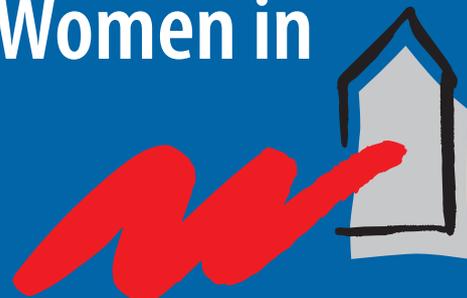


Implementation of the Istanbul Convention – Protection from Violence for Women in emergency housing



Recommendation of the BAG Homeless Aid

Support, protection and counselling given in facilities for the homeless for women suffering violence

The BAG (Federal Working Group) Homeless Aid condemns any form of violence against women and children and welcomes the Federal Republic of Germany's ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence. Women and children who are impacted by violence, housing emergency and homelessness need comprehensive protection. We urge lawmakers, civil servants, NGOs as well as individual institutions and service providers to coordinate their responses to this challenge.

The Federal Working Group's demands:

The BAG Homeless Aid is committed to achieving the following at federal, state and local level

- addressing the situation of homeless women impacted by violence within a comprehensive political strategy to combat gender-based violence,
- extending the definition of violence to include more forms of structural gender-based violence, so as to do justice to the specific situation of homeless women and their children,
- addressing the needs of homeless women affected by violence in the Round Table "Together against violence against women" at federal, state and local level,
- integrating the key agencies who support homeless women into network structures (e.g. the Federal-State Working Group on Domestic Violence, round tables against violence against women),
- ensuring that these coordination networks have appropriate funding,
- further expanding support systems, closing gaps in protection and addressing structural inequality,

- enabling access to legal advice and advocacy (triple mandate) for homeless women who are victims of violence,
- ensuring adequate funding for effective, comprehensive protection measures in homeless shelters (e.g. building modifications, deployment of staff etc.).

BAG Homeless Aid demands the following at local government level

- preventive nationwide provision of low-threshold services for homeless women (e.g. women's day centres),
- more safe spaces and facilities 24/7 for women and children who have been made homeless,
- funding and infrastructure for a regional coordination network of support systems and service providers,
- accommodation quotas at local level that bypass standard housing provision to offer urgent accommodation for women, women with children and families in a housing emergency.

BAG Homeless Aid recommends that institutions and service providers

- develop violence prevention concepts for in- and outpatient hospital services,
- set up programmes with clear guidelines for emergency response to incidents of violence,
- offer preventive support for staff in the form of training, consciousness raising and information on cycles of violence and gender stereotypes ("doing gender"),
- employ suitably qualified female staff as contact persons, with experience in women-specific issues and work approaches,
- cooperate closely with other women's counselling services, women's refuges and local equal opportunities officers,



- offer homeless women training and coaching programmes to enable development of resources, self-determination, participation and empowerment.

Violence against women is a manifestation of gender inequality and a serious violation of human rights. One in three women in Germany has been the victim at least once in her life of physical and/or sexual violence. Approximately one in four is the victim at least once of physical, psychological or sexual violence by their current or ex-partner.¹ A 2020 survey by BAG Homeless Aid of women in institutions and facilities for the homeless revealed that between 70 and 80% of them had been the victims of violence.² Family-of-origin violence, sexual violence and, most of all, domestic violence shapes the lives of many of these women, with multiple, potentially severe consequences.

In ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in 2018, Germany committed to an effective contribution to preventing and combating violence against women and to supporting those women impacted by it. The Convention defines as violence any act of gender-based violence which results in, or is likely to result in physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.³

Federal and state governments are urged to establish corresponding structures and frameworks to ensure implementation of the Istanbul Convention. Responsibility for monitoring and reporting on implementation lies with the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ). Its 2020 periodic report, compiled in conjunction with a number of federal and state ministries, details legislation and measures at federal and state level for protection of women against violence. Though working groups and round tables have been set up at various levels, the themes of prevention of and protection against violence and provision of support services for women in the homeless sector have barely featured in the discussions to date. Domestic violence as the trigger for homelessness, the vulnerability of women living on the street, the need for protection in homeless hostels that are frequently male-dominated, violence in the context of hidden homelessness – these are all aspects that, in the context of implementation, must be addressed by the homeless sector, and action taken by politicians and civil society. Professional expertise and existing support provision in the homeless sector for women impacted by violence must be augmented by violence protection concepts, both general and specific to each institution, that combine preventive measures with supportive interventions. Increased staff and financial resources will be re-

quired to support specialist services and participation in networks dedicated to implementing the Istanbul Convention.

