

# Article 16: Illustrative indicators on freedom from violence, exploitation and abuse

ADVANCE VERSION

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### Prevention of and protection against all forms of exploitation, violence and abuse and provision of redress

Attributes/ Indicators	Domestic Violence	Violence within public and private institutions	Violence within the community including harmful practices	Trafficking
<b>Structure</b>	<p>16.1 Legislation criminalising, protecting against and preventing all forms of violence, abuse and exploitation inclusive of persons with disabilities,<sup>i</sup> with sanctions for perpetrators and effective remedies for victims.</p> <p>16.2 No provision in legislation which permits exemption from criminalization of non-consensual practices of any kind, including those based on a restriction/denial of legal capacity, or actual or perceived impairment of the victim and/or the determination of best interest by a third party.</p> <p>16.3 Adoption of national plan/policy to prevent, detect, and combat violence, abuse, and all forms of exploitation with explicit reference to persons with disabilities which addresses the particular needs of women, children and older persons and persons with all types of impairment in private and public settings.<sup>ii</sup></p> <p>16.4 Programmes adopted for the recovery, rehabilitation and social reintegration of victims of violence, abuse and exploitation, including the provision of protection against retaliation and assistance services, including shelter and housing, are culturally appropriate, non-discriminatory and inclusive of persons with disabilities.<sup>iii</sup></p> <p>16.5 Statutory requirement to collect data on complaints, investigations, and convictions related to violence, abuse and exploitation of persons with disabilities disaggregated by sex, age, disability and form of violence, abuse and exploitation.</p> <p>16.6 Legislation enacted to criminalise rape and forced marriage, and for the elimination of all exemptions to criminalization of any non-consensual practice on the basis of marital union.</p>	<p>16.7 Measures taken to protect children and adults with disabilities who are still residing in institutions and residential settings from being exposed to violence, abuse, exploitation, neglect and other violations.<sup>iv</sup></p> <p>16.8 Appointment of independent authorities to conduct regular monitoring and inspections of all public and private facilities and programmes designed to serve persons with disabilities, with the competence to initiate legal proceedings for the enforcement of related legislation, including on preventing and combating violence.</p> <p>16.9 Legal recognition of the denial of reasonable accommodation within public and private institutions as disability based discrimination, which may amount to a violation of mental and/or physical integrity and dignity of the individual.<sup>v</sup></p>	<p>16.10 Legislation enacted to criminalise harmful practices commonly committed against persons with disabilities.<sup>vi</sup></p> <p>16.11 Legislation enacted to prohibit incitement to discrimination, hostility and violence and “hate speech” explicitly include disability among protected grounds.</p>	<p>16.12 Legislative provisions which criminalise trafficking of persons<sup>vii</sup> and trafficking of body parts, explicitly refers to persons with disabilities.</p> <p>16.13 Programmes inclusive of children and adults with disabilities to prevent and protect against trafficking and exploitation, including through begging.</p>

### *Prevention of and protection against all forms of exploitation, violence and abuse and provision of redress*

Attributes/ Indicators	Domestic Violence	Violence within public and private institutions	Violence within the community including harmful practices	Trafficking
<b>Process</b>	<p>16.14 Percentage of shelters and other accommodation and refuge centres for victims of violence that are fully accessible in terms of physical environment and communication by city/region.</p> <p>16.15 Percentage of social services and support for victims of violence which are accessible in terms of physical environment and communication by city and region.</p> <p>16.16 Operating accessible hotlines and reporting mechanisms to seek assistance and complaints by victims of violence, abuse and exploitation.</p> <p>16.17 Proportion of population that feel safe walking alone around the area they live (SDG indicator 16.1.4) by sex, age, disability.</p> <p>16.18 Budget allocated and spent on prevention and response to violence, exploitation and abuse directed to persons with disabilities including consultations and monitoring of services.</p> <p>16.19 Number and proportion of staff working in law enforcement and criminal justice, education, and health services, and social services for victims of violence, including shelters and other centres, hotlines and reporting mechanisms, who received training on the obligations to prevent, identify, investigate and sanction violence, abuse and exploitation against persons with disabilities, including combating disability-based discrimination and non-consensual, restrictive or coercive practices.<sup>viii</sup></p> <p>16.20 Awareness raising campaigns and activities to eradicate violence, abuse, exploitation, and harmful practices of persons with disabilities, including combating negative stereotypes, and making available information and programmes to educate persons with disabilities about their rights, seeking protection, assistance and services and support in accessing justice, including integration in school curricula and human rights education programmes.<sup>ix</sup></p> <p>16.21 Proportion of population who think that abuse or violence against persons with disabilities is acceptable or tolerable.</p> <p>16.22 Consultation processes undertaken to ensure active involvement of all persons with disabilities, notably women with disabilities, <b>including</b> through their representative organizations, in the design, implementation and monitoring of laws, regulations, policies and programmes, related to violence, abuse and exploitation.<sup>x</sup></p> <p>16.23 Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities other officially recognized conflict resolution mechanisms (SDG indicator 16.3.1), disaggregated by sex, age and disability.</p> <p>16.24 Proportion of received complaints alleging violence, abuse and exploitation of persons with disabilities that have been investigated and adjudicated; proportion of those found in favour of the complainant; and proportion of the latter that have been complied with by the government and/or duty bearer; each disaggregated by kind of mechanism.</p>			

