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COMPARATIVE REPORT ABOUT THE SITUATION OF PEOPLE WITH DISABILITIES IN PARTNER COUNTRIES FROM THE ASPECT OF DOMESTIC VIOLENCE

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COMPARATIVE REPORT ABOUT THE SITUATION OF PEOPLE WITH DISABILITIES IN PARTNER COUNTRIES FROM THE ASPECT OF DOMESTIC VIOLENCE

New Approaches for Prevention of Domestic Violence against Disabled Children for developing a Better Social Europe Project (STEPS) is a Grundtvig Learning Partnership Project consisting of 4 partners from Turkey, Italy Germany and United Kingdom. This comparative report is about the situation of people with disabilities in partner countries from the aspect of domestic violence.

I. National Legal Framework (national legislation against domestic violence)

First of all, laws in partner countries that touch the issue of domestic violence against disabled children focus either on the protection of children or family from domestic violence in general or deal broadly with the legal situation of people with disabilities. Not much is said in the legal frameworks about violence in the domestic context against disabled children in particular.

Germany signed the UN Convention on the Rights of the Child in 1992. Article 19 obliges its signatories to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including

sexual abuse (...).” This is reflected in the German Civil Code § 1631 (2) “Children have a right to non-violent upbringing. Physical punishments, psychological injuries and other degrading measures are inadmissible.” Section 225 of the Criminal Code defines the persecution of maltreatments of wards which includes active (physical) and passive (neglect) violence against children. The Protective Mandate of the state is expressed in §8a of the Social Security Code (SSC) VIII. If child endangerment is suspected, the national youth welfare institution has to intervene. Eventually family court measures have to be taken “where the physical, mental or psychological best interests of the child or its property are endangered and the parents do not wish or are not able to avert the danger.” However, this section does not provide clear and consistently defined standards and the individual threat against a child has to be subjectively assessed by social professionals. In 2012 the Federal Child Protection Act was introduced to complement §8a SSC VIII. It targets the strengthening of networks that should be able to offer help to families in difficult situations as early as possible to prevent violence against children. In addition, the law is aimed at improving the free flow of information between different institutions and it ensures that the social professionals are adequately qualified. However, the new Federal Child Protection Act was criticized by German child welfare organizations as insufficient and the issue of

domestic violence against disabled children is only touched peripherally.

In Italy, The law that best suites and tries to legislate on the theme of domestic violence has been created in 2006. By that date the governmental Executive order against violence has been approved. (01/18/06)

In the text provided, inter alia, training interventions aimed at teachers and health workers against discrimination including sexual, rules for the protection of women in advertising, monitoring of the phenomenon entrusted to ISTAT, the register of anti-violence centers.

ISTAT is the statistical center of Italy.

A group of senators and senators of the Union (political party existing during those years) expressed concerns about the repressive logic of the text, and hopes that now opens a free discussion between the different points of view.

Later on during the same year the text was enriched with a specific chapter regarding the discrimination of disabled people.

In UK, The current resources available for use in domestic violence prevention work base their approach on definitions of domestic violence which have the following features:

- That domestic violence and abuse is violence and abuse carried out by one adult against

another with whom they are or have been in an intimate relationship;

- That domestic violence and abuse can include physical, sexual, emotional and other forms of harm and controlling behavior;
- That the abusive behavior is intentional and functional;
- That perpetrators and victims can be male or female and the relationship can be heterosexual, gay or lesbian;
- Domestic violence includes violence from family members such as elder abuse when committed by a family member or intimate partner
- That the majority of the perpetrators are heterosexual males and the majority of victims are their female partners and ex-partners and that this is linked to assumptions about gender roles in relationships;
- Domestic violence also includes forced marriages, so called 'honor' crimes and female genital mutilation.

Any work to prevent domestic violence will benefit from using a clear definition of domestic violence. This helps to inform the choice and sequencing of activities, the knowledge and training needed to carry out the work and the links to other work.

The current Home Office definition is:
'Any incident of threatening behavior, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who have been intimate partners or family members, regardless of gender or sexuality'. This definition currently only relates to people over 18. It is possible that this definition may change in the near future to lower this age limit to 16.

The Domestic Violence, Crime and Victims Act 2004 (c 28) is an Act of the Parliament of the United Kingdom. It is concerned with criminal justice and concentrates upon legal protection and assistance to victims of crime, particularly domestic violence. It also expands the provision for trials without a jury, brings in new rules for trials for causing the death of a child or vulnerable adult, and permits bailiffs to use force to enter homes.

In Turkish legislation domestic violence is named as violence against women. Domestic violence against women is one of the important problems in Turkey as well as in the world. In order to eliminate domestic violence against women, which is a basic human right violation, extensive efforts are put forward based on the principle of "zero tolerance against violence", in terms of legislations, implementing the legislations in practice, and ensuring transformation of mentality in Turkey.

The new Law No. 6284, regulates the detailed and extensive measures, and gives authority to take these measures to police force and administration as well as the judges, and hence enables the precautions to be taken in much shorter time and providing a more effective protection.

Aside from national legislations, taking some international legislation into consideration is highly important in preventing the domestic violence against women. One of the most remarkable recent conventions where our country is also a party of is “The Council of Europe Convention on preventing and combating violence against women and domestic violence” which is known as Istanbul Convention. With this convention which was signed on 11.5.2011 in Istanbul, our country guarantees on international level to fight against domestic violence against women and take the necessary precautions accordingly. Both Law No. 6284 and Istanbul Convention have important roles on activating struggle against the violence against women and domestic violence.

