Tackling the Problem, Entrenching the Stereotype

- How German Sexual Violence Policy Shapes Perceptions about Women and Women from Minority Groups

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Trigger Warning. This thesis discusses topics related to sexual violence that may be distressing to some readers. Reader discretion, therefore, is advised. If these topics are distressing to you, please prioritize your well-being while reading and consider seeking support if necessary.

Abstract

Sexual violence (SV) is a problem that disproportionately involves men acting violently towards women, especially against women from social minority groups like women with disabilities or with an immigration background. In addressing the issue, policies to address sexual violence honor this empirical reality by developing measures that are focused on supporting women and that are targeted at the relationship between sexual violence and minority women's life situation. In doing so, policies themselves create certain images of women in general and of women who are part of marginalized groups throughout the policy text. These depictions, in turn, can either reinforce or challenge stereotypical patriarchal and marginalizing beliefs. This research analyzes whether stereotypes are reinforced or challenged in German SV policy documents implemented between 2007 and 2024. Employing Allan's (2008) *Policy Discourse Analysis Framework* (PDA) as both a theoretical framework and a methodological approach, it investigates the discourses embedded within German sexual violence policy and how they reinforce or counter stereotypical beliefs around women's position in society as inferior to men and minority group's position as inferior to the dominant group's. The findings reveal that SV policies primarily perpetuate stereotypical beliefs. They do so via discourses of risk and dependency that frame women as vulnerable, weak, and dependent in line with societal gender stereotypes of weakness and dependency. In the case of marginalized groups, a discourse of specificity depicts minority women as different from the majority, reinforcing stereotypical beliefs of minority groups as inherently different from 'the people'. Contrary to the main finding, however, the policies also contain a discourse of feminism and a discourse of inclusion, in the case of marginalized groups, that highlight women's agency and capability and perceive minority groups as at the center of society instead of at its margins.

Key words: Sexual violence policy, policy discourses, gender stereotypes, minority group stereotypes, empowerment

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Table of Contents

1. Introduction

"There is no shortage of [female] victims [of sexual violence], of course. Yet to define [women] by the undeniable wounds that [they] have suffered, and will continue to suffer, strips them of their agency. It cuts them down, renders them weak and dependent, like little children, when it should be building them up, like the independent, competent, and resilient adults that most of them are." (Meredith 2018)

As indicated by this quote, sexual violence (SV) is a form of gender-based violence: It primarily affects women rather than men; there is "no shortage" of women among those experiencing sexual violence. In fact, according to the German Federal Police Office's crime statistics, an overwhelming majority of around 93% of persons affected by sexual violence in Germany are women while only approximately 7% are men (BKA 2023: 5). Men, however, commit most acts of sexual violence – in Germany, 98% of suspects accused of committing sexual violence are men (BKA 2023: 52).

The gendered aspect of sexual violence calls for interventions that are conscious of and address women's higher chance of being harmed. The most important interventions that address sexual violence are governmental policies. They provide a framework of action by introducing multiple measures that range from prevention and education to legal action and support for the affected in various areas such as healthcare or housing. In line with their higher affectedness, these policies focus on offering women help and support in cases of sexual violence while, simultaneously, addressing men's violent behavior. They detail relevant physical and psychological health services or access to women's shelters, for example, while implementing educational measures targeted at sexual offenders. While policies must address SV and simultaneously be conscious of its gendered nature, the manner in which interventions address sexual violence matters significantly. Since sexual violence policies focus on a gendered issue and detail measures that align with the fact that women are disproportionately affected by SV, how they frame the 'problem' of sexual violence and what they offer as solutions, by nature, produces depictions of women and men. The risk here, however, is that SV policies themselves, in their effort to address sexual violence as a problem that is harmful to women, portray women in a way that is harmful to them. In this way, sexual violence policies can perpetuate and institutionalize harmful stereotypical perceptions, norms, and beliefs about women.

With existing research highlighting the prevalence and effects of sexual violence (Armstrong et al. 2018; Eby et al. 1995; Martin et al. 2011), there remains a gap in examining how policies shape such societal views of women. To examine these concerns, this research investigates German sexual policies implemented between 2007 and 2024. It utilizes Allan's (2008) *Policy Discourse Analysis* (PDA) framework that examines the discourses embedded within the policies document and, in doing so, allows to identify and analyze stereotypes.

In incorporating measures that focus on supporting women as those affected by SV, sexual violence policies can depict women as 'victims' while men are considered the 'perpetrators'. When they are portrayed as 'victims', women are "render[ed] [.] weak and dependent" instead of focusing on their "competen[cy] and resilien[ce]," as the introductory quote to this research highlights (Meredith 2018). Ignoring women's strength and ability, 'vulnerable' and 'weak' 'victims' of sexual violence are considered incapable or less capable than men of caring for themselves and unable to ensure their own well-being. Perceptions of women in the context of sexual violence, therefore, can reinforce broader stereotypes about women that are common within society – such as women's 'fragility', 'weakness', and 'dependency'. These beliefs are harmful because they shape and constrain the roles that women are expected to take on in society: They dictate how the 'ideal' or 'normal' woman 'should' be like – 'fragile', 'weak', and 'dependent', for example. These 'female' characteristics are the opposite of how men are perceived – 'strong' and 'independent' ('perpetrators'). Typical 'female' roles and that are more negatively connoted than men's, therefore, leading to women being valued less in society. They, further, discourage women from pursuing opportunities in the professional, political, and social sphere – such as on the job market or in running for office, for instance – and, thus, contribute to gender inequality. These norms, therefore, overall shape gender power dynamics. While women and men in Germany are equal before the law, the existence of traditional gender roles and norms that sexual violence policy can reinforce still defines women's status in society as inferior to men. Analyzing sexual violence policies and how they contribute to doing so, thus, is crucial. While SV policy may also reinforce stereotypes about men – like the idea that men are ''cannot' be affected by SV since they are 'too strong' and the 'aggressors' – this analysis focuses on stereotypical depictions of women since they are the ones systematically being oppressed by gender norms. It, therefore, also aims at uncovering if SV policies challenge these norms, empower women, and how they do so.

A similar logic applies to women from marginalized or minority social groups: Although SV policies must implement measures that address the varying needs of women from these groups, they can further stereotypical norms and beliefs about them that are harmful. Marginalized groups include persons with disabilities, with a history of immigration, or individuals from a low socio-economic background, for example, that are disadvantaged German society compared to the dominant group due to these characteristics. Women who are part of these groups experience sexual violence more often than women who are part of the dominant or majority social group – in Germany, women with disabilities, for instance, are about two to three times more likely to be affected by SV (Schröttle et al. 2013: 24). This higher affectedness can be connected to characteristics that marginalize women and how they affect their lives: Women from disadvantaged socio-economic backgrounds may experience economic instability which leads to them having to stay in abusive relationships – their marginalization can contribute to their affectedness to sexual violence. In the case of women with disabilities, some of them may be subjected to SV more often since they might be living in assisted living facilities that are often

characterized by a lack of privacy, as large groups live together or bathrooms are not lockable, for example (Schröttle et al. 2013: 61). While this means that SV policy must take into account the real-life situations of women from marginalized groups, policy can (ab)use their life-situation that is connected to their higher affectedness by SV to frame them as 'different' from 'normal' (in these cases, able-bodied and with a higher socio-economic status) women. They can emphasize the characteristics that marginalize minority groups in society as the reason for their 'increased vulnerability' and, therefore, render them 'inherently' 'other'. These perceptions are rooted in broader societal stereotypes that view minority groups as 'different' and 'deviant' from the 'normal people' in German society. This is problematic as such beliefs marginalize minority groups in the economic, social, and political sphere: They make it harder for them to be part of society and shape their status as inferior to the dominant social group. This limits their access to resources and opportunities that the dominant group has and, therefore, affects their lives drastically – immigrants, for example, have a harder time finding housing opportunities, individuals from a disadvantaged socio-economic background attend university less and stay working low-wage jobs, and people of color face hiring biases and receive less-quality medical care due to research biases. Analyzing how SV policies contribute to such harmful beliefs and how they challenge them is crucial to combat these stereotypical beliefs in society overall.

The research question, thus, reads: *How can sexual violence policy documents in Germany be understood as reifying or challenging social stereotypes around 1) the male/female dichotomy and 2) the dominant/marginalized social group dichotomy?*

Policy Discourse Analysis (PDA) is both a theoretical perspective on how discourses in policy documents shape perceptions of gender and minority groups and a methodological tool that is applied to 21 policy documents. The analysis first uses PDA's themes to code the documents using MAXQDA software, namely: What do SV policies consider the *problem*, what its *solutions* are, what *images of women,* and what *images of marginalized groups* do they depict? Based on this, the analysis applied elements from discourse analysis to identify dominant discourses that shape perceptions about women and minority groups. The analyzed documents include the *Criminal Law on Sexual Offenses*, the *Protection Against Violence Act*, Action Programs, and Action Plans implemented in the period between 2007 and 2024. During this wide time frame, perceptions about and attitudes to sexual violence were generally changing a lot: The #MeToo movement gained widespread traction in 2017 and Germany introduced the concept of consent into criminal law in 2016. As such, discourses about men, women, and minority groups may have changed significantly. It is, however, the goal of this analysis to uncover what the primary discourses within policy are. As currently effective pieces of legislation, these policies contribute to forming such dominant discourses, even if they were introduced a while ago. They include perceptions about women and minority groups that are still relevant since no new legislation has been introduced. Including these documents in the analysis, therefore, is crucial.

1.1 Research Goals and Aims

This research, overall, aims at uncovering assumptions about gender roles, norms, and beliefs as well as beliefs and stereotypes about marginalized groups embedded within German sexual violence policies. It, then, seeks to explore how these underlying norms and beliefs contribute to the reinforcement or challenge of existing patriarchal and dominant social norms that shape existing power dynamics within society. In doing so, it aims to empower both these groups to challenge their standing in society. As their status leads to women and marginalized groups not being valued, these beliefs impact them negatively. They, for one, limit their opportunities across multiple areas of social life such as access to reproductive healthcare or equal housing opportunities.

By examining German sexual violence policy documents, this analysis sheds light on the manner in which the depictions of women within SV policies contribute to sustaining existing patriarchal norms that are harmful to women. It investigates how policies reinforce and challenge traditional gender norms and beliefs that contribute to sustaining their subordinate societal position. In doing so, it seeks to empower women to challenge such harmful narratives not only in regard to sexual violence but also to defy stereotypical gender beliefs on a broader societal scale.

Similar to the category of gender, this research examines the portrayal of marginalized social groups within SV policy documents. Since SV affects women from marginalized social groups and women who are part of the dominant social group differently, it recognizes the importance of researching typically gendered issues from an intersectional perspective. It illuminates societal beliefs and power dynamics underlying minority groups' portrayal in SV policies. In doing so, it is targeted at empowering members of these groups to challenge harmful conceptualizations that contribute to marginalizing them in relation to SV and within a societal context. This research, thus, overall aims to promote the inclusion of marginalized groups. It takes a normative position and advocates for social change both concerning gender and in relation to minority groups.

1.2 Terminology and Language

In describing how language portrays women and marginalized groups and how this reinforces or counters stereotypical societal beliefs, this study itself and the language it uses contribute to shaping the portrayals of women and minority groups that it seeks to explore. This section, therefore, briefly discusses some of the key terms and language used throughout this research.

The term 'sexual violence' is used throughout this study. Although definitions of what actions, exactly, constitute sexual violence vary, SV, generally, is an umbrella term that covers multiple aspects related to unwanted sexual contact. In line with the common definition in the German context, this research understands SV as "nonconsensual completed or attempted penetration, unwanted nonpenetrative sexual contact, or non-contact acts" like verbal sexual harassment or coercion (Basile & Smith 2011:1). As an extensive, overarching concept that is broader than

terms like 'rape' or 'sexual assault', 'sexual violence' is well-suited to investigate how SV policies portray women and marginalized groups.

Individuals experiencing sexual violence identify with a variety of terms to categorize their experiences, most commonly including 'victim' and 'survivor' (Colpitts 2019: 10). While this research discusses the implications of the term victim later on, it is important to already note that this study makes use of the term 'survivor'. 'Survivor' highlights resistance and agency, viewing those affected by SV as not as passive recipients of harm but portraying images of strength, recovery, and overcoming trauma (O'Shea et al. 2024: 3). 'Victim', in contrast, is connotated negatively as it is linked to characteristics such as weakness, vulnerability, and powerlessness (Papendick & Bohner 2017).

2. Background: Sexual Violence Policy in Germany

This background section provides an overview over the historical development of SV policies in Germany and introduces the currently effective policies on sexual violence. It contextualizes the ways in which policy documents reflect and shape broader social attitudes and power dynamics.

2.1 The Historical Development of Sexual Violence Policy

Legislation addressing sexual violence has a long history in Germany. In order to highlight how sexual violence and societal beliefs are interlinked, this section provides an overview over the historical development of SV policies and sexual violence's public perceptions.

The general issue of violence against women first became prevalent in the mid-1970s. As part of the second wave of feminism, the *New Women's Movement* (*Neue Frauenbewegung*) for the first time shone light on violence against women as a problem on a large scale and worked to eliminate the issue as a taboo topic. It ultimately succeeded in shifting the public perception from considering violence against women a private problem to it being recognized as a serious public issue (Wagner 2018: 38). A large part of the early *New Women's Movement* focused on violence against women in the context of domestic violence. Feminist activists worked for the establishment of emergency call centers for women experiencing domestic abuse and founded women's shelters. The state began to take action passively at first. It funded the first women's shelter founded by feminists in 1976 (Action Plan I 1999: 6).

