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# COUNTRY REPORT AUSTRIA

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SUNIA GEEL – Prevent and combat violence  
against children, young people and women and to  
protect victims and groups at risk

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# State of the Art Report Austria

## 1. Legal level

The regularisations concerning the protection of violence are constituted as Protection against Violence Act and are anchored in three different statutes: the Security Police Law (SPG), the Distraint Order (EO) and the General Civil Code of Law (ABGB) (Haller, 2010).

In the Austrian Penal Code violent acts as punishable offences are listed. Among these can be found:

- bodily harm and grievous bodily harm (Austrian Penal Code, StGB §§ 83 and 84),
- maliciously inflicted grievous bodily harm (§ 87)
- deprivation of liberty (§ 99)
- human trafficking (§ 104.a)
- coercion and grievous coercion (§§ 105 and 106)
- dangerous threats (§ 107)
- insistent persecution (stalking) (§ 107.a)
- continued exercise of violence (§ 107.b) rape (§ 201) – sexual coercion (§ 202)
- grievous sexual abuse and sexual abuse against minors (§§ 206 and 207). (Logar, 2009)

According to law, every person has the right to live in surroundings without violence. Protection is guaranteed by law. In the Code of Criminal Procedure (stop 4th main part, §§ 65 – 73) the rights of victims in criminal proceedings are laid down, for example the right to

- obtain information about the proceedings
- be notified of the release of the perpetrator from pre-trial imprisonment
- inspect files relating to the proceedings
- considerate questioning and respectful treatment
- participation and active involvement in the proceedings
- receive compensation and damages for pain and suffering assistance during court proceedings. (Logar, 2009)

In Austria, on May 1, 1997, the Austrian Federal Act Against Domestic Violence came into force. In 1999, 2003 and 2004 several parts of the Act were changed and amended.

The Second Act on Protection Against Violence entered into force on June 1, 2009. It involves further improvements regarding the protection of the support for victims of violence, like police protection and protection under civil law, which has been required for years. The four most important improvements are described in the following:

1. The legislation empowers the police to expel perpetrators from the dwelling. The expulsion or the ban on returning is effective for two weeks. If a temporary

injunction is applied, the barring order is prolonged for another 4 weeks (rather than 20 days). The lengthening was required, because experience from the last few years showed that ten days was not enough time to allow victims to take the essential first steps.

2. The temporary injunction lasts for six months and may be extended in case of a divorce petition, a petition for eviction or if a sole usage has been lodged (the last two cases affect common-law partners), by the end of six months. Then the temporary injunction remains in force until the lawsuit is closed (Domestic Abuse Intervention Centre Vienna, n.d.). the temporary injunction was thus lengthened from three to six months. There are three different types of temporary injunctions: the temporary injunction for protection of violence inside the dwelling (§ 382b EO), the temporary injunction for the general protection of violence (EO §382e) as well as the temporary injunction in case of stalking (EO § 382g). The temporary injunction for general protection includes a prohibition of contact and stay and can be used even in cases where perpetrator and victim have never lived together in the same household. As the stalking-temporary injunction, it can be extended for a length of one year (Domestic Abuse Intervention Centre Vienna, 2009, p. 34). For a temporary injunction, an application must be filed with the district court of the applicant's place of residence and can be done in writing or verbally. It can be requested in case of physical abuse or threats, which makes life with a violent person intolerable and in the event of psychological violence that has a serious impact on the victim's psychological health (Logar, 2009).

3. Another new element of an offence was added to the Austrian Penal Code as well - the new paragraph § 107b (StGB, penal law), which punishes repeated acts of violence against a person. A higher range of punishment than several acts of violence that occur independently of each other is subjected. This innovation takes into consideration, that especially in the case of intra-family violence the repetition rate is very high. The *Domestic Abuse Intervention Centre Vienna* for example has registered twenty charges concerning continuous use of violence. Likely the low number can be attributed to the fact that time is needed till the new paragraph will be consequently converted into practice (Domestic Abuse Intervention Centre Vienna, 2009).

4. Victims of violence, who receive psychosocial and legal court assistance during criminal proceedings also have the right to free psychosocial assistance during civil proceeding. Unfortunately a free juridical attendance during civil proceedings isn't possible and even the psychosocial attendance is limited to 800€ or rather 1200€ per victim. Desirably the federal ministry for justice continues the prevention of violence and the support for victims as well as the provision of financial resources (Domestic Abuse Intervention Centre Vienna, 2009).

Since 1 May 1997 the Youth Welfare Service (a governmental institution, represented in every province of Austria) as the legal representative of under-aged, has the possibility to apply for a temporal injunction (§ 215 Abs. 1 ABGB). The endangerment of the child's well-being is assumed in case of a direct or indirect threat of violence or if the mother, as the legal representative of the child, fails to file an application herself (Haller, 2010).

Since 1 July 2006 stalking has constituted a punishable act under the term "insistent persecution" (Austrian Penal Code, StGB § 107 a) in Austria.

