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***"Violence against women: Good practices in
combating and eliminating violence against women"***

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**THE AUSTRIAN MODEL OF INTERVENTION IN DOMESTIC
VIOLENCE CASES**

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“The Austrian model of intervention in cases of domestic violence”

1. Introduction

In all regions of the world, women experience violence from their partners or male family members. For a long time, the extent of this violence could only be estimated, as the cases of violence which become known to the public are only the tip of an iceberg. In the past decade, the extent of violence against women was revealed in large-scale studies drawn up in several European countries. In the first representative study conducted in Germany with more than 10 000 women respondents it was found that approximately one out of four women (i.e., 25%) have experienced physical or sexual violence from a partner (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth 2004). According to an investigation within the framework of the British Crime Survey, 21% of all women become victims of physical violence or threats by a partner at least once in their lives (Walby/Allen 2004). In a prevalence study conducted in Finland (Heiskanen/Piispa 1998), 20% of all women living in a relationship responded that they had experienced violence from a partner. Apart from causing immense suffering, violence against women also results in costs for the victims and for society (Walby 2004, World Health Organization 2004). In the course of her study, Walby found that the costs of domestic violence in England and Wales are an estimated 23 billion British pounds annually.

Violence against women committed by male partners is not a “private affair” but a public and political problem. Acts of violence are human rights violations. Countries are bound under international agreements to prevent acts of violence against women and to protect the victims. However, a variety of obstacles still hinder the implementation of international standards for the protection of women against violence. These obstacles are the long history and “normality” of exerting violence against women, the view of the problem as a private matter, the subordinate position of women in society and in the family and the role of violence in producing this subordination, prejudice and bias justifying violence against women, sexist, racist, misogynist and anti-human attitudes, neglect of the problem by politicians and lawmakers, ignorance of the responsible actors with regard to international human rights standards, lack of political will and insufficient allocation of means, lack of awareness, training and policy guidelines among the police and justice authorities, etc.

To overcome these obstacles, society will have to make enormous efforts. There is reason to assume that it will take several decades more to come close to the aim of eliminating violence against women. What we need, therefore, is long-term commitment. For making further progress and avoiding backlashes it is essential that the issue remain on the agenda of the United Nations and other international organizations. This UN study on violence against women and all other UN activities for the prevention of violence against women are of great importance for the development on the international scale. Also, the human rights instruments and especially the work of the CEDAW Committee need to be strengthened.

The prevention of violence against women should be effected on various levels of society: on the level of the State, the community and the individuals.

Prevention falls into three categories:

- *Primary prevention*: precluding the emergence of violence (e.g., awareness raising, campaigns, community initiatives, human rights education, educational programs for kids and adolescents,

general measures against discrimination and in favor of actual equality of women, gender mainstreaming, etc.)

- *Secondary prevention:* identifying risk factors and at-risk groups, providing help (e.g., sensitization programs in various institutions, establishing a helpline for women, health screening, measures to strengthen the independence of women at the legal, economic and social levels, initiatives supporting immigrant women, etc.)
- *Tertiary prevention:* measures to preclude further violence (e.g., helping the women affected by violence, establishing women's shelters, making laws for the protection against violence, considerate and effective police interventions, effective criminal court procedures, etc.)

2. The Austrian model for the protection of women against violence

In the following I will present the Austrian Protection Against Violence Bill. With this bill Austria has taken an innovative approach which has become a model for other countries who have introduced similar legislation or are planning to do so. What is special and particularly effective about the Austrian model is its close linking of legal and social measures.

In my outline and analysis of the Austrian experience I will identify good practice indicators as well as problems and challenges. I will refer to the practical experience in Austria and in other European countries as well as relevant research (WAVE 2002a, 2004; Humphreys et al 2000; Federal Ministry for Family Affairs, Senior Citizens, Women and Youth 2004a and 2004b; Kelly 2000; Hester/Radford 1998). First of all I would like to say that the Austrian model is not a cure-all and that it mainly focuses on police and court interventions. A variety of models in many different spheres are necessary to prevent violence against women. However, the level of laws is of key importance in states with a democratic constitution. If acts of violence against women are not punished and there is no effective protection against violence, this means that violence is tolerated. Thus, *effective legal protection against violence is a prerequisite for being successful and credible in the field of primary and secondary prevention.*

2. 1. Network of services for women

Austria is a small country with approximately 8 million inhabitants. It is a parliamentary democracy. In 1995 it became a member of the European Union. The first initiatives against violence against women emerged in the 1970s, inspired by the new women's movement (Logar 2004a). The first women's shelter opened in London in 1972, its first counterpart in Berlin was established in 1976, and in Austria, the first shelter for women opened in 1978. In the course of 25 years a network of women's shelters, women's helplines and counseling centers for women affected by violence was created. In most cases, women's groups took the initiative, and almost all women's shelters are operated by women's NGOs. The shelters are publicly financed to almost 100%, private fundraising is of minor importance. Currently there are 26 women's shelters in Austria with approximately 400 places for women and their children. In 2004, 2.767 women and children were admitted to women's shelters (Verein autonome österreichische Frauenhäuser 2004). In addition, there are a number of counseling centers for women, counseling centers against sexual violence, regional helplines and centers assisting immigrant women. Since 1999 a nationwide, free helpline for women has been operating round the clock (**0 800 222 555**), which is financed by the federal government. Also, since the mid-1990s Intervention Centers have been established as a further extension of the help network (see chapter on Intervention Centers).