Sexual violence as a form of violence against women only became a salient societal issue once the movement began focusing on forms of violence other than domestic violence at the end of the 1970s/ the beginning of the 1980s (BMFSFJ 1999: 7). In line with emerging global feminist beliefs, it brought forward a new understanding of sexual violence: They considered it a means of exercising

structural power instead of viewing cases of sexual violence as isolated incidents that could be attributed to an individual problem of behavior – something only few, 'evil men' do (cf. Brownmiller 1975). Similar to feminist understandings of violence against women in general, the *New Women's Movement* considered sexual violence to be based on gender power relations. It viewed it as a form of gendered violence that is inflicted by the structurally stronger men who exploit their position of power over women in line with the broader system of patriarchal power dynamics (Hagemann-White 1992: 23). In consequence, women's groups established the first emergency call centers specifically targeted at survivors of rape and other sexual violence in the 1980s (FMT 2018). They also managed to make this structural understanding of SV transcend feminist circles and enter the political and public sphere. A governmental commission that evaluated the work of these call centers found sexual violence not to be misguided male sexuality but a structural issue of power (Augstein 2013: 7).

Societal conversations on sexual violence, however, were dominated by conversations on rape as a problem. The *New Women's Movement* started calling for a reform of the *Criminal Code* (*Strafgesetzbuch [StGB]*) in 1980 since it only defined rape as sexual interactions where offenders use (physical) force or threaten survivor's lives (Schuchmann 2021: 99). These regulations ignored situations in which their lives are not under threat but other threats (of violence) persist (Schuchmann 2021: 99). Proposed amendments to the *Criminal Code* that introduced consent were not (yet) capable of gaining a political majority at the time (Rabe 2017). The reform debate, instead, was centered around another regulation codified in the *Criminal Code*: Rape within marriage. According to the regulations, rape could only occur extramaritally, making it legally impossible for married persons to rape their spouses. Supporters of a reform opposed the perception of women as objects or property of their husbands and rejected the idea of rape as a trivial, socially accepted offense (FMT 2018). Reform opponents, in contrast, highlighted the sacredness of the institution of marriage that must not be infringed upon by the state (FMT 2018). After more than a decade of parliamentary and public debate, rape within marriage was recognized in 1997 (Köpcke 2022).

Sexual violence only became politically recognized as a broader structural issue whose definition included additional acts, not only rape, when the German government established the first national action plan to address violence against women in 1999. *Action Plan I to Combat Violence against Women* (*Aktionsplan I zur Bekämpfung von Gewalt gegen Frauen*) was the first national long-term strategy and comprehensive overall concept to combat violence against women. It addressed a variety of types of violence against women such as domestic violence, forced marriage, human trafficking, and, of particular relevance here, sexual violence. While not primarily addressing sexual violence, it recognized its structural nature: It highlighted the structural aspect of any type of violence against women and sought to achieve structural changes (Action Plan I 1999: 2). Although it recognized the disproportionate affectedness of minority groups, it only mentioned three marginalized groups: women with disabilities, older women, and women with an immigrant background (Action Plan I 1999: 16).

2.2 Contemporary Sexual Violence Policy

Today, a multitude of policies govern regulations related to sexual violence in Germany. The following section introduces these policies that are examined in this research. In doing so, it provides an important base for analyzing how German SV policies portray women and marginalized social groups. Current SV policies include the *Criminal Law on Sexual Offenses*, the *Protection Against Violence Act*, and Action Plans and Programs.

Criminal law is the only policy area solely addressing sexual violence in the German context. By regulating punishments for rape and sexual harassment, the *Criminal Law on Sexual Offenses* (paragraphs 174 to and 184 of the *Criminal Code*) effectively defines what actions are considered sexual violence by specifying what actions and behaviors are punishable offenses. The law's latest version, which is based on the concept of will and disregards the previous idea of (physical) force, was introduced after the "incident Cologne" (Dietze 2016: 93). The "incident Cologne" refers to a high number of sexual assaults that were committed during public New Years Eve celebrations in Cologne in 2015/16 that led to a public and media outcry[1]. Reform efforts had been in motion since Germany signed the Istanbul Convention, an agreement by the Council of Europe aimed at preventing and combating violence against women, in 2011. However, no political consensus about whether a consent-based approach to SV should be implemented was reached until the "incident Cologne". The *Criminal Law on Sexual Offenses*, today, sets a person's will at its core, following a consent-based, no-means-no approach to sexual interaction. All parties involved in a sexual interaction must willingly agree to said activity. It considers sexual interaction consensual until a 'no', an opposing will, is communicated or implied by resisting or crying. From the moment consent is not given, sexual actions are classified as sexual violence (Torenz 2021: 718).

German civil law, Action Plans, and Action Programs refer to and regulate sexual violence in the broader context of violence against women, in general, instead of specifically focusing on SV as criminal law does.[2] Outside of criminal law, the most important law referring to sexual violence is the *Protection Against Violence Act* (*Gewaltschutzgesetz*). This act is a civil law regulation that was introduced in 2002 and protects victims of violence in the context of close relationships and domestic settings. The *Protection Against Violence Act*, initially, was concerned with domestic violence. It stated that persons violating the physical well-being, health, or freedom of another person could be restricted access to their

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[1] The "incident Cologne" (Dietze 2016: 93) triggered a public and media outcry calling for a reform of the *Criminal Law on Sexual Offenses* since the survivors mostly described the offenders as North African and Arab men (Egg 2017: 297). Public debate, in turn, mainly focused on refugees, ethnicity and religious background and denominated them as 'the Other'; the group committing sexual violence and crime. It labeled 'the Other' sexist while, simultaneously, negating the structural existence of sexism within 'the people's' society (Hark & Villa 2017: 43).

[2] Although the policies concerned with SV – excluding criminal law – that are presented in the following sections, therefore, are not specific to only sexual violence, this analysis still refers to them as 'sexual violence policies' throughout this study in the name of comprehensibility.

shared accommodation and other spaces the survivors frequently access. Most notably, the offenders were the ones having to leave the shared space while survivors got to stay in the shared accommodation, regardless of who the homeowner or main tenant was. In 2021, an amendment to the act adds actions that violate an individual's sexual self-determination to the law's scope of application.

In addition to criminal and civil law, numerous Action Plans and Programs implement measures to combat sexual violence. They include incentives taken to address sexual violence in the broader context of violence against women and cover a multitude of policy areas such as prevention or healthcare that are related to SV. After a 2004 study (Schröttle & Müller 2005) found an alarmingly high rate of violence against women, the German government implemented the national *Action Plan II to Combat Violence against Women* (*Aktionsplan II zur Bekämpfung von Gewalt gegen Frauen*) in 2007. Succeeding *Action Plan I*, *Action Plan II* is the currently effective comprehensive nation-wide strategy in the German context. Its areas of focus include prevention, legislation, support services and their cooperation with each other, working with perpetrators, education measures, research, and international cooperation. It, also, specifically is concerned with the impact of violence on marginalized groups like women with a migration background and women with disabilities.

Complementing *Action Plan II*, the *National Support Program 'Together Against Violence Against Women'* (*Bundesaktionsprogramm 'Gemeinsam gegen Gewalt an Frauen'*) (2020) is a funding program that supports civil society projects working to address all forms of violence against women. It is divided into two sub-programs, the *Investment* and the *Innovation Program*. The *Investment Program* funds construction measures in support and counseling facilities while the *Innovation Program* promotes innovative projects that improve the accuracy and functionality of support services.

Some of the substantial measures to address SV, such as on-site provision, coordination, and funding of specific programs and facilities for survivor support and prevention, however, are not covered by national policy. The competencies to implement such measures lie within the German federal state's authority which is why all 16 federal states have their own Action Plans that map out such measures in greater detail than the national initiatives. Together with national initiatives, they make up the most important policies detailing strategies to address violence against women in the German context.

3. Literature Review

This research draws on multiple research traditions: Policy analysis, feminist theory, and intersectional theory. These traditions help to examine the depiction of women and marginalized social groups within sexual violence policy. They do so by providing theoretical insight into how policies can be analyzed, how sexual violence is interconnected with gender, and how marginalizing aspects of identity relate to sexual violence. At the same time, this study expands the scope of previous

research by examining policies themselves instead of focusing on media representations of SV or legal reform. It adopts a post-structural perspective on SV policies in Germany, focusing on the reinforcement of norms within policy as opposed to centering around its reform or examining the 'incident Cologne' as a lot of analyses concerned with SV in Germany do.

3.1 Policy Analysis Approaches

By focusing on sexual violence policy, this study builds on the research tradition of policy analysis. The field of policy analysis offers three main competing analytical approaches to investigate policy that focus on different aspects of policy: Rational, critical, and post-structural approaches. This study adopts a post-structural approach, focusing on how sexual violence as a problem related to gender and marginalizing aspects of identity is constructed and how this reinforces harmful stereotypes.

Rational approaches to policy analysis are mainly concerned with the process of policy-making. This process is typically viewed as proceeding in various stages: Dye (1972) introduces the policy cycle framework, outlining several stages from agenda-setting to evaluation through which policies typically progress. Key studies (Arrow 1951; Lindblom 1959; Simon 1955) focus on the interplay of different factors that influence policymaker's decision-making during this process. They assume that these decisions are rational and aimed at achieving specific goals. Rational approaches, therefore, focus on policy-making as an orderly process in which facts are examined in order to find the best solution for a given problem (Allan & Tolbert 2012: 139). They consider policy a tool to solve problems. Critical approaches to policy analysis (Marshall 1997a, 1997b) do not solely analyze the process of policy-making. Instead, they focus on the distribution of power and power dynamics within the policy-making process and consider policy a result of the contestation between stakeholders possessing unequal power (Goodwin 2006: 196). They aim to criticize and challenge the social order by empowering individuals to understand the social world and, in doing so, promote justice and equality (Allan 2008: 7).

In contrast to this, this research takes on a (mostly) post-structural perspective. As opposed to understanding policy as a solution to pre-existing problems whose process of implementation must be investigated, it highlights how the 'problem' of sexual violence in relation to gender and social groups is established in legal texts. It investigates how gendered and minority problem constructions reinforce or challenge societal biases. Starting with Foucault's ideas on power and discourse (1972), post-structural policy analysis (Bacchi 1999, 2000) generally posits that meaning is not pre-existing but fluid and context-dependent. As a result, it rejects the idea of pre-existing, fixed problems that policy seeks to solve and, instead, focuses on policy as part of the discourse.

In examining the portrayal of women and minority groups within the discourse, this analysis considers the role of discursive participants. It understands women and marginalized social groups as participants within the discourse that contribute

to their own dominant depictions. In aiming to empower them to challenge discursive constructions that reinforce harmful stereotypes, it speaks to the literature on the struggle to politicize certain groups' agendas. Nancy Fraser's *Struggle Over Needs* (1989) addresses the politicization of needs and examines how they are translated into legislation, arguing that needs are not objectively given. Instead, they are socially constructed and become political due to processes of contestation within society. Various social groups struggle to establish the interpretation of their needs (Fraser 1990: 200). The distribution of discursive power resources determines which social groups are dominant and, therefore, influences legislation (Fraser 1990: 204). In line with such ideas of discursive dominance, this analysis seeks to contest dominant images of women and marginalized groups that oppress and marginalize them by shining light on alternative constructions that exist but are not dominant within the discourse.

3.2 Feminist Approaches to Sexual Violence and Sexual Violence Policy

By focusing on how SV policies reinforce traditional gender norms that position women as inferior to men within society, this study contributes to the broader feminist literature sexual violence and power dynamics. A significant strand of feminist theory is concerned with sexual violence as a gendered phenomenon that is characterized by unequal distributions of power. This literature regards SV as a phenomenon that cannot be understood separately from gendered power structures of male domination and female subordination (see Heberle 2014 for an overview of the scholarship on gender and sexual violence). While there is no comprehensive, singular 'feminist theory of sexual violence', feminist analyses generally focus on the structural nature SV. The idea of sexual violence as a structural problem was introduced in Susan Brownmiller's *Against Our Will* (1975) that argues that men use sexual violence as a tool to maintain the status quo within patriarchal societies. They use it as a tool to keep their dominant position and ensure the subordination of women.

Adding to these theoretical conceptualizations, feminist research is concerned with the empirical analysis of the prevalence of unequal power distributions between women and men. It primarily investigates gendered narratives within society, the media, legal practices, and court cases instead of focusing on the gendered implications within sexual violence policy (Hart & Gilbertson 2018; Pollino 2018; Santos et al. 2022; Taylor 2020; Weiss 2009). This focus, too, is prevalent in the literature on sexual violence in the German context where existing studies focus on prevalent narratives in various societal arenas like legal processes and the media (Frentzen et al. 2021; Schwark 2017). For example, Schwark (2017) investigates visual representations of SV within the media by analyzing photographs used in German online news articles. The study highlights the perpetuation of rape myths as photographs portray SV survivors as passive, weak, and helpless instead of viewing them as individuals with agency.

This study contributes to such empirical analyses by focusing on policy and how it reinforces stereotypical beliefs. This is crucial as the existing research that does examine sexual violence policy primarily discusses legal frameworks and the role of SV policy in addressing sexual violence instead of focusing on discourses and gender stereotypes (Burghardt & Steinl 2021; Calkins et al. 2014; Janus 2003). This study aims to fill this gap especially since research in the German context is largely concerned with the changes to the Criminal Code as the main legislation on sexual violence (Dessecker 1999; Gercke 2014; Lamping 2017; Kempe 2018; Prittwitz 2000). Lamping (2017), for example, examines the effects of the 2016 reform of the Criminal Code on criminal justice, the administration of justice as well as the realization of sexuality in practice.

3.3 Intersectional Approaches to Sexual Violence and Sexual Violence Policy

This research relates to the research tradition of intersectionality that aims to shed light on how the interplay of different aspects of identity leads to unique patterns of discrimination. It does so by focusing on how sexual violence policies depict social groups that are characterized by multiple marginalizing aspects of identity. Starting with Kimberly Crenshaw's *Mapping the Margins* (1991), intersectionality has become an important framework in feminist analysis. It investigates how intersecting categories of identity such as race, class, sexual orientation, or ethnicity shape the experiences of social groups in complex, interconnected ways (Armstrong et al. 2018; Crenshaw 1989; Crenshaw, 1991; Kessel 2022).

In order to examine this, intersectionality research primarily investigates the empirical realities of specific social groups and reviews their increased affectedness by SV (De Schrijver et al. 2018; Keygnaert et al. 2012; Keygnaert et al. 2014). It investigates the underlying factors for this (Barrett & St. Pierre 2011; Freedman & Jamal 2008). While policy, therefore, is not the main site of investigation, intersectional policy analyses are becoming increasingly popular within the university context (Colpitts 2019; Hibberd 2017). Universities implement institutional sexual violence regulations in order to fulfill national or federal legislation.

