's Emergency Call Centres bff.: Stark für die Gesellschaft – gegen Gewalt, p. 9)

The 12 regionally independent specialist units on the subject of sexual violence in Rhineland-Palatinate are networked in terms of content and organization in the state working group of the autonomous women's emergency calls RLP (LAG). The overall objective of the LAG is to improve the social and legal situation of affected women and girls and to empower them.

To this end, the LAG bundles political and public relations work and is actively involved in various committees at the state and federal level to achieve this goal. The women's emergency call centre Mainz's number is the elected coordination office and takes on the external representation of the LAG as well as internal coordination.

For more than 40 years the women's emergency calls centres in RLP have been working as outpatient specialist and advice centres on the subject of sexual violence, especially in the area of their support work with people who - directly or indirectly – were affected by sexist discrimination, sexualized border violations and assaults, as well as sexualized violence such as sexual abuse and rape during childhood.

The employees of the feminist institutions see the women and girls affected by sexual violence not only as individual single cases, but in the context of the social gender relations that produce and allow violence. Naming this, including it in the work and influencing the social causes of sexual violence is an indispensable part of women's emergency. Because: both sexualised violence itself and the conditions for individual processing of experiences of violence are subject to social conditions.

The basis of the work of the feminist independent specialist counselling centres is thus a work approach that does not pathologise those affected, but bases life-world and social relationships and names the causes of violence and trauma in a social context (contextualized trauma work).

Equal pillars of the women's emergency call centres' work are support work for those affected, skilled workers and caregivers as well as topics and tasks that are geared to the socio-political framework: prevention and further training, political and public relations work, networking.

Thus the women's emergency calls centres have been implementing the approach that is also called for in the Istanbul Convention (IC) for many years.

On the situation in Rhineland-Palatinate:

In 1992, the state's model project “Women's emergency calls in Rhineland-Palatinate” started in Rhineland-Palatinate. Since then, the women's emergency calls centres have been funded with a subsidy for personnel and material costs from the state, the cities and, if applicable, the districts and communities. The grants must be applied for individually each year. **The annual state subsidy for personnel and material costs is sufficient for around 1 full-time equivalent for each women's emergency call centre. Any additional positions and material costs must be raised through project funds (usually limited in time) that are complex to acquire, and through municipal grants and donations. Every year, the specialist departments have to raise up to 30% of the personnel and material costs from their own resources (including donations).**

Already 20 years ago, the intervention project against violence in close social relationships (RIGG) was set up in Rhineland-Palatinate after a unanimous decision of the state parliament in order to actively combat all forms of violence in close social relationships (GesB) (2) as an important part of gender-specific violence. From the start the non-state institutions that already existed at that time were included. In the RIGG, state and non-state institutions work together at the state level.

The Rhineland-Palatinate range of support has been further developed by RIGG, including Intervention centres with a pro-active approach and perpetrator work centres set up.

For all measures and topics, the RIGG focuses on violence in close social relationships. The Istanbul Convention makes it clear that violence against women goes beyond violence in close social relationships.

Even after decades of educational work, sexualized violence is a taboo subject in wide areas of society and politics. The women's emergency call centres are specialist units with special competence in all areas of the complex of issues relating to sexualized border violations, assaults and violence. **The work of the specialist units thus goes beyond the partner violence focused in the RIGG and deals with the differentiated spectrum of sexualized forms of violence.**

Recommendation:

In terms of the Istanbul Convention, it is necessary that the range of topics covered by the RIGG be expanded and that all forms of gender-based violence within and outside of close social relationships be considered and that sexual violence is explicitly named.

At the end of November 2009, the interdisciplinary working group FOCUS: Victim Protection was set up under the leadership of the Ministry of Justice. The participants come from different disciplines and institutions, authorities and organizations involved in victim protection. In addition to employees from different ministries, representatives from the judiciary, police, youth welfare, lawyers and doctors and the support institutions take part in the working group.

The WG FOCUS: Victim Protection deals in general with the topic of victim protection and is not specifically geared towards the area of violence against women. During the first years the WG produced many recommendations to improve victims' protection, also for the area (sexual) violence against women. Decision number 25 "Support offers for victims of sexual crimes and acts of violence" is mentioned here as an example, in which i.a. a nationwide expansion of the specialist and advice centres for working with victims of violent and sexual offenses was recommended. In line with the nature of recommendations, this did not necessarily lead to implementation.

After an initially ambitious start, the work of the AG FOKUS: Victim Protection has stopped and there are no regular meetings. There was also no review about the implementation of the recommendations made.

Chapter I - Purpose, Definitions, Equality and Non-Discrimination, General Obligations

Article 1 – Purpose of the Agreement

Paragraph 1 sets out the purpose of the agreement. Paragraph 1a states that the specific purpose of the Convention is to protect women from all forms of violence, and to prevent, prosecute and eradicate violence against women and domestic violence.