To prevent the "import" of under-aged brides, Austria has changed some laws concerning foreigners. In case of a family union, the age of the spouse from a non-EU-country, must be eighteen years or older. According to this new amendment to the laws, a forced marriage is defined as a case of grave compulsion. The range of punishment for grave compulsion is about half a year to five years imprisonment, and in serious cases, one to ten years.

Since the Civil Law Alteration Act was signed in 2006, forced marriage has been defined as heavy compulsion (§ 106 Abs. 1 Z 3 StGB).

Children and young people are protected by law, whether they are direct or indirect victims of violence. Indirectly experiencing violence means, for example, witnessing violence against their mothers which is a kind of psychological violence as well. As the legal representative, the mother can apply for a temporary injunction. Also the Youth office is entitled to initiate that step to guarantee their right to stay in the home (Domestic Abuse Intervention Centre Vienna, 2009).

## 2. Political Level

### Social Welfare State/ Formal Institutions

In Austria, each province has at least one Intervention Centre. To assist victims of violence in the frame of police expulsions these intervention centres were established. They offer free support and counselling (Domestic Abuse Intervention Centre Vienna, n.d.) as well as free assistance during court proceedings (Logar, 2009).

As soon as authorities, like police or courts, are informed about violent offences, they are prosecuted by the State. The victim's approval isn't required.

The national support of the re-establishment of security can be divided into two phases: the promulgation of the barring order and the expulsion, which both lie under police authority. In the next step, the concerned person may decide if he/she wants to apply for a temporary injunction. The reason for this bisection is that it is very difficult for victims of violence to separate from the perpetrator, sometimes a separation is even dangerous and thus very difficult to master it by oneself. There is a need for the empowerment of the victims and self-confidence must be strengthened to hazard first steps (Haller, 2010).

It is the duty of the police to inform the victim about the possibility of applying for a temporary injunction by explaining the information sheet. Detailed documentation of every case of domestic violence to which they are summoned is part of the

police's field of responsibility. Their records must be available to the court in case of an application for a temporary injunction.

The protection of victims comprises several areas:

1. Protection in the sphere of living (in accordance with the Act on Enforcement Procedures, EO § 282 b)

If violence is exerted against somebody in his/her sphere of living by someone who lives in the same household, the concerned person can apply to the district court at his/her place of residence in order to force the perpetrator to leave the dwelling and to ban this person from returning to the surrounding.

The question of ownership irrelevant for an eviction and the police may evict any person posing a threat to others. This even concerns the owner. In case of a barring order, the police must define the safety area in every single case, which applies to the apartment or home as well as to its immediate surroundings. Additionally, the police must notify the evicted person of this. The person, who is posing a threat has his/her keys to the dwelling taken away, and in the case of an application for a temporary injunction, they are handed over to the competent district court. The perpetrator is allowed to take essential articles of daily use with him/her and if he/she refuses to leave the dwelling, the police is allowed to remove him/her by force. Even if the evicted person has calmed down, no return is possible before the end of barring order. A non-observance means breaking the law and is punishable with a fine up to EUR 360 per violation. The perpetrator can also be placed under arrest in case of repeated violation. Furthermore only law enforcement authorities can revoke a barring order, which is rarely done.

General protection against violence (in accordance with the Act on Enforcement Procedures, EO § 382 e)

Additional to the protection in the sphere of living, it is also possible for the victim to refrain from any kind of contact and to apply for measures, which orders the perpetrator to stay away from certain places like, for example, school, place of work and kindergarten. The application for a temporary injunction for protection in the sphere of living as well as a prohibition of contact can be done independently from a temporary injunction in the sphere of living. One year can be issued for a temporary injunction for protection against violence in several places and may be prolonged upon application, if violence continues after this period.

Acts of violence must be proved and evidence (for example statements by the victim, doctor's reports, eye-witnesses etc.) must be presented to the court. Police' reports are directly applied by the court (Logar, 2009).

Has a barring order be issued by the police, it is valid for 4 weeks, provided the temporary injunction has been applied for within the first two weeks. The temporary injunction can be issued even without the intervention of the police. In order to

guarantee the continuous protection of the victim, the decision by the court should be made within the four-week period. As a temporary protection measure, a temporary injunction can also be issued without questioning the endangering person, although the perpetrator is usually given the opportunity to be heard.

When the court has made its decision and the injunction is enforced, the applicant must be notified. Usually the court bailiff enforces the injunction, but in urgent or dangerous cases, the court order will be implemented by the police. When the person causing danger is informed about the court decision, he/she has to leave the dwelling immediately and the keys to the dwelling must be handed in. The keys are deposited with the court. The perpetrator is allowed to take his/her personal belongings (for example personal documents, tools for work, etc.), only in company of the bailiff or the police, whereas objects belonging to the household, savings or valuables, are not allowed to be removed and in case of dispute, the court will decide on the allotment of such property.

