



## Umsögn um stjórnarfrumvarp um nálgunarbann

Frá Stígamótum fræðslu- og ráðgjafarmiðstöð um kynferðisofbeldi

Frumvarp dómsmálaráðherra um nálgunarbann er mikilvæg réttarbót sem stuðlar að því að konum og börnum þeirra sé gert kleift að búa á eigin heimili og njóta þar friðhelgi. Stígamótakonur fagna því heilshugar.

Flest erum við sammála um mikilvægi friðhelgi á heimilum landsmanna. Í raun hefur slík friðhelgi ekki gilt fyrir konur og börn sem búið hafa með ofbeldismönnum. Þess vegna tóku íslenskar konur sig til í byrjun níunda áratugarins og opnuðu Kvennaathvarfið til þess að tryggja öryggi þessa þjóðfélagshóps.

Í Noregi þar sem lagaákvæði um nálgunarbann hefur verið í gildi frá 1. janúar 1995, hefur farið fram rannsókn á gildi þess ( Anne Kari Braathen og Stine Mollstad Novsjø). Í ljós kom að notkun þess var mjög mismikil eftir lögregluumdæmum, mest á þéttbýlustu svæðunum og nær engin í öðrum. Því miður finnast þar í landi of mörg dæmi um alvarlegt ofbeldi og morð sem hefði mögulega verið hægt að fyrirbyggja með notkun lagaákvæðisins um nálgunarbann. Notagildi ákvæðisins ræðst því fyrst og fremst af því að lögreglumenn og dómara séu vel upplýstir um hvernig það megi og eigi að nota. Við mælum því eindregið með því að lagasetningu þessari verði fylgt eftir með öflugri fræðslu til lögreglumanna og dómara um allt land.

Nálgunarbann veitir þeim konum og börnum ákveðna vernd sem ekki búa með ógnvaldinum. Í mörgum tilfellum er það hins vegar þannig að það er heimilisfaðirinn sem veldur því að kona og börn þurfa að flýja af heimilinu. Í þeim tilfellum verndar friðhelgi heimilisins ofbeldismanninn, en er gagnslaus fyrir aðra fjölskyldumeðlimi. Til þess að auka réttaröryggi kvenna og barna sem við slíkar aðstæður búa, má benda á lög frá árinu 1997 í Austurríki. Þar í landi er heimild fyrir því að fjarlægja ofbeldismenn af heimilum sínum ógni þeir öryggi sambýlisfólks síns. Þeim útburði er fylgt eftir með ströngu nálgunarbanni og fá ofbeldismenn upplýsingar um mögulega gististaði utan heimilisins. Lögin hafa virkað það vel að í nágrennaríkjunum Frakklandi og Þýskalandi er rætt um að fara að dæmi Austurríkismanna.

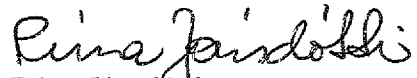
Á síðustu norrænu ráðstefnu kvennaathvarfa og incestsentra í Noregi í sept. sl. “Nordiske kvinner mot vold”, var samþykkt áskorun til þjóðþinga Norðurlandanna um að taka Austurríkismenn til fyrirmyndar og tryggja raunverulega friðhelgi saklausra borgara. Sú áskorun var kynnt fulltrúum allra þingflokka í október sl.

Meðfylgjandi er úttekt á þessum nýju lögum ásamt öðrum aðgerðum til að fyrirbyggja ofbeldi gegn konum í Austurríki. Greinin er skrifuð af Rosu Logar og hvetjum við nefndarmenn til þess að kynna sér efni hennar.

Við mælum eindregið með samþykkt frumvarpsins um nálgunarbann og mælumst jafnframt til frekari metnaðarfullra aðgerða til þess að tryggja réttaröryggi þeirra sem búa við ofbeldi.