Problems and challenges: problems exist as to the regional provision of services. The nearest women's shelter or counseling center are often out of reach of the women concerned. In rural regions, services for immigrant women, refugees and other groups with special needs are often lacking. As yet, the

supply of places in women's shelters is insufficient, so that sometimes women and children seeking help cannot be admitted right away. Then there is also the problem of financing: most women's shelters have to struggle for their financial means every year; if the administration pursues a policy of cutting expenses, this often has an impact on women's organizations.

Good practice indicator: Network of services for women

An expansive network of help organizations is a prerequisite for the elimination of violence against women. By providing adequate help a society signals that the problem of violence against women is taken seriously and the victims of violence are actively supported.

Such a network is also necessary for meaningful prevention work by the police, courts and social, health and education institutions, which need women's organizations as partners for counseling and supporting the women and children concerned. Women's organizations are also important for legal measures to be applied in an effective manner.

To escape violent relationships is difficult and dangerous. Victims are severely traumatized and need a safe place and intensive support (Herman 1992). Therefore, the provision of safe housing in women's shelters is a core task of every society. Laws for the protection against violence are indispensable, but it should be noted that they do not provide a solution for every problem. Experience with the Austrian Protection Against Violence Bill has shown that the number of women and children seeking help in women's shelters has not declined since the Bill was introduced. *Thus, what is needed is both effective laws and safe housing.*

Nationwide coverage with women's shelters is an important good practice indicator. At present, especially in southern and eastern Europe there are countries where women's shelters are non-existent or by far too few (WAVE 2002a). According to the recommendations of a European Council expert group, one place in a women's shelter should be provided per 7.500 inhabitants, and the minimum standard should be one place per 10.000 inhabitants (Council of Europe 2000). Rather than just a roof over one's head women's shelters should offer adequate and comprehensive help and meet safety standards, as violence does not stop at their door. The European network WAVE has developed quality standards for women's shelters (WAVE 2004).

One of the key criteria for good practice is guaranteed access to the help system. An important step in this direction is the establishment of national and regional helplines available to women 24 hours a day. Calls should be free of charge, as experience has shown that often, women do not even have change for making phone calls. Women's helplines provide a "soft" access to the help system, as women can remain anonymous and get free information about their rights and options. This is very important because many women hesitate to seek advice at a help center. The German prevalence study on violence against women found that among women who had suffered violence a mere 11% sought help outside the family and resorted to help services (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth 2004a). The phone number of the helpline should be widely known in public, which means that funds for advertising have to be continually available. For immigrant women and women belonging to ethnic minorities, counseling should be available in their mother tongue. This is very important to counteract spreading forms of violence such as forced marriages.

Summary of good practice indicators:

- at least one nationwide emergency helpline (depending on the size of the country) operating 24 hours a day free of charge, counseling in several languages

- nationwide, adequate supply of places in women's shelters (minimum of one place per 10 000 inhabitants), 24-hours service, free transport to shelters
- adequate safety standards in women's shelters
- nationwide network of counseling centers
- adequate help for specific groups of women: immigrant women, members of ethnic minorities, women with special needs
- comprehensive help for children
- professional help provided by trained experts
- guidelines and quality standards for the practical work with women and children
- empowering women and respecting their decisions
- democratic structures in women's organizations which respect the autonomy and self-determination of women
- adequate financing of women's services by the State
- women's services should be run by experienced, independent women's NGOs in cooperation with state authorities

2. 2. The making of the Austrian Protection Against Violence Bill

In the 1990s, many European countries adopted new strategies to combat violence against women. Activists in the women's movement were increasingly dissatisfied with a situation where women received no protection against violence and the police and courts remained inactive because violence against women was considered a private matter. Experts in women's organizations started documenting cases and demonstrating that women were systematically denied help by the law. They confronted the responsible political actors and authorities with their criticism. Faced with growing pressure by women voicing their discontent, the police had to start to deal with the problem of violence against women and reconsider their practices. As a consequence, also among the police an awareness emerged that legal measures providing effective protection for women were lacking. In many cases, all the police could do was to calm down the situation and to advise the woman to leave the house with her child(ren) for a while.

