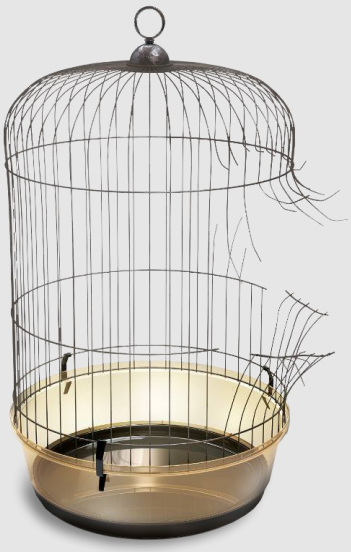
Alliance Living FREE of Violence



NGO-Report to GREVIO

1st thematic evaluation round: Building trust by delivering support, protection and justice

Vienna, September 2023

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Introduction

In 2016, an NGO coalition was formed in the context of Austria´s first baseline evaluation on the implementation of the Istanbul Convention. This coalition drafted the NGO shadow report for GREVIO.[1]

After the completion of this report, however, this Austrian NGO coalition was not dissolved, but continued under the name Alliance Living FREE of Violence – a network that currently consists of 52 domestic and sexual violence organisations, civil society organisations and individual experts.

The Alliance Living FREE of Violence is an Austria-wide alliance that pursues the overarching goal of promoting the implementation of the Istanbul Convention (Council of Europe Convention on preventing and combating violence against women and domestic violence).

In accordance with the guiding principles of the UN Convention on Human Rights [2] and in particular the Istanbul Convention [3], the Alliance Living FREE of Violence advocates for a life free of violence for all people in Austria - irrespective of gender, age, nationality, residence status, skin colour, ideology, religious affiliation, sexual orientation, wealth, state of health and other categories of difference that sometimes make it very difficult for people to lead a self-determined and happy life.

The Alliance Living FREE of Violence is non-partisan, non-denominational and represents non-discriminatory and feminist values. In this context, feminism is understood as the conviction to stand up for human dignity, non-violence and all-encompassing gender equality.

As an NGO coalition, we would like to express our gratitude to the Council of Europe for the renewed opportunity to contribute to the monitoring mechanisms of the Istanbul Convention. Of course, the contributing organisations are available to answer any questions you may have. To contact the individual organisations, please contact:

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[1] cf. https://www.aoef.at/index.php/news/337-evaluierungsbericht-des-grevio-komitees-zu-oesterreich
[2] cf. https://www.un.org/depts/german/menschenrechte/aemr.pdf
[3] cf. https://rm.coe.int/168008482e

General information on women[4] in Austria

As an introduction to this NGO report, this section first presents general information on the situation of women in Austria.

Backlash

The backlash against feminist politics in many parts of Europe has also been increasingly noticeable in Austria. Among other aspects women were pushed back into a stronger conservative family model, especially during the Covid-19 pandemic. On the other hand, non-conservative family models were given less consideration. One example is the so called “family time bonus+”, a family benefit based on income tax. In this context, the high part-time rate of women on the one hand and the fact that this dedicated family benefit does not hold in cases of divorce or separation on the other has proven to be problematic.

In this context, the still existing gender pay gap should also be mentioned. It has a negative impact on the amount of old-age pension and thus has long-term consequences for all women living and working in Austria, as it prevents the economic independence of women even when retired. This perpetual dependency makes it harder for many women to free themselves of a violent or abusive relationship. To solve this problem there are many different approaches and demands being formulated, but first and foremost liveable pensions and women´s own income must be ensured.

Legally necessary measures to contain wage inequality with real wage transparency, the elimination of income disparities, legal claim to a full-day childcare spot from the first year of a child's life, real incentives for participation of fathers so that women can re-enter the workplace more easily after giving birth as well as a real and critical examination of current pension laws would serve as factors for equality in the labour market.

Covid-19 pandemic

Women played an important role in this pandemic. The Covid-19 pandemic made persisting gender inequalities more visible: the industries suddenly identified as systemically important were predominantly female-dominated and associated with traditionally low-income levels. In addition, large parts of the unpaid care work and the demands of many hours of home-schooling were primarily performed by women, which intensified their already existing double and multiple burden.

Women in Austria were also particularly hardly hit by the effects of the Covid-19 pandemic in other ways: From the middle to the end of March 2020 alone, 88,000 women lost their jobs and became dependent on unemployment benefits if they did not find a new job within a very short time. Currently, unemployment benefit still only amounts to 55-60 % of the previous income, which means that many women's livelihoods could hardly be secured - also considering the rising living costs.

In addition to immediate measures such as support for single parents and compensation payments for low incomes, which have been further reduced by short-time work, there is a need for a general

[4] Important note: The Alliance Living FREE of Violence is paying high attention to use a gender sensitive language. This means that all forms of gender are being seen and considered. In this report the term *women* is therefore understood as gender identity that applies for all human beings who see themselves as women. This applies equally to other terms e.g. *girls / men / boys etc.*

strengthening of the welfare state as well as the necessity for raising awareness and to sensitise the public in order to counter traditional gender relations and role models. In this context, gender impact assessments involving gender experts and organizations working in this field could be usefully applied in the conceptualization of possible measures. This would not only benefit women living and working in Austria, but society as a whole.

Cuts of Women's associations / Feminist organisations

Although the budget for the women's and gender equality agendas had been increased in previous years, it became publicly known in summer 2018 that there would be less funding available for numerous feminist organizations in the following years [5] - cuts that threatened the existence of numerous feminist institutions. They were forced to raise funds in order to maintain their feminist work and equality policies. These cuts were accompanied by countless public protests by the associations [6]. While the domestic abuse intervention centres, for example, received additional funding, it was primarily preventive institutions that were affected by the cuts. They are still dependent on temporary project funding and annually recurring funding calls, which are extremely resource-intensive to apply for. In order to be able to secure important work of these institutions longer-term basic funding is needed.

3rd Protection Against Violence Act

On 1st January 2020, the 3rd Amendment of the Protection against Violence Act came into force, which lead to several innovations. Among other things, this included the extension of the entry ban (in German: Betretungsverbot) to the additional approach ban (in German: Annäherungsverbot), which bans perpetrators from approaching an endangered person up to 100 meters. The combination of these types of bans will be mentioned as “emergency barring order” throughout the document. Additionally, it should be considered that in cases of stalking the additional approach ban increases protection and safety of the victim. Nevertheless, this should not have been the argumentation regarding not considering the need for entry ban for the protection of childcare facilities.

Another measure that was anchored in the Security Police Act with the 3rd Amendment to the Protection Against Violence Act was the establishment of mandatory violence prevention counselling. This counselling, which initially consisted of three hours has been subsequently extended to six hours, gets mandatory for perpetrators after the emergency barring order has been issued. Within five days, the perpetrators must contact a centre for work with perpetrators entrusted with this task and make appointments for the obligatory violence prevention counselling, which in turn must be completed within a specific period of time.

Even though a task-force including experts from NGOs and civil society institutions from the field of victim protection and work with perpetrators was set up in the run-up to the implementation of the Protection Against Violence Act, there was serious criticism from several victim protection organizations during the assessment procedure. For example, there were serious concerns that people at risk might overestimate the potential impact of the mandatory violence prevention counselling and thus underestimate the danger still posed by the perpetrator, which in turn could

[5] https://www.derstandard.at/story/2000084071322/frauenprojekte-in-oesterreich-von-massiven-budget-cuts-affected

[6] https://www.derstandard.at/story/2000083629263/frauenring-kritisiert-sparkurs-bei-frauenprojekten

have direct negative impact on the victim's protection and safety, in the worst case even leading to life-threatening situations.

Other aspects, however, which have been classified as highly problematic by experts for years, have been given none or only insufficient consideration. Experience from daily practice shows that many victims in search of protection and safety still do not turn to the authorities because they have already had bad experiences in dealing with the police or the judiciary, which has led to a loss of trust. Here, more training measures are needed both in the area of the police and in the area of the judiciary in order to sensitise all professional groups involved in victim protection to its specific dynamics. In addition, there is still an urgent need for improvements in the course of the investigation procedure to ensure that - even if victims refuse to testify or one testimony contradicts the other - there is enough objectifiable evidence for holding the accused accountable.

Multi-institutional cooperation in high-risk situations: "MARACs" [7] and security police case conferences

In 2011 the project of multi-institutional case conferences in high-risk situations ("MARAC") was ceased as a result of an internal evaluation by the Austrian federal government, even though from the perspective of civil society it was a successful project.[8] The decision to discontinue the case conferences, in which representatives of the police, judiciary, violence protection centres and other organizations that are responsible for protection and security had participated, was lead back to the fact that this instrument had not met the expectations of the security authorities in terms of its usefulness. This was surprising because the model is actually considered a recipe for success in the field of violence and victim protection. Nevertheless, it was perceived as too expensive and resource-intensive, as well as unsuitable due to the time-delayed handling of cases in the meetings.

With the coming into effect of the 3rd Amendment of the Protection Against Violence Act, a new form of case conferences was introduced. In contrast to the multi-institutional MARACs, the new security police case conferences can only be convened by the security police authorities (in Vienna by the police; in the other provinces by the district authorities). Other institutions concerned with protection and security only have the possibility to initiate such a conference, but are dependent on the convening by the security police authority for the actual implementation. The result was a decline in the number of case conferences held, especially at the beginning and for some time afterwards.

[7] Multi-Agency Risk Assessment Conferences were developed in Cardiff (GB).

[8] cf. https://www.derstandard.at/story/2000084715019/nach-ausstieg-der-polizei-liegt-evaluierung-von-gewaltschutzprojekt-vor

I. Changes in comprehensive and coordinated policies, funding, and data collection

Article 8: Funding

Background

The Istanbul Convention mentions "adequate financial and human resources".

Challenges

The total budget provided for prevention and combating gender-based violence as well as the protection of victims by the federal, state and municipal governments is still insufficient. In order to sufficiently fund the violence protection sector for implementation the Istanbul Convention 250 million euros per year are required. The amount of the financial means results from adjustment of the 210 million euros originally demanded in 2016 (for expanding the corresponding posts and the associated jobs) to the current inflation.

The budget provided for the Ministry for Women makes in total only 24.3 million euros in 2023. Considerable is, that from the given budget other areas must also be co-financed. Even with additional funds from other ministries, such as the 7 million euros indicated for victim protection-oriented work with perpetrators (stated in the evaluation report of the Federal Chancellery as the financial means coming from the Ministry of Social Affairs), the budget for prevention of violence and protection of victims in 2023 is far below the required 250 million euros.

Moreover, despite the recognition by political decision-makers to treat violence protection and prevention as a cross-sectional matter, there is a lack of holistic approaches in the actual implementation by the ministries concerned. This makes the work of counselling centres more difficult and fosters precarious employment situations.

The social follow-up costs of domestic and sexualized violence against women amount to 7.3 billion euros for Austria. A study by EIGE, the European Institute for Gender Equality, (2021) attests to the high costs [9]. They arise, for example, in the health care system, in the police and judiciary, or due to the victims' inability to work.

The umbrella organizations and social non-profit associations that are working on the issue of violence against women and girls are important non-governmental organizations (NGOs) in the sense of safeguarding the Istanbul Convention. The NGOs bundles expertise from practice, incorporate this experience into federal and state policy, and promote awareness-raising in politics and society on the topic of violence against women and girls. The NGOs are partly funded by federal ministries, the federal states, cities and municipalities.

However, this funding is mostly temporary and project-based, which have to be re-applied every year. As a result, the work of many institutions is neither long-term nor structurally secure or anchored. The lack of

[9] cf. EIGE - European Institute for Gender Equality (2021): https://eige.europa.eu/gender-based-violence/costs-of-gender-based-violence?language_content_entity=en

the guarantee of renewed approval of the funds after one year makes the long-term working situations in the anti-violence field not assured and precarious.

This systemic funding uncertainty prevents long-term planning within facilities, both in terms of actions and in staff matter. Counsellors, social workers and other people who are working in the protection sectors against violence are therefore often affected by a lack of financial security in addition to the high psychological stress associated with this work field. In order to counteract the psychological stress and to ensure the livelihood of those working in the protection against violence sector, it is necessary to establish long-term funding contracts and sufficient basic funding for full-time (equivalent) jobs. Civil society organizations are very concerned about the fact that more and more funding in Austria is being offered in the form of project funding. Since the field of protection against violence is the type of work that by its nature has to focus on long-term, sustainable measures, project-based funding is not suitable to finance institutions in this sector. The structure of counselling centres, women's shelters or other violence protection and prevention centres needs sufficient basic funding to reliably guarantee the continuous, high-quality care of clients without time restrictions. Calls for projects are generally oriented towards corporate logic, which presupposes short funding periods, quantitative evaluation criteria and co-financing, which violence protection organizations are often unable to provide due to the real demands of their work. In addition, project funding is inherently more work-intensive due to its short-term orientation: submitting many funding applications for small, short-term projects ties up disproportionately more resources than long-term funding contracts. On the one hand, this means that work force that could otherwise be invested in actual prevention and counselling work is tied up in administrative tasks. On the other hand, this system also structurally disadvantages smaller organizations and institutions that do not have the human or - in the case of dependency on co-financing - financial resources to apply for funds in a project-based funding system.

Project funding must not become the standard, but should only be the means of choice for innovative projects that can be seen as a supplement to the counselling services - which must be secured through sufficient basic funding.

In addition, there has been a trend in recent years for social services to be increasingly posted to public and even EU-wide calls. This practice in a sensitive sector such as violence protection (most recently in the case of the women's shelters in Hallein and Salzburg [10]) not only dismantles years of expertise in victim protection organizations, but also enables wage dumping in which counsellors can only work under precarious conditions. Social services, especially in the field of violence protection and prevention, must be excluded from such calls in order to guarantee stable working conditionsand to enable sustainable support for victims.