- Protective and Preventive Measures for Domestic Violence Against Women

The following measures can be taken for people, who are under protection within the context of Law No. 6284,

- Providing them and their children if needed,

suitable shelters in the location they live or in some place else,

- Providing financial support other than the support given under the context of other laws,
- Providing guidance and consultancy services psychological, occupational, legal and social issues,
- Providing temporary security upon request or ex officio in case of a life threatening situation.
- Providing nursery opportunities when needed if they have children, limited to for 4 months in order to support them in participating in work life, or 2 months if they are already working; without exceeding annually determined net minimum wage for people above 16, and provided that it is documented,

Protective measures taken by the judges are as follows, Regarding the people under protection within the context of this law, the judge can decree for one of, several of or similar measures provided below:

- Changing the work place.
- Determining another place of residency than the current one, in case the person is married,
- Placing deed restriction on the family

residential building upon request from the protected person and in the case of conditions stated in Turkish Civil Code dated 22/11/2001 and No. 4721.

- In the case where a life threatening situation is present for the protected person and other measures are deemed inadequate for preventing this threat, changing identity and other related documents according to Witness Protection Law dated 27/12/2007 and No. 5726 upon consent.

When we investigate the preventive measure decisions given by the judge, we come up with the following, regarding the offenders of violence, the judge can decree for one of, several of or similar measures provided below:

- Not making threatening, insulting, or demeaning remarks or behavior against violence victim.
- Immediate suspension from the joint residence or the place of dwelling and assigning the residency to the violence victim,
- Not getting near the protected person, and the residency, school or workplace of the protected person,
- If there is a decision made previously about seeing the children, seeing them under the custody of an officer, limiting or totally abolishing the connection with the children,
- When needed, not getting close to the protected

person's relatives, witnesses and children other than the cases where personal connection with children is to be made, even though the protected person did not suffer violence.

- Not damaging the personal property and house property of the of the protective person,
- Not harassing the protecting person with communication devices or by other means,
- Surrendering the weapons that are allowed to have or carry on person to the police,
- Even though the person has a public duty that obligates him with carrying a gun at all times, returning the weapon to the public administration,
- Not using alcohol or drugs or stimulants near the person who is protected, or not getting near the protected person under the influence of these substances. Getting treatment including hospitalization in case of an addiction, and applying to a health care institute for examination and treatment

II. National Legislation On Domestic Violence Against People With Disability

Article 16 of United Nations Convention on the Rights of Persons with Disabilities regulates the prevention of disabled persons being subject to all kinds of exploitation, violence and abuse both in the house and outside. In the article, there are also regulations on providing training for determining how to prevent, identify and report to related authorities of all kinds of exploitation, violence and abuse on disabled persons, their families and their caretakers, and on the independent inspection for all institutions providing services for disabled persons.

Opening closed institutions for independent inspection is highly important in order to reveal the actual extent of the violence and abuse against disabled persons. The researches indicate that the risk of being subject to violence and abuse in closed institutions is higher.

In the cases of sexual abuse and rape of mentally disabled individuals, almost all the offenders claim that the “victims were in the relation on their own accord”. In the lawsuits regarding these cases, some local courts make decisions based on the statement that the mentally disabled persons who are victim of rape and abuse have “their own consent”.

Turkey signed the agreement of Rights of Disabled People International Agreement and accepts the rights of disabled people from this aspect. Turkish constitution says that “positive discrimination for people with disabilities can be carried out by State.” Article 61 of Turkish Constitution says "State is responsible of protecting rights of disableds and social inclusion"

In Germany, Laws that deal with the status of people with disabilities include Article 3 of the German Constitution that states “No person shall be disfavored because of disability.” The Act on Equal Opportunities for People with disabilities was introduced in 2002 to implement the European Employment Equality Framework Directive (2000/78/EC); its main objectives are to ensure accessibility and to eliminate disadvantages people with disabilities are facing. Furthermore, the General Equal Treatment Act (2006) addresses discrimination against them. In addition, Book IX of the Social Security Code deals with their rehabilitation and participation. Families with disabled children have the right to claim special support and consultation from youth care institutions or institutions for people with disabilities. Generally it can be said that the legal framework in Germany regarding people with disabilities focuses mainly on their integration in matters of social life, education, employment and health care. There are no laws that deal with domestic violence against disabled

children in particular.

In Italy; The Law 67 of 1 March 2006 (Official Gazette. 54 of 6 March 2006) prohibits discrimination against people with disabilities.

The discrimination is defined (art. 2), namely that, for reasons related to disability, a person is treated less favor of a non-disabled person in the same situation, or indirectly through a provision, criterion, practice or an apparently neutral behavior, which put a disabled person in a position of disadvantage compared with other persons, in addition to freedom from harassment and humiliation and / or offense against the dignity.

In all these cases the disabled person may apply to the Judge that, in addition to issue an injunction against conduct that is prejudicial, may also have a claim for non-pecuniary damage.

The Law 67/06 thus attempts to provide general protection for people with disabilities, that completes those already provided for in terms of access to employment and working conditions.

In UK The Equality Act 2010 replaces and harmonizes previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995). It provides protection from discrimination for the following protected characteristics: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil

partnership and pregnancy and maternity.

Many of the previous disability provisions have been retained (e.g. an employer is required to make reasonable adjustments) but the Equality Act has made it easier for a person to show that they are disabled and introduced new protection from indirect discrimination. Further details of the legislation are at Annex A.

The Act deemed common assault an arrestable offence. The practical effect of this change was that the police could arrest a suspect at the scene without a warrant, rather than potentially be compelled to leave the suspected assailant with his or her alleged victim. Previously the police would have to allege assault occasioning actual bodily harm, which was arrestable, in order to detain the suspected assailant in borderline cases. [Citation needed]

However, the concept of "arrestable offence" was abolished on 1 January 2006. As of 2007, police can effect an arrest, even in the case of suspected common assault, in order "to prevent the person in question causing physical injury to himself or any other person."

The Act specified common assault as an alternative verdict to a count on an aggravated assault in the Crown Court, though it is not itself an

indictable offence/Non-molestation orders under the Family Law Act 1996 were amended to provide a criminal sanction for non-compliance, with a maximum sentence of 5 years' imprisonment. The circumstances in which such orders could be imposed were extended to include same-sex couples and co-habiting couples on an equal footing with married couples. Former co-habitants are also included.