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Með vinsemd og virðingu



Rína Jónsdóttir

fræðslu- og kynningarfulltrúi

*Domestic Violence Measures in Austria*  
*The new Domestic Violence Bill*  
*and the*  
*Work of the new Domestic Abuse Intervention Centers in Austria*  
*by Rosa Logar*

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This article deals primarily with the issue of violence against women and their children in the family and in intimate relationships<sup>1</sup>. I use the term “violence” as it has been defined by the United Nations, which classifies violence against women in private or public life as a human rights violation and which places responsibility for ending such violence on the states concerned. The Platform for Action, the final document of the Fourth United Nations World Conference on Women, states:

“The term ‘violence against women’ means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life” (pp. 73f.)

“Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women’s full advancement.” (p. 75) (United Nations 1996)

### **Facts and Figures about Austria**

I should like to sketch in the social context of the measures against violence detailed below by providing a few facts and figures about Austria. The Austrian population totals 7,991,000 (Austrian Central Statistical Office, 1993). Women and girls account for 51.6% of the population. In 1991 the female employment rate came to 62.7%. The average income of dependently employed women is 30% lower than that of dependently employed men. For more than a decade now Austria has been government by a coalition of the two largest political parties: the Social Democrats, and the People’s Party (conservatives with a broad allegiance to Christian Social principles). Of the 183 deputies to the Austrian Parliament, 43 are women (cf. Federal Minister for Women’s Affairs 1995).

### **Violence against women in Austria**

Few scientific studies on the issue of violence against women have been carried out in Austria, and no empirical studies have been made of the incidence of violence. Here are a few facts:

- A study carried out on behalf of the Federal Ministry for Family Affairs showed that between one fifth and one tenth of women living in a relationship suffer physical violence (cf. Federal Ministry of the Environment, Youth and Family Affairs 1991)
- 91% of doctors surveyed stated that in 1994 they had treated at least one woman who had suffered physical violence (cf. Federal Ministry of the Environment, Youth and Family Affairs, 1996)
- In 1997 1,030 women and 1,065 children were admitted to 16 women’s shelters; the number of nights spent in shelters by women and children totalled 96,535 (cf. Action Committee of Autonomous Austrian Women’s Shelters 1998)

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<sup>1</sup> To elucidate some of the terms used: I refer to violence committed by men against women and children. Wherever possible I have tried to avoid using the terms “abused women” and “victims”. The former term tends to restrict women’s identity to the fact of their having been abused; I prefer the term “women who have suffered violence”. In the same way, the word “victim” is a misrepresentation in that it takes no account of the many ways in which women put up resistance against abuse. The word “survivors” appears more apt. Nevertheless, I find it important – especially in the context of judicial measures – that women against whom acts of violence have been committed be identified as the victims in that they have suffered injustice and have a right to protection from violence and to assistance and support in securing their rights. In some contexts, then, I have advisedly used the term “victim”.

## **Women's Shelters**

Austria's first women's shelter was opened in Vienna in 1978. Two decades years on there are now twenty shelters and four non-resident women's counselling centres providing protection and assistance for women and children who have suffered violence. In 1997 237 women and children threatened by violence were unable to be admitted to shelters on the grounds of insufficient space. In 1987 the European Parliament's Commission on Women's Rights recommended that one shelter place be available per 10,000 residents. In Austria, this would mean 700 shelter places. At present, there is room for only about 350 women and children in shelters. A Council of Europe Group of Specialists drew up an extensive report and action plan for combating violence against women in 1997. In it they proposed making one shelter place available per 7,500 residents (cf. Council of Europe/Group of Specialists for Combating Violence against Women 1997).

Women's shelters in Austria are financed primarily by the public sector, and their funding falls within the responsibility of the federal province concerned. In the last few years new shelters have been established (after a period of stagnation), but the financial situation of Austria's women's shelters remains precarious. The funding they receive is insufficient to cover their actual costs. Moreover, no legislative provisions exist to guarantee this funding, so that the shelters have to fight for their money year in, year in.