In addition, many institutions in the field of protection against violence often receive their funding decisions only in the middle of the year for the actual funding period. This leads to funding gaps. Funding decisions sometimes arrive so late that accurate budget planning is impossible. In case of financial cuts, staff members lose their jobs or a high amount of their working hours. This has had a massive impact on the women and girls affected by violence. The counselling of women and girls affected by violence, prevention, public relations and political work must be more in focus.

[10] cf. https://www.aoef.at/index.php/presseaussendungen/501-pa-19-02-2020-ein-skandal-frauenhaeuser- salzburg-and-hallein-become-zerstoert-statt-unterstuetzt

The fact that the federal government has increased funding for women's and girls' counselling centres in 2023 is welcomed and an important first step forward. However, in the current economically challenging situation, characterized by rising personnel costs, high energy costs and inflation, this increase of the budget can unfortunately only compensates the additional costs. At least 250 million euros per year are needed to adequately finance the whole sector. The budget of 80.9 million euros planned for the period of 2023-2025 in the Federal Financing Framework Act (BFRG) for violence protection are far from the specified sum. In this context, the federalist funding system in Austria should be critically observed, as it allows funding agencies to act freely alongside each other in important policy areas, including the protection against violence. Currently, this has the effect that some funding agencies at the state level use the increase in federal funding as a justification for cuts in funding at the state level.

Recommendations

- In order to reduce violence and its long-term follow-up costs, the Istanbul Convention must be fully implemented. It calls for an overall state strategy to combat gender-based violence and sufficient financing in the support system. At least 250 million euros are needed annually to adequately fund the sector and enable sustainable work in the long term.
- Simple bureaucratic procedure for the funding calls and approval of multi-year service contracts, so that less time is needed to take care of the finances of the counselling centre, so that more time remains for the work with women and girls who are affected by violence.
- A coordinated funding system between the federal government and the states that enables the sustainable financial security of violence protection facilities.
- Timely decisions from the federal and state governments and transparency regarding the funding criteria.
- More funding for staff to ensure better working conditions and less workload in NGOs. We recommend an index adjustment and a tariff-based payment in times of high inflation.
- Basic financing as well as long-term funding contracts that ensure planning security.
- In order to meet the high psychological demands on those working in the protection against violence sector as well as the high demand for counselling, at least 3,000 additional full-time equivalent jobs are needed. This reform would provide financial security for counsellors and other co-workers without jeopardising their own mental health in this work field.
- Better cooperation between the federal government and the states, so that additional administrative work can be kept to a minimum in order to avoid multiple reporting and statistical verification.
- Social services must be excluded from EU-wide calls to prevent wage dumping and the loss of valuable expertise in the violence protection sector.

Article 11: Data collection and research

Background

Since the shadow report of 2016, there have been ongoing efforts by NGOs to improve the collection of administrative data on violence against women and domestic violence. Several authorities and institutions regularly collect data and some of the statistics are published in full or at least in part. However, there is still a clear need for improvement, as data is not compiled, incomplete and not analysed in a gender-specific way.

Challenges

Lack of gender-based data and analysis

According to statistics of the Domestic Abuse Intervention Centres, in 2022 about 80 % of the supported clients were female and about 90 % of the perpetrators were male. [11] On the part of the authorities and ministries involved, there are still no public gender specific analyses concerning violence against women, nor is there any information on multi-perpetrators, although the Istanbul Convention obliges the State Parties to collect statistical data in Article 11 and states in the explanations to the Convention that the following factors should be collected as a minimum standard: Type of violent act, gender, age, relationship between victim and perpetrator, and a geographical location.[12] There is an evaluation that shows how many victims and perpetrators were or were not in a relationship with each other, but it is not differentiated according to gender and the "relationship" is not further specified as well - see e.g. *PKS - Polizeiliche Kriminalstatistik 2021 und 2022, Gewaltdelikte*.

To subsume everything under the term "violence in the private sphere" stands in massive contrast to the documented increase in violence against women from 20 % to 34 % [13] and the constantly high femicide rate. Strictly speaking there is a great lack of gender-specific analyses – therefore gender-specific analyses, i.e., evaluations of the collected data according to the offence, the gender of the perpetrator and the gender of the person affected as well as the children involved, the type of relationship between the victim and the perpetrator, also evaluations of multi-perpetrators are necessary.

Due to gender inequality - including greater risk of poverty among women, less participation in the labour market as well as in leadership and decision-making roles, less participation in wealth, more unpaid care work, financial and existential dependencies, etc. - there is a need for gender-specific violence prevention and gender-specific support for those affected. All of this is hindered by the lack of analyses and the great extent to which women are affected by violence is concealed by a gender-blind use of terms such as "violence in the private sphere".

According to expert Isabel Haider (Institute for Criminal Law and Criminology at the University of Vienna, co-author of the screening group for women murders and their study "Screening Mordfälle Schwerpunkt Frauenmorde"[14]) in the field of femicides and prejudice-motivated crime, it is apparent that violence against women in intimate relationships is insufficiently examined in terms of gender-related motives.

Isabel Haider sees a structural problem in the fact that there is no willingness to recognise gender-based violence against women as an independent crime phenomenon that requires special expertise.[15] In comparison, for example Spain has a comprehensive data dashboard that is publicly accessible and permanently provides up-to-date and comprehensive data on gender-based violence against women. [16] In Austria, even the annually published crime statistics lack detailed data on gender-based violence against

women.[17]

Recommendations

- Gender-based violence against women must be recognised and identified as an independent crime phenomenon and corresponding competence must be built up upon the authorities.
- The term femicide must be included in police crime statistics and legal statistics for international comparability. Cases of femicide (intentional killing of women because they are women - attempted and completed) should be explicitly listed and visible in the crime statistics.
- It requires gender-specific analyses, i.e., evaluations of the collected data according to the offence, the gender of the perpetrator and the gender of the person at risk as well as the children involved, the type of relationship between the victim and the perpetrator and evaluations of multi-perpetrators.
- Based on this data it needs gender-specific prevention of violence and gender-specific support for those affected.
- Collected data from authorities should meet the following minimum requirements: Sex and age of victim, sex and age of perpetrator, relationship between victim and perpetrator, type of violence or offence, place of violence (geographical location).
- In some countries, such as Spain, monitoring centres for violence against women have already been established, which can serve as a model for Austria. The following should include a specialised department on monitoring and collection of data on the prevention of femicides and attempted femicides.
- There is still a lack of adequate financial and human resources for research, data collection and monitoring to facilitate data collection and the development of evidence-based policy measures.

[11] cf. https://www.interventionsstelle-wien.at/download/?id=850
[12] cf. https://www.coordination-vaw.gv.at/daten.html
[13] cf. Statistics Austria (2021): https://www.statistik.at/statistiken/bevoelkerung-und-soziales/kriminalitaet-und-security/violence-against-women
[14] Haider et al. (2020), Screening Homicide Cases Focus on Female Homicides. Austrian Center for Law Enforcement Sciences (ALES) and BM:I, Dept. 4 Crime Analysis. Vienna https://ales.univie.ac.at/fileadmin/user_upload/p_ales/Projekte/STUDIE_Screening_Mordfaelle_FINAL.pdf
[15] Isabel Haider (2021), University of Vienna, Department of Criminal Law and Criminology: https://medienportal.univie.ac.at/uniview/wissenschaft-gesellschaft/detailansicht/artikel/femizide- murder-crime-on-women-is-systemic/
[16] https://violenciagenero.igualdad.gob.es/
[17] PKS - Police crime statistics 2022 - Violent crime: https://bundeskriminalamt.at/501/files/2023/PKS_Broschuere_2022.pdf

II. Implementation in the areas of prevention, protection and prosecution

Article 12: General obligations

Background

Violence against women takes place every day in different contexts: in the private life, in public spaces, at the workplace as well as in the digital sphere such as on social media, on internet platforms and blogs - in all these areas women are persistently exposed to sexual, racist and misogynist attacks.

Challenges

Lack of information work

The increasing concealment of gender-based violence (term "violence in the private sphere") is a cause for concern because in Austria hardly any public service campaigns on gender/gender-based violence exist - apart from those of the Ministry of Social Affairs "Mann spricht's an" – campaigns on gender-based violence, that inform on basic knowledge about violence against women in the private sphere and in the workplace, such as:

1. What is gender-based violence? Why do we label it as such?
2. Patterns and dynamics in violent relationships and their consequences for affected women and children;
3. Typical characteristics and strategies of male perpetrators;
4. Violence against women as violence against children if their mother is affected by violence;
5. Sexual harassment for being a woman and how it can be expressed.

Gender-neutral terms or even "gender blindness", which are used by official bodies as well, reinforce the feelings of guilt and shame of affected women (a possible consequence of violence).

The women's helpline receives calls from all over Austria. Most women are not aware that about one of three women (34 %) have been affected by male violence at least once in their lives (Statistik Austria 2021[18]) and often do not dare to get help. This is to be taken very seriously, because since the “Special Eurobarometer 449: Gender-based violence” (2016) it is known that in Austria between 22 % and 25 % of the population still think that violence is provoked by women, that they exaggerate accusations of violence and abuse, and that violence against women should be regulated within the family. It is particularly alarming that even sexual intercourse without consent is considered "okay" under certain circumstances by 32 % of the population, i.e. sexual violence on this scale is tolerated. These attitudes have hardly changed so far.

Lack of public service campaigns

The lack of public service campaigns according to the Spanish model to spread awareness, knowledge and understanding of violence against women and gender-based violence among the general public prevents more people from shedding their prejudices against those affected by violence, and it prevents a climate for victims of violence to "speak out" and feel protected, understood and supported in society and by the authorities. In contrast, the measures of the Spanish government and the "Ley Integral contra la violencia

[18] see https://www.statistik.at/statistiken/bevoelkerung-und-soziales/kriminalitaet-und-sicherheit/gewalt-gegen-frauen

de genero" [19] have been highlighted by the United Nations as an example of best practice, the Spanish campaigns emphasise the importance of preventing and supporting the ones affected by gender-based violence. They leave no doubt that violence against women is gender-based violence and that it is a task for society as a whole to not tolerate it under any circumstances. This clear stance and the gender perspective that is taken is missing in Austria. Again and again, attempts have been made to describe violence against women as "cultural" and "imported by foreigners" and thus trivialise the true extent and their actual causes. This is systematic structural violence that can be found at many levels and in many areas.

Violence against women is still deeply rooted in Austrian society and despite the generally good laws on violence against women in Austria, ongoing public awareness raising is therefore still a crucial factor to improve the situation of women and children affected by violence in Austria. Measures to prevent violence against women and children must continue to aim at changing social and cultural patterns regarding stereotypical role images of women and men and the dismantling of deeply rooted ideas of the inferiority of women to men.

Despite individual efforts of the Austrian federal government as well as local initiatives of provincial governments in the federal provinces during the last few years, there is still a lack of large, nationwide, long-term, and thus correspondingly effective public campaigns against violence against women as well as their financing.

The poster campaign of the Ministry of Social Affairs under the title "Mann spricht's an!" is a positive example. It is very welcomed that in the course of this initiative, low-threshold sensitisation for the issue of men's violence was and is being carried out throughout Austria by means of TV spots and print media. The Ministry of Social Affairs has an important role to play here, but it is not limited to the Ministry of Social Affairs, as the current report of the Austrian Court of Audit on the protection ofwomen against violence and victimization [20] emphasises that this is a cross-sectional issue.

For example, the Austrian government's nationwide receipt initiative in cooperation with the Austrian Trade Association is basically a good initiative. However, in order to publicise the number of the women's helpline 0800 222 555, permanent funding and long-term measures are needed that go beyond printing the number on receipts during the "16 Days of Activism against Gender-Based Violence". Examples are regular broadcasts of TV spots on public service broadcasting throughout the year, long-term use of video spots and subjects on social media, regular advertisements in print media, especially in the media with the highest circulation. For example, regular TV spots on public service broadcasting throughout the year,long-term use of video spots and subjects on social media, regular advertisements in print media, especially in the daily newspapers with the highest circulation, and much more. Permanent financing or the provision of budget from the federal government for a campaign to promote the number of the women's helpline - as the first and low-threshold contact point for women and girls affected by violence - on a nationwide and long-term basis is urgently needed.

[19] English translation: Holistic Law against Gender Violence
[20] https://www.rechnungshof.gv.at/rh/home/2023_21_Gewalt_und_Opferschutz_Frauen.pdf

The Violence Prevention Project – StoP – Neighbourhoods without Partner Violence [21]

StoP - Neighbourhoods without Partner Violence [22] is one of the largest and most comprehensive awareness raising campaigns in Austria. The community, the neighbourhood and people in the immediate vicinity learn to recognise violence at an early stage, to act preventively and to adequately use civil courage against partner violence.

A major focus of StoP Austria is based in men's motivation in being allies against partner violence. StoP enables men to engage in violence prevention together with women and follows a democratic and feminist approach, according to which all members of a society can and should participate in its fundamental change.

StoP is currently funded by the Ministry of Social Affairs (since 2023 with 1.2 million), by the Fonds Gesundes Österreich (FGÖ) and by the Wiener Gesundheitsförderung (WiG). Since the beginning of 2023, StoP has also been co-financed by the Ministry of the Interior through a so-called sub-project, which covers a large part of the feminist men's work. Although the association AÖF has already applied several times for funding from the Federal Chancellery, which is responsible for women's agendas, the corresponding applications have unfortunately been rejected so far. This is very regrettable because the campaign also substantially supports the Istanbul Convention - which states that every member of society can and should contribute to the prevention of gender-based violence.

Overall, not only legal measures are needed, but also primary prevention such as StoP community work and corresponding financial resources to be able to implement them.