In recent years - with the exception of the discussion about sex criminal law 2015/2016 - the focus of specialist debates and funding has often been on combating violence in close social relationships with a focus on physical violence.

This is a development that can also be observed in other European countries and which the GREVIO expert committee criticized in its first country report on Austria at a prominent place. (4)

As a result of this focus, there is little research evidence on the implementation status of the Convention in the area of sexual violence.

For many years, measures have been taken in Rhineland-Palatinate to combat violence against women and to protect and support those affected by gender-based violence. In this field RIGG has initiated important changes. Mention should be made of the differentiated help system, measures such as emergency medical aid after rape and high-risk management. The topic of sexism was also taken into account by the "LAUT STARK" campaign by the Ministry of Women.

Despite of all efforts there are serious gaps within the support system and an under-funding of women's support facilities.

Recommendation:

Topics like rape within a partnership as part of violence within close relationships and sexualised violence in all other areas of life are frequently getting out of sight.

Therefore, the topic of sexualised violence must be dealt with in all its facets as an explicit focus in the implementation of the Istanbul Convention.

Article 4 Fundamental rights, equality and non-discrimination

Under Article 4, paragraph 3, states are obliged to guarantee the rights under the Convention - without discrimination on the basis of a non-exhaustive series of reasons such as gender identity, sexual orientation, social origin, age, migration or refugee status or because of disability.

The prohibition of discrimination is e.g. relevant if women with disabilities cannot visit our counselling centres due to lack of accessibility, women with refugee status because of e.g. language barriers have no access to specialist units or women have to live in accommodation where they are not adequately protected against sexist violence.

Discrimination on the basis of migration or refugee status

In addition to reasons for fleeing such as war or political oppression, women who flee to Germany were also often exposed to gender-specific persecution such as rape, genital mutilation or forced prostitution. Even on the run and in Germany, women who have fled are often inadequately protected against gender-based violence and are exposed to repeated attacks and violence.

In order to meet the requirements of the IK, refugee women need access to counselling and support as well as health care. Both are only guaranteed to a limited extent. In addition, protection must be ensured against further sexual assault and other forms of gender-based violence, which often is not implemented in refugee accommodation.

The state government in RLP has initiated important points to improve the guarantee. The aim here is to accommodate refugees following the initial reception facility, primarily in decentralized apartments. A concept development for advanced training courses on the subject of “Women - Flight - Violence: Recognize - Considerate acting; Information on gender-specific violence against women” as well as the implementation were subsidized; funding for language mediators can be requested. Information material for women on violence in close social relationships was published in several languages.

The living and housing situation for refugee women still does not offer sufficient protection. Protective measures with regard to sanitary facilities and rooms, compulsory training for staff on gender-based violence and the development of formalized schedules in cases of violence must become standard in all - including communal - communal accommodation.

New asylum legislation must not worsen the protection of women who have fled.

Recommendations:

More capacities are needed for counselling and for low-threshold offers for refugee women, especially on the subject of sexual violence, in order to ensure access to counselling and support services. The “Final Report of the Representative Investigation of Refugee Women in Different Federal States in Germany” from 2017 found that, depending on the country of origin, questions about sexuality (and thus also about sexualised violence) are of great shame and subject areas that are taboo. In addition, there is a need for more trained language mediators in the country on the subject of “sexual violence against women”.

Training of staff in initial reception facilities must be carried out on a recurring basis.

The state government should also work in the Federal Council and bodies such as the Conference of Equal Opportunities Ministers (GFMK) to withdraw the reservation against Article 59 when the Istanbul Convention is ratified.

Article 6 - Gender-sensitive policies

Since Article 6 is in Chapter I, which also deals with the general obligations of the contracting parties, it also applies to all other articles of the Convention. This obligation is twofold. The parties are encouraged to take a gender perspective into account when developing measures to implement the Convention and assessing its impact. This means that the contracting parties must assess the gender impact when planning these implementation measures. This also means that during the evaluation phase the contracting parties must determine whether the effects of these provisions differ according to gender. (5)

Recommendation:

Gender-sensitive political measures mean, among other things, that all public institutions that come into contact with sexualised violence against women (police, judiciary, municipalities, health systems, immigration authorities, educational institutions) must establish internal regulations on gender equality and violence against women.

These would be, for example, standards to support affected women, based on the empowerment approach and strengthening those affected in their rights. This could have the result of minimizing secondary victimization in preliminary and criminal proceedings and of reducing the considerable burden, especially when interrogating those affected.

Gender-sensitive access also includes safeguarding the social and economic rights of women. The economic disadvantages that women often experience (e.g. lower income, low pensions, poverty) must be reduced and / or compensated.

