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| **Article 16 – Illustrative indicators on freedom from violence, exploitation and abuse** |
| **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** |
| **Structure** | 16.1 Legislation criminalising, protecting against and preventing all forms of violence, abuse and exploitation inclusive of persons with disabilities, [[1]](#endnote-1) with sanctions for perpetrators and effective remedies for victims. 16.2 Adoption of national plan/policy[[2]](#endnote-2) 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.[[3]](#endnote-3)16.3 Programs adopted for the recovery, rehabilitation and social reintegration of victims of violence, abuse and exploitation, including the provision of assistance and services, including shelter and housing, are inclusive of persons with disabilities and prohibit discrimination on the basis of disability.[[4]](#endnote-4)16.4 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. |
| 16.5 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.16.6 No provision in legislation which permits any exemptions from criminalization of non-consensual practices of any kind based on a restriction/denial of legal capacity or based on any actual or perceived impairment of the victim. | 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.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. 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.[[5]](#endnote-5) | 16.10 Legislation enacted to criminalise harmful practices,[[6]](#endnote-6) commonly committed against persons with disabilities.16.11 Legislation enacted to prohibit incitement to discrimination, hostility and violence and “hate speech” explicitly include disability among protected grounds. | 16.12 Legislative provisions which criminalise trafficking of persons[[7]](#endnote-7) and trafficking of body parts, explicitly refers to persons with disabilities.16.13 Programs inclusive of children and adults with disabilities to prevent and protect against trafficking and exploitation, including through begging. |
| **Process** | 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.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.16.16 Operating accessible hotlines and reporting mechanisms to seek assistance and complaints by victims of violence, abuse and exploitation.16.17 Proportion of population that feel safe being out alone around the area they live (based on SDGs indicator 16.1.4) by age, sex, disability.16.18 Budget allocated and spent on prevention and response to violence, exploitation and abuse directed to persons with disabilities including consultations and monitoring. 16.19 Number and proportion of staff working in law enforcement and criminal justice, and social and health services, who received training on the obligation to prevent, identify, investigate and sanction violence, abuse and exploitation against persons with disabilities.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.[[8]](#endnote-8) 16.21 Consultation processes undertaken to ensure active involvement of all persons with disabilities, notably women with disabilities, **including** through their representative organizations, in the design, implementation and monitoring of laws, regulations, policies and programs, related to violence, abuse and exploitation.[[9]](#endnote-9)16. 22 Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities other officially recognized conflict resolution mechanisms (SDGs indicator 16.3.1), disaggregated by age, sex and disability. 16.23 Number of received complaints alleging violence, abuse and exploitation of persons with disabilities, investigated and adjudicated in favour of the complainant, disaggregated by kind of mechanism, and the proportion of these complied with by the government or duty bearer. |
| **Outcome** | 16.24 Proportion of population subjected to physical, psychological or sexual violence in the previous 12 months (SDGs indicator 16.1.3) by age, sex and disability.16.25 Proportion of young women and men who experienced sexual violence by age 18 (based on SDGs indicator 16.2.3) by age, sex and disability. |
| 16.26 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 SDGs indicator 5.2.1.) and disability. | 16.27 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 SDGs indicator 5.2.2) and disability. |
| 16.28 Number of reported cases of exploitation, violence, abuse and exploitation within public and private institutions[[10]](#endnote-10), by sex age and disability. | 16.30 Proportion of women who were married or in a union before age 15 and 18 (based on SDGs indicator 5.3.1) by disability.16.31 Proportion of girls and women having undergone female genital mutilation/cutting, by age (based on SDGs indicator 5.3.2) and disability. | 16.32 Number of victims of human trafficking per 100,000 population, by sex, age, form of exploitation, (SDGs indicator 16.2.2) and disability. |
| 16.29 Proportion of children aged 1-17 years who experienced any physical punishment and/or psychological aggression by caregivers[[11]](#endnote-11) in the past month (SDGs indicator 16.2.1) by sex and disability. |

1. **ANNEX**

 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, 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, persons with specific types of impairment, etc. [↑](#endnote-ref-1)
2. which is designed with the meaningful consultation with organizations of persons with disabilities and contains:

	* Clear lines of responsibility, targets and timetable for implementation;
	* Mechanisms for cross-ministerial cooperation;
	* Allocated budget;
	* Monitoring and enforceability mechanism; and
	* Criteria requiring physical and informational accessibility. [↑](#endnote-ref-2)
3. 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, etc.. [↑](#endnote-ref-3)
4. with specific measures for women, children and older persons. [↑](#endnote-ref-4)
5. 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. [↑](#endnote-ref-5)
6. 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](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/627/78/PDF/N1462778.pdf?OpenElement) (paras. 15-16). [↑](#endnote-ref-6)
7. See for general guidance, UNODC and UNGIFT, [Model Law against Trafficking in Persons](https://www.unodc.org/documents/human-trafficking/Model_Law_against_TIP.pdf). [↑](#endnote-ref-7)
8. 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. [↑](#endnote-ref-8)
9. 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, 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

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 (e.g. transport and other expenses to attend meetings and technical briefings). [↑](#endnote-ref-9)
10. including schools, health, social services, prisons and other institutions. [↑](#endnote-ref-10)
11. this can include a provider of a health service, education service, etc. [↑](#endnote-ref-11)