Essential impulses for change in Austria came from the international level: the campaign "Women's Rights are Human Rights" and the definition of violence against women as a human rights violation on occasion of the UN Human Rights Conference in 1993 in Vienna were important steps (Bunch/Reilly 1994). Upon the initiative of a very committed Minister for Women's Issues, in 1994 the Federal Government established inter-ministerial working groups with the clear mandate to develop measures to improve the protection of victims of violence in the family in such a way that they would be able to stay in their own homes whereas the perpetrators would have to leave. Experts representing women's NGOs took part in all the working groups, as well as members of the police and the courts and feminist lawyers. Initiatives on the international scale such as the Domestic Abuse Intervention Program in Duluth/Minnesota served as models and were adapted for the situation in Austria.

Of course the Bill also met with resistance, especially with regard to eviction and barring orders against the perpetrators. Opponents said this was an infringement of fundamental human rights and a violation of Article 8 of the European Human Rights Convention. However, the proponents of the Bill could refer to human rights standards also in this respect, as according to Article 8, 2., the public authority may interfere with the privacy of a family if the life, health or freedom of persons is threatened. However, the Bill was not designed for the protection of women only, but for the protection against violence in the family. Although women's NGOs originally had the aim of protecting women against violence, they

agreed to the extension of the Bill, well aware of the fact that particularly women and children are victims of violence in the family, so they would benefit most from the introduction of this bill.¹

Following three years of preparation the Protection Against Violence Bill was passed by parliament in 1996 with a great majority of votes and entered into force on 1 May 1997.

Criteria for successful implementation of international legal and policy framework

What are the prerequisites for the implementation of international standards for the protection of women against violence? Some of the major components of social change, based upon experience gathered in Austria, are:

- an active women's movement opposing violence against women
- human rights training for women's organizations
- systematic documentation and making public of violence and human rights violations against women
- lobbying political actors and authorities, using human rights standards as the most important lobbying instrument
- creative adaptation of good practice models from other countries to the specific situation in one's own country
- some open-minded politicians who commit themselves to the problem of violence against women
- a clear political mandate and political will
- involving women's NGOs in the development of new measures and laws
- identifying and involving key actors in relevant institutions who are open to change
- cross-institutional cooperation of committed persons active in the police, courts and health and social services.

2.3. Implementation of the Bill

Laws are not enough to protect women against violence. They have to be implemented carefully and effectively. In several European countries, the new laws for the protection against violence are ineffective because they are rarely implemented (Logar 2004b). In Austria, the implementation of the Bill was prepared with great care. The proponents of the Bill knew that for the Bill to be successful in practice, it would take comprehensive training as well as awareness raising.

For Austria, a conservative, Catholic country, this Bill was somewhat revolutionary: it rules that the master of the house may no longer do as he pleases but is thrown out of his home if he exerts violence. Considerable resistance to the application of the Bill was to be expected especially from the police, where traditional role patterns were still upheld. Until the early 1990s there were no women in regular police service in Austria. Therefore, those responsible asked for a period of six months between the enactment of the Bill and its entry into force in order to organize an adequate training of police officers. In the course of a few months, almost all the police officers (approximately 25.000) received at least some training in a top-down crash course. Family courts, the second important institution implementing the Protection Against Violence Bill, also developed a system of training for their colleagues.

Women's NGOs established intervention centers in all the provinces in order to make sure that all victims of violence receive support.

¹ In the women's movement there are ongoing discussions on whether special laws for the protection of women are necessary or whether general laws are sufficient; each position has its pros and cons.

The public was also informed about the new Bill. In a campaign, the slogan “Red ticket for violent men” was used, as it was assumed that this soccer rule would appeal especially to men. What is fair in sports should be fair at home – that would be hard to deny.

Good practice indicator: Careful implementation of laws

The careful implementation of laws for the protection against violence is an element of good practice which requires a variety of strategies. These include:

- information and training for the greatest possible number of people in institutions and services who will deal with the implementation of the law
- training should not only refer to the legal aspects but also to the philosophy behind the law, its aims and consequences for society
- developing a top-down training system
- employing multipliers and key persons as trainers
- information of the general public

2. 4. Key elements of the Austrian Protection Against Violence Bill

The Austrian Protection Against Violence Bill consists of three elements which were developed in combination and are tuned to each other. Victims of domestic violence shall receive comprehensive and complete protection against violence as well as extensive support, and furthermore they shall have the possibility to stay in their own home.

The three elements of the Austrian Protection Against Violence Bill:

1. Eviction and barring orders² by the police for a duration of 10 or 20 days
2. longer-term protection by means of a protective temporary injunction under civil law (3 month and more)
3. Support for the victims, violence prevention measures and coordination of the interventions by establishing Intervention Centers.