Chapter II - Interlocking Policies and Data Collection

Like other conventions recently negotiated at the level of the Council of Europe, this convention is based on three slogans: "prevention", "protection" and "prosecution". However, in order to strengthen the fight against forms of violence falling within the scope of this Convention, the authors considered it necessary to add a fourth catchphrase: "Interlocking political measures". (6)

Article 7 - Comprehensive and coordinated policy measures

Paragraph 1 requires the contracting parties to develop and implement political approaches that include several measures to be implemented by different actors and organizations and that, taken together, offer a comprehensive response to violence against women.

This obligation is detailed in paragraph 2. Here the contracting parties are required to ensure that the political approaches adopted are implemented on the basis of successful cross-institutional cooperation.

This type of collaboration must not be based on individuals being convinced of the benefits of an exchange of information; it requires that guidelines and applicable protocols be drawn up for all institutions in advance and that the specialists receive appropriate training with regard to their use and benefits.

In order to be able to use the specialist knowledge and insights of the actors, organizations and institutions involved in the development of political approaches, paragraph 3 for the inclusion of "all relevant actors [...], such as government agencies, national, regional and local parliaments and authorities, national human rights institutions and civil society organizations ". This is a non-exhaustive list of the actors that the authors wanted to include, in particular women's non-governmental organizations as well as organizations for migrants and also religious institutions. By including national, regional and local parliaments in this provision, the authors wanted to take into account the different levels of legislative competence in the contracting parties organized as federal states. In order to bring together comprehensive and coordinated political approaches on the one hand and the involvement of all affected institutions and organizations on the other, national action plans must be drawn up.(7)

Now already there are successful structures in the area of violence in close social relationships at the regional and state level in RLP, such as the regional and state-wide round tables, which are suitable for developing, working out and implementing political approaches.

Government agencies, authorities and civil society organizations from the support system against violence against women are networking here.

Recommendations:

In order to implement these requirements from the IC, RLP requires renewed and sustainable activation of the existing structures. In addition, the limitation to the subject of GesB must be lifted and all forms of gender-based violence in all areas of life must be dealt with. This includes especially sexualised violence. In order to guarantee this, the existing bodies must change their titles and be instructed for the new areas of responsibility. Beyond this the parliaments ought to be included.

In addition, it makes sense to set up an independent coordination office to support the implementation of the Istanbul Convention.

Article 8 - Financial resources

The aim of this article is to ensure an allocation of financial and human resources that is appropriate both to the activities carried out by the authorities and to the activities of the non-governmental organizations concerned and of the civil society. The member states of the Council of Europe deal differently with the financing of the non-governmental organizations (hereinafter abbreviated as NGOs) involved in the prevention and control of all forms of violence falling within the scope of this Convention. The contracting parties are therefore obliged to allocate financial and human resources to activities carried out by non-governmental organizations and by the civil society. (8)

The state government RLP now subsidizes coordination centres for the women's support facilities. These funds are i.a. also used for participation in the already existing structures. However, the resources are now already insufficient for the extensive political work and coordination.

Recommendation:

The comprehensive and coordinated strategy to be developed in accordance with Article 7 is intended to involve civil society organizations and national human rights institutions as actors. To make this possible, the already overloaded facilities need additional resources to do this work. In order to be able to participate sufficiently - as required by the IC - in the development and implementation of political approaches that eliminate the causes of (sexualized) violence against women, the women's emergency hotlines require additional personnel and financial capacities.

Article 9 – Non-Governmental Organisations (NGOs) and civil society

The aim of this article is to recognize the valuable contributions made by various organizations in preventing and combating all forms of violence against women falling within the scope of this Convention. The contracting parties to the agreement are thus called upon to recognize their work, e.g. by obtaining their competent advice and involving them as partners in the cross-institutional cooperation or in the implementation of comprehensive political approaches of the government, which are advocated in Article 7. In addition to this

recognition, this article requires the parties to the agreement to promote and actively support the work of NGOs and specialized civil society organizations. It is therefore appropriate to facilitate their task as much as possible for them.

For a long time, the women's emergency calls centres in RLP have been involved with their expertise in the development of political approaches to the elimination of sexual violence and its causes, such as in the development of RIGG and in the working group on sexual violence of the state-wide round table.

Recommendation:

The task of the women's emergency calls centres remains to be able to speak out where they are not involved and to repeatedly make clear the needs of women and girls who have been / are exposed to sexual violence. This also means always placing sexualized violence in the context of the social gender relations which are the causes of this violence. The specialist units on the subject of sexualized violence must be involved at an early stage in the development and implementation of concepts, political approaches and strategies for the elimination of sexualized violence and its causes, and also in the implementation of the Istanbul Convention. For this the necessary personnel resources have to be made available.

Chapter III - Prevention

Article 12 – General obligations

Violence against women takes place every day in different contexts: in private life, in public spaces, at work. Women are also exposed to sexual, racist and misogynist attacks online, on social media, on Internet platforms and in blogs.

