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

Expert Group Meeting

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

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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

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 to be d

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.<sup>1</sup>

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.

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<sup>1</sup> 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 possi

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 be 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



- 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 pro



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 0





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....”









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