However, only a few studies analyze SV legislation from an intersectional perspective at a governmental level (Hearn et al. 2016; Strid & Verloo 2020; Strid et al. 2013). The limited number of existing studies examine sexual violence policies from a comparative perspective either between countries or between policy fields. Hearn et al. (2016), for example, investigate the conceptualizations of interrelated categories of identity within policy on violence against women in the Netherlands, Sweden, and the UK. Strid et al. (2013) compare policies on violence against women within the three policy fields of domestic violence, sexual violence, and forced marriage. While these analyses are also concerned with the way policies portray minority groups, this research adds to the existing literature by focusing on a singular policy field in a singular country. This narrower approach allows for the opportunity to explore the discursive construction of the images of social groups

that are affected by SV more thoroughly. It emphasizes the importance of language as a factor that contributes to minority groups' marginalized situation not only in relation to SV but in society at large.

In the German case, research pays little attention to sexual violence as a phenomenon from an intersectional perspective. This study addresses this gap. Analyses, instead, approach intersectionality in its relation to the 'incident Cologne'. A substantial line of research exposes how the feminist issue of sexual violence is instrumentalized to further racist stereotypes (Boulila & Carri 2017; Dietze 2016). Instead of focusing on how stereotypes related to women and minority groups as the main groups affected by SV, existing research mainly investigates unacknowledged racisms and highlights how immigrants and refugees were marginalized in the aftermath. Hark & Villa (2016) describe how a them-us-differentiation arises within the debate and, as a result, makes a distinction between 'the people' and the differing, demonized 'others' – i.e., refugee and immigrant men.

Still, a handful of studies are focused on social groups whose intersecting categories of identity are relevant in forming unique experiences with sexual violence in the German case. The literature identifies migration background and refugee status (Schröttle & Ansorge 2008), disability (Puchert et al. 2013, Schröttle et al. 2013; Zemp 2002), age (Moser 2022), and sexual orientation (Krahé et al. 2010) as characteristics that influence experiences with SV. Zemp (2002), for example, examines the experience of men and women with physical, mental and/or psychological disabilities living in residential institutions with sexual violence. The findings reveal a diminished knowledge about sexual education as a prevalent risk factor for being affected by SV. In their study investigating the experiences of sexual violence among homosexual men in Berlin, Krahé et al. (2010) highlight that unwanted sexual interaction is a serious problem among this group. Taking these findings into consideration, this research seeks to investigate discursive conceptualizations of social groups like these in German sexual violence policy instead of focusing on their experiences.

4. Theoretical Approach

In order to investigate how sexual violence policies reify social stereotypes about gender and marginalized social groups, this analysis applies the *Policy Discourse Analysis* (*PDA*) developed by Elizabeth Allan (2008). Developed for university policies on violence against women, PDA examines which dominant discourses within policy documents shape how women are portrayed and how these portrayals reinforce gender stereotypes. To examine these discourses, PDA employs three central elements. It investigates what SV policies consider the *problem* when it comes to sexual violence, what *solutions* they offer for them, and what *images of women* they contain. The following sections describe how PDA analyzes policy through the lens of discourse theory and, then, relate it to the issue of sexual violence to inform the empirical analysis.

4.1 The Policy Discourse Analysis (PDA) Framework

Investigating *problem* constructions and what *solutions* policy offers for them, are two central analytical elements of *Policy Discourse Analysis*. Rooted in post-structural tradition, PDA is based on the idea that social reality is not an independent, pre-existing entity but that it, rather, is constructed. It, in turn, presumes that neither the social world nor policy exists outside the discourses that shape them. PDA considers policy not a static, fixed text but a process of fluid, dynamic negotiation and renegotiation (Iverson 2015: 17). Policy is generally concerned with governmental action (and inaction) and is intended to address problems (Goodwin 2006: 168). In the logic of PDA, the problems that policy seeks to address do not exist "out there" but, instead, are constructed within the discourse (Bacchi 2000: 48). PDA, in consequence, assumes that policies implicit or explicit include assumptions and definitions of what the problem is that they are intended to solve (Bacchi 1999: 2). Policies, therefore, contain problematizations: They define circumstances, interpret them, and represent them as an issue within the policy text (Bacchi 1999: 2). As a result, policies that seek to address certain problems *themselves* contribute to the construction of said problems (Bacchi 2000: 48). Policies are part of the discourse that shapes problem constructions. There is no universal 'truth' but 'truth' is created within the discourse (Foucault 1978: 100), and PDA works to uncover the discursive construction of 'truth' within policy.

While 'discourse' is a contested concept that, broadly defined, refers to spoken and written language use (Allan 2012: 138), PDA understands discourse in a Foucauldian sense. It considers 'discourse' not to simply be language use at large, but particular "practices that systematically form the objects of which they speak" (Foucault 1972: 49). Following Foucault, discourse is not a fixed entity of statements, a collection of spoken or written language statements, but a dynamic system (Allan 2008: 15). As a result, discourses do not only reflect reality, but actively and productively construct reality. They produce particular versions of reality (Allan 2008: 2).

Next to *problem* constructions and *solutions*, the *images of women* are another central element to *Policy Discourse Analysis*. Since discourses are dynamic and productive, they shape the social roles that individuals can inhabit and occupy (Allan 2008: 8). PDA has an inherent feminist approach: It is specifically concerned with how the *images of women* within policy, as part of the discourse, contribute to shaping these roles.

In general, individuals can define themselves as and can be defined as by others according to these roles that PDA calls 'subject positions' (Allan 2008: 8). Subject positions include all the possible roles that individuals can occupy, for example daughter, scientist, runner, mayor, or Swiftie. Individuals, therefore, do not inhabit only one subject position but simultaneously internalize multiple subject positions in different areas or linked to different topics that can be contradictory or complementary at the same time (Allan 2008: 8). The sum of these positions they inhabit, then, adds up to construct an individual's sense of self (i.e., their subjectivity) (Allan 2008: 8). Since there is not only a singular discourse that

constructs reality but multiple discourses compete with each other at the same time, subject positions – and, thus, subjectivities – are dynamic and can shift (Allan 2008: 8). Individuals do not (have to) stick with the same role or definition for their entire lives but these roles and their sense of self is "continually revised and reconstituted as discourses are contested and disrupted" (Allan 2008: 17).

Although subject positions can shift, what subject positions individuals 'typically' or 'normally' take on depends on what discourses are 'dominant' within society. Dominant discourses are discourses that are taken up and supported more readily than other discourses (Allan 2008: 21). Their constructions of reality are normalized: They establish what is considered obvious, normal, and natural within society (Allan 2008: 21). The subjection positions produced by these dominant discourses are considered 'normal' for individuals to take on. They establish the social roles which come to be thought of as the 'standard'.

By defining the roles that individuals are supposed to 'normally' conform to, discourses shape power relations within a society. The 'standard' of roles, characteristics, and behaviors for individuals from certain social groups that they establish can either regard them highly or value them less than other groups. Stereotypical roles for women, according to PDA, "provide parameters for acceptable behavior on the part of women" (Allan 2008: 21) which consider them as less 'valuable' than men and, thus, positions them as inferior to them. A more detailed discussion on how these 'standard' gender roles are formed within the discourse follows in section 4.2.1 that is concerned with the female/male dichotomy. Conversely, all other roles and characteristics besides these 'normal' gender roles are considered less acceptable and mainstream. Such other roles – other subject positions – are produced by alternative, competing discourses (Allan 2008: 21). True to their name, the subject positions alternative discourses produce are simply viewed as alternatives to take up and not the 'normal', 'expected' role that someone can identify as. While dominant discourses do not actively repress alternative discourses, they obscure them by taking up a large part of the narrative. This makes it harder for individuals to take on alternative roles and for these roles to be accepted within society, especially since they are deviant from the established 'natural way of being'; from the 'normal standard' (Allan 2008: 23).

PDA, however, includes options for challenging these 'normal' positions by focusing on how discursive power can be exercised by individuals or social groups as they participate in the discourse. Post-structural theory, traditionally, assumes individuals to be made up of different roles that are externally formed by the discourse. It does not consider them to have agency. PDA adapts this traditional post-structural conceptualization by making use of feminist post-structuralist ideas. Feminist post-structuralism does not deny individuals the ability to take action and challenge structures of oppression like the patriarchal system. It argues that individuals' idea of self is not merely determined by how the discourse, as an external force, constructs them, but that discourse is an active process in which they participate. In other words, discourse "is something you do, rather than something to which you are subjected to" (Mills 1997: 88). Although discourses determine what meanings, subject positions, and thus subjectivities are available, individuals

participate in forming these roles by engaging in the discourse. As power is created in the discourse, PDA, in contrast to structural approaches, does not view power as tangible or something that can be possessed. Individuals or (social) groups cannot possess 'more' or 'less' power and use it to oppress others. Instead, by being created within the discourse, power is exercised (Sawicki 1986: 26). This Foucauldian understanding of power (Sawicki 1986: 26) means that positions of oppression are created by establishing certain roles that are regarded higher than others within the discourse. As participants in the discourse, individuals and groups can work towards normalizing other subject positions that pose an alternative to the currently accepted positions that shape their disadvantaged position within society. By establishing alternative discourses that challenge the dominant, oppressive discourse, they can exercise power, thus, and have the opportunity to improve their social standing (Allan 2008: 23).

4.2 The 'Standard' Constructions of Women and Women from Marginalized Groups in Relation to Sexual Violence

Sexual violence is typically perceived as a problem that has a gendered (Brownmiller 1975, Dartnall & Jewkes 2013; Lonsway & Fitzgerald 1994) and minority component that marginalizes women in society (Armstrong et al. 2018, Crenshaw 1991). The following sections give an overview of how such perceptions commonly shape women's and marginalized groups' social roles, characteristics, and behaviors in relation to sexual violence. In doing so, these sections provide the context for examining women's and minority women's concrete portrayal within sexual violence policy in Germany.

4.2.1 The Female/Male Dichotomy

Within society at large, dominant discourses of femininity and heterosexuality "provide parameters for acceptable behavior" (Allan 2008: 21) for women and men. They determine the 'normal' 'female' and 'male' roles that are prevalent and shape societal power structures that position men superior to women. These discourses are based on a binary understanding of gender that views gender as two opposite categories – female and male. These opposing categories complement each other and, together, form a complete whole (cf. Butler 1990)[3]. In turn, women and men are characterized by 'their' specific roles, characteristics, and behaviors – the subject positions – that are polar opposites to each other. These female/male characteristics, in a patriarchal society, typically include: Passive women/active men, submissive women/aggressive men, fragile women/strong men, and

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[3] This research recognizes that this binary understanding of gender ignores the existence of gendered identities outside this rigid female/male dichotomy and that it perpetuates the privileged position of the heterosexual female/male union. While it does not mean to add to this strict and limiting perception, this dichotomy is often understood as at the center of the problem of sexual violence. The analysis, therefore, focuses on the portrayal of women as opposed to men.

dependent women/independent men (Allan 2008: 93). These typically 'female' and 'male' are normalized and naturalized by the discourses of femininity and heterosexuality: They normalize and perpetuate social power dynamics that render women as "desir[ing] to appeal to men in ways that limit their power and sustain male dominance" (Allan 2008: 94), for example in regard to diet, exercise, and clothes. These roles and characteristics, therefore, shape women's position as inferior as opposed to the superior position of men. This 'inferior position' is understood as women being valued less than men and being denied access to the same opportunities and resources men have in various areas of life like the job market or in healthcare. This negatively impacts their quality of life as they, for instance, face discrimination on the job market, are expected to want to be mothers who, then, take on much larger childcare responsibilities than fathers, and face barriers to accessing reproductive healthcare. Always having to overcome such barriers unfairly makes their lives harder than they have to be.

The underlying heteronormative societal beliefs and constructions, however, not only influence women's and men's roles within society but also shape gender-specific understandings related to sexual violence. They determine "who is a victim (and who cannot be one) and who is a perpetrator (and who cannot be one)" (Kessel 2022: 138). Women are 'normally' or 'naturally' rendered the "victims" of sexual violence while men take on the role of the 'perpetrators'. This perception of women as "victims", in line with the dominant discourse of femininity's construction of women's roles within society, views women as passive, weak, fearful, and dependent on men (Allan 2003: 52). While women are considered 'weak', 'passive' 'victims' that experience sexual violence without agency, men are viewed as the 'aggressive', 'strong', and 'active' 'perpetrators' that commit sexual violence. The understandings of the 'female victim' (and the 'male perpetrator'), therefore, match the aforementioned binary constructions of activity/passivity, fragility/strength, and submissiveness/aggressiveness.

These perceptions, however, are challenged by an alternative discourse of feminism that centers around women's agency and capability. Affected women, for example, deny their status as 'victims'. They shift the narrative from being 'passive' and 'weak' to identifying as having resisted assault, emphasizing their resilience and strength (Heberle 1996: 72). Additionally, discourses focusing on male survivors offer an alternative to conceptualizations focusing on men as the 'perpetrators' and as 'too strong' to be affected by SV (cf. Turchik et al. 2016). By opposing discourses of femininity and heterosexuality, alternative discourses challenge the normalized and expected binary behaviors and characteristics. They offer an alternative to the dominant discourses' understanding of women and men. As power is productive and created within the discourse (cf. Sawicki 1986), these alternative conceptualizations can become dominant within the discourse, normalizing their constructions and, in doing so, challenging the patriarchal social order. It is possible for them to empower women to overcome the structural societal system of oppression.

4.2.2 The Marginalized/Dominant Group Dichotomy

As the mainstream narratives on sexual violence focus on the binary conceptualization of gender, they neglect various categories of identity such as age, race and ethnicity, sexual orientation and identity, disability, and class that influence what roles and behaviors are normalized in the discourse for women who, in such categories, are not defined as part of the dominant social group. These dominant narratives, as described previously, center around the roles of women and men. They view gender as the main axis of oppression; the main feature of someone's identity that shapes their experiences with sexual violence. The concept of intersectionality opposes this idea of gender as the primary "organizing and explanatory factor for sexual violence" (Iverson 2017: 216) since discourses, too, shape 'normal' roles for marginalized social groups in the context of sexual violence.