Preventing violence against women and girls requires a profound change in attitudes and behaviour among the general population. In doing so, gender stereotypes must be overcome and an awareness of the population regarding abuse of power and border violations must be promoted.

Comprehensive preventive measures against sexism and sexualised violence are necessary, and these must be developed and implemented.

Girls* and boys* “learn” sexism and gender stereotypes from childhood. Measures against sexism and violence based on abuse of power must accordingly actively involve boys and men. Existing concepts can either not be implemented across the board or not regularly – primarily for financial reasons.

Since 2012, the advanced training courses on the subject of sexual violence for specialists in schools, which are regularly offered annually at ten locations in RLP by the women's emergency calls, have been financed by the RLP Ministry of Education. Occasionally, on request, training courses for day-care centers are also available. In individual cases, courses at schools in feminist self-assertion and self-defense for girls were also subsidized.

Recommendation:

There is an urgent need for continuous, target group-specific prevention and further training offers that change the social awareness of men and women with regard to the perception and evaluation of sexualized border violations.

The topics of sexuality, self-determination, consensual behaviour and sexualised violence must be included in the curriculum of all school types according to age: in elementary schools, special schools, mid-level schools, high-schools and vocational schools.

In addition, regular offers for all girls in feminist self-assertion and self-defence are necessary, the effectiveness of which was also proven by a study by the Council of Europe in 2018.

In the counselling work it becomes clear again and again that not all those affected are aware that what they are experiencing / have experienced is sexualised violence, even if and when the perpetrator did not use direct physical violence.

The measures to be taken in accordance with Article 12 must take into account the special needs of persons who have (become) vulnerable due to special circumstances. So far, only a fraction of the women and girls who are affected by sexual violence have been reached because neither the time nor the financial means are sufficient to cover their needs.

There is a lack of time resources for networking in the support system, for public relations and political work, so that information about the existence of the specialist agencies in the event of rape and sexual violence is available to all those affected.

Recommendations:

Necessary are

Target group-specific information campaigns, also specifically via social media for e.g.

- **adolescent girls and young women**
- **migrated women and girls**
- **sex workers**

low-level and/or visiting offers for target groups which difficult to access like

- **handicapped women** (of which ca. 50 % are affected by sexual violence)
- **elderly or old women**
- **women in prisons**
- **refugee women and girls**
- **teams and colleges in institutions**

To reach these groups of persons specific concepts and – if required – other access roads have to be developed and opened. For example, outreach work and new networking and cooperation partners may be required. However - the financial and therefore personnel resources of the women's emergency call centres does not allow for continuous development in this field of work.

In addition to target group work, relevant topics such as Sexual harassment at work / at universities and the increasing digital violence can be dealt with appropriately and financially.

Barrier-free access to both the advice centres and the website (easy language and sign language) is urgently required, as is the financing of technically experienced and trained language mediators and sign language interpreters, as well as for preventive services.

Article 13 – Raising of awareness

Since violence against women is deeply anchored in German society, social awareness-raising plays a major role. The prevention of violence against women and children can only succeed by changing the social and cultural patterns in relation to stereotypical role models for women and men and by breaking down deeply rooted notions of the inferiority of women compared to men. Unfortunately, the state government does not constantly carry out awareness-raising work. So far, only individual, one-time nationwide campaigns on violence against women have been financed.

Regional campaigns, supplying the framework in which important collaborations can arise, are dependent on ongoing funding, so that they do not have to be stopped after the official end of the project, but can contribute to sustainable awareness-raising in the long term.

Campaigns should not be limited to portraying women primarily as passive, silent victims. Corresponding campaigns should also address psychological and sexualised violence or special campaigns are required that are aimed at migrant women, women with disabilities, older women and women in forced marriages. Campaigns and other awareness-raising work should be publicly visible - especially in rural areas and for women and girls who do not have access to the internet or social media.

Information campaigns and actions in social media should be just as much part of a comprehensive awareness-raising work as workshops, training courses, information material and promotional videos. In addition to their work as victim protection and support organizations, the women's emergency call units in RLP are also heavily involved in raising awareness. For example, information events are held in schools and training courses are offered to raise awareness of people who work with women affected by violence. The women's emergency call units publish information material, coordinate the distribution of the material and organize public events on the subject of violence against women. They are involved in international campaigns and events (e.g. International Women's Day, the "One Billion Rising" campaign). These activities, which are carried out in addition to the main tasks of the institutions, are not always and sufficiently publicly funded.

Recommendations:

The state government must urgently recognize the importance of this work and provide appropriate funding the costs of both the necessary personnel and materials. In this context it is important to emphasize that it must not be the responsibility of the women's department alone to support such awareness-raising work, but that other ministries (e.g. state ministries for the interior and the ministry of justice) should also participate in the corresponding funding.