StoP awareness raising campaign for elderly women affected by violence

Because, among other things, gender-based violence against elderly women is particularly strongly tabooed, StoP also takes special care of the situation of older women affected by violence. The Department for Senior Citizens in the Ministry of Social Affairs finances the complementary project: "Aktive Nachbarschaft stoppt Gewalt gegen Frauen im Alter" ("Active Neighbourhood Stops Violence against Older Women").

Older women are often exposed to numerous and severe forms of violence, both at home and in institutions. The high number of femicides of women over 60 in Austria is also alarming. In 2021, 29 % of femicide victims were older than 60 (9 out of 31), while in 2022 it was already almost 43 % (12 out of 28 femicides). In 2023, more than a third (35.71 %) [23] of the murdered women so far belonged to this age group. Experts speak of an accumulation of many forms of violence against elderly women, a problem that cannot be solved without political efforts and coordinated cooperation.

[21] https://stop-partnergewalt.at

[22] The founder of StoP is Prof.in Dr.in Sabine Stövesand from Hamburg. She developed the concept of community work and community organising against intimate partner violence and continues to research it.

[23] In 2021 it was 29 %, in 2022 35 %.

Recommendations

- Comprehensive prevention measures against sexism and sexual violence are still lacking and urgently need to be implemented. Sexism and gender stereotypes are learned in childhood and – as the "Special Eurobarometer 449: Gender-based violence" (2016) shows – are still widespread. In order to counteract this sustainably, effective public campaigns against violence against women and long-term financing is needed.

- Measures against violence against women (VAW) and sexism, in which VAW is deeply rooted, should address and actively involve men and boys, as well as convey alternative, progressive images of masculinity in campaigns specifically directed at them.

- The topics of sexuality, self-determination, consent and sexual violence should be included in school curricula and workshops for students should be held.

- Feminist men's work and its funding to get more men to critically engage with patriarchy and toxic behaviour.

- Additional funding for neighbourhood training on moral courage against intimate partner violence.

Article 14: Education

Background

First of all, we would like to state that the measures mentioned in the evaluation report represent important steps towards reducing violence against girls and women and we are also aware that only a selection could be presented in the report. Nevertheless, we would like to note some critical points regarding the area of education.

Challenges

The introduction of the compulsory subject "Digitale Grundbildung" ("Digital Basic Education") in school is very welcomed in times of fake news and hate speech online (which massively affects women and girls). However, there are indications that especially these topics are being neglected. A news article quotes Philipp Mittnik, professor of political didactics at the Vienna University of Teacher Education, who analysed the curriculum and came to the following conclusion: *"The term fake news appears only once in four years of teaching, in the seventh grade. Of a total of 72 competences that pupils are supposed to learn in the subject, at most 32 percent would cover social, human rights, ecological aspects*". [24]

NGOs, which make an important contribution to the prevention of violence, are mentioned in the evaluation report, but the Safer Internet saferinternet.at association could also have been mentioned, especially in the area of digital basic education.

[24] https://www.profil.at/kritik-an-digitaler-grundbildung-peinlich-fuer-die-republik/402472745.

Also missing is a reference to the many actions that took place within the framework of the "16 Days of Activism against Gender-Based Violence" and which provide a first insight into the violence prevention landscape [25] , or to the association Selbstlaut selbstlaut.org, that works in the field of sexualised violence – particularly also in schools - who have published a wide range of materials for the prevention of violence.

While the report mentions some measures in the area of "violence in the name of honour" and "traditional notions of honour", there are no references to the danger of linking gender justice with culturalisation and othering. While the questionnaire, which Austria should refer to in the evaluation report, asks under point 10 for "*tailored interventions aimed at preventing gender-based violence and empowering all girls, including those at risk of intersectional discrimination*", it is noticeable that in the Austrian report there is above all a link to the supposed "culture of others". Racism, classism, ableism, homophobia and transphobia or other forms of intersectional discrimination, on the other hand, are not the focus of attention. Homophobia is mentioned when referring to the teaching materials produced by the Democracy Centre, otherwise homophobia is not addressed. Here, too, reference could have been made to associations such as Queerconnexion queerconnexion.at or to queerfacts.at, an educational project of several associations that takes up LGBTIQA+ topics as prevention of extremism and sexism.

The evaluation report does not mention trans, inter and non-binary (TIN) pupils at all. They are also not visible in the written evaluation report. For example, it speaks of male and female pupils, but more inclusive spellings are not used. In the German language there exist different types of Gendering and inclusive writing, for example there are the following three different signs: _ *. Unfortunately, these inclusive gender-signs are not used in the evaluation report. And even the currently valid "Gender-equitable language" [26], that aims at the field of education, ignores the fact established by the Constitutional Court that there are more than two genders. It also does not address the fact that TIN students (and teachers) have become more visible in school in recent years, challenging the binary structures of school. The report lacks a statement on whether or not the protection of TIN pupils and TIN teachers against discrimination and violence falls under the Istanbul Convention for the Austrian federal government.

Recommendations

- Teaching materials must be gender-inclusive and embrace diversity and must not contribute to the reproduction of gender-stereotypes and other stereotypes.
- The issues of gender-based violence need to be better and more intensively integrated into all curricula and educational institutions, starting in kindergarten.

[25] https://www.aoef.at/index.php/component/jevents/month.calendar/2022/11/01/.
[26] https://www.bmbwf.gv.at/Themen/schule/gd/ggsp.html

Article 15: Training of professionals

Background

The police are still the only professional group in Austria to have integrated the topic of violence against women and domestic violence into their training curriculum. All other people who professionally deal with victims or perpetrators in this field do not tackle the topic in a standardised, systematic and comprehensive way as part of their training.

Challenges

For NGOs working in the field of violence against women, it is not possible due to capacity limitations to raise awareness of the issue externally among all the professional groups concerned. In addition to the lack of financial resources, it is also not feasible in practical terms to supervise tens of thousands of social workers, psychologists, sociologists, lawyers, journalists, therapists, etc. outside the formal training paths.

Realised Trainings

The association AÖF - Autonomous Austrian Women's Shelters offers trainings for the media on responsible reporting on violence against women and children.

Table 1: Initial training (education or professional training)

Please fill in the table and list the professionals (in the area of healthcare, law enforcement, criminal justice, social welfare, education, asylum and migration, media / journalism and support services) which have received initial training on violence against women. Please place each category of professional in a separate line.

Professionals	Do they benefit from initial training on violence against women and domestic violence?	Is this training manda-tory?	Are training efforts supported by guidelines and protocols?	Who funds the training?	Please describe the content and the duration of the training
Journalists and media professionals	Yes, they get basic knowledge on GBV/VAW, they get sensitized on the issue of gender-based violence and domestic violence, awareness is raised and they get the media guidelines and a handout on the workshop	no	NGO guidelines by Association AÖF on how to report responsibly about violence against women and children, not binding to proceed as suggested. Ethic codex of press council, binding ethic principles for media who are member in this organisation, problematic boulevard media	AÖF gets state fundings to provide workshops	3 workshops or seminars 2,5-3 hrs What is gender-based violence, prevalences, dynamics of violence, strategies of perpetrators, state of the art on research and problems of press reports, recommendations

			are often no members.		
Media and communication students as future professionals	Yes, they get sensitized on the issue of gender-based violence and domestic violence, awareness is raised, they receive basic knowledge on VAW/GBV and they get the media guidelines and a handout on the workshop	no	NGO guidelines by Association AÖF on how to report responsibly about violence against women and children, not binding to proceed as suggested. Ethic codex of press council, binding ethic principles for media who are member in this organisation, problematic boulevard media are often no members.	AÖF gets state fundings to provide presentations	3 Presentations in lectures 1,5-3 hrs What is gender-based violence, prevalences, dynamics of violence, strategies of perpetrators, state of the art on research and problems of press reports, recommendations

Table 2: In-service training

Please fill in the table and list the professionals (in the area of healthcare, law enforcement, criminal justice, social welfare, education, asylum and migration, media / journalism and support services) which receive in-service training on violence against women. Please place each category of professional in a separate line.

Professionals	**Number of professionals trained**	**Is this training mandatory?**	**Frequency**	**Are training efforts supported by guidelines and protocols?**	**Please describe the content and the duration of the training**
Journalists and media professionals	around 50	no	1-2 times per year	NGO guidelines by Association AOEF on how to report responsibly about violence against women and children, but not binding to proceed as suggested. Ethic codex of press council, binding ethic principles for media who are member in this organisation, problematic	4 workshops or seminars 2,5-3 hrs What is gender-based violence, prevalences, dynamics of violence, strategies of perpetrators, trauma and effects of

				boulevard media are often no members.	violence, current problems (e.g. where targets of IC are not met like providing data, mandatory training for judges, lawyers, prosecutors), state of the art on research and problems of press reports, recommendations & guidelines

Recommendations

- The basic integration of the issues of gender-based violence, violence against women and domestic violence in the education and training of all relevant professional groups still has not been implemented.
- Mandatory and sufficient integration of the topic in the training of the primarily affected professional groups.
- Sufficient funding for the implementation of these training modules and corresponding quality assurance of a gender-perspective teaching.
- The topics violence against women and gender-based violence should be quickly implemented in the basic education of respective professionals. For example, a mandatory basic education on violence against women for judges and public prosecutors has been discussed for years and there have already been parliamentary resolutions on this. The lack of implementation of these mandatory modules for judges in training but also for judges already in office continues to cause great concern and has had considerable consequences for affected women and children for years (see also the chapter on Article 31).
- As already mentioned in Article 11, there is a lack of willingness to consider gender-based violence against women as a separate criminal phenomenon that requires special expertise. This would be required to implement a corresponding mandatory nationwide integration of the issues of violence against women and gender-based violence in basic education as soon as possible.

Article 16: Preventive intervention and treatment programmes

Background

Preventative intervention and treatment programmes with perpetrators of domestic violence are implemented by two different types of institutions in Austria. On the one hand, there are programmes at regional or provincial levels run by men's counselling centres or organisations offering comprehensive counselling services (e.g. family counselling centres and other related institutions). In addition, there is the association NEU**START**, as well as PSD, Caritas, ifs and Biege [27] , which offer a wide range of support services in the field of probationary services on behalf of the Federal Ministry of Justice. Among them are also alternative measures and so-called restorative justice measures such as out-of-court settlements of offences or diversionary measures. Diversionary measures are extrajudicial measures that are still used far too often in cases of domestic violence. They do not lead to an increase in the conviction rate and result in violence still being trivialised too much.

GREVIO was already concerned in 2017 about the frequent use of diversionary measures in reported cases of domestic violence and stalking as a consequence of the provision of article 198 of the Austrian Code of Criminal Procedure. The resulting low number of criminal convictions contradicts the view and principles of the Istanbul Convention, which aims at effective prosecution of all forms of violence against women. With a view to lifting impunity for all acts of violence against women, GREVIO urged the Austrian government to introduce restrictions on the use of diversionary measures in cases of domestic violence and stalking.

Challenges

Since autumn 2021, the federal government has established so-called "counselling centres for violence prevention". These centres offer counselling for perpetrators after an emergency barring order. Perpetrators are obliged to report to one of these counselling centres within five days after the barring order and to make an appointment for the “violence prevention counselling” within the next two weeks. The duration of the counselling is six hours. However, these measures alone are not sufficient: the eight-month-long anti-violence training (AGT) for perpetrators of violence has been abolished and the mandatory six-hour violence prevention counselling after an emergency barring order is not sufficient.

<u>Rising number of emergency barring orders that are imposed to women</u>

Since Covid-19, there has been an increase in the number of women who have been ordered to leave the apartment after an emergency barring order. The effects for women are usually more serious than for men, because if women are treated as perpetrators, they not only lose their homes, but also their children or even custody of their children in the case of divorce and separation. It is also particularly problematic that there are no separate perpetrator-programmes for women.

<u>Umbrella organization DV-OTA</u>

Since 2012, the “Federal Working Group for Victim Protection-Oriented Perpetrator Work” (“Bundesarbeitsgemeinschaft für opferschutzorientierte Täterarbeit BAG-OTA”) has existed on the initiative of the Domestic Abuse Intervention Centre Vienna. This working group consisted of experts from institutions working with perpetrators from all federal provinces as well as experts from victim protection organisations.

Since 2020, this working group has been in under change and in September 2021, the umbrella organisation "Opferschutzorientierte Täterarbeit" (DV-OTA) was established in its place, in which, however, only a part of the victim protection institutions and experts who had previously worked in the BAG OTA are represented, which is, among other things, due to the changed admission criteria. Only organisations that either work directly with perpetrators of all genders, offer couples counselling or cooperate with perpetrator organisations are admitted to the umbrella organization DV-OTA.

Recommendations

- Instead of the above-mentioned cuts in the duration of programmes aimed at perpetrators, it must be ensured that gender-based violence against women is effectively prosecuted and punished and that perpetrators are appropriately referred to anti-violence programmes that include effective and not only selective measures and meet the standards of the Istanbul Convention. This also requires mandatory awareness-raising measures in basic training for judges and other relevant personnel.
- There is a need for more police training in dealing with affected women. The police must be trained to recognize the strategies of perpetrators.
- The following data are still required, using the same categories nationwide in order to allow comparisons

- Number of places in victim-oriented perpetrator work
- Number of participating perpetrators as well as perpetrators who have completed it
- Age and gender of perpetrators
- Age and gender of victims
- Relationship between victim and perpetrator
- Form of violence
- Place of violence (geographical location)

[27]The counselling measure is carried out in each federal province by the following non-governmental organisation (NGO):

- Burgenland: Verein NEUSTART
- Carinthia: Caritas Kärnten
- Lower Austria: Verein NEUSTART
- Upper Austria: Verein NEUSTART
- Salzburg: BIEGE BGP Salzburg
- Styria: Verein NEUSTART
- Tyrol: Psychosozialer Pflegedienst Tirol
- Vorarlberg: Institut für Sozialdienste GmbH
- Vienna: Verein NEUSTART

Article 18: General obligations

Background

The Istanbul Convention establishes some important principles for the support of victims including the protection of all victims from all other forms of violence. Article 18 provides for legislative and other measures *"to ensure that there are appropriate mechanisms to provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations and other relevant organisations and entities, in protecting and supporting victims and witnesses of all forms of violence covered by the scope of this Convention, including by referring to general and specialist support services as detailed in Articles 20 and 22 of this Convention".*

Challenges

Multi-institutional cooperation – current status

In Austria, so-called MARACs (Multi-Agency Risk Assessment Conferences) took place between 2011 and 2017. In spring 2018, they were suspended after an internal evaluation by the federal government. It was not until 1 January 2020 that case conferences in high-risk cases were enshrined in law, although they can now only be convened by the respective security authority. In contrast to the past, only respective institutions as well as victim protection and women's organisations have the right to make proposals.

