

NATIONAL REPORT AUSTRIA 2016

DETAILS REPORT WRITING ORGANISATION

Country: Austria

Organisation writing report: Coordination of the Federal Working Group on Victim-Safety Oriented Work with Perpetrators (the coordination is carried out by the Domestic Violence Intervention Centre Vienna)

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(Bundesarbeitsgemeinschaft Opferschutzorientierte Täterarbeit BAG-OTA)

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1. ORGANISATIONS/PROGRAMMES

WHAT TYPE OF ACTIVITIES RELATED TO DOMESTIC VIOLENCE PREVENTION HAS YOUR ORGANISATION CARRIED OUT DURING THE LAST THREE YEARS?

The Federal Working Group on Victim Safety Oriented Work with Perpetrators (BAG-OTA) is a network of expert organisations founded on the initiative of the Domestic Violence Intervention Centre Vienna in 2011.

Members of the Federal Working Group are organisations which promote and undertake programmes for perpetrators based on the standards of the Istanbul Convention. These organisations are primarily concerned with supporting victims and ensuring their safety, in line with their human rights. Programmes are set up and implemented in close co-ordination with specialist support services for women victims of partner violence and domestic violence.

WHAT WOULD YOU DEFINE AS THE BIGGEST OBSTACLES/CHALLENGES REGARDING VIOLENCE PREVENTION TO YOUR ORGANISATION/S? PLEASE FOCUS ON THE LAST THREE YEARS.

- There is a lack of funding for specialist services for women victims of violence and their children.
- There remains widespread impunity for male violence and violence against women is seriously underreported in Austria. The majority of women victims do not report serious incidents to the police or other agencies.¹ Further, most cases that do get reported are dropped and never sanctioned. There is thus a high rate of impunity for male violence against women and children.
- A lack of accountability in the justice system is a major reason why few perpetrators are mandated to participate in programmes. The result has been a low demand for perpetrators' programmes, and small-scale organisations face difficulties in putting pressure on governments to invest in state wide and sustainable programmes for perpetrators. In the majority of provinces in Austria, training groups are unable to begin due to a lack of participants.
- There is a lack of funding for perpetrator programs oriented towards victim safety, and a lack of unified structures and approaches.

2. COUNTRY

PLEASE GIVE AN OVERVIEW OF GENERAL SITUATION IN YOUR COUNTRY REGARDING WORK WITH PERPETRATORS.

In Austria, engaged government agencies and women's NGOs have supported the establishment of an intervention system aimed at providing immediate protection and support to victims of gender-based and domestic violence. In 1997, the "police barring order" came into force, guaranteeing the right of the victim to stay in their own home, and

¹ European Union Agency for Fundamental Rights (Hg.) (2014).

empowering the police to expel the perpetrator for two weeks if they pose an immediate danger to the life, health and freedom of a person. Intervention Centres have been established in all nine provinces of Austria, providing immediate support to victims without unnecessary bureaucracy. In 2015, police issued 8,261 barring orders in cases of partner and domestic violence.² In Vienna, there were 9.5 barring orders per 10,000 people.³ In general, more police barring orders are issued in urban areas than in rural areas, and the number of such orders is disproportionately high in Vienna. In approximately 91.6% of all cases of police barring orders issued in 2015, the victims were female family members.⁴

The law allows and obliges police to send reports to a regional intervention centre within 48 hours. The intervention centre then contacts the victims and provides pro-active, cost-free support based on the rights and needs of the individual victim. Victims can also obtain longer protection by applying for a civil court protection order. There are several protective measures available, including protection from stalking.

Austrian criminal law enforces mandatory prosecution for all cases of violence, thus if a criminal act has been committed, the police are obliged to report it to prosecution. The criminal justice system also sets protective measures, such as restraining orders, as conditions for release from pre-trial detention. However, the criminal justice system in Austria remains the “missing link” in the intervention system, despite considerable progress in some areas including legislation on stalking and repeat acts of violence. Important improvements have also taken place in relation to support for victims, including a regulation in criminal procedure law that gives every victim of violent crime the right to psycho-social and legal support in criminal and related civil proceedings. This support is free of charge for victims, and free of unnecessary bureaucracy. Victims in criminal cases are also entitled to be accompanied by two experts during proceedings. One such expert

² Tätigkeitsbericht. Wiener Interventionsstelle gegen Gewalt in der Familie, 2015.