We expect the state government to promote and implement awareness-raising and information campaigns on initial prevention and gender equality. Such campaigns should not only consist of TV spots and posters, but also training courses and workshops especially for children and young people as well as for people who come into professional contact with people affected by violence (e.g. judges, doctors, psychologists and teachers).

In order to take a closer look at the societal background of sexualized violence, more campaigns should be aimed at men. The social environment of those affected, such as families, friends and colleagues, as well as local, cultural, religious or other communities should also be included and taken into account.

The ongoing funding for the awareness-raising work of the women's emergency call units in RLP must be ensured.

Article 14 – Education

In order to eliminate the causes of gender-based violence, the Istanbul Convention calls for early measures to raise children's awareness of gender equality and to deal with the topic in accordance with their respective age. On the one hand, this serves to protect children from sexualised violence and, on the other hand, leads to social change in the long term.

In the area of school and extracurricular education - partly supported by the state RLP - concepts were developed that meet the requirements of the Istanbul Convention. Examples are the conceptual framework for holistic, gender-specific, gender-oriented prevention in schools and the advanced training concept for day-care centres. However, there is a lack of financial means and thus personal resources in the specialist departments for the consistent and comprehensive implementation of the concepts. In RLP there is 1 prevention centre on the subject of sexualized violence (Ronja Prevention Office in Westerburg), which is subsidized by the state. The Ministry of Education provides funds for 10 teacher training courses annually. In principle there is no obligation for schools and day-care centres to utilise of or carry out regular training courses and prevention units on the subject of sexual violence.

As a result, this means that there are high hurdles to overcome for offers at schools, since the prevention units cannot be offered free of charge - which is why many schools do not conduct workshops on sexual violence against women and children despite the high demand. In addition to the financial hurdle, prevention workshops in schools are also heavily dependent on the individual commitment of the schools and teachers.

The development and implementation of protection concepts for each individual educational institution have begun, but it will take many years as long as the educational institutions are largely left to their own devices.

Recommendations:

The implementation of existing holistic concepts must be adequately financed and must not depend on the commitment of individual schools / teachers. For sustainability, all components of the holistic concept must be carried out continuously. School principals and teachers should be sensitized accordingly and encouraged to participate in further training events on the subject of gender-based violence.

A structured guide for schools on how to deal with sexualized border violations and assaults among children and adolescents as well as by adults against children and adolescents is being worked on at the Ministry of Education in cooperation with the women's emergency calls and the school psychological service, but has not yet been completed.

Article 15 - Education and training of members of certain professional groups

In their work, the specialist units observe again and again on the subject of sexualised violence determine how important and decisive the reactions of the private as well as the professional environment are. In the educational and training work of the women's emergency call units, it is also clear that there are uncertainties about acting in a professional context in different occupational groups. In practice, this leads to reactions and actions that are not helpful for those affected as well as for those involved in the professional groups or - in the worst case - are additionally stressful.

“The training not only makes it possible to sensitize members of certain professional groups on violence against women and domestic violence, but also contributes to a change of perspective and behaviour of these experts towards the victims. It also significantly improves the nature and quality of the assistance given to victims.” (9)

The Rhineland-Palatinate departments have developed concepts for different professional groups that place the issue of gender-based violence in the respective professional context. The aim is to gain confidence in action through information and self-reflection, to develop options for action corresponding to the professional mandate and to recognize one's own limits of personal and professional action.

In addition to a training concept for teachers / school social workers, there are e.g. offers for medical (nursing) specialists / doctors or social workers who work in different subject areas (e.g. in the care / support of people with disabilities, mentally ill people, migrants / refugees, children and adolescent girls and boys), investigative authorities / judiciary and executives.

Recommendations:

In Rhineland-Palatinate, the prerequisites for implementing Article 15 are good. Maintaining contacts, which is a prerequisite for good cooperation, largely depends, on the one hand, on the time and personnel possible commitment of the specialist departments, and on the other hand, on the commitment of individual actors in the professional groups. There is no obligation for further training in any department, the financial (and thus human) resources of the departments are not sufficient for a regular and sustainable implementation or implementation of further training events for the respective professional groups.

Mandatory advanced training events for the relevant professional groups and appropriate equipment for the implementing and executing departments are imperative. This is the only way to ensure a regular and therefore sustainable training and further education offer for professional groups.

Chapter IV – Protection and Support

Article 18 - General obligations

The women's emergency call units in RLP offer their support for those affected by all forms of sexual violence, regardless of whether a report is made or not, and are based on a gender-based understanding. Basic principles are also human rights and the safety of those affected. Those affected are the focus and are not perceived and taken seriously as "victims" but as experts on their history. In this way, the specialist agencies on sexualized violence meet the requirements of the Istanbul Convention. This is also the case with regard to avoiding secondary victimization and strengthening the rights of victims.

There is still room for improvement in the cooperation between all relevant government agencies - the judiciary, prosecutors, law enforcement agencies, local and regional authorities - and non-governmental organizations.