Case conferences under the Security Police Act (S-FK) allow the exchange of information and data between security authorities, other authorities and selected institutions in order to coordinate measures for protection (...). Under the lead of the respective security authority, special protection measures for people at risk are to be coordinated as efficiently as possible in "high-risk cases" together with other authorities and institutions and, if necessary, additional protection measures are to be developed. A "high-risk case" is deemed to exist if concrete facts indicate that a particular person poses a special danger to others.

In 2020, 25 of such case conferences took place, in 2021 there were 57. [28] In the hope of a positive future development, the association AÖF established a new type of multi-institutional cooperation through the EU co-financed project MARVOW (Multi-Agency Response to Violence against Older Women) in three federal provinces (Upper Austria, Lower Austria and Salzburg). During the implementation in 2021, 15 cross-sectional meetings with different stakeholders were held, as well as nine case conferences in which specific cases were discussed. The majority of these meetings took place online due to Covid-19 security measures. This valuable work can be continued through the MARVOW 2.0 project from April 2023 to May 2026, this time aiming for an Austria-wide implementation.

As of 2023, a coordination team called "S-FK team" has been established in each federal province. An S-FK team consists of:

- Lawyer (LPD)
- Representative of the State Criminal Police Office (LKA)
- Representative of the Violence Protection Centre
- Representative of the Counselling Centre for Violence Prevention

Team meetings are held every 4-6 weeks. If the team sees the need to convene a case conference, then instructions are given to the responsible security officer (SHR), i.e. the office responsible for convening a case conference is bound by instructions to the S-FK team. In the federal provinces, the district authorities are responsible; they are not bound by instructions to the LPD or the S-FK team. There is no information about the resulting consequences and possible risks for the women concerned. As mentioned above, since January 2020, the convening of case conferences under the Security Police Act is only possible through the security authority. This is aggravated by the fact that during the preliminary assessment by the S-FK teams as to whether a case conference should take place or not, women's shelters, as an essential part of the violence protection system and as the only organisations that work so intensively and on a long-term basis with women affected by violence, are excluded from these teams and thus also from the decision-making process. The Federal Ministry of the Interior argues that only legally legitimised victim protection organisations can be admitted. This trend of excluding women's shelters and women's counselling centres, which all have an indispensable wealth of experience and great competence as well as expertise on violence against women, from important processes and decision-making, such as whether or not to hold a case conference, is also continuing at other levels. For example, for the evaluation of the Protection against Violence Act in relation to the new counselling centres for violence prevention [29] women's shelters and women's counselling centres were excluded.

Recommendations

- While the reintroduction and legal anchoring of the case conferences under the Security Police Act in high-risk cases is to be welcomed in principle, they should not only be convened by the police, but also by the involved NGOs or victim protection organisations.
- Women´s shelters as well as other relevant victim protection institutions should be integrated in the above-mentioned processes.
- Even though according to the decree of the Federal Ministry of the Interior case conferences under the Security Police Act have been rolled out nationwide, there is no basic information about the actual holding and procedures in the individual federal provinces. Processes and procedures should be transparent for all organisations in order to be able to act appropriately in acute cases.

[28] Statistics and Reports, Federal Criminal Police Office, https://www.bundeskriminalamt.at/news.aspx?id=527931434D52536D6253303D (1.9.2022).
[29] Messner et al. (2012): Evaluierung Gewaltschutz-Gesetz 2019. Bundesministerium f. Inneres. Vienna. https://www.bundeskriminalamt.at/bmi_documents/2843.pdf

Article 20: General support services

Background

Article 20 requires parties to the Convention to ensure that victims have access to services facilitating their recovery from violence, such as health and social services.

Challenge

The services mentioned in the present article, such as legal and psychological support, education, training and support in finding a job, are often provided in Austria by women's and girls' counselling centres. Their funding is though often limited.

Women's and girls' counselling centres are a low-threshold counselling service for female victims of violence who access such centres, for example, through open services (e.g. events on topics such as health, finances, relationships, etc.). Often, victims talk about their experiences of violence for the first time in such familiar settings organised by these counselling centres. The offer of professional, confidential and free counselling is often the first step towards a violence-free future and into the support system. Many women and girls who have been pushed forced to remain in their household or have been isolated throughout the Covid-19 pandemic, now access these counselling centres and bring with them complex problems involving long-term counselling. Such women are also in great need of support from authorities.

Moreover, inflation and the increased costs of living are also factors leading to more financial worries for women and girls or, in the worst cases, can lead to losing their home. Waiting lists at counselling centres are no longer unusual. The current status quo must not become the norm in the low-threshold women's and girls' counselling centres.

Recommendations

- All general support services and counselling centres that work on combating with violence against women and domestic violence must have clear specifications and guidelines for the recognition of gender-based violence and to provide appropriate assistance to victims.
- Women´s and girls´ counselling centres should receive adequate funding to carry out awareness raising activities as well as funding to offer trainings to general support services.

Article 22: Specialist support services

Background

Article 22 of the Istanbul Convention highlights the obligation of the parties to provide specialised victim protection services for all women and their children affected by violence. Specialised support services should be available in an adequate geographical location and offer both short-term and long-term assistance to all victims.

Basically, three different forms of victim protection institutions are needed: National women's helplines, women's shelters and women's counselling centres (outpatient support). Women's counselling centres

include for example counselling centres against rape, intervention centres / violence protection centres as well as support services for specific groups of women such as migrants, asylum seekers and victims of forced marriage.

The GREVIO baseline evaluation report, published on 27 September 2017, found a disparity between domestic violence and other forms of violence services. Specifically, the lack of services for sexual harassment was criticised. These were covered by the women's counselling centres in all provinces.

Currently, support in cases of sexual harassment has been available since 2019 through the association Sprungbrett in cooperation with the Vienna Chamber of Labour - however, limited to the area of sexual harassment in the workplace. Furthermore, it was also found that victims of sexualised violence are not always referred to the right place by management, but to a violence protection centre.

There are still no comprehensive counselling services for migrant women affected by violence - individual specialised counselling centres for migrant women affected by violence, such as OrientExpress, LEFÖ and Peregrina in Vienna, DIVAN in Graz or maiz in Linz are not enough to cover this area sufficiently and more such services in the region are urgently needed.

Challenges

In Austria there is a different and high-quality counselling support offered by ambulant, non-residential support services in cases of gender-specific violence: women's and girls' counselling centres. These counselling services are free of charge, anonymous and confidential. Nevertheless, such support is not available everywhere and it is not everywhere easily accessible for all forms of gender-based violence. In the federal system of Austria, the federal states and the federal government are responsible for financing the counselling centres for women and girls. Therefore, there are great differences in the structure of the services, the type and layout of the facilities, the regional distribution and the staff and resources available at each facility.

The concentration of specialised support services in cities and their absence in many rural areas is also problematic. It depends centrally on the place of residence of a victim whether and to what extent she can find an offer for her specific needs regarding gender-based violence in her region. Women's and girls´ counselling centres not only do essential work in counselling and supporting women and children affected by violence, but also in local awareness-raising and prevention work. However, there is a lack of financial resources here as well. A large part of the funding for counselling, support and prevention is annual, which means that these women's and girls' counselling centres have to dedicate part of their human resources and capacities to secure their own funding every year. When funding is approved, it is often approved retroactively for the current year and the projectfunds are limited in time. The structure of funding often makes it difficult to work holistically in terms of the Istanbul Convention. The funds have to be accounted for separately with each donor and financially recorded. Thus, an enormous share of the counselling centres' human resources has to be spent on securing their own project activities, and carrying out such activities. Most counselling centres are funded proportionally by several public donors (e.g. provinces, federal government, etc. [30]). It is not uncommon for one donor to reduce funding at the same time as another increases funding. [31]

[30] Women's counselling centres and girls counselling centres are often dependent on several sources of funding, such as the Public Employment Service (AMS), federal ministries (BM for Health and Women, BM for Families and Youth, BM for Labour, Social Affairs and Consumer Protection), provincial governments, private donations and voluntary work.
[31] This has been done in the women's and girls' counselling centres in Upper Austria in this year 2022/23.

Recommendations

- Sustainable, long-lasting funding for women's and girls' counselling centres that is legally binding.
- In order to combat gender-based violence and prevent femicide, women's and girls' counselling centres must be appropriately and better funded. They advise victims, collaborate and support general support services, provide support in times of crises and ensure victims' safety; carry out prevention activities for children, young people and adults – such specialised support needs to be properly secured and expanded to adequately combat violence against women and children in the short and long term.
- Women's and girls' counselling centres should be established in all districts and cities to ensure accessibility of such services. Each victim should not need more than 30 minutes to get to the nearest women's and girls' counselling centres without a car.

Article 31: Custody, visitation rights and safety

With the Children's Right Amendment 2013 (KindNamRÄG 2013) [32], the law on children's rights in Austria was last comprehensively amended and the possibility for the court to order joint custody of both parents even without the consent of the parents or against the will of one parent was established.

This amendment of the former children's right law created a number of new instruments, such as the creation of family court assistance [33] (which is supposed to support and relieve the courts in collecting the facts of a case, and such information represents the basis for the courts' decisions), visit mediation[34] (which is supposed to mediate between parents, if the handover of the child from one parent to the other is problematic, whereby the mediators then inform the court of their observations), the possibility to order certain measures such as a compulsory visit to a family, parent or educational counselling [35] or an anti-violence training [36].

Above all, the KindNamRÄG 2013 stipulates that joint custody of both parents should be the norm. However, the legislator intended to cover "normal" cases, without paying attention to cases of domestic violence. Nevertheless, the practice of the family courts shows that the violence described by mothers is neither examined in custody and contact proceedings, the mothers are jointly obliged to attend joint parenting and educational counselling in order to establish and improve the basis of communication with the father, the violent fathers continue to retain joint custody and decisions such as the ordering anti-violence trainings are almost never given. While a mother who has experienced violence by the father of the joint child is protected in criminal proceedings insofar as she must be questioned gently and separately from the accused, the same woman is not protected in the parallel pending custody and visitation rights proceedings. Article § 289a ZPO (Civil Procedure Code) provides for the possibility that in case of a factual connection between the subject matter of the civil

[32] cf. Childship and Name Law Amendment Act 2013, Federal Law Gazette I No. 15/2013
[33] cf. § 106a AußStrG
[34] cf. § 106b AußStrG
[35] cf. § 107 para 3 subpara 1 AußStrG
[36] cf. § 107 subsection 3 line 3 AußStrG ("participation in counselling or training on dealing with violence andaggression").

proceedings (custody and contact proceedings) with the one of the criminal proceedings, a person who is a victim of domestic violence in the criminal proceedings must be questioned separately by video upon her request. However, mothers affected by violence are not informed about this possibility ex officio. Even in the summons to the hearing, there is no reference to this right, even if the court was informed of the incidents of violence by a previous letter from the mother.

This leads to a paradoxical situation: while the police and victim support organisations insist on breaking off contact with the perpetrator of violence, a restraining order order prohibits the perpetrator from contacting the victim and victims are questioned gently and separately in criminal proceedings, the family court orders joint parenting counselling or joint clearing at the family court assistance or summons the parents to the hearing in the cramped judge's chambers. This contradicts Article 56 of the Istanbul Convention, according to which it must be ensured that contact between victim and perpetrator is avoided in the court buildings.

Ultimately, however, violence is usually not taken into account in the family court's decisions on contact rights and custody. Joint custody is also seen as the rule in cases of violence, and fathers who use violence are quickly helped to obtain unaccompanied contact rights (after any initial accompanied contacts in a visiting café). Even mothers who had to flee with their children from violence to a women's shelter and leave everything behind because they would not be sufficiently protected in their home despite a restraining order, regularly experience that in these cases, too, joint custody is mandated, usually on the basis of a previously obtained expert opinion of the family court assistance, which refers to the fact that joint custody would lead to fewer parental conflicts and a better bond between the child and both parents in the future. Violence is not taken into account, the court bases furthermore their arguments on the simple denial of the perpetrator, and therefore the violence is not taken into account. Due to various weaknesses in the area of criminal prosecution, a large part of the charges of domestic violence are dropped for lack of evidence. In addition, there is a large number of unreported cases because mothers do not report the father for various reasons.