³ Tätigkeitsbericht. Wiener Interventionsstelle gegen Gewalt in der Familie, 2015. Vienna has approx. 1,8 million inhabitants.

⁴ Tätigkeitsbericht. Wiener Interventionsstelle gegen Gewalt in der Familie, 2015.

provides psycho-social support, and the other provides legal support and represents the victim in proceedings.

Despite this progress, impunity remains high. Women victims of partner violence and their children do not receive appropriate protection, as repeat cases of femicide/homicide exemplify. Recently, the cases of two women murdered by their husbands following repeated acts of violence and death threats, were brought before the CEDAW Committee, a human rights body. The committee found that Austria had violated the two women's rights to life and health. In another tragic case, an 8-year-old boy was killed by his father after the repeated physical and sexual abuse of his mother. The case was brought to the European Court of Human Rights in Strasbourg and is currently pending. Such cases demonstrate the failures of the Austrian system in protecting victims, and preventing perpetrators from (re)offending.

Perpetrator-related interventions in Austria are not yet effective in preventing violence and protecting victims. A lot more needs to be done to improve the intervention system.

DO YOU KNOW ANY OTHER ORGANISATIONS/PROGRAMMES IN YOUR COUNTRY THAT CARRY OUR DOMESTIC VIOLENCE PERPETRATOR WORK? IF YES, PLEASE, LIST THEM.

There are two main types of organisations working with perpetrators of domestic violence in Austria. Firstly, there are programmes run by counselling centres focused on supporting men, and organisations that provide comprehensive counselling services, such as family counselling centres. All such organisations operate at the regional/provincial level. Secondly, there is the Austrian national probation service ("Neustart") run by an NGO working on behalf of the Ministry of Justice. Neustart's work is based on probation law, and covers a great variety of services including alternative sanction measures and restorative justice measures, such as victim-offender mediation.

The Federal Working Group has undertaken a mapping of perpetrator services, updated in 2015.⁵ The group identified 11 organisations working with perpetrators of domestic violence in Austria, across nine provinces. The majority of these programs are small scale, and work predominantly with individual perpetrators.

Two programmes have integrated standards for victim safety (Vienna and Graz) and they run in close cooperation with women's support services. The first such program, the Anti-Violence Program Vienna, was established in 1999 and receives some federal funding. Nevertheless, its funding remains insecure, and each year the programme faces the possibility of being shut down. It is not known how much funding is currently being spent in total on programmes for perpetrators in Austria.

Further projects involving collaborations between organisations involved in perpetrator work and specialist victim support have been developed, or are planned, as a result of the work of the Federal Working Group. These are described below.

3. BEST PRACTICES

TELL US ABOUT BEST PRACTICES IN WORK WITH PERPETRATORS IN YOUR COUNTRY.

The Federal Working Group on Victim Safety Oriented Work with Perpetrators of Gender Based Violence (BAG OTA) was founded in 2011. The working group was initiated by the Domestic Violence Intervention Centre, which has offered an anti-violence program, together with the Men's Centre in Vienna, since 1999. The working group is comprised of experts from NGOs working with perpetrators in all Austrian provinces, as well as experts from specialised women's support services. The group is recognised and funded by the

⁵ Furtenbach Nikola/Logar Rosa (2016).

Federal Government, with a small grant of €5,000 for the purposes of coordinating meetings.

The aim of the working group is to establish and implement standards for work with perpetrators that comply with the Istanbul Convention. The group thus aims to ensure that the safety of victims, and respect for their human rights, are of primary concern in work with perpetrators; that a gendered understanding is applied to such work; and that activities are carried out in close coordination with women's support services. The working group has already achieved important progress:

- A mapping of programmes has been carried out, including an analysis of data collection in this sector.⁶
- A protocol of cooperation has been established between the national probation service and specialist support services for women victims of violence.⁷ It was agreed that, in every case of probation in domestic violence cases, the probation service will work together with specialist victim's support services to ensure victims are safe and that they receive adequate support.
- Standards and guidelines for victim-safety oriented work with perpetrators has been developed and presented to the inter-ministerial working group responsible for the implementation of the national action plan on violence against women. The standards are based on a gendered understanding of domestic violence.