The establishment of specialist commissariats and special public prosecutor's offices for the area of "violence against women and children" is positive. Maintaining contacts, which is a prerequisite for good cooperation, largely depends on the commitment of the women's emergency services - and thus on the human resources of the specialist units on the subject of sexual violence (but also on the resources and interests of the specialist commissions and public prosecutors' offices).

Basically, the establishment of the police victim counselling centres, which often take over the connection between investigative authorities and specialist counselling centres, is to be assessed positively - if they are not manned by investigators.

Recommendations:

In order to enable multi-institutional cooperation, appropriate measures must be taken, such as taking into account the contingent of staff positions at all state and non-state institutions. The rights and interests of those affected must form the centre of the cooperation and it must be ensured that they are represented in the context of cooperation by women's support organizations.

All institutions which come into contact with violence against women and children in their work must define clear procedures and guidelines in order to avoid secondary victimization. Secondary victimisation could be generated by or through,

- **Inappropriate interaction and prejudices**
- **If affected person have to repeat their view of events in front of different persons**
- **If their view of events is questioned**
- **wenn sie (explizit oder implizit) mit Schuldzuweisungen konfrontiert werden.**

These guidelines should be supported by ongoing training.

Article 19 – Informations

Women's emergency calls provide information in the form of flyers and brochures, on the Internet (also in easy language, partly in sign language and foreign languages) about the various facets of sexualized violence and about the support offered.

The Rhineland-Palatinate Ministry of Women also provides information in the form of (multilingual) flyers and on the Internet. The WG FOKUS: Victim Protection has created a victim protection map (not specifically on the subject of gender-based violence). The Ministry of the Interior provides information on the Internet in general about the rights of victims in criminal proceedings.

This means that numerous sources of information are available in Rhineland-Palatinate, which, however, (especially the information from the state) are very difficult to find on the Internet, even with targeted searches (e.g. victim protection map).

For the specialist departments, the greatest challenge in disseminating information lies in the lack of human and financial resources. As a result of the underfunding, it is hardly possible to carry out large-scale information campaigns, the use of advertising space or the like, fails due to financial resources as well as translations into different languages / simple language.

Individual campaigns are financially supported by the Ministry of Women with regard to the materials (current example: poster and postcard campaign "What is male, you decide").

The dissemination of information on the subject of sexualized violence and on the support offered is associated with a great deal of effort, especially also to secure the financing first. At the same time, it is imperative that affected women and girls, caregivers and specialists are aware of offers of help. Awareness campaigns can also provide information about causes, forms and current developments in the area of sexual violence.

Recommendation:

Public relations work must also address different target groups and needs, e.g. Women / girls with (different) disabilities, older and old women, migrants. It is particularly difficult to obtain information for those affected who do not have internet access and / or have little knowledge of German.

Article 22 – Specialized auxiliary services

In Article 22, the Istanbul Convention calls for the provision of specialized support facilities that offer those affected “the best possible help and support tailored to their precise needs” (10). The employees should be appropriately qualified and experienced and above all also have in-depth knowledge of gender-based violence. The support facilities should continue to be “sufficiently widespread in the country and accessible to all victims”, respond to all forms of violence and be able to offer their support to groups that are difficult to access.

Specifically, Article 22 et al. demands: "Immediate medical help, securing forensic medical evidence in cases of rape and sexual assault, short and long-term provision of psychological advice, treatment of trauma, legal advice, (...), telephone advice to refer the victims to the right person Service (...)".

In Rhineland-Palatinate there is a differentiated support system (4 pillars): women's shelters, women's shelter advice centres, intervention centres and women's emergency calls.

The Rhineland-Palatinate feminist women's emergency call units have been working on the subject of sexualized violence for 40 years. As part of the women's movement, the women's emergency calls were founded on a socio-political awareness of gender-based violence and its causes. The resulting work approach of the women's emergency calls is described in the introduction: individual support of affected women and girls against the background of the social power relations between the sexes on the one hand and the equivalent preventive, awareness-raising education and political work on the other hand.

Article 25 of the Convention specifically calls for measures for victims of sexualised violence. The detailed description of the situation in Rhineland-Palatinate is therefore provided under Article 25.

In the explanations to Article 22, facilities for the treatment of trauma are also called for. In Rhineland-Palatinate there are 8 so-called OEG trauma outpatient clinics that offer short-term therapeutic support to those who are acutely traumatized. Requirements include an acute trauma and the application according to the OEG (Victims Compensation Act).

Recommendation:

The OEG (now reformed on the Social Compensation Law (SER), but not yet in force) has too many hurdles for women and girls who have been raped. We fundamentally support the establishment of trauma clinics with low-threshold access requirements.