Therefore, examining the discursive construction of those women who are not considered the "ideal victim" (Colpitts 2019: 11) is crucial. These 'ideal' or 'normal' 'victims' are part of the dominant social group in the following categories of identity: Age, race, sexual orientation and identity, able-bodiedness, class, and nativity. They are young, white, heterosexual, cisgender, able-bodied, and economically privileged middle-class, native women (Colpitts 2019: 11). Marginalized social groups, in relation to sexual violence, thus, typically describe women who carry marginalizing characteristics in these categories: Older women, women of color, women who are part of the LGBTQ community, trans women, women with disabilities, women from disadvantaged socio-economic backgrounds, and women with a refugee status or immigration background (e.g., Crenshaw 1991, Krahé et al. 2010, Moser 2022, Puchert et al. 2013).

Like the female/male dichotomy, a binary perception of marginalized and dominant (social) categories of identity determines the roles that are available for women from marginalized groups. A marginalized/dominant social group dichotomy positions them opposite to the dominant group, shaping what roles and characteristics are considered 'normal' for them. Research has demonstrated that, when it comes to intersecting categories of identity, dominant discursive constructions normalize characteristics that represent the dominant social group of women as the 'default': Heterosexuality (Rich 1984, Tierney 1997), whiteness (Weedon 1999), and nativity (Hark & Villa 2017) are assumed as 'the normal'. Since they do not need to be explicitly named or identified, the absence of naming marginalizing characteristics indicates that dominant characteristics are assumed (Allan 2008: 140). This naturalization of dominant groups' characteristics understands marginalized groups as 'deviant' from the 'normal'. It simultaneously constructs the "self or in-group and the other or out-group [...] through identification of some desirable characteristic that the self/in-group has and the other/out-group lacks and/or some undesirable characteristic that the other/out-group has and the self/in-group lack" (Brons 2015: 70). By highlighting the 'difference' and 'otherness', these societal discourses, therefore, sustain minority groups' societal position as marginalized and inferior to 'the people'. They make

it harder for minority groups to be integrated into society, which, in turn, acts as a barrier for them to have access to the same resources the dominant group has access to. It limits them throughout various areas of life. They, for example, are more economically disadvantaged than the dominant group and face discrimination. Alternative discourses work to counter this inferior position in society. They include marginalized groups in the construction of the 'normal', putting them at the heart of society instead of at its margins by excluding them via an 'us vs. them' (e.g., Riley 2005).

5. Methodology

While *Policy Discourse Analysis* is a theoretical approach to examine policy from the perspective of discourse, it is also a methodological approach. The following sections explain how this study uses PDA to analyze how women from both dominant and marginal social groups are portrayed in German sexual violence policy documents. The methodological approach, the data sampling, the data collection, and the positionality of the researcher are detailed.

5.1 Policy Discourse Analysis (PDA) as a Method

Policy Discourse Analysis, as a method, is a combination of qualitative data analysis and discourse analysis. It, therefore, includes various theoretical components that influence how it analyzes policy documents. It mainly incorporates post-structural analytical components and, to a lesser extent, interpretive and critical components. PDA, first, employs qualitative data analysis as an interpretive approach. During this stage, it investigates what the *problem* embedded in policy is, what policy offers as its *solutions*, and what i*mages of women* and *of marginalized groups* they include by coding the data. These steps serve as a basis for the 'main' analysis: After the qualitative data analysis, PDA draws on *Critical Discourse Analysis* (CDA) (Fairclough 1995) and *Feminist Critical Policy Analysis* (Marshall 1997a, 1997b) to question how policy documents portray women and marginalized groups. During the discourse analysis part, PDA executes elements of post-structural document analysis. It always actively takes apart, interprets, and questions the problem constructions that are embedded within policy documents (Allan 2008: 48). In the case of German SV policies, it focuses on uncovering hidden meanings that relate to gendered and minority stereotypes, such as the idea of the 'victim'.

Most strongly drawing on (feminist) post-structural theoretical ideas, *Policy Discourse Analysis* is rooted in an anti-foundationalist ontology. Anti-foundationalism presumes that the world is not objective or pre-determined but actively created through social interaction. The meaning of phenomena and linguistic terms, thus, is dependent on the context (Trophardy 2024: 153). As explained previously, dominant discourses within society construct roles for women and marginalized groups. In this way, social interaction creates reality.

Since discourses in sexual violence policy and how they portray SV as a problem related to women and marginalized women can differ from case to case, meaning is dependent on the discursive context.

Based on this ontological approach, this research applies an interpretivist epistemology. Instead of seeking objective, universal facts like positivist approaches do, it suggests that knowledge is subjective. It assumes that, in order to make sense of the world, the meaning humans assign to the world must be interpreted (Ryan 2018: 8). Knowledge is not universal or absolute, but 'truth' is constructed within a certain context as participants in the discourse draw on their prior theories and experiences in order to categorize and explain phenomena like sexual violence (Bevir & Rhodes 2010: 44). This research, therefore, assumes that sexual violence policies are subjective interpretations of what is considered the problem that policy needs to solve when it comes to sexual violence. SV policies are formed by dominant, socio-cultural discourses that assign meaning to SV.

5.2 Sampling and Data Selection

In order to gain comprehensive insight into what roles SV policies attribute women and marginalized social groups, this analysis includes the main policies that address sexual violence in Germany that are outlined in the background section of this research. Since 'policy' refers to governmental action (Goodwin 2006: 168), various types of documents that relate to these governmental policies are examined as primary data sources[4]. They include Action Plans and Programs, laws, reports, governmental recommendations, and policy proposals.

As a means to investigate the current depictions of both women from the dominant and from marginalized social groups that policies include, sampling followed the following criteria: 1) currentness and 2) relevance in addressing sexual violence. The analysis makes use of policies specifically addressing sexual violence and policies addressing sexual violence in the broader context of violence against women. The 21 analyzed documents were first implemented between 2007 and 2024. This timeframe includes almost two decades during which the discourses on SV have generally changed, not least in light of the #MeToo movement. Still, the fact that the older documents are still in effect and have not been replaced or updated means that they are still relevant. They still contribute to the discourse and to depictions of women and marginalized groups in the context of SV. Their examination, therefore, is crucial. The selected policy documents consist of the latest versions of the *Criminal Law on Sexual Offenses* (2016), the *Protection Against Violence Act* (2021) and national and regional Action Plans to combat violence against women. These primary data sources are listed in *Table 1* (an extended version of the table can be found in *Appendix A*).

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[4] This research refers to the utilized policy documents as either 'sexual violence policies' or 'sexual violence policy documents' throughout the rest of this analysis.

Table 1. German Sexual Violence Policy Documents utilized for PDA

Document	Date/Version	Length*
Criminal Law		
Criminal Law on Sexual Offenses	2016	§177, §184i StGB
Reform Proposal Criminal Law on Sexual Offenses	2016	12 pages
Recommendation for Resolution and Report (Committee of Legal Affairs)	2016	36 pages
Protection Against Violence Act		
Protection Against Violence Act	2021	§1-§4 GewSchG
Policy Proposal on the Further Development of the Code of Criminal Procedure	2021	7 pages*
Action Program 'Together Against Violence Against Women'		
Funding Guidelines for the Investment Program	2020	12 pages
Funding Guidelines for the Innovation Program	2020	7 pages
Action Plans		
National Action Plan II to Combat Violence against Women	2007	62 pages
Three Stage Plan 'Bavaria Against Violence' (Bavaria)	2018	18 pages
Integrated Action Plan to Combat Sexual Violence (Berlin)	2016	44 pages
Action Plan to Combat Violence Against Women & Their Children (Brandenburg)	2024	84 pages
Bremen Action Plan Protecting Women & Children From Violence (Bremen)	2022	111 pages
Concept to Combat Violence Against Women & Girls (Hamburg)	2014	74 pages
Third Action Plan to Combat Violence in Domestic Settings (Hesse)	2022	26 pages
Action Plan to Combat Domestic Violence in Intimate Relationships III (Lower Saxony)	2012	59 pages*
Third Action Plan to Combat Domestic & Sexual Violence (Mecklenburg-Western Pomerania)	2016	43 pages
Action Plan to Combat Violence Against Women and Girls (North Rhine-Westphalia)	2016	91 pages
Intervention Project Against Violence in Close Social Relationships (Rhineland-Palatinate)	2013	35 pages
Action Plan Against Domestic Violence II (Saarland)	2011	25 pages
PROGRESS Action Plan (Saxony-Anhalt)	2024	44 pages
Action Plan for the Implementation of the Istanbul Convention (Schleswig-Holstein)	2022	37 pages

*The Policy Proposal consists of an entire catalog of policy proposals. The amount of pages here represents the relevant pages.

This variety of policy documents forms the legislative framework for addressing SV in Germany. The following sections establish the relevance of the policy documents included in the analysis in addressing sexual violence and highlighting the construction of women's and marginalized groups' status.

This research examines the *Criminal Law on Sexual Offenses* (2016) as it is the central policy that regulates sexual violence. It determines what actions are considered sexual violence and how the concept of consent ties into these understandings. In doing so, this law includes perceptions of who is 'expected' to say no to unwanted sexual advances which, then, can be related to the 'victim'/'perpetrator' perception. This makes it central to uncovering dominant discourses. Besides the actual text of the law, the analysis considers the latest reform proposal and recommendation for resolution that was passed in 2016. These documents contain more detailed explanations and justifications on the contents and design of the current *Criminal Law on Sexual Offenses*, and, therefore, allow insights into the discourse in an elaborate manner that goes beyond the legal text of the law.

The latest addition to the *Protection Against Violence Act* from 2021 specifically extends the civil law's area of application to sexual violence, marking it an important policy in relation to SV. It, similarly to the *Criminal Law on Sexual Offenses*, offers insight into what the problem is represented to be when it comes to women's and minority group's experiences with sexual violence. Regulating what party has to leave a shared home in cases of sexual violence adds to the construction of views of who is affected and who commits SV. The legal text itself as well as the governmental policy proposal are analyzed, extending what insights are possible.

While these legislations regulate sexual violence offenses by law, they do not highlight a broad range of actual areas and measures concerned with addressing sexual violence. In examining the discursive portrayal of women and marginalized groups, this analysis, thus, also considers policies that do so. In the German context, central policies that implement measures to combat SV are policies that address violence against women in general: Action Plans and Programs. The analysis, firstly, includes the *Action Plan II to Combat Violence against Women* (2007) that offers an overview over all areas where measures are taken to address violence against women. By focusing on a variety of measures such as prevention, support services, and working with offenders, *Action Plan II* establishes what areas are deemed important in addressing sexual violence. It offers insight into how gender and marginalized groups are viewed across all these different areas. This allows for more nuanced insights into how women and minority groups are depicted. The analysis, secondly, focuses on the *National Support Program 'Together Against Violence Against Women'* (2020). Its two sub-programs, the *Investment* and the *Innovation Program* highlight what measures are 'investment-worthy'. Highlighting what measures are considered important, albeit more implicitly, contributes to the discursive construction of women and marginalized groups.

Despite the national level's relevance in implementing measures that address SV, many of the more detailed measures to do so lie within the federal state's area of responsibility. Their policy documents, thus, are an important unit of analysis. This research, in turn, includes individual Action Plans developed by the German federal states. Like the national Action Plan and Action Programs, they contribute to the construction of the problem of SV when women and marginalized groups are concerned by developing a comprehensive strategy to address violence against women. While all 16 states have implemented their initial action plans in the early 2000s, most of them have been in the process of updating these policies since the signing of the Istanbul Convention in 2011. As this analysis examines current policies, it only includes the action plans of the 13 states in which they have already been updated or where no new updates are planned. It disregards the old versions of three states that are currently working on an updated version (Baden-Württemberg, Saxony, Thuringia) since they, shortly, will no longer contribute to the discourse.

While all Action Plans and Programs, except for the Berlin Action Plan, are targeted at addressing violence against women, in general, the discourses and subject positions tied to sexual violence are not blurry or obscured. The documents specifically make reference to sexual violence as a form of violence against women. They often classify it as a part of domestic violence and, thus, include SV in their measures.

These primary policy documents are supplemented by secondary data. While the secondary data itself is not analyzed in this study, it served to inform the researcher. The secondary data includes documents detailing information on the initiatives detailed within the policies, studies, and assessments used to inform them, and general documentation on sexual violence in Germany. A list of secondary data sources can be found in *Appendix A*.

5.3 Data Analysis

In order to investigate what dominant discourses shape what subject positions and how these roles reinforce or challenge traditional stereotypes, data analysis using PDA as described by Allan & Tolbert (2012) takes on five phases. In implementing these steps, PDA combines the three strands of theoretical approaches (interpretive, critical, post-structural) that influence it (Allan 2008: 39f). The first three phases are informed by interpretive qualitative data analysis. They interpret the data by sorting and coding it with the aim of understanding and uncovering knowledge and themes (Allan 2008: 41). The coding was done using the qualitative coding software MAXQDA - a software that allows researchers to code text-based data to self-defined themes (cf. Kuckartz & Rädiker 2019). Phase 4 and 5 implemented post-structural and critical components in conducting a discourse analysis. *Table 2* summarizes these phases.

Table 2. Phases of Data Analysis in Policy Discourse Analysis

Phases of Data Analysis	Procedure of Data Analysis
Qualitative Data Analysis (Interpretive elements)	
Phase 1	Initial round of coding using deductive coding. PDA's initial three codes include: *Problem, solution, images of women (and men)*.
	In case of this research: As identified from the data, a fourth code was added: *Images of (women from) marginalized groups*.
Phase 2	Rounds two and three of coding to develop more focused codes and subcodes using both inductive and deductive coding techniques.
Phase 3	Thematic building, grouping codes into category maps.
Discourse Analysis (Critical & poststructural elements)	
Phase 4	Identifying dominant themes and policy silences from category maps by employing elements from Critical Discourse Analysis, Feminist Critical Policy Analysis, and Poststructural Document Analysis.
Phase 5	Identifying dominant discourses and subject positions from dominant themes by using elements from the same approaches as phase four.