**Prevention of and protection against all forms of exploitation, violence and abuse and provision of redress**

Attributes/ Indicators	Domestic Violence	Violence within public and private institutions	Violence within the community including harmful practices	Trafficking
<b>Outcome</b>	<p>16.25 Proportion of population subjected to physical, psychological or sexual violence in the previous 12 months (SDG indicator 16.1.3) by sex, age and disability.</p> <p>16.26 Proportion of young women and men aged 18-29 years who experienced sexual violence by age 18 (SDG indicator 16.2.3) by sex, age and disability.</p>	<p>16.27 Proportion of ever-partnered women and girls subjected to physical, sexual or psychological violence, abuse or exploitation by a current or former intimate partner in the previous 12 months, disaggregated by form of violence, abuse and exploitation, by age (based on SDG indicator 5.2.1.) and disability.</p> <p>16.28 Proportion of women and girls subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age, place of occurrence (based on SDG indicator 5.2.2) and disability.</p> <p>16.29 Number of reported cases of exploitation, violence, abuse and exploitation within public and private institutions,<sup>xi</sup> by sex, age and disability.</p>	<p>16.32 Proportion of women who were married or in a union before age 15 and 18 (based on SDG indicator 5.3.1) by disability.</p> <p>16.33 Proportion of girls and women who have undergone female genital mutilation/cutting, by age (based on SDG indicator 5.3.2) and disability.</p>	<p>16.30 Proportion of children aged 1-17 years who experienced any physical punishment and/or psychological aggression by caregivers<sup>xiii</sup> in the past month (SDG indicator 16.2.1) by sex and disability.</p> <p>16.31 Proportion of persons victim of physical or sexual harassment by sex, age, disability status and place of occurrence, in the previous 12 months (SDG indicator 11.7.2)</p> <p>16.34 Number of victims of human trafficking per 100,000 population by sex, age, form of exploitation, (SDG indicator 16.2.2) and disability.</p>

- <sup>i</sup> including rape, domestic, intimate-partner violence, trafficking, harmful practices including child and forced marriage, female genital mutilation, accusations of witchcraft, confinement and concealment of persons with disabilities, non-consensual treatment including non-consensual psychiatric interventions, other disability-specific non-consensual medical or social interventions, forced abortion, forced contraception, and physical, psychological, economic and sexual abuse with particular attention to target groups: women, children, older persons, persons of all sexual orientation and gender identities, and members of cultural minorities, indigenous persons with disabilities, persons with specific types of impairment, etc.
- <sup>ii</sup> For example: home, school, boarding schools, community settings, social care institutions (e.g. orphanages and residential institutions), health facilities (e.g. psychiatric hospitals), nursing homes, prayer camps, prisons, work environments, etc.
- <sup>iii</sup> with specific measures for women, children and older persons.
- <sup>iv</sup> ‘Institutions’ include institutional settings of both a temporary or short-term nature, such as psychiatric wards, and long-term institutions.
- <sup>v</sup> For example, denial of reasonable accommodation in prison which may lead to substandard conditions of detention that are incompatible with the right to physical and mental integrity on an equal basis with others.
- <sup>vi</sup> For example, child and forced marriage, female genital mutilation, accusations of witchcraft, confinement and concealment of persons with disabilities, non-consensual treatment including non-consensual psychiatric interventions, forced abortion, forced contraception. See the [Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices for further criteria in determining harmful practices](#) (paras. 15-16).
- <sup>vii</sup> See for general guidance, UNODC and UNGIFT, [Model Law against Trafficking in Persons](#).
- <sup>viii</sup> Training should also include:
- the human rights based approach to disability;
  - communication with persons with disabilities, including on alternative means and modes of communication;
  - the obligation to provide reasonable accommodation.
- <sup>ix</sup> in particular for women, children and older persons, persons with psychosocial disabilities, persons with intellectual disabilities, persons living with HIV/AIDS and persons with albinism.
- <sup>x</sup> This indicator requires verifying concrete activities undertaken by public authorities to involve persons with disabilities in decision-making processes related to issues that directly or indirectly affect them in line with article 4.3 of the CRPD and [general comment no. 7 of the CRPD Committee](#), including consultation meetings, technical briefings, online consultation surveys, calls for comments on draft legislation and policies, among other methods and mechanisms of participation. In this regard, States must
- ensure that consultation processes are transparent and accessible;
  - ensure provision of appropriate and accessible information;
  - not withhold information, condition or prevent organizations of persons with disabilities from freely expressing their opinions;
  - include both registered and unregistered organizations;
  - ensure early and continuous involvement;
  - cover related expenses of participants.
- <sup>xi</sup> including schools, health, social services, prisons and other institutions.
- <sup>xii</sup> this can include a provider of a health service, education service, etc.