Article 24 – Counselling by Telephone

Das bundesweite Hilfetelefon übernimmt die geforderte Aufgabe, Betroffene an die richtige Anlaufstelle vor Ort weiter zu verweisen. Die Erfahrungen der Frauennotrufe in RLP zeigt aber seit Errichtung des Bundesweiten Hilfetelefons, dass über diese Form der Vermittlung bisher nur wenige Frauen in den Fachstellen ankommen.

The high number of calls to the helpline (around 45,000 counselling contacts are given for 2019) are not reflected in the Rhineland-Palatinate statistics of women's emergency calls. This means that women affected do not arrive in the outpatient support system and receive no support on site.

Article 25 – Support for victims of sexual violence

Rhineland-Palatinate can build on a specialized technical and advisory system for those affected by sexualised and other forms of gender-based violence.

The women's emergency call units in RLP are outpatient specialist and advice centres for women and girls on the subject of sexual violence and an important part of the advice and intervention network for preventing and combating violence against women.

The work of the specialist units goes beyond the partner violence focused in the RIGG and deals with the differentiated spectrum of sexualised forms of violence. It includes a system of topics and tasks that is geared towards the needs of women and girls (affected by violence) as well as the general social conditions: prevention and training, political and public relations work, networking and support are pillars of equal importance.

On the one hand, the work of the women's emergency calls encompasses a wide range of topics of sexualised violence (rape, sexual abuse, sexual harassment - also at work / in training / at universities, digital forms of sexualised violence, ritual violence, etc.) and is aimed at others to different target groups: affected women and girls, reference persons, specialists, the general public / society and politics. Furthermore, individual target groups are addressed with special offers.

In Rhineland-Palatinate, the specialist group “Sexualized violence against women” in the Rhineland-Palatinate intervention project against violence in close social relationships (RIGG) [4] passed a recommendation for a resolution to improve the medical, psychosocial and legal situation of those affected by violence in close social relationships for the state-wide round table (LRT) [5] and recommended **emergency medical aid after rape** based on the Hesse model:

Women and girls aged 14 and over can turn to the outpatient department of the participating women's clinic quickly and confidentially after they have been raped. Women and girls aged 14 and over can turn to the outpatient department of the participating women's clinic quickly and confidentially after they have been raped. Medical confidentiality also applies to cases of rape. In the case of confidential evidence, the samples are stored in a forensic medicine institute for one year. If the women decide to report in the following months, and only then will these samples be evaluated.

The nationwide implementation of two offers began in 2018, with further locations to follow. The emergency medical aid is financed by a state grant for personnel and material costs to the women's emergency services call units involved.

This financing by no means covers the costs incurred, both for personnel expenses and for material costs (examination kits, costs of transporting the samples to the legal medical institute, possibly costs for morning-after pills and other drugs, public relations, etc.).

Recommendations:

In order to implement this important offer nationwide and to make it accessible to women and girls affected, regular public relations work is necessary, as is regular contact with resident doctors and information for employees of the cooperating hospitals. Personnel capacities are required for this as well as for the support of affected women and girls after medical care.

The financing by the health insurance companies of securing confidential evidence, which the Federal Minister of Health calls for, is welcomed by the women's emergency calls and at the same time criticized:

"The specialist units on the subject of sexualized violence criticize at the same time that he disregards *"relevant aspects in the care for victims of violence"* and that he *"focuses primarily on issues of justice and forensic medicine"* and thus follow the press statement of the Frankfurt female colleagues who are in favour of an *'appropriate payment for the extensive medical services in connection with care for victims of violence'*". (Quote from the press release of the women's emergency call units RLP 2019)

For the support of affected women and girls who had to experience sexualized violence, there is basically an infrastructure in RLP that has in part also grown, which could meet the requirements of the Istanbul Convention. Many years of experience and technical expertise are available in the women's emergencies as well as a comprehensive understanding of the causes and consequences of gender-specific, sexualised violence as well as the different needs of women and girls - individually, but also with regard to the different life situations (e.g. women with disabilities, girls and young women, women from different cultural backgrounds).

For the comprehensive implementation of both the support work and the social education, political work and networking, secure and cost-covering financing of the specialist units is required - both for staffing and for sufficient material resources and for public relations work (material, campaigns, etc.) . The practice that has existed up to now that financial resources have to be acquired for every additional measure or acquisition binds a lot of capacities that are lacking in the content-related work of the specialist units. Individual project funds are limited in time and prevent the necessary continuous work in the respective subject area. In addition to each individual application, there is also an enormously high administrative burden in the area of accounting, which has not yet been reflected in the financing of the specialist departments.

The specialist units must be staffed in such a way that necessary preventive offers, lectures and training courses as well as outreach support are possible. Offers such as emergency medical aid must be fully financed for all cooperation partners involved - both with personnel and material costs.

Closing Remark:

The employees of the specialist units who are in precarious employment have a high level of technical expertise.