In phase one, the 21 documents on sexual violence policy in Germany were sorted and initially coded using deductive coding. Following this a priori approach to data analysis, PDA's initial codes of *problem, solutions, images of women (and men)* guided this process. In addition, as the portrayal of minority groups within SV policy was identified as central from the literature, the code of *images of (women from) marginalized groups* was added during this phase. The first phase of data analysis, therefore, searched for segments of text within SV policies related correspond to the following questions: 1) What do policies related to sexual violence consider the problem when it comes to sexual violence, especially in relation to gender and to intersecting identities? 2) What do they construct as the solutions? 3) What are the dominant images of women (and men) emerging from the policies? 4) What are the dominant images of marginalized groups emerging from the policies?

In phase two, two more rounds of both inductive and deductive coding followed the initial round of coding. Approaching coding as an iterative process, this in-depth analysis focalized the initial codes and developed subcodes. While continuing to be informed by the existing literature and research questions (i.e., deductive coding), phase two supplemented the analysis by developing more

specific codes from the data that was revealed in the policies (i.e., inductive coding). This inductive coding generated codes not in advance but through a systematic process in order to counter the researcher's preconceived ideas and biases (Allan & Tolbert 2012: 143). The developed codes for all three rounds of coding can be found in *Table 3* (that is part of section 6.).

Phase three of PDA's approach to data analysis built themes from the data. It drew on thematic building used in interpretive qualitative research (Allan & Tolbert 2012: 143), examined the developed codes independently from their original context and then grouped them into category maps.

Coding, thus, allowed for themes and patterns to emerge from the policies. PDA, however, intends to not only look at the representation of issues within policy but at discursive constructions and their hidden implications. Hidden implications that, in this case, are related to stereotypes about women and marginalized groups. Phase four and five of data analysis, therefore, employed critical and post-structural assumptions and processes. Phase four consisted of a careful reading of the category maps in order to identify dominant themes and policy silences or absences within the data. Phase five built on this to identify the dominant discourses and subject positions emerging from them (Allan & Tolbert 2012: 144). Policy discourse analysis is critical in the sense that it is openly ideological aimed at political and social change. Producing knowledge on dominant discursive constructions is intended to empower women and marginalized groups to contribute to alternative discursive constructions that question patriarchal and marginalizing beliefs. PDA challenges these hidden assumptions embedded within policy and what discursive power relations they construct (i.e., dominant discourses). The researcher problematizes and fragments the policy's 'natural' assumptions in a post-structural fashion (Allan 2008: 49).

In order to do so, phases four and five of the analysis complement the previous rounds of coding by employing a discourse analysis. They borrow methodological elements from Critical Discourse Analysis (Fairclough 1995), Feminist Critical Policy Analysis (Marshall 1997a, 1997b), and Post-structural Document Analysis (McCoy 1995). These phases, inspired by Fairclough's three-dimensional model of discourse analysis, paid attention to the sexual violence policy texts themselves (what linguistic tools and techniques are used, e.g., vocabulary, metaphors, structure, style), their intertextuality (how the texts are related to each other associated discourses) and social practices (how the texts contribute to the construction of discourses and its underlying power asymmetries). It asked questions such as (Allan 2008: 62): What is considered natural? How are social relations portrayed? How is legitimacy constructed?

5.4 Researcher Positionality

As researchers approach data and topics with their own life experiences, values, and perspectives, it is important that I acknowledge my positionality as a researcher and reflect on how it affects the analysis. *Policy Discourse Analysis* starts with acknowledging that the researcher is an "instrument" in the research process (Guba & Lincoln 1981). Although I have no practical experience working in a field related to sexual violence, I, as a feminist, am committed to combatting sexual violence against women. I am conscious of the issue of sexual violence in my position as a woman who is living in a patriarchal society, and recognize that I, thus, may be less conscious of the male experience. I acknowledge that as a young, white, heterosexual, able-bodied, cisgender, and economically privileged academic woman from Germany, my own experiences are dominated by gender-based discrimination as opposed to other forms of discrimination. While I am aware of the challenges such as racism, ableism, and homophobia that marginalized groups face within German society, my experiences and perspectives on sexual violence may differ from theirs. In analyzing intersectionality in sexual violence policies, I do not intend to speak for those who carry intersecting identities. As an ally, I aim to highlight a broad range of different experiences by standing alongside those marginalized by different markers of identity as a "supportive body in the room" (Battaglia 2019: 161). Throughout the research process, I worked to be conscious of my disadvantaged position as a woman and my privileged position as part of the dominant social group and continuously reflected on how it affected my perspective on the issues I was investigating.

6. Analysis

This section turns to describing the problem of sexual violence in relation to gender and marginalized social groups based on the PDA analysis of the 21 selected policy documents. The first two phases of PDA, led to the identification of specific codes within the policy documents. They describe what SV policies construct as the *problem* when it comes to sexual violence, what *solutions* they offer, and what *images of women (and men)* and of (*women from) marginalized groups* they include. These codes are outlined in *Table 3*. While these codes serve as an important starting point for this analysis, they do not present the final results of this study. Instead, this research conducted a discourse analysis based on these codes to examine what dominant discourses produce what subject positions for women and women from minority groups.

Table 3. Codes and Subcodes developed by PDA for German Sexual Violence Policies

Phases	Problems	Solutions	Images of women (and men)	Images of (women from) marginalized groups
Phase 1	Problems	Solutions	Images of women (and men)	Images of (women from) marginalized groups
Phase 2 - Codes*	Nature of SV Climate Crime Setting	Support services Prevention Crime Cooperation	Family Professionals Women: Victims Men: Perpetrators (victims)	(Marginalizing) characteristics Victims
Phase 3 - Subcodes**	**Nature of sexual violence** Targeted at women Targeted at minority groups Structural issue Severely harmful issue Issue of safety Life-long cycle of violence Interconnected with other forms of violence	**Support services** Increase provision of support services for women Increase provision of support services for minority groups Increase quality standards Educate professionals about SV Educate professionals about needs of marginalized groups	**Family** Parents Mothers Fathers Partners Wives Husbands Family members of the affected Children	**(Marginalizing) characteristics** Women of color Women with disabilities Women requiring care Older women Immigrant women Refugee women Economically disadvantaged women Women with addiction issues Homeless women
	Climate Gender stereotypes Stereotypes related to social groups Insufficient medical care Insufficient support services Lack of cooperation Lack of knowledge	**Prevention** Public education measures Education measures for children Education measures for the affected Education measures for marginalized groups Increase perpetrator work Empowerment	**Professionals** Support service employees Medical professionals Legal professionals Teachers	**Victims** Recipients of specialized measures/target group "Special" requirements Institutions Dependent Unsafe At-risk Empowerment
	Crime SV as a preventable crime Sentencing Issue of consent Insufficient law enforcement Insufficient legal proceedings	**Crime** Consent laws Improve methods of law enforcement Improve conditions for trials Improve trial conditions marginalized women Education measures	**Women** **Victims** Recipients of measures/target group At-risk Unsafe Dependent Empowerment	
	Setting Public Close social or intimate relationships Institutions Online War	**Cooperation** Improve cooperation between state actors Improve cooperation with non-state actors	**Men** **Perpetrators** Suspect/offender (Overcoming) violent tendencies **(Victims** Affected by SV)	

* Note: The coded problems and solutions do not necessarily correspond.
**Note: The sub-codes expand the previously developed codes.

The analysis, first, identified dominant themes based on the coded data (i.e., phase three of data analysis). Coding revealed the following (see *Table 3*): The coded *images of* both *women (and men)* and *(women from) marginalized groups* shows that they are viewed as 'victims' that are 'unsafe', 'at-risk' of experiencing sexual violence and 'dependent on the state to protect them'. The coded *problem* construction considers SV a harmful issue that concerns both these groups' 'safety', especially for women from marginalized groups. The solutions are targeted at men's violent behavior and women's affectedness by SV. There are 'special' measures targeted at women from minority groups. Based on this, the themes of vulnerability/risk, protection, safety, dependency, specificity (in the case of marginalized groups), and empowerment were built.

These themes served as a starting point for the discourse analysis (i.e., phases four and five). Based on these themes, the analysis identifies dominant discourses of risk and dependency for women and a dominant discourse of specificity for women from minority groups. It, additionally, identifies alternative discourses of feminism and, in the case of marginalized groups, inclusion. How these discourses are embedded within the policy documents, what subject positions they produced, and how this reinforces or challenges social stereotypes is presented and discussed in the following.

6.1 The Portrayal of Women in Sexual Violence Policy

A dominant discourse of risk and a dominant discourse of dependency determine how women are portrayed in German sexual violence policy documents. Additionally, a discourse of feminism offers an alternative to these depictions. The following sections discuss how these discourses contribute to reinforcing and challenging stereotypical beliefs about women. The discourse of risk is mainly concerned with women's safety and protection and, thereby, views them as 'victims' who are at-risk of experiencing sexual violence. This, in line with how society generally views women, portrays them as fearful and weak(er than men). The discourse of dependency views them as dependent on the state for their protection instead of considering women as strong individuals who are capable of ensuring their own well-being. Together, the discourses of risk and dependency, therefore, shape the *vulnerable woman* subject position (cf. Allan 2008) that highlights women's fragility. In doing so, it reinforces stereotypical beliefs about women's 'weakness'. This dominant construction is challenged by a discourse of feminism that focuses on the empowerment of women. It produces an *empowered women* subject position that views women as capable and strong.

6.1.1 The Discourse of Risk

The discourse of risk constructs women as 'vulnerable' and 'at-risk' of experiencing sexual violence, forming a *vulnerable woman* subject position. These characteristics that it assigns to women align with 'typically female' behaviors that, within the broader context of society, are considered 'normal' for women: Patriarchal norms of femininity see women as fearful, weak, passive, submissive, and unable to 'protect' themselves while viewing men as strong, assertive and dominant. Sexual violence policies, in this way, reinforce harmful stereotypical norms about women.

The discourse of risk, centrally, is embedded within constructions of the *problem* (see the code '*Nature of SV*' in *Table 2*) from which the themes of risk, safety and protection emerge: SV policies understand sexual violence as an issue of women's safety. German SV policies, generally, recognize that women in Germany are disproportionately affected by SV. The Action Plans and Program, in particular, implement measures in multiple areas that focus on offering women help and support in cases of sexual violence while, simultaneously, addressing men's violent behavior. They detail relevant physical and psychological health services or access to women's shelters, for example, while implementing educational measures targeted at sexual offenders (see *Table 2*). The discourse analysis, however, reveals that SV policies connect this gendered nature of sexual violence to the problem of women's 'safety'. They highlight sexual violence as a serious problem that infringes upon women's safety and that they, therefore, need protection from. SV policies do so by using language and terms that highlight the 'severity' of sexual violence: A "severe"[5] issue (Hamburg Action Plan 2014: 6), a "violation of human dignity" (Bremen Action Plan 2022: 9), a "pervasive problem" (Bremen Action Plan 2022: 8). Such conceptualizations of SV as a 'severe problem' depict it as an issue that has a significant negative impact on women's safety and, respectively, their lives. The Bremen Action Plan, even more explicitly, states that sexual violence

> "creates a *complex threat* and *humiliating overall situation* for the women and girls affected. *A permanent feeling of threat, isolation and loss of control* are the consequences of [...] violence." (italics added, Bremen Action Plan 2022: 15)

As indicated by this quote, sexual violence is framed as a 'threat' that affects women's safety. This 'threat' negatively impacts their well-being as it creates feelings of danger and isolation. In emphasizing SV as an issue that infringes upon and limits women's safety, the discourse of risk portrays women as fearful and fragile: They are 'at-risk' of experiencing SV and its 'severe' negative effects. The discourse of risk, thus, constructs them as *vulnerable women*. The emphasis on

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[5] Since the policy documents, originally, are written in German, all direct quotes cited in this analysis have been translated by the researcher. Great emphasis was put on retaining the original notions of meaning during the translation process. Further, the SV policies cited in the analysis section of this research are listed in *Appendix A* as primary data sources.

their 'safety' speaks to and reinforces the stereotypical belief that women are 'incapable' of ensuring their own well-being and that they are 'weak' and 'fragile'.

In constructing sexual violence as a problem of women's 'safety', SV policies argue that sexual violence is an issue that put women 'at risk' and they, thus, must be 'protected from'[6]. Since their 'safety' is concerned, policy action is warranted: Women's 'safety' is an underlying theme for almost all areas of measures that address sexual violence. These areas include prevention, education and survivor support of sexual (mainly implemented in the action plans) as well as civil and criminal measures (implemented within the civil and criminal law policies). With the exception of prevention, all these majority measures are based on the 'issue of safety'. For example, The *Berlin Action Plan* (2016) establishes the importance of 'protection' in the medical field. It states that women affected by SV require specific medical measures, especially psychological support. It singles out their subsequent "special need for protection following abuse" (26) in the medical care they receive. Similarly, SV policies primarily regard women's shelters as institutions that "contribute to the protection [of women]" (Action Plan II 2007: 38) by 'granting them refuge' (Hesse Action Plan 2022: 21). There is, however, some variation by how strongly policy documents emphasize the idea of protection. The older policy documents, especially Action Plan II (2007) and the Saarland Action Plan (2011), do so more strongly than some of the newer policies like the Berlin Action Plan (2016) or the Brandenburg Action Plan (2024).

SV policies, additionally, occasionally refer to the idea of "helping victims of violence" (Action Plan II: 2007: 39) instead of 'protecting them'. This notion of 'help' or 'assistance' is not necessarily connected to the idea of 'safety'. It focuses more on supporting women who have gone through traumatic experiences, countering the perception of their 'inherent' 'weakness'. These problem constructions, however, are less dominant than problem constructions referring to women's weakness. They often remain at surface level and only call measures that provide services for SV survivors "assistance services" (e.g., North-Rhine Westphalia Action Plan 2016: 42, Investment Program 2019: 3). When they actually implement these measures, however, they still relate them to the idea of 'safety', especially since they define those affected by SV as 'victims'.