The numerous reasons that can be the cause of not reporting the violence (the fear of the reaction of the perpetrator, shame, economic / emotional / residence dependency on the perpetrator, feelings of doubt, etc.) are not taken into account, nor is the fact that the majority of reports on domestic violence are still dropped. [37]

In this context, the family court assistance often refers to the fact that the child in question showed "no signs" of fear during the interaction between the father and child (such interactions which are analysed by the family court assistance are for eg.: in an unnatural setting the parent and the child are filmed playing). A child who rejects contact with the father out of fear due to his own direct experience or because the child has witnessed violence against the mother, is not protected in the overwhelming majority of cases. Rather, this child's mother is assumed by the court and the court-appointed agencies (family court assistance, psychological experts, etc.) to be influencing the child with her own attitude towards the father - the child senses this rejecting attitude of the mother, shows solidarity with the main caring mother and furthermore rejects contact with the violent father. In such cases, the entire focus of these proceedings, which should at least examine the mother's and/or the child's described experiences of violence, and in the best case also offer protection, suddenly shifts to the mother alone, who is accused of the so-called "attachment intolerance", i.e. the inability to tolerate / accept and

[37] cf. comments on Articles 49 and 50.

promote the child's attachment to the other parent, which is considered a risk to the child's well-being and can even lead to the withdrawal of the mother's custody. In the most extreme case, affected mothers who want to protect their children from possible further violence by the father and want to comply with the child's will not to see the father alone, fear to lose the custody of their children or fear to lose contact with their children (or might only see their children accompanied in a visitation café). In such extreme cases, the removal of the children from the mother is carried out by court order, depending on the case by a bailiff or the child and youth welfare services, often accompanied by the police.

Women are therefore usually under enormous pressure and an unresolvable conflict in child custody proceedings: If they raise the issue of violence because they want to protect their child and themselves from the violent father (and therefore apply for sole custody and accompanied contact between the father and the child in a visitation café), they risk being accused of having influenced the child negatively against the father, of having caused a "false memory" in the child, which - if they continue to speak out against unaccompanied contact and do not "motivate" the child accordingly to have contact with the father - can lead to the mother losing the custody of the child.

Although it is in the nature of guardianship proceedings that future-oriented decisions have to be made in individual cases, a future prognosis can only be made by taking into account and evaluating the (at least recent) past and previous experiences. In court proceedings, however, the past (with incidents of violence) and the disinterest of a father in raising and caring for their children, which is often the case in a family setting (in Austria, too, women still predominantly fulfil the majority of unpaid care work), such aspects are not taken into consideration and the focus is placed on the current applications, which are often misinterpreted as the father is interested or engaged. A father who, since the birth of the children, has hardly been involved in the upbringing and care of the children as well as the organisation of their everyday life (school matters, doctor's appointments, leisure courses, etc.), who has used psychological or physical violence against the mother in the presence of the children, is granted an unsubstantiated benefit of the doubt in child custody proceedings. The increasingly frequent demand of these fathers for 50:50 care of the children while retaining joint custody, the so-called "dual residence model" (“Wechselmodell” or “Doppelresidenz”), is being met more and more openly by the courts. The objections of the mothers concerned that due to the psychological and / or physical violence they experienced they do not even have a minimum basis for communication (which would be necessary for a dual residence model in any case) are met by the mandatory, court-ordered attendance of mostly ten sessions of joint parenting counselling (which is not in line with Article 48 of the Istanbul Convention).

This leads to mothers being forced into joint parenting counselling and experiencing again re-traumatisation through direct confrontation with the violent ex-partner. The perpetrator, through the state institutions, continues to exercise violence by applying for comprehensive contact rights while retaining joint custody, which is often followed by the submission of numerous further applications and statements by the father (pleadings flooded with attribution of blame the mother (attachment intolerance or “PAS (parental alienation syndrome) syndrome” – and misrepresentations). If the mothers seek legal representation, which they usually cannot afford due to childcare-related duties, part-time employment or unemployment, they are confronted with considerable legal fees due to the flood of pleadings initiated by the lawyer representing the fathers.

According to Article 64 of the Code of Civil Procedure (§ 64 ZPO), it is possible to apply for free legal aid, which, in addition to the temporary exemption from fees, also allows for the appointment of a legal aid lawyers. However, a legal aid worker is only appointed if the representation by a lawyer is required by law or if it appears necessary according to the case. Since there is no obligation to have a lawyer in all family law proceedings and the courts are rather restrictive in appointing legal aid lawyers for economic reasons, mothers who cannot afford their own lawyer remain unrepresented by a lawyer in most guardianship proceedings and are therefore completely on their own in the seemingly insurmountable challenge of sensitizing the court and the agencies involved on the violence they experienced and to protect their children.

If they are assigned a legal aid lawyer in an individual case, they cannot choose this person themselves, as this person is appointed randomly by the respective bar association in the respective federal state, without taking into account whether the appointed lawyer has ever worked on family law or victim protection law cases before, let alone whether he or she is specialised in this field. In this case, the concerned mother, especially if she is affected by psychological violence (which is often difficult for victims to recognise and describe for a long time), must first sensitise her own lawyer.

Many violent fathers who have the financial resources usually use every platform to continue the violence after separation. Guardianship procedures (visitation right and custody) also legally offer these fathers the possibility to continue the violence through its own institutions (institutional violence). The system willingly offers such fathers many and ever new platforms (filing of various applications, reports, etc.), to which the mother - in some cases - has to react on a very short notice (e.g. in two-weeks) by making a counterstatement (since the court sets her three to 14-day deadlines for making a statement, whereby in the case of a failure to make a statement within the deadline, it is assumed that there is no objection to the father's application, cf. § 17 AußStrgG (“Außerstreitgesetz” – Extract Law). Therefore, violence continues against the mother, despite the actual separation and as a result of the power imbalance between the victim and perpetrator.

The relationship between the two parents is not taken into account in the KindNamRÄG 2013 nor in the draft of the current amendment to the law of parent and child, which is currently being drafted but has not yet been adopted. On the contrary, toxic parents are granted new platforms. Violence therefore continues in this way even after separation, which leads to a great burden for the women concerned - and thus also for the children.

Recommendations

The GREVIO Committee is therefore requested to strongly recommend,

- that domestic violence against women (including psychological violence) and against their children (including witnessing violence) is recognized as such and taken into account throughout court proceedings, both procedurally and in terms of court decisions, on contact rights and custody (no joint custody until the parent exercising violence has successfully completed anti-violence training and educational counselling to reduce educational deficits and to learn respectful, objective communication with the other parent without making negative statements about the other parent in front of the child; no unaccompanied contact between the father who uses violence and the child; no compulsory enforcement of contact against the explicit will of the child; no threat and imposition of punitive measures for mothers) affected by violence.
- that legislative measures are taken to protect children and women from further violence also in guardianship proceedings and to prevent victim blaming or perpetrator-victim reversal.[38]
- to take all necessary legislative and other measures to ensure that the statements of children affected by direct or indirect violence are not quickly dismissed, with the reason that the child is influenced by the mother, or the child´s attitude is the result of a child´s own internal conflict of whom the child is loyal too, or as false memory or bogus recollections – but rather children´s statements are properly investigated in a manner that takes into consideration children´s own will and the best interest of the child.
- to take all necessary legislative and other measures to ensure that the application of the so-called "PAS" theory/syndrome (parent-child alienation, attachment intolerance) and similar concepts such as false memory syndrome are prohibited in guardianship proceedings.
- to appoint an appropriate independent control body of external experts, which, in the case of deficient clinical-psychological reports, checks the compliance with the professional guidelines, the ethical guidelines and the guidelines for the protection against violence by the experts commissioned by the court and makes recommendations [39].
- to ensure that guardianship proceedings that include domestic violence are conducted particularly quickly and decisions are issued swiftly in order to spare the mothers and children the high additional psychological and financial burden that this entails.
- to ensure that mothers who are victims of violence are granted the possibility of free legal aid also in civil law proceedings.
- to ensure that in guardianship proceedings in the context of violence, if the perpetrator is suspected of a narcissist personality disorder or accentuation or lack of impulse control or psychopathic disorder, a psychiatric report of the perpetrator is obtained and no unaccompanied contacts between the perpetrator and the child take place until then.
- to ensure the right to gentle questioning and questioning victims of violence separately from the perpetrator, also applies in civil law, in parallel to criminal law, as provided for in Article 289a of the Code of Civil Procedure (ZPO), according to which: the court, in the case of a factual connection

[38] cf. press release of the European Parliament on the topic of violence in couple relationships https://verein- fema.at/wp-content/uploads/2023/08/Press-release-of-the-European-Parliament-Violence-in-couple-relationships.pdf

[39] cf. Expert evidence in Austrian civil proceedings https://verein-fema.at/wp- content/uploads/2023/08/spitzer ZZP_2018_01.pdf

of the subject matter of the civil proceedings (e.g. custody and contact rights proceedings with criminal proceedings), must de facto interrogate a person who is a victim of domestic violence in these criminal proceedings. The court can de facto implement this provision by creating sufficiently technically equipped rooms if the subject matter of the civil proceedings (e.g. custody and contact proceedings) is related to criminal proceedings and if a person who is a victim of domestic violence in these criminal proceedings has to be heard separately by video at his or her request. Moreover, victims of violence should be informed about this possibility by the civil and criminal courts as a preventive measure.

- to ensure that (also with reference to Article 15 of the Istanbul Convention) the training and further education programmes for (prospective) family court judges and all people working in guardianship proceedings on behalf of the court is available and attendance is mandatory, with targeted teaching of specialist knowledge on the topic of violence against women and children, in particular a gender-based understanding of violence against women as well as the causes, forms and effects of violence and the effects of witnessing violence by children.
- to ensure that data collection is carried out in order to find out how often domestic violence is a topic in divorce and/or custody/contact proceedings, in what violence is taken into account in the proceedings and with what consequences for the perpetrator, what protection measures against further violence is guaranteed to the victims, what measures are prescribed before the violent father is allowed to meet with his children unaccompanied again, how many experts are used per procedures, how often children are asked to testify their experiences of violence to authorities and judicial bodies, how and whether the wish of the child and the right of participation of children are respected, how long such procedures are pending in court and what are the costs such procedures entail for victims.
- to ensure that in the family court assistance, the methodology and literature used by it [40] [41] [42] [43] [44] as well as the documents [45] used for the training of its staff are evaluated for gender bias and that the findings of these evaluations and of the dissertation entitled "Der neue Geist des Kindschaftsrechts. On the psycho-legal policing of late-modern families" [46], which was commissioned by the Ministry of Justice at the time to evaluate family court assistance, are incorporated into the concept of the forthcoming amendments to the law of parent and child.
- to ensure that the KindNamRÄG 2013 is evaluated by independent scientists in accordance with the resolution of the National Council of 5 December 2012 (276/E XXIV. GP), by consulting the mothers, fathers and children affected by custody proceedings, in order to examine the causes of the increase in the number of highly contentious custody and contact proceedings.[47]

[40] cf. Der Standard "Familiengerichtshilfe: Die Allmacht im Obsorgeverfahren" https://www.derstandard.at/story/2000120067743/familiengerichtshilfe-die-allmacht-im-obsorgeverfahren

[41] cf. Die Presse: "Familiengerichtshilfe: Wo sind denn die "neutralen Helfer"?" https://www.diepresse.com/5364599/familiengerichtshilfe-wo-sind-denn-die-neutralen-helfer/

[42] cf. https://verein-fema.at/wie-koennen-muetter-strategisch-bei-der-familien-und-jugendgerichtshilfe- proceed/

[43] cf. https://verein-fema.at/event/wie-sich-alleinerziehende-muetter-gegen-die-allmacht-der- familiengerichtshilfe-zur-wehr-setzen-koennen/

[44] cf. https://verein-fema.at/event/die-literatur-der-familiengerichtshilfe-und-der-sachverstaendigen/

[45] cf. Helmut Figdor: "Patient Scheidungsfamilie- Ein Ratgeber für professionelle Helfer"

[46] cf. Mag. rer. soc. oec. Brita Krucsay: Der neue Geist des Kindschaftsrechts. Dissertation. 2017

[47] cf. motion for a resolution: https://verein-fema.at/wp- content/uploads/2023/08/Entschliessungsantrag- Evaluierung-gemeinsamer-Obsorge.pdf.

Article 48: Prohibition of mandatory alternative dispute resolution processes or sentencing

Background

Regarding Q 37, the Austrian criminal law system provides for an extensive system of so-called "diversion measures", i.e. measures to deal with criminal acts outside of court proceedings, which can be applied by public prosecutors and judges, also in cases of domestic violence and other forms of violence against women covered by the Convention. Victim-offender mediation is one of four types of these diversion measures. In civil law proceedings, no mandatory alternative dispute resolution processes are provided for by the law, however, in family law proceedings related to custody and visitation of children, courts can (and often do) order the parents to jointly participate in family/ parents/ educational counselling sessions.[48] This effectively constitutes or is at least tantamount to mandatory mediation.

Challenges

Certain diversion measures can be appropriate to deal with violence against women and domestic violence if the perpetrator is willing to acknowledge his wrongdoing and the victim – for whichever reason – is reluctant to testify.

However, victim-offender mediation is an inappropriate diversion measure for cases of domestic violence in particular, as these cases are characterized by a power imbalance in the victim-offender relationship and the two parties therefore cannot participate in such a mediation on an equal footing. Other diversion measures, such as ordering the offender to pay a fine or perform community work or merely ordering probation time with no further requirements whatsoever do not require the offenders to actually concern themselves with the criminal act they have committed. This, in turn, trivializes the offence and most likely does not have the effect of making the perpetrator aware of the seriousness and criminality of the offence, as well as weakens the victims' position in the process.

Out of the four types of diversion envisaged in Austrian criminal law, only one is adequate in our view to address violence against women and domestic violence, and only in cases where the violence was neither severe nor a repeat occurrence: probation time in conjunction with court orders that oblige the offender to process / work on his behaviour (e.g. anti-violence trainings, therapy for alcoholism, probation services, reparation to the victim, and / or protective measures for the victim, such as no-contact orders).