The inadequate funding of the various areas of responsibility for emergency call units means that employees have been working to their limits for decades. Both the need for support of those affected, their caregivers and specialists should be met as promptly as possible, and at the same time the absolutely necessary prevention, education and political work must be carried out to the necessary extent.

Need-based financing always means different financing of the individual women's emergency calls, which takes into account the regional characteristics and special needs of individual target groups and thus a dynamic financing system that enables us to respond to new developments and social changes in addition to the existing fields of activity.

**Questionnaire on legislative and other measures for the implementation
of the Council of Europe Convention on Preventing and Combating
Violence against Women and Domestic Violence
(Istanbul Convention) GREVIO / Inf (2016)**

- Feedback by the TAE Rhineland-Palatinate –

III. Prevention (Chapter III of the Agreement, Article 12 – 17)

E.

1. Total number of programmes: 9 facilities working with perpetrators (TAE) and 1 Coordination Unit, staffed each with 0.5 work-place, add. each with 1 consultant for working with groups, paid by the hour.
Total number of places: 162 places
(Per TAE annually 2x9 places (2 seminars/year with 9 participants) = 18 participants per TAE, or 9x18 places annually)
Perpetrators male/female nominated: ca. 300-350
There is no standard in the judiciary for mandatory participation in our programme. There are no programs for separation stalkers, children as affected by domestic violence (HG), first intervention in high-risk cases, violence against children.
2. As part of the Rhineland-Palatinate intervention project against violence against women (RIGG) and the state-wide round table (LRT) and the RRT. Furthermore, through integration into the nationwide high-risk management.
3. Gender-specific understanding of violence against women: The standard of the BAG TäHG regulates this understanding and thus the work of the TAE. However, there is no obligation on the part of the RIGG or the sponsor to comply with the standard in practical work.
4. Sources of funding and annual budget for the programs: Via the Mdl (as well as permanently deposited funds from the JM and Integration Ministry) with 39,300 EUR / year and TAE plus at least 10% personal contribution from the sponsor. In reality, the co-payment is much higher, partly 20 - 30% per carrier. No full funding, very difficult for the sponsors.
5. Measures for evaluation of impact: None.
About 10 years ago, an overall evaluation (so-called effectiveness study) of the TAE in RLP was considered and should be financed by Mdl. Financing cancelled.

V. Material Law (Chapter V of the Agreement, Art. 29 – 48)

- E.** Participating in our program as an action is part of these procedures. But not compulsory. It should be mandatory.

N.

1. Our domestic law does not prohibit mandatory alternative dispute resolution procedures, e.g. a TOA according to §153a in cases of HG can be imposed. We would very much welcome such a ban.
2. Our national law does not guarantee that victims of domestic violence will not be subjected to such procedures in the context of legal separation and divorce proceedings. Many of those affected have e.g. attend mandatory parenting meetings at the youth welfare office.

VI. Investigation, law enforcement, procedural law and protective measures (Chapter VI of the Agreement, Art. 49 – 58)

B.

No such procedures (risk screenings) have been set up for TAE. The TAE RLP have made an effort of their own accord.

May 2020



Footnotes

- Page 16 (1) referring to Grevio catalogue of questions; IV Protection and Support: F. "Children who became witness of any kind of violence against women"
- Page 24 (2) Already when RIGG was founded, language, terminology and their effect on social reality were discussed intensively. The founders have consciously decided against the term "domestic violence" - but instead for the more precise "violence in close social relationships". In the book by Dr. Angela May "Domestic violence - a life report in the context of specialist information and specific help", Anette Diehl explained this background in the chapter "In the case of domestic violence, is the act committed by the domicile? Keep track of language development! ".

(3) Ministry of Justice, Ministry of the Interior and Sport, Ministry of Social Affairs, Labour, Health and Demography, Ministry of Women, Youth, Integration and Consumer Protection, Ministry of Education
- Page 25 (4) European Council, Group of Experts on Action against Violence against Women and Domestic Violence (2017b), p. 6.
- Page 27 (5) explanatory report 61
- Page 28 (6) explanatory report 63

(7) explanatory report 64 and 65
- Page 29 (8) explanatory report 66 and 67
- Page 34 (9) explanatory report 98
- Page 37 (10) explanatory report 132
- Page 38 [4] Decision recommendation 2013 Special Group Sexualised Violence against Women https://mffjiv.rlp.de/fileadmin/MFFJIV/Frauen/Gewalt_gegen_Frauen/Downloads/Arbeitsmaterialien/Fachgrupp_sex.Gewalt_an_Frauen/Erstversorgung_vertrauliche_Spurensicherung_und_psychosoziale_Beratung_nach_sexueller_und_anderer_Gewalt.pdf

[5] State-wide Round Table <https://mffjiv.rlp.de/de/themen/frauen/gewalt-gegen-frauen-und-maedchen/das-projekt-rigg/>