If the perpetrator returns to the places that have been prohibited to him/her, the police are obligated to remove this person and may also use force if necessary. The police must send a report about the violation of the temporary injunction to the court. The victim then also has the possibility to request the imposition of a coercive penalty. Intervention centres as well as violence prevention centres offer support with fulfilling the request. Coercive detention can be imposed by the court, if the perpetrator continues to violate the injunction.

Victims of stalking may also apply for a temporary injunction at the district court of residence in order to receive immediate protection. The police may enforce the temporary injunction against stalking, but they themselves must expressly apply for the enforcement. The following measures can be applied for:

- *prohibition of personal contact and persecution*
  - *prohibition of contact by mail, telephone or other means of communication*
  - *prohibition to appear in certain places*
  - *prohibition to circulate and publish personal data and photographs*
  - *prohibition to order goods or services using personal data of the victim*
  - *prohibition to induce a third person to establish contact with the victim.*
- (Lugar, 2009)

Victims of domestic violence who additionally have low incomes, are entitled to apply for legal aid. The printed form is available at the court and must be filled out. Remission of court fees, the taking over of costs for an interpreter and the provision of a lawyer are examples of legal aid (Logar, 2009).

Without bureaucratic formalities, court assistance for victims of violence is granted. On behalf of the Federal Ministry of Justice every organisation for the protection of victims offers free support. Accompanying the person concerned to the police when making a report, giving information about preparing them for criminal proceedings and accompanying them to questioning at court and to the trial, are parts of psycho-social court assistance, whereas legal court assistance means legal



representation in criminal proceedings by a lawyer in order to protect the rights of the victim.

Victims are also protected with the right to considerate questioning, so that they are not forced to testify in the presence of the perpetrator. There is the option to use a separate room to question the victim and via video transmission that is shown in the courtroom. This considerate manner of questioning must always be done with children and by judges. The same right to this mode of questioning concerns also people, whose sexual integrity has been violated. The option to apply for this mode concerns all other victims of violence as well. Testifying during trial is often very stressful for the victims and to spare them an adversarial questioning may take place. Additionally, as of 1 June 2009 (paragraph § 107b, StGB, penal law), also in civil proceedings that are related to criminal proceedings on account of violence, victims have the right to considerate questioning and the right to keep their address secret from the perpetrator.

The majority of women who frequented the Domestic Abuse Intervention Centre in Vienna in the year 2009, came to Austria as a result of family reunion. Their residence title is that of a family member, which means that it is connected with the one person who brought family together. In most cases, it is the husband. The women's resident title is therefore connected with the resident title of her husband for at least five years. In the event of a divorce before the end of that five-year-period, the removed person risks the loss of his own resident title. With the implementation of the last amendment of the Statue of Residence and Permanent Establishment (NAG) family members who are victims of forced marriage (§ 30 a) or domestic violence may receive their own resident title before the end of the five year period (§ 27). In that case, a temporary injunction against the perpetrator must be assumed. What is problematic is the fact that, especially migrant women, avoid calling the police. The possibilities to receive a temporary injunction are therefore rather low. If the woman concerned attends an institution for victim's protection, her chances of receiving her own residence title before the end of the five-year-period (in accordance with § 27), are much higher. Many women are informed of their rights when they receive counselling. In the event of getting their own residence title, women mostly obtain the residence authorization for at least one year and must apply for it annually. Therefore the transition time when no decision has yet been made is very difficult. Often, it lasts a few months till the concerned woman knows, if she can stay in Austria and her fear of losing the residence authorization has negative impacts on her. Aside from the difficulties of escaping violent relationships, these politics increase pressure on the concerned women and harms their health, impacting family life as well as their ability to integrate.

Although this exception includes more possibilities for victims of domestic violence, the basic fact of the five-year dependence of the person who reunites with family must be seen critically. It enforces women's dependency; above all many concerned people do not have, or hardly have any knowledge about their rights.

A woman's dependence on her husband for her own residence title is often used as an instrument of pressure by the perpetrator and hinders many women to take legal action (Logar, Weiss, Stricker & Gurtner, 2009).

For years, institutions for the protection of victims and migrant counselling have called for an independent residence title for family members (specially spouses), who move to Austria. It should be granted immediately or even earlier than five years. With the alteration of the law for foreigners (on 1.1.2010) there is the possibility for an earlier independent residence title, if the assumption of family reunion are omitted, but current conditions for a residence title are very strict and for most women, usually hardly applicable.

The demonstrated aspects of victims of domestic violence in Austria underline the fact that present assumptions concerning residence titles are overvalued. Also, the frequent changes in laws concerning foreigners have negative impacts on them since they may inflict upon the victims additional pressure.