Another issue related to the lack of consent of the victim to diversion measures [Q 38] is the fact that a provision of the Austrian Criminal Procedural Law is mostly disregarded in practice: § 206 of the Code of Criminal Procedure (StPO) stipulates the victim's right to be given sufficient time to react to an envisioned diversion measure, i.e., to voice their opinion on the planned measure. However, this is simply not done in practice, and victims are often only informed of a diversion measure after it was already offered to the perpetrator or even carried out, or not informed by the court at all and only learn about the court's decision when proactively asking about the status of the proceedings (usually through their lawyer). Albeit expressly stipulated in the law, this victim right cannot be effectively

[48] See: § 107 Abs 3 Z 1 Außerstreitgesetz (BGBl. I Nr. 111/2003, latest amendment: BGBl. I Nr. 77/2023): Verpflichtende Besuch einer Familien-, Eltern- oder Erziehungsberatung

enforced, as a later complaint about the lack of involving the victim does not lead to the invalidity of the procedure and thus does not have any impact on the outcome.

Regarding family law proceedings related to custody and visitation of children [Q 39], the fact that courts often order the parents to jointly participate in family / parents / educational counselling sessions even in cases that involve a history of domestic violence is extremely problematic. By ordering these sessions, which are tantamount to mandatory mediation, the – often extreme – preceding violence is disregarded and victims are forced to sit through a counselling session with their abuser, on top of which they are frequently reprimanded for even mentioning the violence in the proceeding. While the same legal provision also envisages the possibility of ordering anti-violence trainings for the violent parent,[49] this legal measure is hardly ever used, usually not even upon the victim's legal petition. [*On the alarming problem of disregarding preceding violence in family law proceedings, please see the section on Article 31 for more details.]*

Recommendations

Criminal Law Proceedings

- Take measures to ensure that the diversion measures of ordering probation time only with no further requirements, as well as ordering the offender to pay a fine or to perform community work are not applied to any case of domestic violence or violence against women as covered by this Conventions, as these are not commensurate with the seriousness of the offences and trivialize them.
- Take measures to ensure that no diversion measures at all are applied in cases of domestic violence where the criminal offence carries a penalty of over three years as it has to be assumed that the perpetrator's guilt is grave (§32 Criminal Code) and diversion measures are therefore not appropriate. Diversion measures should also never be applied in cases of sexual violence, including those offences that carry a penalty of less than three years.
- Take measures to ensure that victim-offender mediation is never used as a diversion measure in cases of domestic violence.
- Take measures to ensure that any envisaged diversion measure is tied to a probation period with certain conditions, in particular the successful completion of a mandatory anti-violence training, making reparations to the victim and adhering to no-contact orders (if such an order is in the victim's interest). This is already prescribed by the Ministry of Justice's Decree on guidelines on the criminal prosecution of domestic violence, Chapter IV. [50] Therefore, measures to ensure the decree's application in practice should be taken.
- Take measures to ensure § 206 StPO is properly applied and victims are actively contacted by the public prosecutor whenever a diversion measure is envisaged in order to provide them with an opportunity to voice their opinion, as it is of utmost important that victims are consulted and taken seriously.

[49] § 107 Abs 3 Z 3 Außerstreitgesetz: Teilnahme an einer Beratung oder Schulung zum Umgang mit Gewalt und Aggression.
[50] Erlass des BMJ „Richtlinien zur Strafverfolgung bei Delikten m sozialen Nahraum", 3. Auflage, GZ: 2021-0.538.674, p. 12.

Civil law (family law) proceedings

- Take measures to ensure that judges refrain from ordering victims to participate in joint family/parents/educational counselling sessions in cases that involve a history of domestic violence and to encourage judges to consider ordering anti-violence trainings (already envisaged in the law) for the violent parent. These measures could involve legislative changes as well as introducing mandatory trainings for judges with the aim of awareness-raising and sensitization (*on trainings for judges see also recommendations below at Art 49 & 50*).

Article 49 and 50: General obligations and immediate response, prevention and protection

Background

The Austrian Penal Code provides for the criminalisation of virtually all acts of violence against women and domestic violence covered by the Convention. However, various challenges exist with regard to the practical implementation of laws, which ultimately leads to a lack of accountability for perpetrators and discourages victims from reporting (further) violence.

Prosecutors' offices with more than ten staff members are legally required to task one or several specially trained prosecutors to deal with cases of domestic violence and violence against children.[51] The law, however, does not stipulate any definition of what training this would entail nor specific requirements to be eligible for this position.

Further, a decree by the Ministry of Justice,[52] which was last amended in 2021 and even specifically references Chapter VI of the Istanbul Convention, would in theory provide guidelines for the criminal prosecution of domestic violence cases, although these guidelines are formulated as recommendations rather than mandatory instructions.

Challenges

With regard to specialist prosecution units [Q 42], it should be noted that the above-mentioned legal requirement to have one or several specially trained prosecutors handling cases of domestic violence and violence against children is not implemented in practice due to the fact that there are no defined requirements to be eligible for these – supposedly specialist – positions.

In general, public prosecutors and as well as judges do not have an obligation to do any specific in-service training, as also mentioned by the Government's Thematic Evaluation Report.[53] While they are under a general obligation to carry out some form of learning activity,[54] they are not even obliged to participate in any formal training. In practice, it would suffice to do some self-studying (e.g. reading a book), and there is no system in place to monitor these learning activities. Therefore, there are no

[51] § 4 Abs 3a Z 1 Staatsanwaltschaftsgesetz-Durchführungsverordnung (BGBl. Nr. 338/1986, latest amendement: BGBl. II Nr. 14/2022): *„Bei Staatsanwaltschaften mit zumindest zehn systemisierten staatsanwaltschaftlichen Planstellen hat der Leiter der Staatsanwaltschaft […] die Bearbeitung von Verfahren wegen Gewalt im sozialen Nahraum (Gewalt in der Familie, Gewalt an Kindern) […] einem oder mehreren besonders geschulten Staatsanwälten zu übertragen."*

[52] Decree:of Federal Ministry of Justice: „Richtlinien zur Strafverfolgung bei Delikten m sozialen Nahraum", 3. Auflage, GZ: 2021-0.538.674

[53] Thematic Evaluation Report on the Implementation of the Istanbul Convention, June 2023, p. 34

[54] See § 57 (1) Richter- und Staatsanwaltschaftsdienstgesetz, which stipulates only the following: *„Richter und Staatsanwälte […] haben sich mit voller Kraft und allem Eifer dem Dienst zu widmen, sich fortzubilden, […]"*

consequences for judges who do not carry out any continuous learning activities. If they do choose to participate in formalized in-service trainings, they are fully free to choose from a wide array of topics offered. In theory, these training offers should include topics such as structural inequality, gender bias and stereotypes, dynamics of a long-term violent relationship, and the effects of trauma on the psyche of victims. In practice, however, to the best of our knowledge, not all of these issues are adequately covered by the trainings that are actually offered.

Concerning judges, it should also be mentioned that it is routinely argued that there is no legal possibility to introduce mandatory in-service trainings on specific topics for them, as this would run counter to their status of being independent (in German: *unabhängig*). While we agree that judges are and need to remain independent in their adjudication, we would like to note that the cited "independence" is not absolute in the Austrian legal framework, but overruled in certain areas. For example, judges are not free in their choice of clothes when in session, but instead required to wear specific clothes in court; they are also required to follow disciplinary rules. Making certain in-service trainings mandatory also for judges would thus not be irreconcilable with the concept of independence. Incidentally, it should be noted that public prosecutors are not independent (in German: *unabhängig*) in the first place.

Due to this lack of (mandatory) training, public prosecutors as well as judges do not commonly possess the necessary knowledge, awareness and sensitization regarding dynamics of a long-term violent relationship, trauma and its effects on the behaviour and memory of victims, structural inequality as a root cause of violence against women etc. This leads to frequent premature attritions [Q 46], as the credibility of victims is questioned due to a lack of understanding for, and misinterpretation of victims´ behaviour. It is not recognized that the reason for a potential ambivalence in the victims' behaviour might be due to fear of the perpetrator or financial dependency, and that inconsistencies in victims' testimonies might be due to the less-than-perfect conditions under which these testimonies are taken or the fact that trauma has an impact on memory, in particular when the violence had repeatedly re-occurred over a longer time span. Contrary to that, typical – and often implausible – explanations given by the accused to deflect the accusations are routinely accepted by public prosecutors without much probing. This practice also disregards the important legal difference that victims testify under oath while the accused is legally allowed to lie, instead treating both testimonies as equal in quality and weight.

In addition, the public prosecution rarely makes use of its role as the leader of the investigation, meaning that they could choose to summon the victims, witnesses and/ or the accused themselves in order to get a direct impression, and that they could order the police to collect further evidence (e.g. hearing the additional witnesses, such as neighbours, who had been mentioned by the victim). In absence of further evidence, and based on the equal weight being attributed to the (usually contradictory) statements of the victim and the accused, cases are often treated as a classic "he said, she said" situations and therefore discontinued.

The above-mentioned Ministry of Justice's decree regarding guidelines for the criminal prosecution of domestic violence cases, which is also referenced in the Government's Thematic Evaluation Report, does indeed contain comprehensive and useful recommendations. However, the decree is virtually unknown in practice and therefore rarely implemented (moreover, as mentioned in the introduction above, it is formulated in a non-mandatory way, although decrees are commonly mandatory in nature). It contains, for example, recommendations for the public prosecutors to take on an active role

in the investigation procedure with the aim of "widening the evidence base" (in German: *Verbreiterung der Beweisgrundlage*), e.g. by questioning the accused directly, having all possible witnesses testify, and securing all objective evidence. It should be noted that public prosecutors have indeed started to order additional investigation steps more frequently, however, these usually consist of additional and repeated questioning of the victim, therefore inadvertently putting more pressure on the survivor instead of actually widening the scope of evidence.

Regarding protocols/standard operating procedures or guidelines for police officers providing guidance on how to receive reports and interview victims [Q 45], it can be observed that the questioning of victims of violence is not usually based on guidelines or a systematic checking of relevant risk factors, but questioning is instead done freely without any particular standard or protocol. The quality and comprehensiveness of the victim's protocolled testimony therefore heavily depends on the individual police officer and his or her level of training, experience, diligence, attitude, empathy etc.[55] In general, only things that victims actively mention are protocolled (answering to an open-ended question, such as "tell us what happened"); and the police usually does not actively ask about possible previous incidents or further criminal acts. The general assumption seems to be that victims (and other witnesses) will just mention anything that is relevant for the investigation without being specifically asked about it by the police. Consequently, a lot of information can be lost in these interviews, which leads to an incomplete picture of the situation for the police as well as the public prosecution. Moreover, if victims later amend their testimony with parts that were not asked about or were not properly documented in the first interview, this is often interpreted as the victim being inconsistent and therefore not credible.

Regarding measures taken to encourage women and girls to report incidents of violence to the authorities [Q 44], as previously mentioned, cases concerning crimes covered by the Istanbul Convention frequently end in attrition, sending the unfortunate message to both perpetrators and victims that there is little accountability for these crimes. In addition, police interviews are often difficult and stressful experiences for the victims, as they frequently happen in the middle of the night, immediately after the escalating incident took place, and usually with no possibility for the women to organize for child care. This situation of extreme stress for the victims in conjunction with the non-systematic interview techniques employed by the police often lead to poorly documented evidence and consequently often to the case being dropped by the public prosecutor's office. Moreover, as mentioned above, victims are often made to feel non-credible when they try to add omitted details later, which is interpreted as being inconsistent ("why did you not mention this the first time you were interviewed?"). Further, while cases of domestic violence are usually taken seriously when the police is called to an incident, women and girls are sometimes not taken seriously and even turned away when they approach a police station directly in order to report crimes. In these cases, threats that the victim has received might be dismissed as not serious and acts of stalking might not even be recognized as such, with the victim being told to "just switch off" their phone. It often takes interventions from specialist services, such as violence protection centres or lawyers, in order to have the victim being taken seriously. All of these issues are counter-productive to instilling trust and confidence in law-

[55] See also Ministry of Interior, *Screening Report of Homicides between January 2019 and January 2019*, p. 89, which came to the same conclusion with regard to risk assessments carried out by the police and consequently recommended interviewing victims as well as offenders based on guidelines/protocols.
[https://ales.univie.ac.at/fileadmin/user_upload/p_ales/Projekte/STUDIE_Screening_Mordfaelle_FINAL.pdf]

enforcement officials and instead lead to women and girls being more reluctant to report (further) violence.

Recommendations

- Introduce mandatory trainings for all public prosecutors and judges who handle cases of domestic violence and violence against women (including topics such as structural inequality as root cause of violence, gender bias and stereotypes, dynamics of a long-term violent relationship, and the effects of trauma on the psyche of victims) in order to equip them with the necessary knowledge, awareness, and sensitisation to appropriately handle cases of violence covered by this Convention.
- This could either be integrated in their respective education/training (see also recommendations re Art 15 in the NGO Baseline Report 2016) or introduced as a mandatory requirement for in-service trainings, with the latter being preferable in view of the fact that change could otherwise only take effect after the currently serving justice sector staff retires.
- On the issue of judges being independent, see directly above in "Challenges".
- As an immediate measure, take steps to ensure that the already existing positions of "specially trained prosecutors" are filled with candidates who are actually specifically trained on handling cases of domestic violence and violence against children by introducing defined requirements to be eligible for these posts (and offering the necessary trainings).
- Take measures to ensure the practical application of the Ministry of Justice's decree regarding guidelines for the criminal prosecution of domestic violence cases, in particular as it relates to public prosecutors taking on a more active role in the investigation procedure and measures to "widen the evidence base". As a first step, revise the decree to be formulated in a mandatory (rather than recommendatory) way.
- Take measures to train police officers on techniques for interviewing victims of domestic violence (and other forms of violence covered by the Convention) in order to be able to document the full picture of the situation, thus contributing to building a better evidence base as well as a comprehensive base to decide on protective measures.
- As a general measure, take steps to increase the percentage of female officers in the police force, at least to 30%.
- At police stations, establish appropriate rooms for interviewing victims, offering privacy and a generally conducive atmosphere for questioning distressed victims on often extremely intimate details.
- Take measures to ensure front line officers serve victims of domestic violence and other crimes covered by the Convention also when they turn to a police station for help, so victims are not dismissed but violence is taken seriously also in these situations and victims are supported as promptly and adequately as when police is called to an acute incident.