2. 4. 1. Eviction and barring orders by the police

For each intervention in cases of domestic violence, the police must assess the danger involved. If the result of this assessment should be that a dangerous assault on the life, health and liberty of a person is imminent, the police must immediately evict the endangering person from the dwelling and prohibit that he enter the dwelling and its surroundings for ten days. The eviction protects each person living in the dwelling, no matter who owns or rents the dwelling. Thus eviction by the police not only protects all persons who are threatened by violence in their sphere of living.

If the persons affected by violence apply for a protective injunction under civil law at the Family Court, the duration of the eviction by the police is extended to 20 days. The Court shall inform the police that such an application has been filed. Also, the police shall inform the nearest competent Intervention Center via fax and provide the documentation of the intervention. Where underaged children are involved, the Youth Welfare Department shall also be informed.

On the occasion of the eviction both the endangerer and the victim shall be informed about this measure via an information leaflet. The endangerer has the right to take personal belongings with him.

² The police measure consists of two parts – the eviction and the barring order. In this text, for reasons of convenience sometimes only one of the two terms is used to imply both parts.

The police shall check compliance with the barring order at least once within three days after eviction. In case of a violation the endangerer is fined and removed from the dwelling and its surroundings by order and by force if he refuses to leave. Should he repeatedly violate the barring order, he can also be arrested.

The eviction is a preventive measure in that it is not contingent on an act of violence to have already taken place. However, if a violent act has been committed, the police shall additionally file a report (according to the Austrian Criminal Code any form of physical injury has to be charged and prosecuted).

Good practice indicator: Effective police interventions and victims' trust in the criminal justice system

An important indicator of good practice is the victims' trust in the authorities. In democratic countries the police is the institution in charge of the protection and safety of the citizens. It is highly problematic for the safety and legal protection of citizens if women who become victims of violence do not trust the police, if they are afraid to call the police or if they feel the police does not take them seriously or support them. The police has an important gate-keeper function. In many countries, the police still is a male-dominated institution which is not sufficiently sensitized to deal with women who have become victims of violence. According to the International Crime Survey, victims of sex and violence crimes are less satisfied with police activities than victims of theft. Female victims are most often treated without due respect (Schneider 1999). In many countries the police authority has taken considerable efforts to develop a new approach and better interventions in recent years (Kelly 2000). Still, a lot remains to be done in this field. Measures for building confidence should be taken continually and evaluated regularly.

When it comes to building confidence, *professional, victim-centered interventions* are the main strategy. The following elements of the Austrian Protection Against Violence Bill have proved to be good practice:

- all police rights and duties are clearly regulated by law (Police Security Bill)
- the police must react to emergency calls immediately, these calls have top priority
- the police have the power and obligation to enter an apartment even against the will of the husband
- the protection and safety of the victims is the priority aim of the intervention
- eviction and barring is an effective instrument for the police to protect victims already before violence has occurred and should be in place
- the implementation of barring orders is regulated in detail; the duration of the barring order is fixed and does not depend upon the decision of the individual police officer in each case
- if the life, health or freedom of a person is threatened, the police must effect the eviction; there should be no scope for discretion
- the police has to monitor compliance with the barring order
- the victim is relieved of the burden of having to consent to the measure
- victims and perpetrators have statutory rights to information, which must be fulfilled by the police
- the cooperation of the police with the civil court, the intervention centers and the Youth Office are integrated in the implementation procedure, so it should not depend on the good will of individuals
- the police is obliged to prosecute if a punishable act has already been committed (mandatory prosecution)

- careful investigation and considering of evidence as well as the detailed documentation of interventions are obligatory
 - citizens have the right to file a complaint about police measures with an independent authority or court.
- Other important aspects:
- domestic violence units of the police in order to safeguard a professional handling of the situation have been proven to be successful in DV interventions
 - special units should also exist at management level for continuous monitoring, evaluation and improvement of interventions
 - specific measures such as multi-agency case conferences in severe and repeated cases of violence

2. 4. 2. Civil Law restraining order

Back to the Austrian Domestic Violence Bill: After ten days of police protection a different system of protection for the victim begins to operate. In the case of imminent danger it is the duty of the state to protect the victim. However, a security measure such as the barring order should not last indefinitely, because this would take the power of action away from the victims. The aim of the eviction is to relieve the victims and to free them from the sphere of influence of the abuser. This temporary separation has proven its great merits in practice.

If the persons affected by violence decide in favor of longer-term protective measures, they can apply for a temporary injunction from the Civil Law Courts. If they intend to initiate divorce proceedings or proceedings to secure the dwelling, the duration of the temporary injunction is valid until these proceedings have been concluded. The temporary injunction can also be used to prohibit that the endangerer takes up contact with the victim, i. e. to prevent him from calling, writing letters or e-mails, from coming to her place of work and to the kindergarten or the school their kids attend. Upon application of the victim the police can enforce the temporary injunction at the Family Court and remove the perpetrator from the dwelling in case of a violation.

The protective injunction is promptly issued by the court so that protection is uninterrupted.