Sexual violence policies further the notion of women as 'in need of protection' throughout most policy measures by regarding women who experience sexual violence as 'victims'. They, occasionally, use more neutral terms such as "those affected by sexual violence" (Bremen Action Plan 2022: 27) but overall refer to women as 'victims' throughout the policy documents. All policy documents do so, no matter the year of their implementation. Although there is some variation in how strongly they link SV to the issue of 'safety', as mentioned previously, this indicates the discourse of risk still is dominant across policy documents. To give some examples: SV policies construct women as victims when they describe education measures for professionals that work with survivor support like

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[6] While the themes of safety and protection are central, this research chooses to name this dominant discourse 'discourse of risk' since this discourse emphasizes the 'dangers and vulnerabilities' that women face that, only then, lead to the 'need' for 'safety' and 'protection'.

healthcare professionals or social workers (e.g., Brandenburg Action Plan 2022: 17). They also do so when they refer to public information campaigns (e.g., Hamburg Action Plan 2014: 42). Even more explicitly, measures concerned with prosecution processes and police interventions include "Victim Protection" (*Opferschutz*) as a separate area of intervention (e.g., Brandenburg Action Plan 2022: 22, Mecklenburg-Western Pomerania Action Plan 2016: 42). "Victim Protection" entails the provision of immediate "spaces of protection" for "victims" during police interventions (e.g., Lower Saxony Action Plan 2012: 15) or preventing the "retraumatization" of victims during court trials (e.g., Brandenburg Action Plan 2022: 60).

The idea of 'the victim' and 'victimization', historically, is connected to the notion of powerlessness (cf. Papendick & Bohner 2017). Victims are merely seen as 'passive recipients of harm' that experience sexual violence at the hands of active 'perpetrators'. This, therefore, shapes women's role in cases of sexual violence as the *vulnerable woman*: The idea of 'the victim' disregards (male) violence as the cause that leads to 'victimization' and, instead, focuses on the 'protection' of those who are 'vulnerable' to SV. It aligns with societal stereotypes that expect women to be passive, demure, and non-assertive. These beliefs, in turn, advance women's role within society as non-assertive and following men's will not only in sexual interaction but in social, professional, or personal situations. Classifying women as 'victims' of SV also constructs them as incapable of preventing harm from happening to them. This, further, reinforces heterosexual patriarchal beliefs that consider women 'dependent' on men for protection as opposed to viewing them as capable and strong (enough to take care of themselves). These normalized stereotypes on 'how women are' are harmful to them since it leads to discrimination. Women, as the 'weaker' sex, are denied opportunities in the political, social, and economic sphere. They occupy fewer political positions of power like mayor or chancellor, for example.

While the conceptualization of 'the victim' is dominant within the discourse of risk across the majority of policy measures, preventive measures are the only measures that counter this conceptualization. They do so because it is their inherent goal to address the causes of SV – to empower women to stop SV from happening to them and to prevent men's 'perpetration'[7]. Preventive measures, for example, include "*perpetrator work*" (*Täter(:innen)arbeit*) measures that aim at "putting a lasting end to violent behavior" (Brandenburg Action Plan 2024: 36). By focusing on the male 'perpetrators', preventive measures focus on the causes for SV. This opposes perceptions of the 'victim' that is 'passive', 'without agency', and 'merely subjected to external forces'. The *Criminal Law on Sexual Offenses* (2016), as a preventive consent law, also perceives women as 'active' within sexual interaction. It places the responsibility to express non-consent on the person who does not consent to a sexual interaction. It is on who becomes 'the victim' as their non-consent is not respected to say 'no', to 'resist' the unwanted sexual advances.

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[7] How such measures affect the discursive construction of women and challenges their position as the *vulnerable woman* is discussed in section 6.1.3 that examines a discourse of feminism.

Policy, in fact, "*expect[s]*" them to "clearly express their opposing will at the time of the offense" (italics added, Recommendation for Resolution 2016: 23). Since women are the ones being perceived as 'victim', the policy, therefore, assigns women agency within sexual interaction. It, however, simultaneously implies that women are the gatekeepers to sexuality. It views them as the passive counterparts to men who pursue sexual activity. They, themselves, do not pursue this actively but are seen as receptive of men's pursuit, simply having the 'option' to say no instead of initiating sexual activity (as they do when an affirmative understanding of consent is applied)[8]. While the *Criminal Law on Sexual Offenses* constructs women as having agency within concrete sexual interactions, it, still, does not challenge their position as passive within the overall realm of sexuality.

Following the female/male dichotomy, the discourse of risk constructs men's role complementary to women's position of the 'at-risk' 'victim'. They are considered the group putting women at risk: Men are seen as the 'strong' 'perpetrators' that perform sexual violence. They, conversely, 'cannot' be the ones that are affected by SV. While some of the older policies, like Action Plan II (2007) only refer to 'potential perpetrators' when they describe measures of perpetrator work, most SV policies recognize that both women and men can commit SV (e.g., Bavaria Action Plan (2018)). At the same time, the majority of policies, however, do not include men as their target group that is affected by SV throughout the entirety of the measures they present. They, typically, only call for the development of "specific services for men" (Berlin Action Plan 2016: 29) without detailing them. Men, thus, are dominantly constructed as 'perpetrators'. This dominant construction reinforces gender stereotypes about male strength, activity, and independence. However, this conception, at the same time, obscures men's experiences with sexual violence. It reinforces gender beliefs that consider them to be aggressive and, therefore, view them as unable to be affected by sexual violence.

6.1.2 The Discourse of Dependency

Starting from the coded *images of women* as 'dependent' 'victims', and the subsequently identified themes of risk, safety, protection, and dependency (see *Table 3*), the discourse analysis identifies a discourse of dependency within German SV policy documents. As sexual violence policies focus on the problem of women's 'safety', they assign the responsibility of ensuring women's protection to the state. This adds to forming the *vulnerable woman* subject position as women are constructed as unable to ensure their own well-being which, in turn, reinforces gender stereotypes about women's 'weakness' and 'helplessness'.

The discourse of dependency manifests as policies explicitly name the institution of the state as "*obliged to protect women from injury* by third parties" (italics added, Saxony-Anhalt Action Plan 2024: 9). The government is responsible for caring for them as it "must take legislative or other measures to protect those

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[8] Affirmative consent refers to a yes-means-yes approach that only classifies sexual interaction as consensual when all participants actively agree to it. On further discussions on how affirmative and traditional understandings of consent affect gender roles, see Torenz (2021) and Jozkowski (2016).

affected [...] and provide for them" (Brandenburg Action Plan 2024: 44). Although only few policy documents name the state's role so clearly, its goals of 'protection' of and 'provision' are evident across multiple areas of measures. They become obvious in such measures that aim at 'protecting' female 'victims' (see the previous section on the discourse of risk). Whereas a feminist discourse is present in preventive measures that are aimed at increasing women's confidence and empowering them (as described in section 6.1.3), the discourse of dependency overpowers these ideas. This is due to the fact that a majority of the other incentives (such as measures regarding the help system or the legal system) focus on 'protecting' women.

It, however, per definition is a state's job to provide for and to protect its citizens according to the idea of the Social Contract[9]. The policy documents, though, only emphasize women's dependency on the state to 'protect' and 'provide' for them and do not construct men in the same way. In turn, only women are considered as (too) 'incapable of looking out for themselves', adding to the *vulnerable woman* subject position. This portrayal aligns with stereotypically 'female' and 'male' roles that view women, on the one hand, as needing care, support, and protection by men while expecting men to be providers and protectors, on the other hand. Men are considered the 'strong protectors' that care for 'weak women'. This belief dismisses women's power and authority over their own lives and decisions. It denies their agency and reinforces their roles as passive members of society. In doing so, these conceptualizations perpetuate a power imbalance where the state, usually represented by predominantly male political and institutional structures, assumes control and authority over the welfare of women. It is considered the (active) change agent that can improve women's lives. At the same time, women themselves are viewed as unable to change their circumstances.

Sexual violence policies, furthermore, frequently portray women as mothers. In connecting women's well-being to (their) children's, SV policies yet again underpin the 'need' for the state to 'protect' them. It is mainly the Action Plans and Programs that include such conceptualizations. Since children are not yet of age, they are considered to be especially vulnerable and in-need of protection. In turn, as women are portrayed as 'incapable' of taking care of themselves, linking them to their role as caregivers for this vulnerable group intensifies the need for the state to intervene. When referring to women's safety, sexual violence policies repeatedly make reference to the safety of "their" children (e.g. Bavaria Action Plan 2018: 3, Innovation Program 2019: 4). The Brandenburg Action Plan (2024) even frames women as mothers in its title: "Action Plan to Combat Violence Against Women and Their Children". In addition to continuously referring to 'women and their children' throughout the policy documents, SV policies also frequently highlight the negative consequences that violence against women – against *mothers* – has on their children. For example:

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[9] For further discussions on the Social Contract and the roles and responsibilities, see various strands of political philosophy on the social contract such as Classical Liberalism according to Locke, Realism according to Hobbes, and Republicanism according to Rousseau.

"[Violence against women] indicates a (potential) risk to the child's welfare and *regularly justifies the need for help* [...]. Compared to other children, [they] [...], are at significantly greater risk of decreased cognitive development and IQ impairment. [...] Behavioral abnormalities in the form of anxiety and sadness occur just as frequently as restlessness, aggression and violence." (italics added, Saarland Action Plan 2012: 10f).

Specifically highlighting the severe negative effects of violence against women on 'their' children like this furthers the construction of women as helpless and in-need of external safeguarding. Since not 'only' their own 'safety' is concerned but so is 'their' children's – their children's who experience harmful effects of violence – the discourse of dependency constructs women as 'especially in-need of protection'. This makes state action to 'protect' them even more 'necessary'. However, empirically, state action to address how children can be supported in cases of violence against women is vital. It might indicate that children, too, are affected by violence. By framing women as mother with an increased 'need for external protection, SV policies, however, contribute to the *vulnerable woman* subject position. They reinforce heterosexual norms that expect women to be protected by men. These norms, in turn, are central to sustaining the societal gender hierarchy where women's position is inferior to men's and male authority shapes women's lives.

By centrally framing women as mothers, SV policies, additionally, limit the possible scope of women's identity and their potential roles. It portrays motherhood as an inherent feminine characteristic that women (should) strive for and establishes childbearing and childcare as a woman's 'duty'. It normalizes caregiving and nurturing as inherently feminine traits. SV policies, thus, reproduce the gender-stereotypical belief that motherhood is an "essential characteristic of women – rather than a choice or shared responsibility" between men and women (Allan 2008: 140). They, simultaneously, only seldomly refer to fatherhood. This suggests that childcare is primarily a 'female responsibility' instead of a man's. The lack of considering men fathers whose children are affected by violence against men, then, also advances the perception of men as 'perpetrators' that 'cannot be affected by sexual violence'.

6.1.3 The Discourse of Feminism

Opposing the dominant discourses of risk and dependency, the discourse of feminism offers an alternative to the dominant construction of the *vulnerable woman* that perpetuates and sustains existing patriarchal gender norms. First indicated by the 'empowerment' code situated in the *images of women* code (see *Table 3*), a theme of empowerment was derived. It, instead of viewing SV as an issue of 'safety' that women, as a passive group of actors, 'need protection from', recognizes women's strength and activity. Focusing on women's empowerment, the discourse of feminism develops the *empowered woman* subject position. It,

thus, challenges traditional patriarchal gender stereotypes. The discourse of feminism, however, is not the dominant discourse within German SV policies. As an alternative discourse, perceptions of women as empowered and strong are not seen as their 'normal' roles of 'vulnerability', 'weakness', and 'dependency'.

Conversely, the majority of SV policies does not construct women as active and empowered. The policies that do focus on women's ability and capability, however, typically do so in the context of preventive measures. Women's empowerment, besides perpetrator work, is the main component of measures aimed at preventing SV (e.g., Brandenburg Action Plan 2024: 42, Hamburg Action Plan 2014: 13). To a lesser extent, measures in the context of supporting affected women also aim to empower women by implementing a 'help for self-help' approach. The measures in both these areas primarily understand empowerment as the strengthening of women's and girls' personal power. They are aimed at their self-confidence and self-assuredness that is needed to counter violence, supporting "the affected women [...] to recognize a possible dynamic of violence at an early stage and to show them ways to evade this violence" (North Rhine-Westphalia Action Plan 2016: 20). Both older policies (cf. Hamburg Action Plan 2024, Lower Saxony Action Plan 2012) and newer policies extensively focus on this (cf. Brandenburg Action Plan 2024).

Such measures understand women as *empowered women* who, with the necessary resources, knowledge, and confidence, ultimately possess the power to change their personal situation. While these measures still consider the state to be responsible for empowering women (as indicated by the quote above), the discourse of feminism still views women as capable and strong. They can 'find' their strength. This comparatively rather weak manifestation of the discourse of feminism, however, can also be attributed to the nature of governmental SV policies. Policies are inherently aimed at state action and do not consider how women empower themselves as they do in the context of women's organizations, for example. Although women, thus, are seen as 'needing help' in empowering themselves, they, at some point, can take control of their situation and, in turn, can prevent and/or stop experiencing violence. These depictions challenge narratives within SV policies that construct women as incapable of caring for themselves. It, thus, questions gender norms that establish these characteristics as 'normal' or 'inherent' to women. The discourse of feminism, in turn, challenges dominant gender stereotypes that consider women passive and subordinate to men who are 'in charge of' 'protecting' the 'weak and vulnerable woman'. This emphasizes women's power and authority over their own lives and decisions. In consequence, the existence of the discourse of feminism that produces an alternative, empowered image of women challenges their social position as inferior, weaker, and dependent on men. It, ultimately, can change this position if it becomes dominant.

Additionally, the discourse of feminism gives men the opportunity to challenge harmful perceptions in the context of SV: Some policies incorporate men's affectedness by detailing the need for better support services for male survivors of sexual violence (e.g., Bavaria Action Plan 2018: 3). This challenges the idea that men cannot be affected by SV and questions gender norms of strength and male aggression.