⁶ Furtenbach Nikola/Logar Rosa (2016).

⁷ The work of the national probation service is established by law and carried out by a non-governmental non-profit organisation (Neustart). Specialist support services include Women's Refuge ("Frauenhäuser"), Domestic Abuse Intervention Center Vienna ("Interventionsstelle") and protection against violence centres ("Gewaltschutzzentren").

4. NEEDS AND RECOMMENDATIONS

WHAT HAS TO BE DONE TO PREVENT DOMESTIC VIOLENCE IN YOUR COUNTRY (REGARDING WORK WITH PERPETRATORS)?

Despite the progress that has been made since the Istanbul Convention entered into force, there remain gaps in the field of work with perpetrators that need to be addressed.

Lack of accountability for perpetrators in the criminal justice system and lack of referrals to perpetrator programmes

A major concern is that, currently, very few perpetrators are referred to programmes which focus on working with perpetrators. This is related to a concerning lack of accountability for perpetrators in the justice system. Even if violence is reported, the majority of cases of violence against women are not sanctioned. This lack of accountability is extremely problematic, because it conveys the message that violence against women is not to be taken seriously. It also has a direct effect on work with perpetrators, as few people are referred to perpetrator programmes. In theory, the Austrian criminal justice system is a modern system, whose methods are not simply repressive but rather combine sanctions with measures of rehabilitation, such as working with probation officers, probation time and other possibilities. However, in practice, these available measures are not adequately applied in cases of gender-based violence. For example, probation services are equipped to offer specialist training to perpetrators in all areas of Austria. However, these trainings take place in only two provinces, as there are so few perpetrators ordered by the criminal justice system to join a probation programme. Currently, it is estimated that less than 1% of perpetrators in reported cases of gender violence are mandated to attend perpetrator programmes.

Lack of data

The national working group BAG OTA has found, during its mapping research, that there is currently no national data comparing work with perpetrators in Austria. Therefore, questions regarding the number of places and the number of perpetrators enrolled annually cannot currently be answered. However, data from the oldest programme can be used as an example. In 2015, 158 perpetrators were in contact with the programme. Not all perpetrators were allowed to begin the programme, as some were considered to be too high risk, or had drug problems for example. Further, of those who completed the clearing phase and were allowed to start the programme, 8.2% dropped out.⁸ Overall, out of the 158 who were in contact with the programme, 23 (14.6%) completed the programme, 74 (46.8%) did not start or dropped out, and 61 (38.6%) remain in the programme. Once perpetrators have finished the clearing phase and are allowed to begin the programme, the dropout rate is low (8.2%).

Recommendations

- Effective measures must be taken to ensure that gender-based violence against women is effectively prosecuted and punished. When appropriate, perpetrators must be referred to anti-violence programmes which fulfil the standards of the Istanbul Convention. This will require ministerial decrees and mandatory training for judges and other relevant personnel during their basic training.
- Adequate and sustainable (long-term) funding must be provided to establish victim safety oriented programmes for perpetrators in all nine provinces of Austria. Funding should be directed towards programmes which fulfil the standards of the Istanbul Convention.
- Financial support for the work of national expert groups needs to be continued and increased, to ensure that standards can be further developed and implemented, and comparable national data can be collected and provided annually.

⁸ Wiener Interventionsstelle gegen Gewalt in der Familie (Hg.) (2015).

- At a minimum, the following data should be collected on a national level, using the same categories in order to make the data comparable:
 - Number of victim-safety oriented places in perpetrator programmes
 - Number of perpetrators enrolled, and number of completers
 - Number of victims supported by women's support services with whom the programme cooperates
 - Age and gender of perpetrator
 - Age and gender of victim
 - Relationship of the perpetrator to the victim
 - Form of violence against women
 - Geographical location

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This publication has been produced with the financial support of the "Rights, Equality and Citizenship Programme 2014-2020" of the European Union. The contents of this publication are the sole responsibility of the authors and can in no way be taken to reflect the views of the European Commission.



Funded by the "Rights, Equality and Citizenship Programme 2014-2020" of the European Union



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ANNEX - SOURCES:

European Union Agency for Fundamental Rights (Ed.) (2014): Violence against Women – An EU wide Survey, Main results, Belgium.

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