## **The Women's Shelter Network**

The Austrian Women's Shelter Network is an affiliation of all women working in the autonomous women's shelters and their counselling centres. The network is a non-profit organisation and is funded by subsidies, research contracts and donations. In 1990 the network was awarded the Dr.-Karl-Renner-Preis, a prestigious prize for outstanding services to the Republic of Austria. The money that went with the prize enabled the network to establish the Information Centre Against Violence in Vienna, which works in the field of violence prevention (violence against women, domestic violence, and sexual abuse of children). The emergency service provides information for different target groups (victims, neighbours, journalists, pupils, students, teachers, institutions, politicians etc.). Further functions are: public relations, networking, training and further education, research and the development of new strategies, and international co-operation. The Austrian Women's Shelter Network is a founding member of the European network WAVE – Women Against Violence Europe. WAVE is a network of European non-governmental organisations working in the field of violence against women and children. The network was founded during the Fourth UN World Conference on Women in Beijing in 1995.

## **Measures to Combat Violence against Women in Austria over the Last Twenty Years**

In Austria – as in many other countries – the issue of violence against women has been kept in the forefront of public debate, although interest in it has tended to ebb and flow. The principal factor here was and still is the unflagging public relations work and lobbying carried out by the feminist movement. The first major upsurge of interest came in the late seventies with the founding of the first women's shelters in Austria. For most of the eighties their staff were largely occupied with establishing the facilities and developing practical approaches to the tasks at hand. Towards the end of the eighties another process of questioning set in (cf. Brückner 1996). In the seventies the feminist movement considered it an achievement in itself to have created shelters as refuges for women and children – as safe havens within the patriarchal ocean, as it were. Over the years, however, it became increasingly apparent that these safe havens more closely resembled prisons. Important though it was for the mental

fortification and empowerment of the women concerned that they could find refuge in shelters, it proved to have a large number of drawbacks. They forfeited their social environment, their child care facilities, in many cases even their jobs. As soon as the pioneers of the women's shelters in Austria got through the trials and tribulations of the initial phase and had time to sit down and think, they realised that they were no longer happy with what they had achieved to date. They recalled that their original objective had been to eliminate violence and in the long term to make women's shelters redundant. How was this goal to be reached? The numbers of women and children taking refuge in more and more shelters gradually came to epitomise injustice and the state's failure to redress it. The international feminist movement for women's human rights served in Austria as an important trigger for thinking ahead and evolving new strategies. The definition of violence in both public and private life as a violation of women's human rights was a landmark achievement in this respect (cf. Bunch/Reilly 1994).

Women began to voice their dissatisfaction with the prevailing situation. This process came to a head in the early nineties with the launching of a number of initiatives aimed primarily at amending the existing legislation. The feminist movement now directed the thrust of its activities at the law as the key regulative in the running of the state. It was a fact that perpetrators of violence against women were seldom prosecuted or punished and that the law afforded the victims little or no protection (cf. Egger et al. 1995). The feminist movement issued a challenge to the constitutional state's rule of law. Women were no longer content to take refuge in safe havens: they demanded safety for themselves and their children everywhere in society, also in their own homes. The social and legal consequences should be born by the perpetrators, not by the victims. This process of rethinking may be seen as a shift in the objectives of the women's shelter movement, away from the periphery towards the centre – the mainstreaming of feminist goals.

In the last decade several important measures to combat violence against women have been implemented in Austria. These include the introduction of mandatory training programmes for the police, the emergence of a platform against domestic violence, and the compilation of information resources and training strategies (cf. Action Committee of Autonomous Austrian Women's Shelters 1998). Among the most significant achievements of recent years have been the Protection from Violence Act, which came into force in 1997, and the creation of Intervention Centres.