These recommendations aim: to raise awareness of protection against violence for women in the homeless sector, to propose guidelines for action by institutions and service providers, and introduce those guidelines into public discourse in the context of implementing the Istanbul Convention.

The Istanbul Convention and its significance for the homeless sector

The Istanbul Convention is the most comprehensive international human rights treaty to date that aims to combat gender-based violence.

The Convention's focus is on the areas of prevention of violence, protection and support, structural development, procedural law and protective interventions. Furthermore, it calls on each individual citizen to challenge and reappraise his or her own attitude to violence against women and domestic violence. In doing so, it seeks a change of consciousness in society, particularly amongst men and boys with violent tendencies towards girls and women. In short: the Convention tasks legislators with ensuring equality between men and women, on the grounds that violence against women is rooted in inequality between the sexes and that a culture of relativism prolongs a tendency to 'look the other way'. It is time politicians introduced suitable measures to protect girls and women and the children and educate society to the point where such gender-based misogyny is ostracised.

The Convention recognises violence against women for what it is: a form of human rights violation and discrimination. The Convention calls for countries who do not adequately address such violence to be held to account. It is the first international treaty that includes a definition of "gender" as a structural category of social inequality. Gender is recognised as a social construct. This means that, in line with dominant social concepts and practice of femininity and masculinity, women and men are ascribed certain roles and behaviours within the heterosexual norm. Investigations have shown that gender binary roles and behaviours promote the acceptance of violence against women.

Effective implementation of the Istanbul Convention requires the involvement of governments and all relevant public authorities at federal, state and local level, and of civil society. There is an urgent need for a comprehensive strategy that uses the Istanbul Convention as a starting point to promote and develop a plan of action. To date, the federal framework has produced inconsistent implementation in the various states, resulting in unequal treatment at odds with the constitution (Principle of Equality Art. 1 and Art. 3 Basic Law).



For the homeless sector this means engaging at every level in the process to demand measures specifically tailored to the needs of women, with or without children, who have been victims of violence, and fostering a recognition that homelessness itself is a form of structural violence that dominates the multifactorial situation of women and their children who are affected by it.

Multifactorial problems for women in housing emergencies

Social and personal problems reinforce each other. Homeless women are exposed by their gender and social situation to the risk of multiple kinds of violence. If basic needs for housing, privacy and protection for life and limb are not fulfilled, human dignity can suffer long-term damage. The threat of exposure to assault in public places or in precarious domestic situations becomes an everyday burden under the category of latent violence. Increasing vulnerability heightens the risk of being victimised. Research has shown that a chronic sense of defencelessness seriously weakens resilience. The impact can be traumatic, with serious consequences for physical and psychological wellbeing.

The reality of life for homeless women is determined by numerous structural categories of social inequality, which underpin and reinforce each other. A homeless woman can suffer sexual discrimination or classist discrimination⁴ as “socially weak”⁵, or both at the same time; as poor *and* as a woman who deviates from a socially defined norm. To this multiple discrimination can be added further, individually applicable categories of inequality. If she has dark skin, she might endure additional racial discrimination as a Romani or, if she has a disability or handicap, ableist discrimination⁶. If she has a religious affiliation, she may also be subject to religious, e.g. antisemitic or anti-Muslim discrimination. Depending on whether the interaction is with members of a different social group or gender, the impact can be more or less intense and long-lasting.