Within the law for protection against violence, established cooperation between police and intervention centres/violence protection centres has proven itself successfully. Through police intervention, the spiral of violence is interrupted and through the care of the victim protection centres, concerned women are empowered to manage leaving a violent relationship. Since the new law for protection against violence, the number of barring orders has risen nearly every year (see index 1) (Haller, 2010). The growth rate first developed slowly, but then showed a stronger dynamic. In 2003 more than 4000 and in 2005 more than 5000 barring orders were imposed. From the implementation of the law since the end of year 2008, the police pronounced more than 52.000 expulsions and barring orders. The frequent use of the law for protection against violence lead to a reduction of dispute mediation: in 2001 there were more than twice as many dispute mediations than measures according to the law for protection against violence. Since then, the dispute mediations have decreased, and in 2006 the number of barring orders and expulsions were predominate.

period of time	Expulsion/barring order	Dispute mediation
1.5. till 31.12.1997	1365	No data
1998	2673	No data
1999	3076	No data
2000	3354	7638
2001	3283	7517
2002	3944	7391
2003	4180	6558
2004	4764	6195
2005	5618	6171
2006	7235	6467
2007	6347	4967
2008	6566	5118

Index 1: expulsion/barring order –dispute mediation (1997 – 2008) (source: internal statistics of the from the ministry of home affairs, quoted by Haller, 2010)

There is a strong difference between urban and rural regions regarding the use of the law for protection against violence. The urban police, which is responsible for one third of the Austrian population, pronounced in 2008 about 60% (3960) of the barring orders/expulsions. Since the new law came into force, a disproportionately

large number of measures, according to the law for protection against violence, were carried out (it must be mentioned that in some districts the barring order or expulsion is disproportional large, whereas in some it is suspiciously low). In the countryside, the executives still evade dispute mediations. In relation to the total number of interventions in cases of domestic violence, in 2008 61% of the barring orders/expulsions and 39% of the dispute mediation were pronounced by the urban police, the rural police hardly differentiated between those two interventions (49,5 : 50,5%). These differences reflect the different use of law. This is due to the fact that violent relationships are not recognized (wanted to be seen) as such. According to Haller (2010) it is not only a question of lack of knowledge; it is also sometimes related to a patriarchal way of thinking and resulting ignorance. Haller (2005, quoted by Haller, 2010) also mentions that clerks don't want to interfere, they don't recognize imminent danger and trivialise it to a common quarrel. Especially in the countryside, women are not seen as victims but as abettors or it is implied, that they are seeking a better position, for example in case of a divorce, if a barring order is achieved. On the other hand, lack of regular use of the law makes the barring order seen as something very unusual. This leads to an increased inhibition pronouncing the barring order, which cannot be used as a common legal act (Haller, 2010).

The Youth Welfare hardly applies for a temporary injunction as protection against violence for under-aged children, although it has the possibility to do so as the legal representative. The internal statistics of the Ministry of Justice only show 124 applications for temporary injunctions applied by the Youth Welfare between 1997 and 2004. Half of them were submitted in 2004.<sup>1</sup> The intervention centres and violence protection centres continuously criticize that low number of applications. According to their point of view, the Youth Welfare does not use the temporary injunction as an adequate instrument for protection. The Youth Welfare rejects this. According to the Youth Welfare department, the necessity of a temporary injunction against the will of the mother occurs rarely because in cases of seriously violent situations, women mostly apply themselves. In the event of a temporary injunction against the will of the mother, the Youth Welfare can not see the protection of the child in the foreground. In some agencies, the claim of applying in accordance with the mother is complied with (Haller, 2005b, quoted by Haller, 2010).

Since 1997, not only the application for a temporary injunction has risen, also the part of the granted decisions has risen slightly. The granted decisions for a temporary injunction lies around 91%. However, the temporary injunctions directed by the family courts have been enacted generously since the enforcement of the law for protection against violence.

To the important measures for fighting men's violence against women count as an efficient legislation and (criminal) prosecution as well as the protection and empowerment of victims of violence, which can sustainably be achieved through the on-location cooperation of all institutions, which are involved in the field of

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<sup>1</sup> Since 2005 data concerning the correlation between applicant and respondent and in further consequence concerning the application by the Youth Welfare are not evaluated by the administration of justice anymore.

protection against violence (Hagemann-White, Bohne, 2007, quoted by Haller, 2010).

Another important aspect when talking about domestic violence is the health support for victims. At the moment, the health system services are connected with health insurance and income support. This situation frequently hinders many migrant women who suffer from domestic violence, from receiving medical help. There is a need to separate the health insurance from the income support. According to Haller (2010) single initiatives towards prevention and information of violence in the health sector exists, but a basic awareness concerning domestic violence is still missing.

Aside from negative health effects, injuries and individual pain, violence also has social impacts, which can be measured monetarily. In Austria, no comparable statistics are available.

## Non Governmental Institutions/Volunteers

The empowerment of the victims shall be provided by intervention centres against violence inside the family, which were established as institutions for the protection of victims of violence (as mentioned under 2.1.). These are private institutions that are assigned and financed by public authorities and which are basically accessible to female and male victims of violence, although the majority of victims are women (2008 9,1 % of all clients were men). In case of an expulsion or a barring order, the police must inform the intervention centres immediately and they contact the victims. Their main tasks are individual case support, increasing personal security, of those affected by violence, as well as networking and cooperation with departments and other institutions that work in the field of protection against violence. In 1 October 1999, intervention centres were established in every country in Austria. In Upper Austria and Lower Austria (the two largest federal provinces of Austria, after Vienna), which have the highest populations, field offices were set up. During the last few years, the support network was expanded through further field offices. Additionally there is an association, called LEFÖ (counselling, education and assistance of migrant women) in Vienna that offers support for victims of trafficking (Haller, 2010).

