



Domestic Violence in Austria

Legal framework and practical work of the Intervention Center Vienna

Domestic Abuse Intervention Center Vienna

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1. Legal Framework

LEGAL BASIS

- Based on **Austrian Federal Act on Protection Against Domestic Violence**
 - entered into force 1 **May 1997**
 - several amendments since, most important improvements in 2009 and 2013
 - is a **bundle of newly adopted or amended provisions** covering
 - a. **protection by the police** (e.g. barring orders against perpetrators)
 - b. **protection under civil law** (e.g. temporary injunctions)
 - c. sanctions for the perpetrator under **criminal law**
 - d. **victims' rights** in criminal and civil law proceedings

a. Protection by the Police

EMERGENCY BARRING ORDERS

- **immediate eviction** of a dangerous person **by the police** from a house or an apartment
- evicted person is not allowed to return for **14 days**
- **ownership** of the house or apartment is **irrelevant**
- protection for all individuals at danger of becoming victims of violence by the perpetrator (spouse, children, house-mates,...)
- if **children under 14** are affected by violence, barring orders can also extend to schools and other childcare institutions
- **purpose** is to allow for victims of violence to stay there safely, while the aggressor is removed

Precondition

- **(imminent) dangerous attack** to life, health or freedom of a person (preventive approach) → some form of danger assessment is necessary

b. Protection under Civil Law

TEMPORARY INJUNCTIONS

- **long-term protection** (up to 6 months/ one year)
- can be applied for within the two weeks of an effective barring order
- can also be applied for without prior police intervention
- **Different types of temporary injunctions**
 1. protection in the **sphere of living** (house/apartment and surroundings) – ownership irrelevant!
 2. other **places the victim routinely visits** (e.g. work place, school,...)
 3. **no-contact order**
 4. **anti-stalking** temporary injunction

c. Criminal Law

VIOLENT ACTS INCLUDED IN THE AUSTRIAN PENAL CODE

- bodily harm and grievous bodily harm (§83 and § 84)
- maliciously inflicted grievous bodily harm (§§ 87)
- deprivation of liberty (§ 99)
- coercion and grievous coercion (§§ 105 and 106)
- dangerous threats (§ 107)
- insistent persecution (= stalking) (§ 107a)
- continued exercise of violence (§ 107b)
- rape (§ 201)
- sexual coercion (§ 202)
- violating a person's sexual self-determination (§205a)
- grievous sexual abuse and sexual abuse against minors (§§ 206 and 207).

c. Criminal Law

VIOLENT ACTS cont.

- subject to **public prosecution**
- **charges are brought and** perpetrators are **prosecuted by the State** as soon as the facts become known to the authorities (police, courts)
- approval of the victim is not required

2. Victims' support through specialized organizations

- In cases of domestic violence (or stalking) → specialized victims' support organization (**Violence Protection Centers/ Intervention Center**) must be informed by the police
- Precondition: An **emergency barring** order has been issued by the police or the offence of stalking has been reported
- **Notification** of Violence Protection Center/ Intervention Center is **mandatory**, approval by the victim is not required



Violence Protection Centers/ Intervention Center

STUCTURE

Gewaltschutzzentren
Interventionsstellen Österreichs



Hilfe und Unterstützung für Opfer von Gewalt
Bundesweit gesetzlich anerkannte Opferschutzeinrichtungen

- one in each of the 9 Austrian provinces
- provided for by law (Austrian Federal Act on Protection Against Domestic Violence)
- 100% funded by relevant ministries
- non-profit associations
- employees: social workers, legal professionals
- work in close collaboration with the police



Violence Protection Centers/ Intervention Center – cont.

WORKING METHODS AND PRINCIPLES

- pro-active approach – victims are contacted after referral of the case by the police
- offer of support is voluntary, confidential and free of charge
- support is gender-sensitive, feminist, advocacy-based (i.e. „on the victims’ side“)



Violence Protection Centers/ Intervention Center – cont.