As a result the legislations of partner countries don't focus on directly violence against people with disabilities. They have legislation on general domestic violence and disableds are one of the potential victims such children and women of domestic violence. All partners have some regulations about role of state about removing the disadvantages of being a disabled person.

III. The Mechanism To Prevent Domestic Violence In Partner Countries

Partner countries have different administrative systems. For example Turkey has a very centralized system but UK and Germany don't. This leads the prevention mechanisms to be different. In Turkey the State has a very important role in prevention mechanism. The potential reasons of domestic violence affect the mechanisms too. For example the economic difficulties are one of the main reasons of domestic violence in Turkey. So the preventive mechanisms include financial aid to victims or families.

TURKEY

Regarding the prevention of domestic violence in Turkey ŞÖİM (Violence Prevention and Watch Centers) are established. Established as pilot centers in Ankara, Istanbul, Adana, Bursa, Izmir, Gaziantep, Antalya, Trabzon, Denizli, Samsun, Şanlıurfa, Mersin and Diyarbakır, are in service as of 10 December 2012.

Violation Prevention and Watch Centers are centers where necessary expert personnel are employed, mostly female where possible, according to the Article 14 of Law No. 6284 Regarding the Protection of the Family and Prevention of Domestic Violence Against Women, where supportive and follow up services are provided regarding

prevention of violence and effectively implementing the protective and preventive measures, which operate on single door system with seven days 24 hours principle, which provides effective and immediate service that is compatible with human dignity, and where the methods and principles of operation focused for strengthening women's positions economically, psychologically, legally and socially are determined by legislations,

Services in the Violation Prevention and Watch Centers will be provided in three steps;

- 1- Services regarding the prevention of violence and implementation of the precautionary measures;
- 2- Services aimed at violence victims,
- 3- Services aimed at offenders/possible offenders of violence.

Services regarding the prevention of violence and implementation of precautionary measures;

Collecting data on forced detention and implementation with the protective and preventive precautionary measures, and preparing a data bank, keeping the registry of precautionary measures, Coordinating shelter, temporary financial aid, health and legal support services and other services given to the person under protection, Making the necessary applications in order for the precautionary measures to be taken and

implemented,

Preparing and implementing programs to end the violence within the context of this law, Popularizing the call center established within the body of the ministry in accordance with the purpose of this law, ensuring follow up on the applications made, and collaborating with the related non-governmental organizations in order to end the violence.

Services aimed at violence victims;

Financial aid

Legal support

Medical support

Psycho-social support

Support regarding employment

Sheltering service

Nursery aid

Stipend for children

Guidance and consultancy

Support regarding education/training.

Services aimed at offenders/possible offenders of violence; Preparing social investigation report about the person upon decision of the judge, Preparing report on the effects of the precaution on the person upon the demand of the judgment authorities, Directing the people to education and rehabilitation programs,

Directing the people to health institutions for examination or treatment,
Directing people to vocational training centers.

Violation Prevention and Watch Centers have become the centers where all research related to violence committed in Turkey is conducted and all data are collected. Women who suffer violence and apply to the police, civil authorities, women consulting centers and gendarmerie are first brought to Violation Prevention and Watch Centers and the information of the violence victim is collected. Then the experts prepare the necessary reports and these reports containing suggestions of what could be done are kept and forwarded to the related institutions. Women's Shelters continue their operations working under Violation Prevention and Watch Centers. Most of the women subjected to violence desire to move in these shelters. The duration of stay for women in Women's Shelters is determined to be 6 months. Women Shelters provide services that enable the strengthening women's status and allow women to look after themselves such as support for finding jobs, shelter support, psychological support, vocational training, finding housing support, financial support.

GERMANY

Child care and education is first and foremost a parental responsibility. However, as already mentioned in the previous chapter, the national youth welfare service (“Jugendamt”) has the task to protect children and adolescents from dangers such as domestic violence and to intervene if necessary. It is located in around 600 offices all over Germany. It cooperates with schools, pre-school institutions, hospitals, other voluntary child care organizations, family courts and the police. In case of suspected child endangerment its employees which are qualified social education workers visit the families in question. It can be very difficult to assess the degree and severity of child endangerment. Besides the youth welfare institutions have to rely on the information given by children and by parents or on hints from third parties such as neighbors. Initially families receive support to improve their situation and parents may continue to care for their child under the supervision of social professionals. However, if parents do not cooperate with the youth welfare staff and improvement cannot be expected, more profound measures need to be taken in cooperation with the family court and the custody for the children may not remain with their parents.

Due to difficulties in reacting appropriately to cases of child endangerment state and civil society organizations realized the need for more effective prevention strategies which resulted 2012 in the

previously mentioned Federal Child Protection Act. Families can now claim early support by midwives or pediatric nurses who are linked to the national youth care service and who are trained to identify possible risks of domestic violence at an early stage. Furthermore there are a lot of different options for parents and children to receive free assistance and consultation regarding educational matters and difficult situations such as breakup and divorce. Support can be offered face-to-face by social professionals, via telephone or via Internet. Many of these social services are not carried out only by the national youth care but also in cooperation with other organizations related to church and civil society, for example “die Kinderschutz-Zentren”, “pro familiar”, “Caritas” and “Diakonie” who run local offices all over Germany. In addition to counseling their activities include lobbying, the distribution of information, awareness raising campaigns through print and digital media as well as training courses to sensitize professionals working with children and adolescents in pre-schools, schools, youth centers, healthcare and police. Associations of the disabled such as “Lebenshilfe” offer specific information and advice for parents and relatives of disabled children.

In summary it can be said that the main aims of prevention strategies in Germany are to build a dense network engaging different parts of the society to identify potential risks of domestic

violence against children as early as possible and to encourage parents to seek professional help if domestic violence has occurred or may occur in future.