For the protection of the children, the temporary injunction may also be applied for by the Youth Office. The application for a temporary injunction is not contingent on a prior eviction by the police.

As yet, the Federal Ministry of Justice does not collect data on the application of the protective injunction. According to the intervention centers' data, one out of three women applies for an injunction following the eviction of the perpetrator by the police.

Good practice indicators: Effective protection through civil law measures

It is important that effective civil law measures of protection be available to women who are victims of violence in the family, because not all victims seek police help. Good practice elements are:

- clearly regulated protective injunctions, protection for all women/persons living in families or similar settings
- implementation also in cases of psychological violence, terrorizing or stalking
- comprehensive protection of the individual sphere (house, place of work, kindergarten, etc.) and prohibition of following or contacting the victim
- prompt access to legal measures, legal aid for victims

- prompt issuing of injunctions in case of danger (immediately, or within a few days)
- effective implementation of protective injunctions – in Austria the police has the power of enforcing the injunction
- close cooperation of the courts with the police and the help organizations.

2. 4. 3. Victim support and assistance through Intervention Centers

From the beginning it was evident that laws alone were not enough to help women effectively. It is a well-known fact that the access to legal measures is difficult for many women and that they need extensive support for standing up to a violent partner or separating from him. Therefore the support of victims was planned and implemented as an integral part of the Bill. *Without this element of support for the victims, legal measures may be problematic if they lead to a situation where the victim is left alone to bear the consequences of the legal steps taken.*

As a victim service concurrent to the Protection Against Violence Bill, an Intervention Center was established in each of the nine Austrian provinces. 50 % of the funding comes from the Federal Ministry of the Interior, the other 50% from the Ministry of Health and Women.³ The Intervention Centers are run by women NGOs. The transfer of data by the police to the Intervention Centers is regulated by a corresponding passage in the Protection Against Violence Bill. The staff of the Intervention Centers supports the victims and their children in all matters concerning their protection and the securing of their rights, in civil as well as in criminal lawsuits. The Intervention Centers also have the task to take a variety of legal and social measures in order to prevent further violence.

Pro-active approach: the Intervention Centers follow a pro-active approach. This means that rather than waiting for the victims to contact them, they write letters or make phone calls to offer help. It is necessary to meet the persons concerned halfway, as the victims of domestic violence are sometimes afraid or too depressed to seek help. Of course it is up to the victims to decide whether they want to accept the help offered to them.

Safety planning: one of the core tasks of the Intervention Centers is to assess the danger inherent in the situation and to plan safety measures together with the victims. It is very important to determine whether the eviction will provide sufficient protection or whether the endangered persons should rather move to a safe place, e.g. a women's shelter, at least for a few days.

Legal aid: supporting women in enforcing their claims and accompanying them when they have to appear in court is also among the tasks of the Intervention Centers.

Medium and long-term counseling, follow-up measures: domestic violence is a problem which takes time to be solved. Therefore the support for those affected and the preventive measures against violence should not end too soon. It is the policy of the Vienna Intervention Center to contact the persons affected by domestic violence after three months again, offering support. This follow-up measure has proven valuable and effective, first of all because in this way, contact is maintained, which makes it easier for the victims to turn to their counselor in cases of emergency. The follow-ups are also

³ The initiative for establishing Intervention Centers came from the then Federal Minister of the Interior and the Federal Minister for Women's Issues in 1997. The current Austrian government abolished the position of Federal Minister for Women's Issues in the year 2000. First the newly created Federal Ministry for Social Security and Generations became competent for women's issues, followed by the Federal Ministry of Health and Women since 2003. The Government of Austria has declared its commitment to the protection against violence and to the further expansion of Intervention Centers. The Intervention Centers have a five-year promotion contract with the Ministries.

important for the perpetrators, because they notice that there is still public attention on their family, so they cannot simply go back to their prior behavior and exert violence.

Financial aid and housing: women who are victims of violence need financial aid if they have no income of their own and depend on the perpetrator. Therefore, Intervention Centers support women who have no financial means. Close contacts to the Social Welfare Offices were established so that women can obtain social aid promptly, without lengthy administrative procedures. Intervention Centers also help women who cannot or do not wish to stay in their apartment (e.g., because they cannot afford it or because they do not feel safe there) to get a convenient apartment soon. The City of Vienna has a very effective social housing program for people in need which makes it possible to find an apartment within one or two months. This also applies to immigrant women.

Anti-violence training for men: the Intervention Center in Vienna is running an Anti-violence Training for violent men together with the Men's Center Vienna. The most important goal of the program is to make life for women threatened by violence and their children safer and to increase their quality of life. In order to reach this goal, work with the perpetrators is integrated into the system of interventions. The support for the partner is part of the program. The training is carried out in weekly group sessions supervised by a team of two trainers, a woman and a man, for a duration of at least 32 weekly group sessions. Most participants do not take part in the training voluntarily, but are obliged to participate upon order by the court or the Youth Office.