6.2 The Portrayal of Women from Marginalized Social Groups in Sexual Violence Policy

While primarily addressing sexual violence as a gendered phenomenon, sexual violence policies in Germany recognize the importance of an intersectional approach to SV. They refer to multiple social categories beyond the category of gender that interplay with sexual violence. In doing so, they acknowledge that women with marginalizing characteristics experience at an increased rate in comparison to women who are members of the dominant social group. Except for the *Protection Against Violence Act* (2021), all policies address this by implementing measures that are targeted at marginalized social groups across multiple areas of action. They incorporate measures specifically targeted at minority women in the areas of prevention and education, the criminal and legal system, and support services for survivors of sexual violence. They reference the following marginalized groups of women: Women with disabilities, an immigration background, a refugee status, and addiction/substance abuse issues as well as homeless, older, economically disadvantaged, and mentally and physically ill women. They, further, mention women of color and women that are part of the LGBTQ community, especially homosexual and trans women. Conversely, women from the dominant group are young, white, heterosexual, cisgender, able-bodied, native, urban, and economically privileged middle-class women without addiction or substance abuse issues. The policy measures targeted at marginalized groups, for example, include the provision of and accessibility to support services that address the diverse needs of women from different backgrounds. They reference the establishment of "wheelchair-accessible practices and services in sign language and easy language" (Berlin Action Plan 2016: 28) or the introduction of culturally conscious counseling services and language mediators (Berlin Action Plan 2016: 44, 47), for instance.

A dominant discourse of specificity shapes these social groups' subject position as the *vulnerable Other*. It portrays women who carry marginalized markers of identity as 'more vulnerable', 'weaker', 'more fragile', and 'more dependent' than what society considers the 'normal woman'. This reinforces stereotypes that see certain social groups as 'different' from the dominant, 'normal' social group. It, therefore, contributes to their further marginalization. The subject position of the *vulnerable Other* is challenged by the interplay of a discourse of inclusivity and a discourse of feminism. They shape an *integrated empowered woman* subject position that considers marginalized social groups as 'strong' and 'capable' of caring for themselves. This renders them 'equal' to the dominant group, challenging the idea of their 'inherent difference'.

6.2.1 The Discourse of Specificity

First indicated by the coded *images of marginalized women* as 'weak' 'victims' that require 'specialized' *solutions* specifically targeted at them (see *Table 3*), the discourse of specificity is built on the themes of safety, protection, vulnerability/risk, and dependency. It constructs marginalized 'more vulnerable' to sexual violence, viewing them as 'weaker' than the dominant group. Rooted in the theme of specificity, this, in turn, indicates that women from these groups are 'inherently different', creating the *vulnerable Other* subject position. They single out marginalizing characteristics. Such perceptions reinforce the idea that not just women from marginalized groups but minority groups, overall, are 'different' from the 'normal' 'people' of German society.

German sexual violence policies include measures that are specifically targeted at marginalized groups that, similarly to women from the dominant group, consider them 'weak' and 'fragile'. Similar to when they refer to women from the dominant group, these measures construct sexual violence as a problem of 'safety' for minority women. They, in like manner, highlight their "protection from violence" (Saarland Action Plan 2011: 23) and consider them 'victims' of SV. Sexual violence policies, for example, include 'victim protection measures' throughout multiple areas of intervention (e.g., within the legal process or the support system; Brandenburg Action Plan 2024: 45, Hamburg Action Plan 2014: 11). The discourse of specificity, thus, constructs women from marginalized social groups as 'weak' and 'passive'. It focuses on their incapability and denies them agency similarly to how it does for women from the dominant social group (see section 6.1.1). These perceptions perpetuate stereotypical beliefs related to the marginalized/dominant group dichotomy that considers minority groups as in need of protection and care by the dominant group. In contrast, these depictions do not view marginalized women as in control to shape their own lives and welfare.

While the discourse of specificity constructs women from the dominant and marginalized groups similarly in this way, marginalized women's "increased vulnerability [that they have] in common" (North Rhine-Westphalia Action Plan 2016: 18) is the central characteristic that sets them apart. They explicitly link marginalized groups' 'vulnerability' to their "life situation" (Berlin Action Plan 2016: 17) that is defined by their marginalizing characteristics. For example:

> "Sexual violence against people with disabilities *requires immediate measures* to *protect* those affected from further assaults. *As people with disabilities are usually dependent on a wide range of assistance and support measures,* this protection poses a particular challenge. *The existence of specific dependency relationships (e.g. with caregivers/carers) and the intertwining of living and communal spaces in residential facilities require special measures in the event of sexual violence*." (italics added; Berlin Action Plan 2016: 3

As this excerpt indicates, the characteristics that marginalize women and how they affect women's lives, in this case, the living conditions of women with disabilities, explicitly determine minority women's 'vulnerability'. They warrant the 'need' for 'immediate protection'. Although policies must address that marginalized women are affected by SV more often and that their 'life situation' shapes how (often) they are affected by SV, sexual violence policies continuously emphasize this. They continuously refer to their affectedness as 'vulnerability', constructing marginalized women as 'at-risk' of experiencing SV and, thus, viewing them as 'weak' and 'fragile'. They, further, implement "special" (e.g., Action Plan II 2007: 27, Lower Saxony Action Plan 2012: 16) or "specific" (Hesse Action Plan 2022:10, Saarland Action Plan 2011: 24) measures that are aimed at addressing marginalized women's 'increased vulnerability'. They, also, link their 'especially vulnerable' situation to an immediate need for action. The Berlin Action Plan, for example, when talking about removing physical and cognitive barriers to support services, states:

> "For affected groups, there is an *urgent need* for the further development and implementation of an *integrated concept* for the provision of low-threshold, interconnected care and accommodation services within the health and social services sector" (italics added; Berlin Action Plan 2016: 29).

Policies do not express this sense of urgency or urgent action for the dominant group of women as strongly. Together, the emphasis on the idea of a 'shared' and 'increased' 'vulnerability' that leads to the need for 'urgent' and 'specialized intervention' contribute to the *vulnerable Other* subject position. They shape women from marginalized groups as 'weaker, 'more fragile', and 'more dependent' on the state to 'protect them' than the dominant group. They are seen as 'too incapable', 'especially fragile', and 'too weak' to ensure their well-being without external help. Since they are seen as such, SV policies continuously highlight the 'specificity' of marginalized groups that distinguishes them from the dominant group: They are constructed as 'inherently' 'different' from the dominant social group. This construction aligns with stereotypical beliefs that view minority groups as 'inherently' 'other' and not part of the 'normal society'. In reinforcing these beliefs, sexual violence policies solidify marginalized groups' position within society. They cement their positions at the margins of society instead of in its midst; their subordinate position to the dominant group is perpetuated. This harms minority groups as it denies them access to the same resources and opportunities that the dominant group has access to. It reinforces systems of oppression and inequality based on race, nationality, able-bodiedness, class, and other intersecting identities.

SV policies, further, contribute to sustaining this status as the constructions of women from marginalized groups as 'the Other' normalizes the view that women from the dominant group are the 'normal' 'type of women'. They do so by viewing dominant characteristics as the 'standard' of the 'general' measures they implement to address SV while including 'special' measures for marginalized groups. In accordance with existing analyses of heterosexism (e.g., Morgan 1992; Rich 1984)

and whiteness (e.g., Apple 1997; Weedon 1999), SV policies, thus, view the dominant group as the 'normal' 'standard' without explicitly naming dominant characteristics throughout the 'general' measures. They assume women to be young, white, heterosexual, cisgender, able-bodied, native, urban, economically privileged middle-class women who do not have addiction or substance abuse issues. This, again, depicts marginalized women as 'other' and 'deviant' from the 'normal', contributing to the *vulnerable Other* subject position. It reinforces stereotypes that view them as 'different' outsiders, excluding them from the mainstream narrative of womanhood. This also means that not only women from marginalized groups but minority groups, in general, are seen as 'the Other' and relegated to the margins of society.

Sexual violence policies, in addition, mainly incorporate detailed measures regarding four marginalized social groups. The discourse of specificity, thus, constructs them as 'especially' 'other' even among the 'other' groups. SV policies are primarily concerned with women with a refugee status, women with an immigration background, women with disabilities, and women that require care either in care institutions or at home due to disabilities, old age, or other (health) conditions. They, for example, describe the improvement of 'violence protection concepts' (*Gewaltschutzkonzepte*) for refugee women in shared and temporary accommodation (Brandenburg Action Plan 2024: 39f). SV policies also include the assignment of 'migration social workers' in women's shelters (Brandenburg Action Plan 2024: 72f) and the reduction of physical and mental barriers by, for example, implementing wheelchair ramps and offering information material in simple language) (Mecklenburg-Western Pomerania Action Plan 2016: 34). The focus on these four social groups within SV policy documents and the lack of including further marginalized groups throughout them enhances perceptions of these groups as 'especially' 'different'. It adds to the marginalization of women with an immigration background or refugee status, women with disabilities, and women that require care on a bigger scale.

6.2.3 The Discourses of Feminism and Inclusion

While the discourse of specificity characterizes women from minority groups as 'especially vulnerable', 'especially weak' and 'inherently different', a combination of a discourse of feminism and a discourse of inclusion counters these portrayals within SV policies. The discourse of feminism focuses on marginalized women's agency and empowerment while the discourse of inclusion constructs marginalized groups as equal to the dominant social group and places them in the midst of society. Together, these discourses shape an *integrated empowered woman* subject position.

Based on the theme of empowerment that emerges from the coded data, the discourse of feminism shapes women from minority groups as strong and capable similarly to how the discourse of feminism constructs women from the dominant group, challenging their dominant construction as inherently 'weak' and

'dependent'. This is indicated in sexual violence policy documents that implement preventive and educational measures. They marginalized groups' empowerment as their goal. Preventive measures often apply a 'help to self-help' approach (e.g., Action Plan II 2007: 27) that is targeted at increasing marginalized women's personal power resources. These measures are aimed at improving their personal situation when it comes to affectedness by sexual violence: They seek to "improve the (self-)perception" (Saarland Action Plan 2011: 22) of marginalized groups and aim to help them to "realiz[e] the right to sexual self-determination" (Berlin Action Plan 2016: 28). They accomplish this by implementing educational measures that focus on showing marginalized women their capabilities and power, on one hand, and teach them about sexual violence, sexuality and what is considered appropriate in this context, on the other hand. Both older and newer policies do so (e.g., Berlin Action Plan 2016: 28, North-Rhine Westphalia Action Plan 2016: 22, Saarland Action Plan 2011: 22). In emphasizing women from minority groups' power, the discourse of feminism depicts them as 'strong' and 'capable'. It assigns them agency, challenging the dominant discourse of risk's and dependency's conceptualization of marginalized women as 'weak' and 'passive' 'victims' of SV. This 'empowered' part of the *integrated empowered woman* subject position views marginalized women as able to gain and maintain control over their lives and can stop their affectedness by sexual violence. It, in turn, also views minority groups at large not as 'inherently' 'vulnerable' but emphasizes their 'strength' and 'capability'.

However, the discourse of feminism, in the case of marginalized groups, is also rather weak. Like for the dominant group of women, it constructs women as 'in need' of being empowered instead of viewing them as empowering themselves. This can be explained by policies being governmental action by nature. Additionally, the discourse of feminism only constructs selected marginalized groups as 'active', 'empowered', and 'in charge of their own well-being'. SV policies only refer to three marginalized groups in the context of empowerment: Women with disabilities, women with a refugee status, and women with a migration background.

The discourse of inclusion opposes dominant portrayals of marginalized women as 'weaker', 'more passive', and 'more incapable' than women from the dominant social group that construct them as 'different' and 'other'. It, instead, views them as an 'equal part' of society. The discourse of inclusion emerges from German SV policy document as they integrate marginalized groups and their experiences with sexual violence into the heart of policy interventions. Some sexual violence policies detail measures targeted at marginalized groups without highlighting their 'specificity', highlighting marginalized women's 'sameness' to the dominant social group. Examples of policies that do so include Action Plans that integrate measures targeted at minority groups throughout the entirety of the policy text. They incorporate the incentives targeted at marginalized groups in the 'main part' of the policy documents that detail 'general' measures to address sexual violence. The North-Rhine Westphalia Action Plan (2016), for example, makes reference to the incorporation of "issues related to immigration law" (45) when detailing

'general' measures within the survivor support system. These policies do not emphasize their 'increased vulnerability' and 'enhanced need for protection' that render them 'other' from the dominant social group. They, instead, consider them to be integrated into society and view them as an 'equal' part of society, challenging stereotypes that construct them as 'inherently' 'different' from 'the people'.

While the discourse of specificity dominates the constructions of women from marginalized groups, and, thus, marginalized groups in general, the discourses of feminism and inclusion offer alternative constructions. Their existence offers marginalized social groups the opportunity to move beyond conceptions of a 'vulnerable group at the margins of society', viewing them as strong, capable, integrated and equal. This narrative has the possibility to become prominent within the discourse and, in this case, can improve marginalized groups' societal position. If it becomes more dominant, it increases their access to opportunities and resources.

7. Discussion: Conclusion and Limitations

This research aimed to answer the question of how German sexual violence policies can be understood as reifying or challenging stereotypes around the female/male dichotomy and the dominant/marginalized social group dichotomy. It employed *Policy Discourse Analysis* (PDA) (Allan 2008) as both a theoretical framework and a methodology to analyze 21 policy documents that were implemented between 2007 and 2024. These documents ranged from the *Criminal Law on Sexual Offenses* (2016) to the *Protection Against Violence Act* (2021) and various national and regional Action Plans and Programs. In order to analyze how the policy documents depict women and marginalized groups, this study, first, qualitatively coded the documents using MAXQDA coding software. The coding process started with PDA's key components for analysis: *Problem*, *solution*, and *images of women*. Based on the existing literature, this research added the core element of *images of (women from) marginalized groups*. From these codes that were specified during the coding process, the analysis derived the key themes of vulnerability/risk, protection, safety, dependency, specificity (in case of marginalized groups), and empowerment. Utilizing elements of discourse analysis, this study, then, identified dominant discourses of risk and dependency for the dominant group of women and a dominant discourse of specificity for women from marginalized groups. These findings revealed that, while policies are targeted at addressing the empirical affectedness of women and even higher affectedness of marginalized women, they reify stereotypes.