SERVICES PROVIDED

- **psycho-social support and counselling** (e.g. processing experiences, deciding on whether to leave the abusive partner, financial issues, housing, ...)
- **legal counselling**, e.g. assistance with applying for a temporary injunction against the perpetrator („prolongation“ of police-issued barring orders)
- **„court assistance“**
 - criminal proceedings → psycho-social and legal
 - civil law proceedings (when related to a criminal proceeding for which court assistance is provided) → only psycho-social
- safety planning and **danger assessment** → **alert police/ public prosecutor's office in high risk cases**

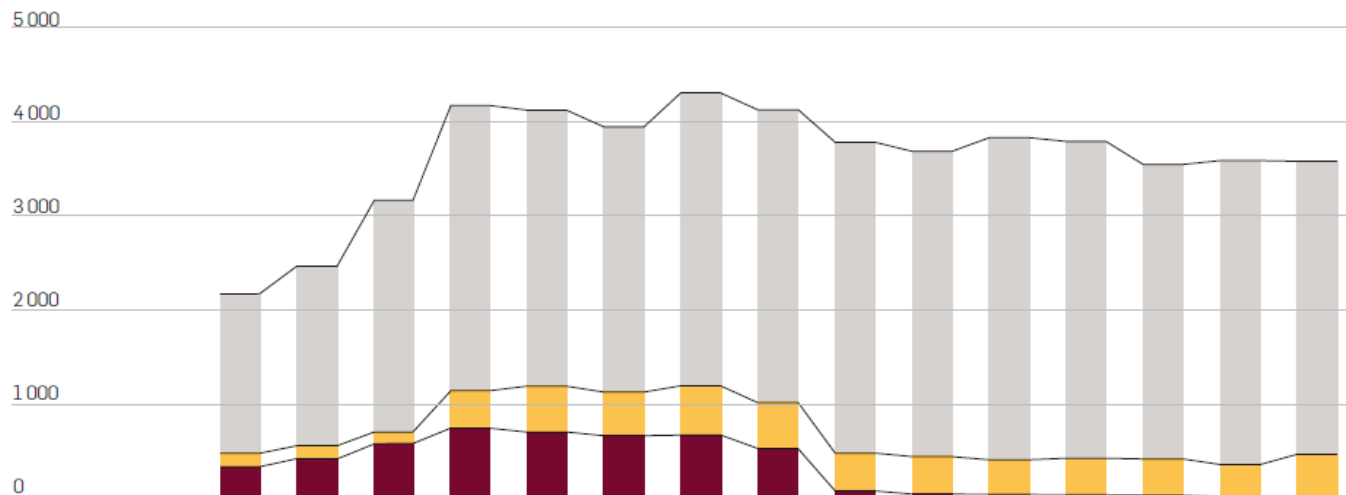
Facts and Figures

Number and type of police notifications in Vienna 2017

Notification by police authorities	Number
Notification of barring order under Security Police Act Sect. 38a), incl. 180 BOs for childcare institutions	3.098
Notification of criminal reports (incl. stalking, no BOs)	475
Notification of dispute settlements	14
Total	3.587

Facts and Figures

Number of police notifications in Vienna 2003-2017



	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Dispute settlement	327	429	587	755	710	670	674	526	85	51	45	39	37	16	14
Criminal report	153	126	123	397	491	466	525	502	411	404	374	394	385	349	475
Barring Order	1698	1924	2467	3037	2940	2825	3116	3109	3303	3246	3429	3372	3138	3237	3098

Facts and Figures

Clients of the Intervention Center Vienna in 2017

Clients	Number
Referral based on notification by police authorities	3.352
Referral by others, self-referral	819
New clients, total	4.171
Referral prior to 2016, services again delivered in 2016	2.014
All clients in 2016	6.185

Thank you for your attention!



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