Multi-agency cooperation: another important focus of the Intervention Centers is to coordinate the interventions and continually improve the cooperation of all the institutions involved (Criminal justice system, police, civil court, health system, social services, women's services, child protection, probation, immigrant communities and immigrant organizations, etc.).

2. 5. Statistics and evaluation

According to the statistics of the Federal Ministry of the Interior, the following data on the implementation of the Protection Against Violence Bill were collected between 1 May 1997 and 31 December 2003:

Year	Eviction/ barring orders	Charges on grounds of violation	Other interventions	DV
1997	approx. 1,449	approx. 38	n. i.	
1998	2,673	252	n. i.	
1999	3,076	301	n. i.	
2000	3,354	430	7,638	
2001	3,283	508	7,517	
2002	3,944	475	7,391	
2003	4,174	633	6,552	
2004	4,764	641	6,195	
Total	26,717	3,378	---	

n. i.= not indicated

As the statistics show, the number of evictions and barring orders in Austria has risen each year. This is probably less due to growing violence than to the fact that the new legal measures are increasingly adopted by the police. Within the first seven and a half years, a total of almost 27,000 evictions were

effected. So the Bill is not just paper work but a tool that is used in practice. It should be mentioned, however, that the growing number of evictions has been registered mainly in urban areas. In rural regions the number of evictions is markedly lower than in the cities and towns (Dearing/Haller 2000). The number of infringements of expulsion orders is surprisingly small (about 12%). It would appear that perpetrators take this measure seriously, not least because an infringement entails further punitive sanctions – even police detention. Thus expulsion orders by the police seem to be an effective measure.

The implementation has been evaluated through two studies to date (Dearing/Haller 2000; Haller et al 2002). According to an analysis of more than 1,000 police files the barring order was used in 43% of the DV cases, in 52% the police exercised “dispute settlement” and in 5% they brought in charges against the perpetrator without any protective measures.

2. 6. Problems and challenges

In the following section some problem areas are presented, which have been registered despite the overall positive evaluation of the application of the Protection Against Violence Bill in Austria.

Deficiencies regarding the protection of the victims: extensive and comprehensive support of the victims is vital for the prevention of violence. However, because of lacking financial means the Intervention Centers cannot provide this service to all victims. While the number of evictions grew continually (in Vienna, numbers have risen by more than eleven times between 1998 and 2003) the budget of the Intervention Centers was increased only to a small extent.

Extremely dangerous perpetrators: the Protection Against Violence Bill is a valuable instrument for creating a sphere of protection for many victims of domestic violence. But an eviction does not keep extremely dangerous perpetrators from committing further acts of violence. Deplorably, severe violent crimes have occurred in Austria, which shows that the dangerous situation for the victims is not really taken seriously. Two clients of the Vienna Intervention Center were murdered by their husbands in December 2002 and September 2003. In both cases the perpetrators had repeatedly threatened to kill the victims, who had reported this to the police. However, the perpetrators were not arrested and were left free to commit the crime.

The criminal justice system as missing link: as the accompanying study on the Protection Against Violence Bill shows, in criminal justice the view still seems to exist that “private violence” by the husband need not be punished by the state (Haller 2002). Haller found approximately every second charge on account of physical injury was dismissed and only in one out of seven cases an application for punishment was filed. Only every third case was dismissed because the victim would not testify, in many cases the criminal act was dismissed as a “petty offence”. The state follows an inconsistent strategy and its message to both victims and perpetrators is a contradictory one: On the one hand, the police evicts the endangerer and on the other the public prosecution dismisses proceedings initiated after a wife was battered, which weakens the efforts to prevent violence.

Insufficient protection for immigrant women: the Protection Against Violence Bill also protects immigrant women living in Austria. However, the Bill alone does not offer sufficient protection, as women in immigrant families in many cases are completely dependent on the batterer socially and economically. Immigrant women must obtain a residence permit and work permit independently of their husbands, in order to have a realistic chance to leave the abuser.

Children – the forgotten victims: violence against mothers always involves violence against their children and may even be transferred from the mother to the children after a separation (Hester/Redford 1998). Children who have experienced violence in the family have a higher risk to become perpetrators or

victims themselves. Every child should have the right to obtain therapeutic help in order to overcome the traumatizing experience.

2. 7. Short resume

According to experience gathered in Austria, the eviction by the police of violent partners from the conjugal dwelling in a situation of imminent violence is an important and expedient instrument for preventing violence in emergency situations. It is still too early to make any final assessment of the new violence prevention legislation in Austria, but some comments can be given. The first evaluation study states that the goal of the Family Violence Protection Law, to interrupt the circle of violence through the police expulsion of the perpetrator and to support the victim of violence through advice and help by especially established intervention-projects, could be achieved in most cases. The new legal regulations are an efficient instrument for the improved protection from domestic violence and they are an important socio-political signal (Dearing/Haller 2000 : 257).