Class, sexual and racial discrimination all emanate from “power relations ... that interact, reinforce each other, resemble each other, but never quite merge into one”⁷. These findings indicate that homeless women are not only discriminated against on the basis of gender. Although it is common knowledge that domestic violence can occur in every social group, class discrimination against women in these situations is intertwined with sexual discrimination against the female gender. These two forms of discrimination interact and reinforce each other, significantly impacting society’s awareness – or lack of awareness – of homeless women’s experience of violence, with negative consequences for funding and provision of protection from violence services and access to trauma counselling.

Structural violence – a symptom of unequal power relations and marginalisation

The Istanbul Convention is based on a comprehensive understanding of violence which commits states to extend its application to cover structural gender-related power differences.⁸

The vulnerability of homeless women to structural violence and multiple discrimination can have a significant negative impact on their life opportunities, particularly when it comes to professional integration, unequal pay, economic dependence or parenting and children’s education. Adverse circumstances may render it impossible for women to make individual choices in overcoming homelessness and unemployment, or even illness.

Despite this, homeless women’s everyday experiences of violence are not seen primarily as structural violence, but are stigmatised as individual and self-inflicted or milieu-specific. Feelings of guilt and shame are then internalised by the affected women, resulting in low self-esteem and the psychological burden of feeling trapped in a cycle of violence.

Recurrent experiences of structural violence have a negative impact on quality of life and self-respect, and may result in increasing hypersensitivity, psychosomatic disorders and depression.⁹

Protection from violence for women in housing emergency facilities

The Convention obliges states to establish and develop systems that protect and support all those impacted by gender-based violence. This ranges from general support like health and social services to specialised support facilities for target groups (e.g. women’s refuges and sheltered apartments), to specialist counselling for victims of sexual violence, through to medical and forensic-medical examinations, and tailored services for children who have suffered violence and/or witnessed violence between their parents.

However, the existing protection and support system does not offer all women who are or have been victims of violence the same access to help. Records show that in Germany there is a shortage of hundreds of places in women’s shelters. It is very difficult to gain admission into women’s refuges for female EU citizens or psychologically disturbed and/or addicted homeless women who have suffered violence. As a result, many affected women – not just victims of domestic violence – seek help in the emergency housing sector.

How then can homeless women find the protection and support they need as envisaged by the Istanbul Convention? It is up to each individual country to decide how to establish a system that implements the requirements of articles 20-26. It is only the goal that is legally binding. Implementation can be achieved by housing, supporting and counselling homeless women within



the framework of aid for the homeless (social housing and support in line with §§ 67 ff SGB XII etc.), or through anti-violence provision (counselling centres, women's refuges, sheltered apartments), or a combination of both.¹⁰

As for professional support of children in the homeless sector, neither the funding nor the staff resources are adequate to the challenge.

Current standards indicate the need for a multidimensional approach that aspires to a comprehensive system of protection.

1. Protection and support

Such an approach entails expanding the supply of emergency women's accommodation that offers specialist counselling, as well as separate, secure access for women to social housing that matches appropriate standards¹¹. In mixed gender accommodation, protection should be guaranteed by a violence protection concept and appropriate modifications to the building.¹² As required by the Convention, such arrangements should include from the outset separate provision for the children of abused mothers. In the context of low threshold services for homeless women, psychological and social counselling and support are vital for traumatised women who have been victims of violence.

So there is a need for an adequate number of safe spaces, accessible 24/7, which offer the necessary help and respect women's rights. The stock of temporary housing or general refuges such as homeless shelters frequently does not meet those standards. When that is the case, alternative accommodation like hotels must be made available.

The following specific measures may serve as examples:

a.) Building modifications and safeguards: in communal emergency housing and mixed gender shelters for the homeless of the housing emergency aid, it is vital that women have safe spaces for themselves and their children to retreat. Where necessary, building modifications should ensure separate accommodation units are available, to prevent possible assault and re-traumatization.