Article 51: Risk assessment and risk management

Background

The implementation of systematic appliance of danger assessment and management of danger measures have evolved and improved in Austria in recent years. However, challenges still exist.

Challenges

There is still no prescribed nationwide unified risk assessment tool for the executive branch. The scientifically based risk assessment tool ODARA is currently used in the Viennese State Police Headquarter.

To assess if there are any reasons for detention of the accused person (especially if there is the possibility of committing a crime), a checklist (by means of "decree on guidelines for criminal prosecution of offences in the social environment" / in German: *„Erlass betreffend Richtlinien zur Strafverfolgung bei Delikten im sozialen Nahraum"*) should be processed when dealing with criminal investigations by the public prosecutor's journal service.

Domestic abuse intervention centres mainly use the tool "Danger Assessment", developed by Jacquelyn Campbell:

- scientifically grounded;
- 20 scientifically based questions; - about possession of weapon, threat with or using a weapon; separation during the past year, previously shared household; potential threat of murder; sexualized /sexual violence; control and/or isolation; abuse during pregnancy; threat of suicide;
- four outcome categories (dangerous, elevated, acute, extreme);
- to be used in two parts: danger assessment calendar (violent assaults during the past 12 months; point scale to categorise the type of assault); survey of frequency and extent of violent assaults;

The fact that no unified tool is used for the danger assessment and the fact that appropriate tools are not available for all relationship types (most existing tools focus on a partnership or ex-partnership, but exclude, for example, relationship between parents and children) is alarming as the decision to whether hold or not security police case conferences[56] (in German: *Sicherheitspolizeiliche Fallkonferenzen*) is made on the basis of the assessments carried out. They are multi-institutional case conferences where all the relevant organizations – including the police, that initiates them – are invited to participate.

Measures to analyse murder of female persons

On the basis of the Protection against Violence Act in the year 2021, the Ministry of Women's Affairs, the Ministry of the Interior and the Ministry of Justice conducted the study "Investigation of Murders of Women - a Quantitative and Qualitative Analysis"[57]. This very welcomed study was

[56] see the comments on Article 18

[57] https://www.bmj.gv.at/service/publikationen/Untersuchung-Frauenmorde---eine-quantitative-und-qualitative-Analyse.html

written by the Institute for Conflict Research and published in April 2023. It is divided into a quantitative and a qualitative part:

- The quantitative part comprises the evaluation, description and analysis of the gender-specific data on § 75 Criminal Code (murder) from the "Police Crime Statistics" in the period from 01.01.2010 to 31.12.2020.
- The qualitative part contains a scientific analysis of the case-related judicial cases including offender typology for the period of 01.01.2016 to 31.12.2020 and clear recommendations for future measures that can be derived from it.

In the study, the murders of women since 2010 were analysed. The authors of the study themselves differentiate between murders of women and femicides and identify risk factors and recommendations for action.

Recommendations

- The reintroduction and legal anchoring of the security police case conferences in high-risk cases is valuable, nevertheless they should not only be initiated by the police but the NGOs or victim protection organisations.
- Women's shelters as well as other concerned and relevant victim protection institutions should also be involved in processes such as those mentioned above.
- Even though the security police case conferences have been rolled out nationwide due to a decree of the Federal Ministry of the Interior, there is no basic information about how they are actually conducted in each province. Processes and procedures should be transparent for all organisations in order to be able to act appropriately in acute cases. It would also be important for the safety and equality of women as victims of violence if the provinces were bound on directives.
- A femicide prevention observatory should be established for ongoing collection of data on femicides and in order to develop and evaluate prevention measures. This body should be involved in policy development and the review of the implementation of the Istanbul Convention.

Article 52: Emergency barring orders

Background

Emergency barring orders were introduced in Austria as early as 1997 and have been amended several times since then. Emergency barring orders are part of the intervention system that aims to react in a coordinated way to violence against women and domestic violence.

Challenges

Legal innovations, information obligations, reporting obligations in case of childrens' (in)direct affection in the event of an emergency barring order

A very welcome adjustment in the context of the 3rd Amendment of Protection against Violence Act was made regarding the extension of the emergency barring order in terms of approach ban for the safety of person at risk. Nonetheless, there is still a need for improvement in the application of the emergency barring order. For example, if perpetrator is not (or no longer) present when the police arrive, the emergency barring order cannot be issued immediately. The actual procedure in these cases need to be improved, as these situations represent an increased danger for those affected.

Central Violence Protection File under § 58c *SPG*[58]

The central violence protection file is a crucial instrument for the danger assessment, which should be optimised with regard to the storage period in order to protect victims. It is proposed to extend the period for data storage from three to five years, as violent relationships often last for many years. For those cases in which perpetrator also become violent in future relationships, to obtain knowledge about past incidents is vital in relation to the protection and security.[59]

Reporting obligations in the case of minors at risk

The Protection against Violence Act 2019 led to an amendment regarding the obligation to report after the issuing of an emergency barring order concerning children and adolescents.

However, the current wording "if it seems necessary in the individual case" has led to the fact that, compared to the previous legal situation, not always people in charge of schools/institutionalised childcare services/after-school care centres get informed about the issuing of an emergency barring order. Even if the obligation to report in such a case is considered necessary according to the explanations of the law, a legal clarification would be desirable in terms of the protection of affected children and adolescents.

It is considered indispensable for the state to have a duty to report to relevant institutions and facilities when minors are protected by an emergency barring order, as this group is usually not yet in a position to adequately articulate their own rights and interests or to assess a dangerous situation accordingly. It is therefore proposed to clarify by law that minors up to the age of 14 should be subject to a state duty to report to relevant institutions and facilities.[60]

Inclusion of § 382d *EO*[61] into the 38a *SPG*

If a person at risk file an application for a restraining order as per § 382d *EO* in due time after an emergency barring order has been issued, the security authority in charge will not be informed of the filing of the application.

It is not comprehensible why the filing of an application under § 382d *EO*, is treated in a differentiated manner in contrast to § 382b and § 382c *EO*. This may result in gaps in the protection of the person

[58] Security Police Act
[59] https://www.gewaltschutzzentrum.at/ooe/cms/wp-content/uploads/2023/06/Reformvorschl%C3%A4ge_2023.pdf
[60] https://www.gewaltschutzzentrum.at/ooe/cms/wp-content/uploads/2023/06/Reformvorschl%C3%A4ge_2023.pdf
[61] Execution Code

affected.[62]

Duration of the emergency barring order according to §38a (10) *SPG*

§ 38a (10) *SPG* stipulates that the emergency barring order ends, amongst others, when the decision of the district court is delivered on the defendant.

This means that when the civil court dismisses the restraining order the emergency barring order is shortened and can end before its usual two-week period of validity. However, in the previous version of § 38a (8) *SPG* it was explicitly stated that the emergency barring order ends two weeks after it is imposed. Even though this issue will rarely be of importance in practice, as the application including the decision will hardly ever be made within two weeks, it should be noted that the Protection against Violence Act 2019 has made a potential shortening of the time limit possible.[63]

The executive's duty to inform perpetrators

If an application for a restraining order is filed after an emergency barring order has been issued, there is a risk that the perpetrator will not be aware of the application and thus of the extension of the emergency barring order.

Returning to home - which is supposedly lawful from the perpetrator's perspective - can lead to a renewed escalation and a security risk for people affected by violence.[64]

Recommendations

- Extending data storage from three to five years, as violent relationships often last for many years.
- In order to protect minors at risk, in cases where an emergency barring order is issued, personnel of the institutions regularly visited by children and youth at risk must be informed. The formulation "if it appears to be necessary in individual cases ", however, is not productive.
- It is urgently necessary to add §382d *EO* to §38a (4), (6), (10) and (11) *SPG* in order to minimise gaps in the protection of victims of violence.
- It is strongly recommended that the two-week period of the emergency barring order cannot be shortened.
- As soon as the security authority has been informed about submission of an application about restraining order in due time, the perpetrator should be informed of the application and thus of the extension of the emergency barring order.

[62] https://www.gewaltschutzzentrum.at/ooe/cms/wp-content/uploads/2023/06/Reformvorschl%C3%A4ge_2023.pdf
[63] https://www.gewaltschutzzentrum.at/ooe/cms/wp-content/uploads/2023/06/Reformvorschl%C3%A4ge_2023.pdf
[64] https://www.gewaltschutzzentrum.at/ooe/cms/wp-content/uploads/2023/06/Reformvorschl%C3%A4ge_2023.pdf

Article 53: Restraining or protection orders

Background

Civil protection orders are far more common in Austria than criminal court orders for the protection of victims affected by violence. With the overall reform of the execution law, which entered into force on 01 July 2021, the (limited) power of representation of victim protection agencies was legally established (§ 382f (1) *EO*): Since then, the party at risk may be represented by a victim protection centre (§ 25 (3) *SPG*) while filing the application for restraining order - for protection against violence (§ 382b, 382c *EO*), - or for protection against intrusion into privacy (§ 382d EO) as well as in the submission of further pleadings in the first instance proceedings.

Challenges

Decision-making period regarding restraining orders according to § 382b, 382c, 382d *EO*

As there is no statutory time limit for deciding on and delivering an application for a restraining order, a gap in protection may arise after the emergency barring order has expired but the restraining order has not yet been issued and delivered. Security risks may also arise if a restraining order is applied for in court without a prior emergency barring order.

In order to avoid gaps in protection, it is proposed to include an obligation of the courts to decide and deliver the decision to the parties within the four-week time limit of § 38a (10) *SPG* in the law. This decision deadline should apply to applications under § 382b and 382c *EO* and also those under § 382d *EO*.

In addition, the "so to speak-period" of §38a (10) *SPG* should also be applied in cases of a restraining order without a prior emergency barring order, because otherwise there may be a long delay until the restraining order is issued, which is not the purpose of an urgent procedure.[65]

Recommendations

- For the effective implementation of comprehensive measures to prevent violence against women, it is urgently necessary that criminal court orders are used more, especially in cases of repeated and severe violence.
- In order to avoid gaps in protection, it is proposed that an obligation of the courts to decide and serve the decision on the parties within the four-week period of § 38a (10) *SPG* is introduced into the law. This decision period should apply to applications under § 382b and § 382c *EO* and also those under § 382d *EO*.[66]

[65] https://www.gewaltschutzzentrum.at/ooe/cms/wp-content/uploads/2023/06/Reformvorschl%C3%A4ge_2023.pdf
[66] https://www.gewaltschutzzentrum.at/ooe/cms/wp-content/uploads/2023/06/Reformvorschl%C3%A4ge_2023.pdf

Article 56: Measures of protection

Background and challenges

Duty to provide information on the release from detention

If an accused person is arrested as per §§ 170 ff of the Code of Criminal Procedure and is released 48 hours after the arrest as per § 172 (2) of the Code of Criminal Procedure because lesser means as per § 173 (5) of the Code of Criminal Procedure apply as the purpose of the detention is insufficient– the victim gets notified about this release. Victims as per § 65(1)(a) of the Code of Criminal Procedure and victims in need of special protection (§ 66a of the Code of Criminal Procedure) shall be officially notified according to § 172 (4) of the Code of Criminal Procedure. All other victims, however, have to file an application to be notified. The differentiation into different victim groups and thus the associated differentiated rights depending on the victim status make for extremely confusing provisions and incomprehensible inequal treatment.[67]

Waiting room for witnesses

Meeting the accused person before a court hearing can be a frightening and disturbing experience for victims that should at best be avoided. According to the EU Victim Protection Directive, Member States have to ensure that an encounter between victims and accused or charged people is avoided at court locations. For this reason, it must be ensured that separate waiting rooms for victims are available at court locations. Article 56 (1) (g) of the Istanbul Convention also provides that all signatory parties shall take all legislative or other measures that may be necessary to ensure that contact between victims and accused or defendants on the premises of the court is avoided as far as possible.[68]

Recommendations

- There is an urgent need for a unified way to notify all groups of victims of the release of an arrested perpetrator so that the handling of these provisions is facilitated.
- Court buildings should have at least one room as a separate waiting room for affected people, where they can wait to be called as witnesses. In that way direct contact between victims and perpetrators can be avoided and thus victims can be protected from intimidation, retaliation and revictimisation in the best possible way.
- Courtrooms should be technically equipped in such a way that adversarial hearings can also be implemented.

[67] https://www.gewaltschutzzentrum.at/ooe/cms/wp-content/uploads/2023/06/Reformvorschl%C3%A4ge_2023.pdf
[68] https://www.gewaltschutzzentrum.at/ooe/cms/wp-content/uploads/2023/06/Reformvorschl%C3%A4ge_2023.pdf

III. Developments in the field of violence against women and domestic violence

Trends and challenges

Safety and protection for children and young people

Background

Annually, thousands of children and adolescents are and become victims of violence, mostly violence coming from the partner and from domestic violence. They also repeatedly witness femicides and attempted murders of their mothers. Approximately 1,500 children have to flee to women's shelters with their mothers every year (in 2021, there were 1,498 women and 1,520 children).

The violence protection centres also count thousands of children as witnesses of family violence every year. According to the statistics of the Domestic Abuse Intervention Centre Vienna 2022**,** in Vienna alone, about 5,400 children and adolescents were witnesses to domestic violence. Children are far too often not adequately considered, included, cared for, and supported. There are far too few dedicated programs for children and young people who are witnesses and victims of domestic violence.