However, the ongoing support for the victims is crucial. In the second study almost all women who staid with the violent partner reported that their partner had stopped being violent after the police intervention for a while but that later on he became violent again (Haller 2002). Women also expressed how difficult it is for them to leave the violent partner due to multiple dependences and lack of strengths. Some women said in the study that the police had refused to intervene in repeated cases of violence.

Whether measures are effective to prevent further violence depends on the quality of implementation and on the level of integration into an intervention system. Ongoing efforts and training are needed.

Good practice indicator: Victim-friendly intervention systems

Comprehensive help for victims of violence in emergency situation of crisis is an important element of good practice. In addition to the measures described above, this includes:

- the right of all victims to receive information about help options (as victims tend to turn to their family and immediate environment for help first, it is important to inform the general public about legal possibilities and help services)
- the right to receive help, provision of a nationwide help network (after police interventions or emergency health care measures all victims as well as their children shall receive counseling and support by a qualified institution)
- close cooperation of the police, courts, health and social services with women's help organizations (this will require a legal provision for the transfer of data, which would otherwise be impossible for reasons of data protection)
- pro-active approach: if a case of violence becomes known, the victims shall be actively contacted by the women's help organization
- help shall be provided over longer periods of time
- prompt financial aid without lengthy administrative procedures and efficient housing programs must be provided, so that victims can leave their violent partners
- support to secure a sustainable living (education and further training programs, re-entry into the job market, etc.)
- counseling in legal matters and support to enforce claims in civil and criminal proceedings

Good practice indicator: Independent residence rights for immigrant women

Immigrant women should have the right of residence independently of their husband, as well as the right to hold a legal job.

Good practice indicator: Effective interventions of the criminal justice system

The criminal justice system is another important instrument for the prevention of violence against women which has scarcely been used in many countries.

Here, good practice includes:

- making all forms of violence against women punishable under criminal justice, including rape in marriage
- violent acts should not receive minor punishment if they are committed in the family; on the contrary, this should count as an aggravating factor
- criminal charges and the prosecution should be carried by the State, not by the victims
- effective prosecution of violent acts against women, focusing on thorough investigations and taking of evidence
- during the criminal procedure measures for the protection of the victims and prevention of further violence should be taken (protective injunctions, obligation of the perpetrator to undergo anti-violence training, probation by court order, etc.)
- victims should have the right to participate in criminal proceedings, to ask questions and bring evidence and to apply for damages in the course of a criminal or civil procedure
- victims should have the right to free legal counsel and assistance during criminal proceedings
- before, during and after courtroom meetings special caution should be applied in order to guarantee the safety of the victim, confrontation with the perpetrator should be avoided (e.g., parties should wait in separate rooms)
- victims should have the right to be treated with special consideration, also when they give evidence (not in the presence of the perpetrator, via video recordings)
- judges, public prosecutors and defense attorneys should receive training in the sensitive treatment of victims in order to avoid further traumatization
- courts and prosecution offices should install special departments dealing with the issue of violence against women

At EU level, minimum standards on the standing of victims in criminal proceedings were introduced (European Union 2001).

3. General good practice indicators

Important general indicators of good practice, which should be observed by all the relevant institutions, are:

3. 1. Good practice indicator: Clear definition of the problem

A clear and comprehensive definition of violence against women is a prerequisite for the development and implementation of effective interventions. One obstacle to developing measures to combat violence against women lies in the tendency to ignore the gendered nature of the problem and to apply generalizing terms like “violence in the family” or “violence by partners”. In the context of the family, not only women are affected by violence. But it is important to address the fact that violence against women has a specific historical and social context which should not be denied. Definitions included in the UN Declaration on the elimination of violence against women and in other UN documents should serve as a basis, such as the following definitions:

“The term ‘violence against women’ means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life....”

“Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women’s full advancement.”

3. 2. Good practice indicator: Comprehensive and consistent guidelines and policies on VAW, monitoring and evaluation

Every institution actually or potentially dealing with the issue of violence against women needs clear guidelines in this field. This also applies to institutions which are not primarily in charge of this problem, e.g., social welfare offices or hospitals. The development and implementation of the guidelines as well as monitoring should be an integral part of the management of such institutions. The protection and safety of the women and children concerned should be the priority aim of every intervention. The women concerned and women’s organizations should be regularly consulted in the process of evaluation of the guidelines in order to check whether the interventions have been helpful for the victims. Furthermore, it is important to take into account the specific situation of different groups of women (immigrant women, ethnic minority women, women with disabilities, etc.) and to adapt the services provided and the interventions to their needs. It is also vital that every institution develop guidelines for dealing with violence within the organization.

Systematically data collections, annual statistics and regular reporting are further important instruments of good practice.