Decisive for the working procedure of these violence protection centres is that immediately after being informed by the police, they try to contact the victims and invite them for a conversation. The traumatised victim therefore does not need to go looking for contact by her- or himself, because the institutions for victim protection take a pro-active approach.

Making contact occurs by telephone or in a written manner and leads in nine out of ten cases to a conversation, in which the needs of the victims are clarified (Schwarz-Schlöglmann; Sorgo, 2007, p. 162, quoted by Haller, 2010). Essentially the perpetrator's riskiness must be estimated and a contingency plan as well as a safety concept must be drawn up. Furthermore, the offering of victim

protection centres include supporting the submission of applications to the court, juridical counselling, psycho-social and juridical court assistance during proceedings, basic social support as well as mediation to public authorities or other institutions (Schwarz-Schlöglmann; Sorgo, 2007, p. 162, quoted by Haller, 2010). Not only people concerned by violence turn to intervention centres and victim protection centres. As a result, the number of annually cared people is considerably higher than the number of imposed barring orders. The following index (index 2) shows people cared for by intervention centres (IST) and violence protection centres (GSZ) (Haller, 2010).

intervention centres/ violence protection centres	total case numbers	women	proportion of women in %	men	proportion of men in %
GZZ Graz	521	481	92,32	40	7,68
IST Carinthia	646	599	92,72	47	7,28
GSZ Lower Austria	1360	1255	92,28	105	7,72
GSZ Upper Austria	1488	1313	88,24	175	11,76
GSZ Salzburg	998	917	91,88	81	8,12
GSZ Styria	1713	1548	90,37	165	9,63
GSZ Tyrol	1088	979	89,98	109	12,02
GSSt. Vorarlberg	612	564	92,16	48	7,84
IST Vienna	5633	3452	90,77	348	9,15
sum	14059	11108		1118	

Index 2: In 2008 served people by intervention centres and violence protection centres (source: in-house statistics from BKA/Women-department, 2008; Haller, 2010)<sup>2</sup>

The Domestic Abuse Intervention Centre Vienna (2009) reported that 22% of their clients were migrants and another 10% with EU and Swiss citizenship. But, as mentioned before, this number doesn't only show victims of domestic violence; many migrant women and women of ethnic minorities miss social networks, which support them and they sometimes have no other possibility than frequenting women's shelter. So this number has to be examined carefully.

<sup>2</sup>The statistics from IST Vienna show under „women“ and „men“ only the new subscription in the year 2008, which are 3803 people; additionally the data from three people could not be collected.

The Department of Women and Equalisation of Tyrol (2010) shows statistics from three institutions that specifically deal with domestic violence and offer special support for women (see index 3).

Institution	Number of counselling
Women help women	1609
Violence Protection Center Tyrol	4585
Tyrol Frauenhaus for abused women and children	2295

Index 3: Number of counselling (women help women, 2009, Violence Protection Center Tyrol, 2009, Tyrol Frauenhaus for abused women and children, 2009)

In 2009 the violence protection centres in Salzburg and Tyrol started a cooperation with the association "Neustart", which will do the group work with perpetrators.

Aside from the central support offers for concerned women, the services of the association Autonomous Austrian Women Shelter (AÖF) exists. It was established in 1988 to improve the cooperation and the exchange of professional know-how, as well as to link up staff of the autonomous women shelters. It is the legally responsible body of the women's-help-line against male violence. The help-line offers free bi-lingual counselling to most of the migrants. It can be called around the clock and is represented in whole Austria. The AÖF is also engaged in public relations against domestic violence, does prevention work against violence and is member of the WAVE, Women against violence in Europe, an European network against domestic violence (Haller, 2010).

Also other advice centres for women and families, of which services are mostly wide spread, are very important as a refuge as they are decentralized and therefore reachable for women from the countryside (Haller, 2010).

In addition to the women's helpline against male violence, there are further regional emergency call centres (partly located in the advice centres). In Innsbruck, Vienna, Salzburg, Styria and Linz help lines are available and staff also accompany women to the court or medical examination (2010).