While sexual violence policies acknowledge the gendered nature of sexual violence as a problem that empirically affects women more than men, policy discourses within SV policies focus on the problem of women's 'safety' that sexual violence infringes upon. The discourse of risk makes use of this framing throughout most incentives that SV policies describe and portrays women as 'weak' and 'incapable' 'victims' that must be 'protected' from the sexual violence that is 'done

to them'. The discourse of dependency relates women's 'need for protection' to their perceived incapacity to 'protect' themselves and considers them to be reliant on the state for their well-being. Policies often depict women as mothers, intensifying the perception of women as 'vulnerable' and 'in need of external support' as they are linked to the need to protect children from violence. These discursive constructions align with traditional gender stereotypes that view women as 'weaker', 'more fragile', and more 'passive' than men. As a result, sexual violence policies contribute to perpetuating gendered power dynamics that are rooted in stereotypes like these. They contribute to sustaining women's inferior position within society that limits their opportunities and access to resources as they are valued less than men. However, the discourse of feminism offers an alternative perspective. By aiming at improving women's personal power resources and empowering them to be confident, it focuses on women's empowerment in the context of sexual violence. It, therefore, emphasizes women's agency, strength, and capability. In doing so, it challenges traditional gender norms and allows for the opportunity to normalize women's roles as strong and independent. If women manage to make this discourse dominant, they can change their societal status, improving their lives in the political, social, and economic sphere. Women, for example, might be able to access reproductive healthcare without any barriers or not be held to a harmful beauty standard.

In incorporating both the examination of the female/male dichotomy and the marginalized/dominant group dichotomy, this research acknowledges that sexual violence is a phenomenon that does not affect all women equally. While it understands that sexual violence policies, therefore, must address SV differently for these groups, it is critical of the way they do it. In relation to the marginalized/dominant social group dichotomy, the discourse analysis reveals that the discourse of specificity depicts women from marginalized social groups as 'vulnerable' to sexual violence similarly as it does to the dominant group of women. It constructs them as 'weak' and 'incapable'. It, however, characterizes them as 'more vulnerable' than the dominant social group. The policies, in consequence, single out marginalized characteristics as markers of vulnerability that lead to the 'need' for 'special measures' that address women from marginalized groups' situation. This undermines their agency and power. These depictions within sexual violence policies frame women from minority groups as 'inherently different' and 'other' from the 'normal' dominant group of women. This, in turn, reinforces stereotypes that view marginalized groups, at large, 'the Other' that is not part of 'the people's society', perpetuating power dynamics that solidify their stigmatized social position and contribute to systems of inequality that are rooted in intersecting identities. In contrast, the combination of the discourses of feminism and inclusion challenges the portrayal of women from minority groups as 'inherently weak and dependent'. It recognizes their agency, strength, and ability to determine their own well-being and emphasizes their inclusion into society by treating their experiences with SV similarly to those of the dominant social group. This counters the marginalization of minority groups

and challenges their social position which is characterized by various forms of discrimination.

In conclusion, this study finds that while German SV policies address sexual violence for the relevant groups of women from the dominant and women from marginalized social groups, they reinforce harmful stereotypes. To challenge these stereotypes, future policies that address sexual violence must be conscious of how they frame women. They should not just consider them as 'victims' that are 'in need of protection' but, instead, recognize their resilience and capability to overcome sexual violence. This shift in discourse is crucial to dismantle broader traditional norms, stereotypes, and expected behaviors that sustain gender inequality and the marginalization of minority groups. While this research, in highlighting this, is important as it contributes to promoting a more equitable and inclusive society, it displays some limitations that are discussed in the following.

As this research only examines the discursive portrayals within policy, it cannot be ensured that it reflects all facets of the discourse related to sexual violence, gender, and the marginalized/dominant binary. Other types of documents such as pieces of media or public opinion might cast additional or opposing images of (dominant) women and marginalized groups. Policy, however, still serves as a crucial unit of analysis since it is part of the overall discourse on this topic – a part of the discourse that has not been explored previously and centrally shapes women's reality by implementing measures that address sexual violence. The way it portrays them, thus, largely affects their experiences, even though the portrayal of women in relation to the female/male and the marginalized/dominant dichotomy is not as obvious within policy documents as in other forms of text like new articles, for example.

Due to policy's less obvious gendered and marginalizing language, it might appear like this analysis overstates or overestimates what images of women from the dominant and marginalized groups are depicted and if and how they reinforce stereotypes. That is, however, precisely the reason for examining policy and conducting a *Policy Discourse Analysis*: The roles and depictions policy casts are not immediately transparent or evident. They are hidden within language and its nuances, embedded within policy documents. Policy is *not* neutral. This research uncovers these underlying meanings and, since these meanings shape women's real life experiences, thus, is crucial. This analysis contributes to illuminating these discursive effects and, in shining light on this, criticizes the reinforcement of harmful norms and beliefs. It promotes inclusion, equality, and social justice by shining light on alternative discourses that challenge women's and marginalized groups' societal positions and might, in time, enable them to change these situations.

This analysis, additionally, examines policy documents that do not specifically solely address sexual violence (except for the *Criminal Law on Sexual Offenses*), limiting the insight into portrayals of women that are only specific to SV. The policy documents that it examines, however, include and address sexual violence, and, therefore, are central in shaping the policy discourse that affects women's and marginalized groups' social status. These documents also span a long period of

more than 15 years (2007-2024), ringing up the question of variation in the perceptions of women and marginalized groups they contain. Granted, while the earlier documents portray the images of women more strongly through the entirety of the policy text, emphasizing women's 'vulnerability and dependency' and marginalized women's 'difference', they all include the same dominant discourses of risk, dependency, and specificity. Even the latest, most 'progressive' policies introduced include such perceptions, although the discourses are more hidden within these documents.

This study, further, recognizes that male experiences with sexual violence often are obscured and discounted. It briefly iterates their depiction within German sexual violence policy. It does not, however, have the capacity to explore how men are portrayed and what (potentially harmful) stereotypes – such as the idea that men 'cannot be affected' by sexual violence – this reinforces. This offers an interesting opportunity for future research.

8. Appendix

Appendix A: Primary and Secondary Data Sources

Table A. Primary Data Sources

Document	Original Title	Author(s)	Date/Version	Length*
Criminal Law				
Criminal Law on Sexual Offenses	Sexualstrafrecht	Parliament	2016	§177, §184i
Reform Proposal Criminal Law on Sexual Offenses	Entwurf eines … Gesetzes zur Änderung des Strafgesetzbuches – Verbesserung des Schutzes der sexuellen Selbstbestimmung	National Government (Dr. 18/8626)	2016	12 pages
Recommendation for Resolution and Report	Beschlussempfehlung und Bericht des Ausschusses für Recht und Verbraucherschutz	Committee of Legal Affairs (Dr. 18/9097)	2016	36 pages
Protection Against Violence Act				
Protection Against Violence Act	Gewaltschutzgesetz	Parliament	2021	BGBl. I; 1 page
Policy Proposal on the Further Development of the Code of Criminal Procedure and on the Amendment of Further Provisions	Entwurf eines Gesetzes zur Fortentwicklung der Strafprozessordnung und zur Änderung weiterer Vorschriften	National Government	2021	7 pages*
National Action Program 'Together Against Violence Against Women'				
Funding Guidelines for the Investment Program	Förderrichtlinie zur Gewährung von Zuwendungen für investive Maßnahmen zur Unterstützung von Innovationen im Hilfesystem für von Gewalt betroffene Frauen und ihre Kinder	Federal Ministry for Families, Senior Citizens, Women and Youth (BMFSFJ)	2020	12 pages
Funding Guidelines for the Innovation Program	Föderrichtlinie Bundesinnovationsprogramm 'Gemiensam gegen Gewalt an Frauen'	Federal Ministry for Families, Senior Citizens, Women and Youth (BMFSFJ)	2020	7 pages
Action Plans				
National Action Plan II to Combat Violence against Women	Aktionsplan II der Bundesregierung zur Bekämpfung von Gewalt gegen Frauen	Federal Ministry for Families, Senior	2007	62 pages

		Citizens, Women and Youth (BMFSFJ)		
Three Stage Plan 'Bavaria Against Violence' (Bavaria)	Konzept 'Bayern gegen Gewalt' und die Umsetzung im 3-Stufen-Plan	Bavarian State Ministry for Family, Labor and Social Affairs	2018	18 pages
Integrated Action Plan to Combat Sexual Violence (Berlin)	Integrierte Maßnahmenplanung des Berliner Netzwerkes gegen sexuelle Gewalt (IMP)	Berlin Network against Violence (Dr. 17/3106)	2016	44 pages
Action Plan to Combat Violence Against Women and Their Children (Brandenburg)	Landesaktionsplans zur Bekämpfung von Gewalt gegen Frauen und ihre Kinder (LAP) - Strategie zur Umsetzung der Istanbul-Konvention im Land Brandenburg	Brandenburg Government (Dr. 7/9086)	2024	84 pages
Bremen State Action Plan - Protecting Women and Children From Violence (Bremen)	Bremer Landesaktionsplan - Frauen und Kinder vor Gewalt schützen	Senator for Health, Women and Consumer Protection & Central State Commissioner for Women's Issues	2022	111 pages
Concept to Combat Violence Against Women and Girls, Human Trafficking, and Violence In The Care Sector (Hamburg)	Konzept zur Bekämpfung von Gewalt gegen Frauen und Mädchen, Menschenhandel und Gewalt in der Pflege	Ministry of Labor, Social Affairs, Family and Integration	2014	74 pages
Third Action Plan to Combat Violence in Domestic Settings (Hesse)	Dritter Landesaktionsplan zur Bekämpfung der Gewalt im häuslichen Bereich	Hessian Ministry of Justice & Hessian Ministry of the Interior and Sport & Hessian Ministry of Social Affairs and Integration & State Prevention Council Working Group "Domestic Violence"	2022	26 pages
Action Plan to Combat Domestic Violence in Intimate Relationships III (Lower Saxony)	Niedersächsischer Landesaktionsplan zur Bekämpfung häuslicher Gewalt in Paarbeziehungen III	Lower Saxony Government	2012	59 pages
Third Action Plan to Combat Domestic and Sexual Violence (Mecklenburg-Western Pomerania)	Dritter Landesaktionsplan zur Bekämpfung von häuslicher und sexualisierter Gewalt	Ministry of Labor, Equality and Social Affairs Mecklenburg-Western Pomerania	2016	43 pages
State Action Plan to Combat Violence Against Women and Girls (North Rhine-Westphalia)	Landesaktionsplan zur Bekämpfung von Gewalt gegen Frauen und Mädchen	Ministry for Health, Emancipation, Care and Ageing of the State of North-Rhine Palatinate	2016	91 pages
Intervention Project Against Violence in Close Social Relationships (Rhineland-Palatinate)	Interventionsprojekt gegen Gewalt in engen sozialen Beziehungen	Rhineland-Palatinate Government (Dr. 16/4573)	2013	35 pages

Action Plan Against Domestic Violence II (Saarland)	Saarländischer Aktionsplan gegen häusliche Gewalt II	Ministerium der Justiz	2011	25 pages
PROGRESS Action Plan (Saxony-Anhalt)	Umsetzung der Istanbul-Konvention in Sachsen-Anhalt - Aktionsplan PROGRESS	Ministry of Justice	2024	44 pages
Action Plan for the Implementation of the Istanbul Convention (Schleswig-Holstein)	Aktionsplan zur Umsetzung der Istanbul-Konvention in Schleswig-Holstein	Schleswig-Holstein State Prevention Council & Ministry of the Interior, Rural Areas, Integration and Gender Equality	2022	37 pages

*The Policy Proposal consists of an entire catalog of policy proposals. The amount of pages here represents the relevant pages.

Table A.2. Secondary Data Sources

Document	Original Title	Author(s) (Commissioners)	Date	Length
Reports and Evaluations				
Final Report of the Reform Commission on the Criminal Law on Sexual Offenses	Abschlussbericht der Reformkommission zum Sexualstrafrecht	Reform Commission on the Criminal Law on Sexual Offenses (Federal Ministry of Justice and Consumer Protection)	2017	270 pages
Final Report 'Experiences of Violence by Women With Disabilities Living in Institutions'	Endbericht 'Gewalterfahrungen von in Einrichtungen lebenden Frauen mit Behinderungen'	University Bielefeld (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth)	2014	166 pages
Report on the Pilot Project 'Dealing With Sexual Self-Determination and Sexual Violence in Residential Facilities for Young People With Intellectual Disabilities'	Bericht Modellprojekt 'Umgang mit sexueller Selbstbestimmung und sexualisierter Gewalt in Wohneinrichtungen für junge Menschen mit geistiger Behinderung'	Vandenhoeck & Ruprecht	2002	15 pages
Evaluation Pilot Project 'Intercultural Online Counseling targeted at Forced Marriage and Family Violence'	Evaluation Modellprojekt 'Interkulturelle Onlineberatung bei Zwangsverheiratung und familiärer Gewalt'	Strobl & Lobmeier (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth)	2010	100 pages
Studies				
Prevalence study 'Women's Living Situations, Safety and Health In Germany'	Prävalenzstudie 'Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland'	University Bielefeld (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth)	2004	282
Pilot study on Violence Against Men - Men's Personal Experiences of Violence in Germany	Studie Gewalt gegen Männer - Personale Gewaltwiderfahrnisse von Männern in Deutschland	Jungnitz, Lenz, Puchert, Puhe & Walter (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth)	2006	10 pages

Flyers and Webpages

Flyer Nationwide Help Hotline 'Violence Against Women'	Broschüre bundesweites Hilfetelefon 'Gewalt gegen Frauen'	Federal Office for Family Affairs and Civil Society Functions	2023	2 pages
Flyer 'Information for Victims of Sexual Violence'	Broschüre 'Informationen für Betroffene sexueller Gewalt'	The Federal and State Police Crime Prevention Program	2017	4 pages
Webpage 'Recognizing Forms of Violence - Sexual Violence'	Webpage 'Formen der Gewalt erkennen - sexualisierte Gewalt' https://www.bmfsfj.de/bmfsfj/themen/gleichstellung/frauen-vor-gewalt-schuetzen/haeusliche-gewalt/formen-der-gewalt-erkennen-80642	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth	2023	

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