Such safeguards should include¹³:

- self-contained (lockable) accommodation units with separate sanitary facilities for every family, guaranteeing the right to privacy, with suitable furniture for children,
- additional spaces/rooms, ideally with educational childcare facilities, providing a safe framework and carefree environment for children to pursue their own interests, outside the family unit and, where appropriate, with children of their own age, thus alleviating what might be a cramped domestic situation,

- additional staff to meet a greater need for supervision,
- late shifts and night shifts providing security outside of educational supervision times,
- additional emergency rooms for temporary separation of family members in escalating situations,
- securing of the external area to provide protection from intruders and undesirable persons,
- adequate lighting of the premises and easily observable play spaces for children,
- a regulated emergency information system enabling rapid responses to critical events,
- a violence protection strategy tailored to each institution,
- information notice boards (e.g. for women's representatives, child protection representatives, drug specialists, crisis phone line, victim counselling),
- house rules containing clear commitments to the prevention of violence, specifying sanctions for non-compliance,
- regulated contact with local police in dangerous situations.

b.) Counselling and support services:

Professional counselling centres for homeless people require sufficient time and staff resources to enable abused women to raise issues of violence. Even when counsellors sense that a woman seeking help is a victim of violence, the setting often inhibits such conversations.

In all such settings combining counselling and housing, women's access to female staff members must be guaranteed.

Low threshold service provision offering medical and psychological help and legal advice must be available for women and children who are the victims of homelessness and violence. The type of provision currently available is frequently too high threshold for the women concerned.

Particularly in the case of homeless women, police and law enforcement authorities should be instructed to respond immediately to calls for help and to deal properly with hazardous situations. The rights of victims need strengthening. What is required is a support system for exercising those rights and initiating legal steps. Generally, there are inadequate resources for supporting victims during prolonged coping processes and for helping women with complex traumas. The under-resourcing of counselling centres significantly reduces accessibility to their services. In the exercise of justice, the needs of women who have been victims of violence must be properly served. This requires enhanced awareness of all forms of violence in the context of homelessness. Where families are concerned, it is important to examine to what extent in practice family courts re-



gularly take domestic violence into account in decisions about custody and access.

2. Specialised services for women with children

The Istanbul Convention demands separate specialist support services for children who have suffered or witnessed violence.

Children represent the most vulnerable of all groups requiring protection from violence. Being at a stage of development where they are reliant on adults for protection and feelings of security, children and young people experience violence as especially threatening and existential. The consequences are even more severe when the violence is committed by those close to them. Any experience of violence can result in severe psychological damage and pathologies.¹⁴ It is the task of all staff in facilities for the homeless to work together to ensure the well-being of children at all times and to a high degree.

In institutions for the homeless, women with children who have suffered violence need additional safe spaces and opportunities to share their experiences. There are various forms of service provision for women that enable them to recognise and talk about their own specific problems. Group activities for mothers and their children promote feelings of solidarity and encourage an interest in the inner lives of children. A number of factors can make women more resilient and strengthen the bond between mother and child: clear communications on sanctions for violent behaviour, concrete instructions for action e.g. via in-house flyers on preventing violence, discussion groups and training sessions on methods of dealing with violence, and the experience of community and solidarity in a group.

Where necessary, parents or single parents should receive preventive support to counter any developments within the family which threaten the welfare of a child. It is also essential to establish standardised processes for detecting and reporting acute threats to child welfare.¹⁵

Protective measures for children and young people are covered by the Child and Youth Services Act (SGB VIII), so it is advisable for the homeless sector to work together with the competent youth welfare offices.

This cooperation can be practised in a variety of ways. From experience, a generalised presence in homeless shelters of Youth Welfare Offices offering various forms of service provision is not particularly expedient. But preventive interventions in individual cases can and should be sought at any time from a Youth Welfare Office. Assistance by social workers in the homeless sector to families seeking help with applications can be a great support and relief.

Because of the low threshold work approaches in the homeless sector, the strong presence of staff and the in-

tensive relationship building required to overcome the fears and inhibitions of those needing help from the Youth Welfare Office, it seems more promising to offer these services through the integration of qualified staff in the team and in the daily supervision/support process.