The association Neustart offers an anti-violence-training for youth, young adults and adults. Only the public prosecutor's office and judiciary assign the clients. If the training isn't finished positively, Neustart suggests an alternative way to the allocated authority. In Vienna, two groups per year take place, in which violence is discussed in the public. In Vienna in case of domestic violence potential training candidates are sent to the men's counselling Vienna, whereas in the other regions, the training shall be done by Neustart itself. (Haller, 2011)

Since 1999 the Domestic Abuse Intervention Centre Vienna has worked together with the Men's Counselling Vienna within the framework of the Training Program for Men to exit violent behaviour inside partnership. The Vienna Training is financially supported by the federal ministry for home affairs and connects adapted elements

of the Scottish CHANGE-Program and the American D.A.I.P. (Domestic Abuse Intervention Project in Duluth/Minnesota)(Pence & Paymar, 1993, quoted by Haller, 2010) for Austria.<sup>3</sup> The program follows an integrative approach, which connects three elements: the perpetrator-training through the Men's Counselling, the support-program of the Intervention Centre for the partner as well as the cooperation of both institutions and their networking with other institutions of the intervention system (as for example the Office for Youth and Family). Training takes place in group settings, which are lead by a gender-mixed team. The participants are partly allocated to the trainings, partly they are attending the trainings by choice. In content the perpetrator-training is divided into four modules:

- Working on the acceptance of responsibility concerning violence and looking into the own defence mechanism and strategies of denial
- dealing with their own conceptions of masculinity and the socialization of men
- handling anger and fury as well as the mediation of anger-interruption-techniques
- learning alternative, non-violent social competences (Haller, 2010).

Another important institution that works with a special kind of domestic violence is the "Orient Express" in Vienna. This help-desk is very engaged in clearing up and supporting concerned people and in the sensitization of a wider public concerning the topic "forced marriage".

The "Verein Multikulturell" in Innsbruck offers psychotherapy in Turkish and German language and could therefore enlist the only psychotherapist of Austria, who speaks both languages.

Most NGOs that deal with domestic violence, document their work in the form of annual reports. Every day work, like case studies or intervention with other institutions like help-desks, police or court are documented as well and may be part of their statistics in the annual reports.

The Institutions, which are organized in terms of dealing with domestic violence, provide protection to their clients by keeping their identities anonymous. The Tyrol Frauenhaus for abused women and children for example can only be contacted by phone or eMail and only the address of the office is available. The shelter itself shows no address, although many people meanwhile are already informed about its location.

Many of the listed institutions here are NGO's, which are subsidized by the local government. In addition to their counselling and accompanying of clients they often offer trainings for different occupational groups like for example executives, teachers, doctors).

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<sup>3</sup> Both programs count to renowned offender programs, of which effectivity is proven by evaluations.

### 3. Socio-cultural level

In Austria, no representative census on violence against women within partnership exists. An assessment of how many women are concerned can only be done on the basis of a survey of neighbour countries. After Haller (2010) a non representative census to the topic "violence against women within partnership" was done in the beginning of 1990, which made the searcher conclude, that a minimum of every fifth woman in Austria experienced violence in a relationship (Benard/Schlaffer, 1991). Hence the presented data to this topic only shows some statistics from different institutions.

In 2009, 751 charges were reported to the Violence Protection Centre in Tyrol. 258 people received a psycho-social and juridical court assistance during proceedings (see Index 4).

Categories of violent acts	numbers
stalking	196
extortion	1
imprisonment	7
dangerous threat	224
wrongful removal of a child	1
bodily harm	241
(attempted) murder	4
compulsion	29
damage to property	18
sexual abuse	2
others	18
suppression of documents	3
rape	7
<b>total</b>	<b>751</b>

Index 4: number of reported charges in 2009 (Violence Protection Centre Tyrol, 2009)

In 2009 1170 people, 90% were women (1058) and 10% men (112), were supported by the Violence Protection Centre Tyrol. The perpetrators were husbands, ex-husbands, partners, ex-partners, friends, sons, fathers and brothers. 947 concerned children were reported as witnesses or victims of domestic violence to the Violence Protection Centre Tyrol.

368 expulsions/barring orders, 137 dispute mediations and 259 stalking cases or other reports were conveyed by the executive Violence Protection Centre Tyrol, 2009).

In the following, two types of domestic violence are described which can be considered as special kinds of violence aside from the common types like beatings, threats and abuse and which are experienced especially by migrants, members of ethnic minorities and people with migrant background.



### Forced marriage and arranged marriage

Forced marriage is a special form of domestic violence, in which the perpetrators have no awareness of wrongdoing, just the opposite is the case. After Gedik (2004, quoted by Fassmann, Reeger & Sari, 2007) traditional sense of right and is facing the knowledge about the right to self-determination. The cases documented in Austria mostly concern under-aged girls with the Austrian citizenship. Consulting services report over Albanian, Bosnian, Greek, Indian, Kurdish, Tamil, Turkish and Roma families. It mostly is about underprivileged and hardly integrated, traditional and patriarchal orientated families. The consequences of this form of domestic violence can be fatal. Concerned girls often show early school-leave and they often lose their social environment. An unintentional move to the husband's country of origin may cause emotional and economical problems. Often women who are "imported" to Austria hardly speak any German, are isolated without any rights and dependent on the family of their husbands to all intents and purposes. Not only the disregard of one's own right for free choice of the partner is violated, a forced marriage also hurts further human rights like the right for emotional and physical integrity, health and education (Bielefeldt, 2005, quoted by Fassmann, Reeger & Sari, 2007).