3. 3. Good practice indicator: Safety as a priority

One of the gravest mistakes that is made in interventions in the field of violence against women is to underestimate the danger involved. In Europe and worldwide, it still happens that women are seriously injured or killed by their (ex-)husbands and partners. In many cases these crimes are not committed “out of the blue” but are the outcome of a long history of violence. Women who are in the process of separating from their violent partner are in particular danger, as most murders and attempted murders are committed in this phase. Therefore, an important good practice indicator is the priority which institutions attribute to the safety of victims and to safety planning. Several instruments to assess danger have been developed. But, as Gondolf (1999) states in his long-term investigation of programs for violent men, the most important instrument is to listen to the victims, to believe them and to take them seriously. Checklists and questionnaires are an important source of additional information for the assessment of violence. Safety planning with every individual victim should be a good practice standard of every organization (WAVE 2004)

3. 4. Good practice indicator: Training and awareness raising

Training of everyone working for a relevant organization is another good practice indicator which requires a specific, well-designed strategy. It is of great importance that training be provided for all those active in the respective organization. For large-scale institutions like the police this represents a major challenge which requires continuous efforts. Here the mainstreaming approach takes effect: the issue of violence against women shall be integrated into the training and further education in all occupational spheres. Another quality indicator for training is its continuity, the involvement of new staff and ongoing training measures (rolling program). Experts from women’s organizations should be consulted for the planning and implementation of education and training programs so that the victims’ perspective will be taken into account (WAVE-Network 2002b).

3. 5. Good practice indicator: Multi-agency work

The prevention of violence against women will only be effective if all the relevant organizations cooperate and coordinate their interventions in an effective way. If an important link in the chain of interventions is missing, this will have a weakening effect on all the other interventions.

In the past decade many European countries have developed initiatives to strengthen the cooperation of all institutions against violence. In the United Kingdom, Multi-agency Domestic Violence Forums were founded (Hague et al 1996), and in German-speaking countries similar initiatives emerged in the form of intervention projects or round tables (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth BMFSF 2004a).

However, multi-agency approaches are not automatically effective. In some cases they are no more than an indication of good will with little, if any, practical results. Here are some indicators of effective multi-agency approaches:

- experts from women's organization play a central role
- the participating institutions are willing and competent to change their own practice
- cooperation goes beyond mere talk: concrete, binding objectives are formulated, projects are planned, implemented and evaluated
- each institution contributes the human and financial resources that are necessary to implement plans and achieve the set goals
- the multi-agency forum and the participating institutions also practice gender equality in their own spheres (gender mainstreaming)
- the multi-agency forum addresses the responsible actors at the political level for providing the necessary means for the support of victims; if resources are lacking, even close cooperation of all the institutions involved will hardly contribute to the improvement of the victims' situation.

Targets and tasks of multi-agency initiatives:

- monitoring domestic violence interventions and service
- identifying gaps in service and improving service
- coordinating service provision
- developing policies and guidelines
- initiating and organizing training
- engaging in preventive and awareness-raising work in the community.

3. 6. Good practice indicator: accountability of the State and partnership with NGOs

Standards of good practice not only apply to the institutions who deal with the problem, but also to governments. To observe national and international obligations for the protection of women against violence it is not enough to sign the corresponding documents; the words need to be followed by actions. In many countries women's organizations have committed themselves to founding initiatives to combat violence against women at the local level. These community initiatives are a very important indicator for the functioning of a democracy. But it is a negative sign if governments leave the task of eliminating violence against women to the NGOs or support them with insufficient funding or none at all. This represents a violation of their national and international obligations, such as observing the CEDAW Convention and others (CEDAW 2005).

Good practice indicators for governments include:

- clearly defined responsibilities and competence in the field of violence against women, in the government and at national, regional and community administration level
- special departments equipped with adequate human and financial resources in all the relevant ministries and administrative units (gender mainstreaming), coordinating departments

- a national action plan for the elimination of violence against women, provision of financial means for its implementation
- ongoing implementation, evaluation and adaptation of the action plan
- close cooperation with civil society, especially women's NGOs
- sufficient means for women's shelters and other help organizations; effective social, psychological, legal and economic support for all women who have experienced violence and for their children
- enacting and implementing effective legislation for the protection against violence; legal protection and legal aid for the victims
- systematic collection of data on violence against women in all relevant areas
- continual awareness raising through effective campaigns
- anti-discrimination measures for women in all social and political spheres, gender mainstreaming
- integration of human rights education into curricula and into the training of educators
- respecting and implementing international human rights standards.

4. Conclusions

As stated in the beginning of this article, it takes more than a few years to completely change the former practice of non-intervention by the authorities. Outdated attitudes and prejudices stand in the way of effective, professional action by the police and judicial authorities. Therefore political and social efforts for reducing violence must be organized on a long-term basis. They should not be limited to temporary pilot projects. Effective violence prevention will cost money, but violence which is not prevented would cost a lot more.

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