ITALY

The law we mentioned above foresees both measures of prevention and sensibilization and measures of repression and punishment. Those actions are related to a wide range of possibilities. They apply to sexual abuses in the family, outside of it, suffered for sexual orientation, gender identity, sex, disability and any other cause of discrimination. The objective of the law is to give an integrated intervention on all the sides of the problem with two particular focuses on domestic and familiar violence and the other on the most vulnerable subjects (minors, disabled, elderly people, and woman).

The law foresees four level of intervention

- 1 Sensibilization and prevention measures
- 2 Recognition of the rights of the victims
- 3 Criminal protection of the victims
- 4 Enlargement of the procedural protection, both on civil and criminal.

Focusing on the first level it is interesting to see how the state will prevent the violent acts. It has been decided to give much more visibility to the problem via sensibilization campaign especially held by the education system (schools and pre-schools) it has been added among the aims and objectives of the

Italian education system to give the same social dignity and in front of the law for every person.

This norm gives shape to the third article of the Italian Constitution imposing as fundamental objective of the school system as well as the pre-school and the university system, to remove totally all forms of discrimination and obstacles of any kind (economic, social, cultural, fiscal). Those are obstacles toward the full equality among all the man and woman, in the respect and valorization of the genre differences.

The same ration has to be followed by the Sanitarian system, in this field the law imposes to every hospital or clinic to give a proper education to the doctors and to the nurses in order to be able to understand immediately the gravity of the violence (if any) to give support, especially psychological one.

Also the communication system has to work toward the same objective. The mass media, TV, radio, newspaper, press, editing, should always be aware that it is forbidden to use the woman or any other so called, vulnerable subject, to have an economical advantage. On the contrary it is necessary to use the capillary distribution of such tools as a way to spread and to raise as much as possible the awareness of the equality

UK

Domestic violence prevention work should always involve or be supported by a domestic violence specialist in some way and should always be led by individuals who have access to and know how to refer to accurate, up to date information about the nature of domestic violence, the legal context and the relevant responses to it. Without this specialist knowledge there are strong risks that children and young people will be given inaccurate information.

There are various ways that this can happen:

- A domestic violence practitioner, specifically trained for this work, working with teachers or youth workers etc. to run sessions in school, youth work etc.;
- Using specialist programs of work developed by specialist domestic violence practitioners working with teachers and youth workers;
- The local domestic violence forum steering the work and training specialist domestic violence workers and education staff to work together;
- Domestic violence prevention practitioners training staff in schools and youth work to run the sessions, using a recognized program of work.

Whoever is involved in running the sessions or has overall responsibility for the class or group of children or young people taking part should have had some specialist domestic violence training, in

order to ensure that they have a clear understanding of the topic.

Domestic violence prevention work can often be confused with or included in other work such as anti-bullying work, child protection work, anger management or emotional literacy. Whilst these are all important and are all in some ways connected to domestic violence prevention, they are not the same and do not fulfill the same aims as domestic violence prevention work.

Outcomes of the work could include:

- Increased understanding of the nature and effects of domestic violence;
- Knowledge of the legal status of domestic violence;
- Knowledge of the range of responses available;
- Ability to identify controlling behavior and understanding of how this links to domestic violence and abuse;
- Ability to identify certain forms of behavior as abusive and to identify these as criminal acts where appropriate;
- Knowledge of local support services.

In Hackney (as well as Bristol) an innovative GP training and support program, IRIS, was trialed in 2008/10. This randomized, controlled trial set out to measure the cost-effectiveness of the program, examining two outcomes – referral to a specialist domestic violence organization, and recording of the

disclosure in the patient's medical record. The practices in the trial received training and ongoing support, and special prompts in medical records to remind the GP to ask about domestic violence, while a professional based in a specialist domestic violence agency acted as the primary link between the practice and the specialist agency. Interim results demonstrate positive results and were published in the Lancet in 2011

A further impact of adopting an equalities and human rights approach is that discussions about prevention come to the fore. The government's vision for equalities, as articulated by the Government Equalities Office, is '*a fair and equal society for all*'. The key message is to live in a society without prejudice or intolerance and to allow all individuals to fulfill their potential. Prevention is a key principle underpinning this vision. The issue of prevention has also been recognized in the various strategies and consultations mentioned in the preceding section.

While progress in the area of primary prevention is still developing, it is gaining increasing traction through the work of Women's Aid's '*Expect Respect*' campaign and WomanKind's '*Challenging Voices, Changing Lives*' work for secondary school children. A key area for attention in relation to prevention is education, with a specific theme on teaching young people about healthy relationships

IV. National Strategies of Partner Countries

Partner countries carry out some strategy to fight against domestic violence too.

ITALY

In Italy the new law against violence and discrimination foresees a series of actions and activity to prevent and punish the violent behaviors suffered from discriminated branch of society. One of the news of the law is the creation of the “centri antiviolenza” the translation would be something like, anti- violence centers.

There are around 150 of these places in all of the Italian territory, they are for free, they will never ask for money and they will give all the necessary help and guidance to those who suffered violence. They are not specifically dedicated to disabled but they are able to give help and guidance to them as well. This is the only measure that we can identify as part of a national, official strategy.

After the creation of the law there was also an increase in the organization of the third sector or no-profit sector. The law gave a strong impulse to the voluntary organization that was created with the aim to help and give more support in the cases of violence.

As mentioned, the ISTAT will have a crucial role

now; it has been ordered to do a constant and capillary monitoring of all the violence suffered. This monitoring is of course to be done in co-operation with the associations and organizations in the territory that have the duty to inform and denounce in any case they know about a violence or abuse. This is a measure thought to fight the tendency that many times abused people have to hide to themselves first and then to the others, to have suffered from a violence.