### Female genital mutilation

Female genital mutilation is a phenomenon that confronts Austria via immigration of women from other cultural surroundings. It effects minor children and changes their lives forever. Approximately 135 Billion women all over the world are affected, other studies talk about 160 billion women, girls and babies. It is unclear how many victims are concerned in Austria, but it is suspected, that even in Europe and Austria, this kind of violence is practiced. In 2006 a study about the experiences of doctors and midwives in Austria was published, who guessed, that about 8000 women and girls are effected. (Fassmann, Reeger & Sari, 2007).

## 4. Individual level

### Social workers and service providers – Help the Helpers

As mentioned before (see 2.2 and 3), fieldwork is done in courts, emergency rooms, health care centres, shelters and telephone lines. The intervention centres and violence protection centres are informed about barring orders and expulsions by the police. A trans-sectoral cooperation is accelerated.

Under 2.1 and 2.2 the responsibilities, the area of jurisdiction for each profession and the cooperation between the different institutions are described.

According to Haller (2010) further education and training concerning the identification of domestic violence, the consequences as well as the intercourse with

victims of violence and the acquirement of intercultural competences must be anchored for all professionals dealing with victims of violence. This concerns profession in the judiciary as well as in the health sector.

Furthermore, to meet the needs of the victims and to offer measures tailored to suite the single fields, more background knowledge would be helpful. On the one hand, regular research and evaluation of data (for example in the field of judiciary and Youth Welfare via applications for temporary injunctions), on the other hand qualitative research (like the meaning of violence in childhood for prevention).

The migration sociologist Gaitandes (2004, quoted by Logar, Weiss, Sticker, & Gurtner, 2009) argues that counsellors working with victims of violence and especially concerned migrants have to be constantly informed of new legal regulations, because they often change (in particular the laws concerning the right of residence). Also Peregrina (2010, quoted by Logar, Weiss, Stricker & Gurtner, 2009) points out that for the staff of the institutions dealing with domestic violence the frequently changing law for foreigners means to be continuously informed about alterations and it is impact on their clients.

There is also a need for more native speaker counselling in addition with cultural competencies. Gaitandes (2004, quoted by Logar, Weiss, Sticker, & Gurtner, 2009) also points out that programs for offenders should always be integrated with programs for victim protection. Beyond that a more specific knowledge about single victim groups as elder and disabled people, but also the identification of high-risk-groups is an assumption for accordant preventive measures (Haller 2010).

In the field of perpetrator work, there is a need of further development of offender-related measures as well as country-wide implementation. The international tested and adapted models for anti-violence trainings (as the Men's counselling Vienna did it as well) are, according to results of internal evaluation, not suitable to all perpetrators. Suitable concepts for the single sub-groups of perpetrators' characteristics must be developed. Not only in the field of protection against violence, also in the perpetrators work additional research must be done. The consequences of experience of violence in childhood on the willingness to use violence as an adult or the identification of social aggressive repeat-perpetrator should be examined (Haller, 2010).

## Victims

Although violence is not a migrant specific topic, many women with migrant background and from ethnic minorities are confronted with more disadvantages than domestic women.

Structurally disadvantaged groups, which can be comparatively badly reached by measures of the law for protection against violence are victims living in the countryside, children and female migrants. Violence concerned women often live in patriarchal surroundings, where private violence is trivialised (Haller, 2010).

The working team "violence against female migrants", established by the Prevention Advisory Board in 1999, identified three fields, in which a consolidation of violence

prevention must determine: social services, right of residence and labour market. Till today, hardly anything has changed. The exclusion of female migrants as a result of the accordant legal rulings is an expression of structural violence (Haller, 2010). According to Haller (2010) since the middle of the 1990ies, the number of female migrants in women shelters is clearly overrepresented compared to their share of population. It has risen since that time. The loss of importance of women shelters, which was intended by the law for protection against violence, has affected exclusively Austrian women. Index 5 shows the number of women in women shelters in the years 1997 – 2008.

Year	Austrian women (in %)	Foreign women (in %)
1997	62	38
1998	61	39
1999	55	45
2000	57	43
2006	49	51
2008	44	56

Index 5: residents of the AÖF women shelters (1997 – 2008) (source: annual report of the AÖF, quoted by Haller, 2010)

To understand the individual situation of women with migrant background, migrant women or women of ethnic minorities in Austria, it is important to draw a more differentiated picture and have a look on migration processes.

Fassmann, Reeger & Sari (2007) argue that during migration process many women are confronted with minimum three different challenges. First of all, they are confronted, as a result of their belonging to the group of women, even in Austria, with disadvantage and discrimination. Additionally they are defined as foreign, because of their external citizenship or belonging to an ethnic minority. After all many women, especially those from the Islamic World, are faced into societal conflict between a modern and traditional gender role, which they have to resolve. Compared to native women, migrant women are more exposed to burdens like occupation, household as well as child and family care. They often have more children and can not afford extern childcare, because of financial limits. As men in many cases have low incomes as well, many migrant women are forced to work as well to polish the family income. Even if women are elderly, they can not back down from gainful occupation.