Possible service provision depending on the type of institution could include:

- social group work projects for children and young people (services as per § 29 SGB VIII),
- preventive educational support (family support/educational advice/individual support) services as per § 27 SGB VIII,
- domestic help (in line with the legal and substantive basis of youth welfare as per §§ 20,27,31 SGB VIII in conjunction with § 70 SGB XII).

What is needed is a cooperation agreement between the respective departments, housing and youth welfare, for financing the integration of Youth Welfare Office staff. Such an arrangement would not, however, absolve staff in homeless shelters who detect an acute danger to a child's welfare from reporting it via the established channels as a matter of urgency.

3. Training, cooperation and integration

Violence is often a taboo subject, particularly in mixed gender homeless shelters and communal housing, and is seldom brought to light either by the women and children affected, or by the staff.

This is where empathy and gender-sensitivity is required. For staff who work with women, violence has to be a subject that can be addressed and dealt with.

As a first step, staff in the homeless sector need mandatory targeted training in understanding the concept of "violence" in its full range and extent, to be able to respond in a professional manner.

As a second step, it is essential to network and regularly communicate with the experts on the ground, meaning the female staff of the women's shelters and service providers. In some German cities (e.g. Munich), Round Tables were set up even before the Istanbul Convention was ratified, and their members address questions of violence against women, children, and non-binary individuals. Professionals provide information on current themes, and there is a natural and regular collegial exchange with the homeless sector.¹⁶

These round tables must be established in towns and cities nationwide. Not only because they are a mandatory component of the Istanbul Convention, but also because they are the only way to guarantee that professionals in the homeless sector regularly engage with this disturbing, frightening subject, become sensitive to the experiences of violence of their female clients and their children, and are able to respond appropriately.



Above all, the Coordination Centre envisaged in the Istanbul Convention must be established at federal level.

The centre must ensure

- continuous data collection on violence against women and the creation of data banks for research purposes,
- raised public awareness of all forms of violence and their impact,
- continuous availability and evaluation of training programmes for professionals in the sector,
- the setting up of round tables as regular exchange forums,
- the monitoring, evaluation and optimisation of the effectiveness of interventions.

Violence protection concepts in the homeless sector

The development and implementation of violence protection concepts is not an explicit obligation arising from the Convention. But they are needed wherever people are housed together, to ensure effective protection against violence.

Violence protection concepts are now being developed in the homeless sector in some parts of Germany, partly in conjunction with refugee shelters¹⁷. The aim is to avoid all forms of violence in those facilities – irrespective of who is committing violence against whom - and there are clear standards to which every institution should aspire. At the same time, each institution needs its own individual protection concept. This entails attaining the highest possible general standard while at the same time taking into account the special features of the institution and allocating organisational responsibilities. The first step is to implement standardised prevention measures applicable to all types of accommodation, while the second step requires ongoing development and differentiation, tailored not just to the victims but to the self-protection of staff.

These concepts embody practical preventive measures such as team training, transparent rules, and adequate lighting of corridors and hallways. But they also provide guidelines for dealing with violent and risk situations and specify possible interventions like sanctions, complaints management, cooperation with external violence counselling centres, and ways of overcoming the experience of violence.

Compiled by the Women's Coordination Technical Committee of the BAG Homeless Aid and adopted by the BAG Management Board on 17.03.2021

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- ⁴ Social inequality research describes discrimination against members of a “lower” social class as classism.
- ⁵ This term, common in social and scientific discourse, has a sociological and normative ambiguity which suggests linguistic discrimination.
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- ⁸ Rabe, Heike; Leisering, Britta (2018): *Die Istanbul-Konvention. Neue Impulse für die Bekämpfung von geschlechtsspezifischer Gewalt*. Deutsches Institut für Menschenrechte, Berlin
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- ¹⁵ BAG Homeless Aid (2020): *Familienunterstützende Hilfe zur Überwindung sozialer Schwierigkeiten nach §§ 67 ff. SGB XII in Wohnungsnotfällen. A recommendation by BAG Homeless Aid.*
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