It is important to mention also a series of local networks, created on a numbers of cities level that play a crucial role in this regard. It is hard to mention all the agreements, partnerships, protocol of intents that have been created during these years, they are not of course as powerful and spread like the law of 2006 but they can even play a bigger role as thanks to them the problem is starting to be felt and recognized at all level of society.

GERMANY

The National Action Plan should also be mentioned. It was initiated in 2011 by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth to protect children and juveniles from sexual assault and exploitation. It does not only focus on prevention, intervention and research but also on the international dimension which includes Internet crimes, trafficking for reasons of sexual exploitation, sex tourism and international

cooperation regarding these issues.

Most of the measures and activities which were introduced in the previous chapter focus on domestic violence against children in general; certainly they apply to disabled children in particular as well. The following examples will show that there are approaches which deal with the issue of violence against disabled children and adolescents particularly.

The German Federal Centre for Health Education addresses the issue of sexual violence against disabled children. It highlights three points that should be considered to prevent sexual abuse of disabled children successfully. First, isolation and exclusion can increase the risk of sexual abuse. Therefore it is important to foster the integration and participation of disabled children in every sphere of life. Second, an education which aims to strengthen the self-esteem and self-independence of disabled children can decrease feelings of helplessness. Third, information on sexuality and sexual abuse should be provided for example in schools to encourage disabled children to articulate possible incidents.

In 2008 the social aid organization “Caritas” launched a project called „Prevention and counseling - network against sexual violence on people with learning and mental disability“. This

project helped to establish networks between lawyers, psychologists, gynecologists and different social institutions. It aimed at raising the public awareness through conferences and training courses and it offered counseling for victims of sexual violence and their family members. Furthermore it addressed this topic in schools, workshops and homes for people with disabilities.

The Child Welfare Centers (“die Kinderschutz-Zentren”) criticize the lack of publications and general information on the topic of violence against disabled children. They point out that in this context child welfare is a very difficult issue because youth welfare and disability rights organizations is often considered in Germany as two separated institutions which are not very well connected with each other. Therefore their main claim is to enforce the ties between the child and youth services and the organizations for the disabled.

UK

Some of the core initiatives and programs for prevention of domestic violence against disabled children that are currently ongoing are:

- Every Child Matters
- National Healthy Schools Agenda
- Gender Equality Duty
- Anti-bullying statutory requirements
- National Curriculum requirements for

Citizenship

- Personal, Social, Health and Economic Education Framework
- Extended Schools

As well as prevention work, schools and other youth projects may need to deal with domestic violence issues directly if it is affecting a child or young person at home. This can involve:

- Recognizing that supporting a mother is a very effective way of supporting a child;
- Working in partnership with other relevant organizations such as social services, refuges etc.;
- Ensuring they know who has parental responsibility for a child and if there are any injunctions or residency orders in place and who should be picking up the child;
- Making sure they know if a child is at increased risk (for instance, risk can increase after a family has recently fled domestic violence, during pregnancy, during contact etc.);
- Understanding that a child's education may be affected by domestic violence. This can affect their behavior but can also relate to practical issues such as having to leave school uniforms and books behind, having to travel further to get to school; no space in shared accommodation to do homework, an abusive parent turning up at school etc.;
- Confidentiality – ensure that new addresses are

kept in a safe confidential place and do not send correspondence to an address if you believe the parent is living with an abusive partner.

Whilst the aims of the work are about preventing domestic violence in the future and the nature of the activities usually means that disclosures are not a regular occurrence, some young people may already be affected by domestic violence. They may be primary victims, in an abusive relationship themselves, or secondary victims, as the children of a parent who is being abused by a partner or ex-partner.

This may mean that the child or young person is at risk of suffering significant harm. Schools and youth projects carrying out domestic violence prevention work should ensure that staff involved are aware of the school child protection policy, know who is the designated child protection officer and have received training on child protection. Additionally, the school or youth project should ensure that where necessary staffs are given extra guidance about the child protection implications of domestic violence prevention work. This will normally take place during initial training on domestic violence prevention work which should be for the whole staff group (primary teachers) and the welfare staff (primary and secondary schools and other projects).

The **National Strategy** states, “The ultimate goal ... is clearly to take all practicable measures towards the elimination of domestic abuse...” This is necessarily a long-term ambition. Success will depend on achieving changes in individual attitudes and behavior and in social culture.

At the same time, it should be recognized that such fundamental changes are achieved only gradually and there are problems which must be tackled here and now. The strategy must, therefore, also meet shorter-term needs. It is worth emphasizing that effective action to protect and provide for women, children and young people experiencing violence can, in itself, affect culture and attitude and thus contribute towards the longer-term process of changing behavior.

Prevention work is generally differentiated into primary and secondary prevention. Primary prevention refers to work which is aimed at preventing violence before it happens and targets the whole population, but particularly children and young people. It is largely focused on attitudinal and cultural changes. Secondary prevention targets women and children who have experienced abuse and men who use violence. This would include safety planning with women, children and young people and intervention programs for abusive men. It is recognized that action in the field of secondary prevention, while critical to protect women and

children from violence or abuse in the short term, will not be effective in eliminating men's violence against women in the long term. Many forms of secondary prevention can, however, alter attitudes: the distinction between the two categories of prevention activity is, therefore, by no means watertight.

Adopting a primary prevention approach challenges the notion that violence is inevitable and offers a vision about how things could be different. It aims to change societal attitudes, values and the structures which produce inequality. It raises fundamental questions about the way our society is currently organized, and can, as a result, be more challenging to individuals' core beliefs. Although long term, it is in no sense a soft option

TURKEY

Action Plan of Ministry of Family and Social Policies Regarding Prevention of Domestic Violence

National Action Plan prepared within the framework of struggle against violence against women contain three implementation period as Short (2012 - 2013), Intermediate (2012 - 2014) and Long term (2012 - 2015 and later).

The purpose of this plan is taking the necessary actions in order to abolish all kinds of violence against women in our country with the collaboration

of all related bodies.