According to Logar, Weiss, Stricker & Gurtner (2009) women with migrant background, migrant women and of ethnic minorities often miss social networks and language skills, have fewer resources than women from the majority and are in many cases financially dependent on their husbands. That leads to more difficulties building up an independent life, and they need more time to unburden themselves. The avoidance of calling the police in case of being a victim of domestic violence makes it even more difficult for the concerned people to change the situation. It could be noticed that women with a migrant background and from ethnic minorities flee to relatives, friends or to women refugees instead. Many are poorly informed

about their rights. All these points lead to lower opportunities to get interim decision.

A break-up or divorce therefore isn't advisable without former juridical counselling. Hence some concerned women know about their massive dependence and undergo abuse (Fassmann, Reeger & Sari, 2007).

Haller (2010) points out that aside from social isolation and missing support by family, also the excessive demand of the executive leads to a flee of migrant women into women shelters. In this connection, language barriers hinder an intervention into migrant families and it has to be assumed, that it is not always looked into the backgrounds of a "family conflict". As a result violence isn't always recognized and instead of a barring order, a dispute mediation follows, so that the victim is forced to frequent a women shelter. All these factors lead to difficulties and disadvantages, which makes it impossible for the victims to leave the spiral of violence and in the end they often return to the perpetrator. Haller (2010) argues that female migrants who are married in Austria, get too less attention, because they are obviously suspended high violent risks. In 2008 a quarter of the residents in women shelters were migrants married with Austrians, only slightly higher – with 29 % - was the proportion of female migrants married with a migrant husband (AÖF, Autonomous Austrian Women Shelter, 2008, quoted by Haller, 2010). In an earlier research study, the violence loading within intercultural partnerships were pointed out, especially in form of psychological and economical violence (Haller, 2005, quoted by Haller, 2010).

Many migrant women and their children, who suffer from domestic violence are therefore endangered by poverty. Additionally they are more vulnerable to health hazards, because they are confronted with obstacles concerning access to health and welfare systems. As mentioned earlier, citizens of non-EU countries are only entitled to these services, if they prove a resistant stay (Logar, Weiss, Stricker & Gurtner, 2009).

For victims of arranged marriages, it is extremely difficult to resist. Reasons might be fear of violence and aggression, avoidance of possible life-threatening conflicts, missing perspectives, helplessness, insufficient knowledge about the own rights and about the prohibition of forced marriage according to the own religion, solidarity with the own mother, who has experienced the same fate, commitment to the siblings, fear to lose the family and to live in social isolation.

According to Haller (2010) it isn't always convenient for victims of violence to achieve an expulsion or a barring order, because they want to stay in their relationship and they worry about attracting the whole anger of the partner in case of calling for police's intervention (Haller, 2005, quoted by Haller, 2010). Some women also feel more related to their partners or feel more secure, when an expulsion or barring order comes into speak. This might lead to different consequences: from the continuation of the partnership with the hope, to cope conflicts in a better way, to the intuition, that the relationship has failed and a break-up is necessary. In some cases multiple interventions from the police are necessary till these steps can be done. This makes clear that the sometimes as

“uncooperative” seen police takes the victim seriously and in every single repeated event of violence interfere in a competent manner Haller, 2010).

Finally Haller (2010) points out some weak points regarding victim protection:

1) Weak spots regarding victim protection exist for some cohorts, as mentioned before. Victims in the countryside receive little support from the executive and even the access to care facilities is complicated. An expansion of the intervention centres' offers through branches might help. Furthermore it is obvious that the law for protection against violence doesn't help in many cases. This can be observed when looking at the annually rising numbers of migrants frequenting the women shelters. Not only the improvement of the legal position of family members who are victims of domestic violence helps, there must also be the possibility to get a better access to occupation. Then women who experience violence are able to build up an independent existence and a separation from a violent relationship is easier. A first financial interim help after the barring order and a temporary injunction might be the social help, which receiving is differential settled in the single provinces. It would be very important that after a barring order, women, independently from whether they are natives and foreigners, receive social help as fast possible and with few bureaucratic obstacles. Furthermore, social help shouldn't have a negative impact on the right of residence.

2) Although the budget for the intervention centres and violence protection centres was renewed in 2007, a further expansion of victim protection as well as women shelters and emergency hotlines need more financial support. It is also necessary to widen the range of offers for children.

3) In addition to information campaigns about forced marriage and female genital mutilation, concerned and endangered women and girls need the possibility for a cared refuge in emergency housings to escape from the pressure of their family cohesions (Haller 2010).

At the very least, it is important to accept the fact that counselling in these contexts usually needs more time and that it needs a broad approach. It is important, that protection against violence and effective interventions is not constrained by institutional, legal, economic and politically prevailing conditions.

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# Literature Review

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