Children and adolescents are our future, they have fundamental rights, and they are unique individuals. Children's rights have been enshrined in the Austrian Constitution since 2011[69] and Austria ratified the UN Convention on the Rights of the Child in 1992. Children and adolescents require our full attention to grow up in safety and free from violence.

However, the reality often looks different: Child protection and children's rights are frequently ignored, and many children and young people are exposed to violence from adults and domestic violence - even more in times of crisis, as we have experienced in the last three years of the Covid-19 pandemic.

Challenges

To effectively protect children from violence, a child protection guideline is required, which identifies, analyses, and documents risks and dangers for children - according to predefined criteria, cases of violence have to be documented.

Within the framework of the EU project *SafeShelter,* the association AÖF in cooperation with other European NGOs has prepared recommendations for dealing with children exposed to violence. The guide "*SafeShelter* - Growing Up in Safety, Protection and Safety for Children in Women's Shelters", serves as a support for all those working with children affected by violence and as assistance in creating their child protection guidelines. The guideline is available for free download at http://safeshelter.aoef.at/images/Guide/SafeShelter_Guide_DE.pdf.

For all responsible institutions to effectively protect children from violence, they need quality

[69] Article 5 of the Federal Constitutional Law on the Rights of Children (1) Every child has the right to a violence-free upbringing. Corporal punishment, infliction of mental distress, sexual abuse, and other forms of maltreatment are prohibited. Every child has the right to protection from economic and sexual exploitation. (2) Every child, as a victim of violence or exploitation, has the right to appropriate compensation and rehabilitation. Further details shall be determined by law.

criteria for compliance with children's rights and child protection. These criteria are provided by the *SafeShelter* guideline. The guideline should serve as a quality standard not only for women's shelters but also for institutions such as schools, kindergartens, etc. when they follow and implement child protection guidelines. The staff members learn to recognise violence, engage with potential risks for children in their services, and define measures to combat and address them. Above all, children and young people must have a contact person with whom they can talk confidentially about (potential) violence and abuse.

BAKHTI - Girls' Centre based on the German Model

The association AÖF and the Domestic Abuse Intervention Centre Vienna have created a day centre for girls based on the German model, where the so-called girls' houses have existed since the mid-1980s. Houses where girls and young women are supported during the day but are also taken in and stay for a certain time if they are exposed to acute violence. This service was completely missing in Austria. BAKHTI is not a girls' house, but it is at least a girls' centre. At the same time as BAKHTI centre, the Viennese Women's Shelters also founded a girls' house. Thus, the synergies between BAKHTI girls' centre and the Girls' House can be used.

BAKHTI is a feminist project for young people between the ages of 14 and 25 who are currently indirectly affected by violence or were directly or indirectly affected by violence in the past. The project aims to enable youth to talk about the violence they have experienced. Extensive and, above all, easily accessible services and activities for girls and young women, as well as for boys and young men, are intended to contribute to the empowerment of youth in their self-esteem, promoting non-violent coexistence, and supporting them in their life journey.

The project consists of two independent pillars:

- BAKHTI - Centre for EmPOWERment for girls and women exposed to violence, which isopen to all girls and women (Flachgasse 30/3rd floor, 1150 Vienna)
- BAKHTI - EmPOWERment against violence - offers for boys and young men, which takes place in separate premises.

BAKHTI Empowerment Centre for girls and young women offers a wide range of services – ranging from free psychotherapy and individual counselling to violence prevention workshops, theatre workshops, yoga, creative and artistic design workshops, voice training, learning support, girls' cafés, and much more.
EmPOWERment against Violence - Offers for Boys and Young Men is a separate pillar of the project. Boys and young men are often themselves affected by patriarchal structures and exposed to violence. Expressing their own victimisation is often perceived as a sign of weakness. Therefore, many boys and young men tend to close themselves off. Frequently, those boys and young men who experienced various forms of violence during their childhood become violent in their later partner relationships. Hence, in the context of violence prevention, it is crucial to offer an easily accessible and early intervention approach. For this reason, "BAKHTI - EmPOWERment against Violence: Offers for Boys and Young Men" provides a free program for violence prevention with empowerment approaches for boys and young men. The goal of these offerings is to engage in preventative work, enhance social skills, boost self-esteem, and promote the concept of gender

equality.

BAKHTI also follows an intersectional approach, as children and adolescents with e.g. refugee experiences and/or a migration background are often subjected to multiple disadvantages and discriminations.

BAKHTI Empowerment Centre is funded by the Federal Ministry of Social Affairs, Health, Care, and Consumer Protection and started in February 2023.

For more information on BAKHTI, see also for girls and young women > www.bakhti.at and for boys and young men > www.burschen.bakhti.at

Recommendations

- Every 2nd child is at risk of violence[70] and every 5th child in Austria is at risk of poverty and social exclusion. The reasons why children are disadvantaged are manifold: because their families have low incomes, limited educational backgrounds, or their first language is not German. There is a need for more preventive measures, awareness-raising, and counselling services for children and adolescents. New forms of violence, such as cyberbullying, must be vigorously combated.

- Child protection and a safe upbringing for children are only possible when sufficient financial resources are provided by policymakers – there is an urgent need for additional funding to implement the necessary measures. Every kindergarten, every school, every sports club, every women's shelter: Everywhere adults work with children, there is a need for child protection guidelines and a child protection officer.

- Young girls who are confronted with violent behaviour in their early relationships may not recognize the warning signs of an abusive relationship and may not know where to turn or whom to confide in. To address this, as has been the case in Germany since the 1980s, there is a need for the establishment and funding of **girls' shelters** in all Austrian federal provinces. These shelters would provide protection, safety, and comprehensive support for girls and young women who have experienced violence and empower them against all forms of violence.

Digital violence as a challenge for support services

Cyber violence against women and girls is an increasingly prevalent form of violence in intimate partnerships. A recent study titled "(No)Space: Cyber Violence against Women in (former) Relationships" focuses on the topics of digitalisation and violence, as well as the manifestations and effects of cyber violence on those affected.[71]

[70] According to the WHO Global Status Report on Preventing Violence Against Children 2020: Every second child aged between 2 and 17 years worldwide experiences physical and/or sexual violence each year, typically accompanied by forms of psychological violence such as verbal abuse and humiliation.

[71] Habringer, Magdalena/ Hoyer-Neuhold, Andrea/ Messner, Sandra. 2023. "(No) Space. Cyber Violence Against Women in (Ex-)Relationships." Research Report. FH Campus Wien. Research Report__No_Space_final.pdf (fh-campuswien.ac.at).

Women´ and girls´ support centres, along with other supporters, and affected women face significant challenges in addressing this form of violence. In Austria, there is a particular need for safety training on cyber violence for counsellors, especially in the federal provinces. Additionally, there is a lack of up-to-date and multilingual materials on cyber safety for women with a migration background and/or refugee experience. The counselling in violence protection centres on this topic is very time-consuming. At present, only in Vienna can IT experts be readily engaged in counselling at women and girls' counselling centres. In the rest of Austria, victims typically have to finance such IT support themselves. Many women consequently withdraw from online spaces, or they remain in abusive relationships because they lack the financial resources for new devices or IT assistance.

Increasing demand and more complex issues

Counselling in cases of gender-based violence has become increasingly complex in recent years. Women and girls do not "only" come with one problem, such as violence in a relationship, but rather with a variety of different issues. Women in Austria still takes on a large part of the care work for children and other family members, manage family life, and are responsible for the countless mental tasks related to family life, often referred to as the "mental load". The exhaustion and compromised mental health are leading more women and girls to counselling centres. Inflation and rising prices have significant consequences, especially for women and girls living near the poverty line, resulting in financial worries and dependencies. Counselling numbers are constantly increasing nationwide. Many specialised support services have to keep waiting lists due to the increased demand, although they do not want to do so. The immediate as well as short- and long-term support for women and girls (see Article 22: Specialised Support Services) must not be endangered by the growing numbers of counselling inquiries.

Recommendations

- ➢ Nationwide training for counsellors in the field of violence prevention to enhance their competencies in cyber safety and digital violence.
- ➢ Funding for counselling centres to engage IT experts as support in counselling on cyber violence.
- ➢ Increase in funding to meet the growing demand for counselling.

Further trends

During the last 10 years, the number of **femicides** in Austria has increased. According to police crime statistics[72], there were 19 female murder victims in 2014, but in 2018 there was a peak of 41 murders of women. This means that during this period, the number of murdered women more than doubled. In the majority of murders of women, there was a (family) relationship (e.g. partner or ex-partner or family member) between the perpetrator and the victim. In 2023, according to media reports, 18 women have already been murdered, of which 16 were presumably femicides. There have also been 32 attempted murders or cases of severe violence against women (as August 8, 2023). Notably, there is a relatively high percentage of femicides among older women in 2023, with 37 % of the murdered

[72] see also https://www.aoef.at/index.php/zahlen-und-daten

women being over 60 years old (in 6 out of 16 cases).[73] Furthermore, during the Covid- 19 pandemic, psychological violence and **economic violence** against women in particular have increased significantly: The unemployment rate among women is alarmingly high, and many women can no longer afford rent and housing costs, lawyer fees, or expert assessments.

All these economic reasons increase the dependence of the woman affected by violence on the perpetrator and make it difficult for women or prevent them from breaking free from violent relationships and establishing a new independent life without the perpetrator. Women without income are particularly affected, but the situation has also become significantly more difficult for women who have an income, as the cost of living has increased significantly while wages have not risen accordingly.

Following an Austrian #MeToo movement in the film and theatre industry initiated by director Katharina Mückstein in June 2022[74], more and more women have recently shared their stories of sexual harassment and abuse of power/authority in the broader creative scene (the latest example being an Austrian woman who spoke out about allegations of abuse against Rammstein frontman Till Lindemann). In all these situations, victims are confronted with massive victim-blaming, as well as threats and actual lawsuits by alleged perpetrators. This confirms and exacerbates the already widespread fear of consequences when victims raise their voices. Victims rightly fear not only public attacks and potentially missed job opportunities but also direct financial losses due to lawsuits that threaten their livelihoods. Even the media is becoming increasingly hesitant to report on relevant cases for the same reasons. In essence, victims (and in some cases even media outlets) literally cannot afford to share their stories publicly without being legally informed about the risks of speaking out, which is an extremely concerning development. To support victims in such situations, the establishment of a fund for legal assistance is recommended to counter the silencing effect of looming lawsuits by alleged perpetrators.

Many cases of violence against women are **not adequately prosecuted** under criminal law. Victims often feel that they are not taken seriously by the police and the judiciary, the crime is downplayed, and they are accusedof "*not having defended themselves*". Known mechanisms of gender-based violence against women (such as possible shock or freezing reactions on the part of the victim during assaults) are ignored, and instead of being taken into pretrial detention, many perpetrators are reported at large and can thus commit further acts of violence. Many reports are quickly dismissed. Perpetrators are acquitted and if there is a conviction, the legally prescribed punishment is not fully enforced (for details see also Articles 49 and 50).

Furthermore, for women exposed to violence, the family law reform is noticeable regarding **custody** and **contact rights,** such as poorly prepared clinical-psychological assessments, which entail high costs for women affected by violence. Violent fathers are often not held accountable appropriately based on these assessments and are granted more rights than responsibilities. A significant problem here is also the lack of awareness within the judiciary and child and youth welfare services regarding

[73] see also https://www.aoef.at/index.php/zahlen-und-daten/femizide-in-oesterreich

[74] See for example, Der Standard, "Countless reports on sexism: #MeToo, the German-language sequel", 21 June 2022, https://www.derstandard.at/story/2000136756872/metoo-die-fortsetzung retrieved on 20August 2023; Anschlaege, "Are you actually aware that everyone knows?" https://anschlaege.at/ist-dir-actually-klar-dass-alle-bescheid-wissen/ retrieved on 20 August 2023

mechanisms of violence within the family or violence against women and children (see also Article 31 on custody, visitation rights, and safety.

In the jurisprudence of family law proceedings, a strong counter-movement seems to be emerging, where violence is routinely ignored in custody and visitation right proceedings. Not only is the prior violence not taken into account when deciding on custody and visitation rights, but women are even reprimanded for mentioning it at all. When children themselves express fear of the violent parent, this is often interpreted as 'mothers instrumentalizing the children,' and it is assumed that the children are simply adopting a rejecting attitude to 'fulfill the mother's expectations'. Mothers are regularly referred to as in German: 'bildungsintolerant,' a term coined by the men's rights movement without a scientific basis, similar to the already-debunked 'parental alienation syndrome [PAS]'. Since mothers are told by courts and other authorities involved in these proceedings that they are creating 'false memories' for the children, making the children sick and/or taking away the children's father, they (rightly) fear that courts might even remove their custody if they mention violence. Children are therefore left unprotected against the violent parent, who regularly retains custody and/or extensive visitation rights. For further details and recommendations regarding family law proceedings in cases involving violence, please refer to the Chapter on Article 31.

Recommendations

- Ongoing joint updates on the data and close collaboration in data gathering on femicides/women's murders with victim support organizations by the Federal Ministry of the Interior and the police.
- Expansion of affordable housing and after-care services for women after their stay in women's shelters in all federal provinces, enabling them to build an independent life without the perpetrator.
- Continuous awareness-raising through mandatory training for all professional groups confronted with domestic violence and partner violence (police, judiciary, etc.) to better understand the mechanisms of gender-based violence.
- Clear criminal prosecution of violent acts against women, including thorough investigations and evidence gathering, and, in the presence of grounds for detention, the application of pretrial detention.
- Increase in funding and long-term financing for violence prevention projects, widespread workshops (e.g., in schools and educational institutions), as well as nationwide public awareness campaigns on the topic of violence against women and children in Austria.