Aims

- Making legal regulations regarding struggle against gender equality, violence against women and domestic violence and remove the obstacles in the applications,
- In order to remove the negative attitude and behavior enabling and strengthening violence against women, creating social awareness and mental transformation in the public on gender equality and violence against women issues,
- Regulating and implementing medical services for women suffering violence, their children, and offenders/possible offenders of violence,
- Strengthening the cooperation mechanism of institutions and related sectors in order to provide services for women suffering violence and their children.

1 – Legal Regulations

Aim: Making legal regulations regarding the issues of struggle against gender inequality, violence against women and domestic violence and remove the obstacles in implementations.

Within the context of achieving equality between men and women in our country and struggle against violence against women, strong changes in the legislations, primarily in the constitution were made

that may count as reforms, all the legislations were structured based on the principle of zero tolerance against violence.

The latest improvement in this area is The Law No. 6284 Regarding Protection of Family and Prevention of Women Against Violence which entered into force on 20.03.2012. With this law, the struggle against violence against women and domestic violence was brought to a whole new level, measures and methods regarding the violence victims, violence offenders and possible violence offenders were organized in detail.

In the judicial area, making changes in line with the social progress and needs is most natural. In this respect, one of the aims of this action plan is to examine the current legislations, make necessary revisions and changes in order to end the gender discrimination and violence against women in the society.

2 – Raising Awareness and Ensuring Mental Transformation

Aim: Raising awareness and ensuring mental transformation on the issues of gender equality and violence against women in the public in order to remove the negative attitudes and behaviors that cause and strengthen violence against women.

This action plan aims to improve and widen the

scope of the efforts made in order to increase sensitivity regarding violence against women, and to continue these efforts in a coordinated manner. Knowledge of legal-administrative regulations regarding to end the violence against women in our country and public being sensitive and aware of the issue as well as the people providing related services can be achieved by all responsible parties owning up the issue.

Providing Protection Services and empowering victims of domestic violence

In this framework, one of the objectives of action plan is to empower women and take required measures in order to make women control their own lives.

Providing Health care services

Establishing special units in which expertise provide treatment, rehabilitation and consultation to victim of violence in health care institutions has great importance in fighting against violence.

Cooperation with institutions

Conducting research related to the subject has got an important role in order to produce more comprehensive policies, to determine more efficient and effective service models, through identifying needs fields, to maintain application uniformity, to raise awareness on the subject and to empower cooperation among relevant institutions.

V. THE FACTORS THAT INCREASES THE RISK OF DOMESTIC VIOLENCE

A study by the WHO indicated in 2012 that 27% of all children with disabilities experience any kind of violation and the risk for becoming a victim is 3,7 times higher compared to their non-disabled peers. Children with mental disabilities are most endangered (4, 6 times higher than non-disabled peers). However, the data results are very heterogeneous and estimations are not highly reliable. Nevertheless it can be said almost certainly that disabled children face a higher risk for experiencing violence.

The results of studies on the causes and risks of domestic violence, also against disabled people diverge. However In the wide range of factors examined are a nucleus of causes and risk factors. It can be said that the causes of violence that we will consider, and the risk factor that will be analyzed are valid in all the cases of violence (on women, on disabled, on homosexual etc.) the fact that the person who suffers the violence is a disabled it is only a catalyzer, a propeller for the violence itself, that in all the cases come from a person that could have been violent also on other subject. There are several factors that interact with each other at various levels.

Individual Risk Factors

There are diverse individual risk factors that are conditioned in the disability and that present challenges for the recognition of violence and the intervention. Disabled children may be highly dependent on others because they are likely to need intensive care and specific support daily. They may have a dissociated feeling of their own body, for example they think that they do not “own” it by themselves but instead it “belongs” to the people who care for it. In such cases it is difficult to develop a positive perception of the body and to be aware of one’s own personal limits. Children with mental disabilities may not recognize violations due to cognitive impairment and cannot react in a proper way. Children with linguistic disabilities may not have the ability to articulate the violence they have experienced. Instead, exposure to violence can result in different symptoms that can only be clarified on a case-by-case basis. The lack of an individually suitable sex education may increase feelings of insecurity regarding sexual abuse. The child’s needs regarding care and support may be highly demanding for parents and can lead to feelings of pressure, resignation and guilt. The situation may aggravate further if parents experience a lack of support or acceptance from their social environment which may cause social isolation and increase the risk of domestic violence.

Subjecting and witnessing to domestic violence in childhood

It is primarily required to determine risk factors to prevent domestic violence against women. In this term, as a common result of several studies it is found that being subjected to domestic violence is one of the main factors for committing violence against woman.

Several representative studies conducted in Switzerland and abroad show that men who suffered childhood physical or sexual abuse or who have witnessed violence between parents exercise more often violence on others. Like all individual factors, including the experience of violence in childhood cannot be considered the key determinant of violence. Most of the people who as children have lived in similar situations do not play these behaviors. This clearly shows that violence or the absence of violence is determined by the interaction of various factors at different levels.

Consumption of alcohol

Numerous Swiss and international research and statistics found a strong link between alcohol consumption and violence in the family. This correlation is generally true for the consumption of psychotropic substances, although the influence of illegal drugs or the abuse of drugs is less studied. Under the same assumptions, the partners of men alcoholics are more likely than other women to

suffer partner violence.

The interpretation of these results requires some caution. The practice teaches that sometimes the consumption of alcohol becomes an excuse for the perpetrators of violence, but also for the victims themselves, to justify violent behavior. It is clear that the consumption of alcohol by violent partners cannot be considered the sole cause of violence, but must be understood as a factor that can promote it or increase its propensity.

Socioeconomic and sociocultural factors

When it is evaluated from a socioeconomic perspective, it is seen that domestic violence is more common among working class or middle class rather than economically powerful class. It is seen that there is a relation between education level, employment and domestic violence.

Society

This factor focuses on society and broader social factors that can contribute to creating a climate violent or, conversely, peaceful. It is socio-cultural norms, in particular concerning the roles of genre and the relationship with violence, as well as their implementation in legal, political and media aspect. So far the social level has been little examined in representative studies. Certain research indicates as risk factors for the onset of violence insufficient equality of women and men in

society and social tolerance towards violence in general and violence in the family in particular. Both aspects are manifested largely in the other levels (individual, relationship, community), since the values and socio-cultural norms are internalized by families, neighbors, couples and by individuals.

Parent or care-giver factors:

Parents or caregivers situation is so important. Addition to the above mentioned risk factors; following factors make the parents more risky:

- Mental diseases, personality disorders, suicide attempt and psychological problems
- Incompetence of parenting
- Low self-esteem, weakness for struggling against stress
- Authorizer parent style
- Maltreatment story during childhood term
- Substance abuse
- Insufficient knowledge about needs, and stages of pediatric development
- Unrealistic and unmet expectations
- Behaviors disorder and aggressive acts
- Adolescent without having family support
- High level of stress
- Social isolation
- Low economic status
- Single parent
- Unwanted pregnancy
- Insufficient parent care

- Low familial adaptation against disability
- Refuse of recommended support and sources

The families who have following factors are riskier than other families:

- Difficult and chaotic households ;(largeness and consistency of family
- Unsecured house and insufficient day care
- Marital conflicts and domestic violence
- Stressful life, parent stress and emotional stress
- Unemployment and financial stress
- Low level of culture
- Social isolation
- More tolerance to inhuman discipline strategies and verbal attack

The children who are in following situations have more risk too.

- Difficult and chaotic households ;(largeness and consistency of family
- Unsecured house and insufficient day care
- Marital conflicts and domestic violence
- Stressful life, parent stress and emotional stress
- Unemployment and financial stress
- Low level of culture
- Social isolation
- More tolerance to inhuman discipline strategies and verbal attack

VI. RECOMMENDATIONS

Each partner country has different levels of problems and different mechanisms to prevent domestic violence. So the recommendations are different too.

FOR UK

Efforts at tackling targeted violence against disabled people may benefit from a critical examination of the lessons learned and examples of good practice from the years of experience gained from the work on violence against women. While it is important to recognize the differences between the two sets of issues, there needs to be awareness of areas of commonality, particularly in relation to the structural context of inequality and its link with violence.

Violence towards disabled people and towards women could be understood not simply as a series of actions, but as a wider pattern of behavior that reinforces the inequality of disabled people and of women. The work on disability hate crime has yet to develop this discourse effectively, although there is a recognition that *'disablism is as much about changing attitudes as it is about reforming services and products'* (Miller *et al*, 2004).

If targeted violence is conceptualized as a cause and consequence of inequality, then it becomes imperative to address its causes. In

relation to disability, recent research noted that:

‘Disabled people and other stakeholders working in this field argue that the focus should be on the rights and entitlement of disabled people to have the same experience of safety, security and access to justice as non-disabled people’ (Sin et al, 2009).

If the impact of targeted violence towards disabled people is seen as preventing disabled people from fulfilling their potential and from realizing their rights, it will focus attention on actions to address the underlying causes that give rise to targeted violence in the first place. The focus will shift from individual cases and individual acts of violence. The disability movement therefore has recourse to a wider range of legislative instruments in terms of seeking redress. In stark contrast to, and lagging behind, legislation relating to violence against women; targeted violence against disabled people has only been recognized in the last few years within the England and Wales criminal justice system. In 2003, The Criminal Justice Act recognized hate crime against disabled people, enabling redress through the courts through Section 146.

The Disability Equality Duty (DED), like the GED, places a duty on all public bodies to promote equality, specifically requiring positive steps to

prevent disability related harassment and promote positive attitudes towards disabled people. Since it came into force in December 2006, the response of public bodies to the DED has been patchy and there are significant challenges in embedding the positive principles of the duty (DRC, 2007).

The UK has only very recently ratified the UN Convention on the Rights of Persons with Disabilities. It will take some time before concrete actions are taken to implement the provisions contained within this.

By framing disability hate crime as an equalities and human rights issue, the wider array of existing equality and human rights policies and legislation can provide opportunities to support efforts at effecting a 'culture change' in societal attitudes and in facilitating preventative interventions.

Just as violence against women is becoming to be seen as an issue requiring cross-departmental responsibility, likewise, targeted violence against disabled people needs to be seen as a cross-ministerial issue. There is some evidence to support this approach. Recent research shows that targeted violence against disabled people often leads to a deterioration of mental and/or physical health (Sin *et al*, 2009). This has obvious implications for the Department of Health, and for a range of health and social care agencies. In

addition, disabled people who have experienced targeted violence and hostility restructure their lives to avoid putting themselves 'at risk', '*causing people to remain in their home, give up their jobs or even move house*' (Home Office, 2007). There are obvious implications for the Department for Transport and the Department for Work and Pensions. Indeed,

'work to advance disabled people's human rights in all areas of life such as housing, employment and civic participation will result in improved safety and security for disabled people' (Sin *et al*, 2009).

As in the case of violence against women, the importance of education and prevention has also been recognized in relation to disability hate crime. A Home Office (2007) report reported that people that perpetuate hate crimes against people with learning disabilities tend to come from the younger age groups. This has been supported by other research (Hunter *et al*, 2007). Two national charities documented the extent of bullying experienced by disabled children in Britain's schools (Mencap, 2006; National Autistic Society, 2007). In this respect, the DCSF has an important role to play in terms of educational interventions aimed at changing attitudes at the earliest stages

FOR TURKEY

It is difficult to think domestic violence against disabled people from the general domestic violence. So the prevention of domestic violence against women is so important in Turkey. In Turkey the women and people with disabilities are subject to the violence.

If a more abstract approach is needed for preventing domestic violence, widely acclaimed beliefs and values in the society that are thought to feed the violence should be questioned, and changes in the cultural structure should be aimed in order to reach a solution.

Generally, in order to prevent domestic violence, first it needs to be accepted as a social fact. Hence, social institutions need to do their share for this situation. For example, in the judicial system, rather than the legislation prepared based on the differences between men and women, there is a strong need for legislation that will help women to prove the violence they are subjected to, that is based on compensating mental and damage to the women, and that present deterrent penal provisions for the violence offenders. First of all, the importance of providing a safe shelter for women subject to domestic violence should be expressed, and the idea that the courts should enforce the offenders to participate in rehabilitation trainings and should rule for heavier penal measures when

the violence is repeated need to be advocated. In this respect, women's shelters are most essential. These places which provide an opportunity for women subject to violence to recover by providing life safety also enable women to see that many other women are in the same situation and they are not alone, which will help them to overcome the shame they might feel. Additionally, they also help women to improve their skills and find jobs.

Aside from these points, keeping in mind that the main goal is protecting women subjected to domestic violence by stopping the domestic violence, there are indispensable steps to be taken in order to prevent domestic violence such as, providing phone lines operating 24 hours a day for the women to call when feeling under a threat along with ambulance and police support; police abandoning the "negotiator" role between the couples and providing the women with the needed protection in line with their legal rights; women subject to domestic violence being able to reach psychological support easily and at low costs, considering the results of violence in psychological level; helping the women who are in the women's shelter for getting jobs and finding a place to live in order for the women to stand up for themselves as soon as possible; increasing the number of non-governmental organizations; bringing the house leaving obligation in divorces to men; providing cheap job and housing opportunities for women;

and raising awareness in the public on these issues by using the media.

There are women's shelters in our country that are established in order to provide services for women subject to domestic violence. Women's shelters provide the needed support for women; however this support is not in adequate proportions. Works on improving women's status are not in adequate terms, and women are forced to return to the violence offenders. Government support has not yet improved beyond providing temporary shelter for women. Although domestic violence victims are under protection of the government, they can also encounter violence in these institutions as well. Specialists and personnel working in these areas should undergo an in service training and be provided with psychological support as well. These services will improve the services provided to women subject to domestic violence.

Considering the fact that out of the 1259 women who applied for protection to Mor Çatı ("Purple Ceiling Women's Shelter", a non-governmental organization that provide services for women who are domestic violence victims), 71.5% are house-wives, 54.7% have no social security, and 58% do not own any property, it is most crucial that the women should be helped in getting jobs and supporting themselves. There should be more efforts for establishing rehabilitation centers where

the women subject to domestic violence can benefit for free, and number of women's shelters should be increased as much as possible. Police officers who do not do their duties properly should undergo training on these issues, and doctors should also be trained for making proper diagnosis for women's injuries and directing them to necessary places.

Lastly, domestic violence against women is a violation of human rights and a crime. Doing nothing about this is both a crime and supporting women-men inequality which is one of the basic reasons for domestic violence. In order for the women to have a right of living normal and healthy, individuals, society and governments should recognize this action as a crime, people attempting to commit this crime should be punished, and all efforts should be made in order to give the support for women living in safety.

FOR GERMANY

No representative research or specific statistics can be found regarding domestic violence against disabled children in Germany. Neither the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth nor the child and youth services provide data on this topic. These gaps in knowledge need to be addressed.

Children and youth welfare organizations emphasize the need for a better cooperation

between child care, health care system and institutions that work with the disabled. They criticize the lack of an interdisciplinary network which is necessary to prevent and react properly to violence against disabled children.

Furthermore the missing binding standards have been criticized. Every youth welfare office collaborates with different private agencies and has different working methods. Their quality and equipment depend on the financial situation of the communes. Equalization of the institutions may include the obligation to report in case of suspicion, special training of the staff and the obligation for staff and voluntary workers to provide police clearance certificates. The equalization of institutions for children with disabilities and those for children without disabilities has not been introduced because the communes and regional providers of social welfare feared too many costs.

The practice of compulsory home visits needs to be strengthened: in situations where unusual incidents are noticed, a physician or a social professional must have the right to visit the child at home. Additionally, legal arrangements for the communication between physicians and the youth welfare service must allow the exchange of information; otherwise parents might be able to keep changing doctors in order to hide acts of domestic violence.

The issue of domestic violence against children deserves far greater public attention. Especially disabled children who suffer from domestic violence depend on the awareness of the people in their environment. In some cases this might be the only possibility to detect the offence and to intervene.

FOR ITALY

Nowadays we finally have in Italy a proper law, a legislative framework that now, unlike, any when else, can be really suitable and useful to fight and to put an end to this terrible and spread phenomenon. The law of 2006 and the really recent Istanbul treaty, against the violence of genre are finally giving a perfect framework on which it is possible to work. Now that the law is there, the real challenge is to make it respected and act. As said in all the previous parts, there are many ways to fight the violence and many of them are covered by this law (monitoring, mandatory denounce, co-operation among civil –society, awareness raising campaign among educative, sanitarian and communicative system). All the mentioned measures, if seriously applied would translate into a fundamental step forward, toward the full cancellation of this problem. Unfortunately the work is far to be completed. The statistical coverage it is still really low, especially if we want to analyze the problem of the violence toward disabled people, and the work to be done especially into the education system it is still at its

really first phase, nevertheless we have the chance to change the state of the art. Now it is time to act and to put in practice the nice words and the useful tool that we have at our disposal.

The problem of domestic violence, especially against disabled, is maybe the most hateful thing of our society, it is still a really hidden and unknown world, we must be able to give voice to the ones who are suffering to denounce every time we can. Violence is a tragedy not only for the ones who are victims but also for the executioner. There are many places, associations, public bodies, and centers for the citizen, in these days that can really help.

The question is if our society is finally ready to get rid of all of this or not. Now we have all the tools, it is just up to us, each of us.