### **The Protection from Violence Act**

"Women wrote the law," said Judge Robert Campbell in his lecture delivered to the international special conference "Test the West" held in Vienna in November 1992. He was reporting on the comprehensive and effective laws on protection from violence in families in Duluth, Minnesota (see Federal Ministry for Family Affairs 1993). In Austria we might say: "Women helped write the law". At the instigation of the former Federal Minister for Women's Affairs and the Federal Minister of Justice, a work group for the improvement of protection against violence was set up in 1993. Feminist lawyers and representatives of the autonomous Austrian women's shelters belonged to this work group from the outset. In June 1994 the Federal Government officially entrusted the work group with formulating a new law on protection from violence, the unanimous opinion being that the old law failed to afford victims sufficient protection. Not only the contents of the new law were new, but also the approach to drafting it. Work on the bill took place in work groups consisting of four enforcement agencies (the police, the civil and criminal judiciary, and the Intervention Centres). The autonomous Austrian women's shelters were represented on all the work groups to ensure that the plight and needs of afflicted women remained the focus of discussion.

It soon became clear that criminal law was not going to be an apt instrument for achieving the declared goals. There were various reasons for this, one decisive factor being that

criminal law was too cumbersome and did not therefore lend itself to affording protection in a crisis. Moreover, it soon became apparent to the work group on criminal law that the will to implement change and reform in this area was lacking. “Justice is an elephant, and you can’t teach an elephant to ride a bicycle,” was the reaction of a leading district attorney and senior official to the women’s demands. The feminist endeavours to teach the judicial “elephant” to ride a bicycle were of no avail. Work in the groups on civil law, the police and the Intervention Centres was, however, very successful.

### **Resistance**

The introduction of the new law in Austria hit a sensitive patriarchal “nerve”. It prompted foreseeable opposition. Above all, the expulsion of a perpetrator of violence from his home was consistently depicted as an infringement of his constitutional rights. Interestingly enough, the same people who set themselves up as the upholders of constitutional rights (for men) have for years kept silent while thousands of women and children have had to flee from violence. The usual argument was that they didn’t have to go but did so voluntarily. They could always opt to stay ... and get beaten.

Time and again the upholders of constitutional rights referred to Article 8 of the European Human Rights Convention, although they shrewdly cited only the first paragraph: “Everyone has a right to respect of his/her private and family life, his home and correspondence” (EHRC article 8, paragraph 1). Dogged women’s rights activists also consulted the laws, however, and concluded that one section of the population could not be permitted exercise its constitutional rights at the expense of others. Those who sought to implement effective measures against domestic violence cited the second paragraph of article 8: “The engagement of a public agency in the execution of this right is permissible only if it is legitimate and represents measures necessary to the maintenance of national security, public order, the economic well-being of the country, the safeguarding of order and the prevention of criminal acts, or the protection of the rights and freedom of others” (EHRC article 8, paragraph 2).

The objections lodged by the guardians of male constitutional rights in Austria failed to obstruct the passage of the new laws on protection from violence, which must rank as a significant step towards the achievement of gender democracy in Austria. Even the Federal Constitutional Agency (Verfassungsdienst) ruled that the expulsion of perpetrators of violence from their homes was fully reconcilable with constitutional rights.

### **Key Aspects of the New Law**

The most important provision of the new legislation is that which empowers the police to expel perpetrators from the dwelling. This right is enshrined in the Police Security Law (SPG), which relates to police jurisdiction in Austria. Paragraph 38a states:

“If a serious assault on a person’s life, health or freedom appears likely to occur, notably in the light of a preceding assault, the authorities are empowered to expel an individual posing such a threat from the dwelling in which an endangered person lives and from its immediate vicinity. They must make it abundantly clear to which domestic area this applies, the designated area depending on the requirements of effective preventive protection.” (Paragraph 38a, section 1)

This law protects all the individuals living in a home, regardless of whether they are related to one another. A landlord, for instance, who commits acts of violence against his subtenant can be expelled from his home. Ownership is not relevant. The expulsion and the

ensuing ban against returning are effective for a term of seven days. After two days the local authorities must examine the expediency of the measures taken. It has the option to withdraw them if the requirements are not met. The ban on returning cannot be withdrawn at the victim's request unless it has been established that the conditions leading to the imposition of the ban – the imminent danger of an assault on a person's life, health or freedom – no longer apply.

The police expulsion or the ban on returning are effective for a maximum of seven days. If a woman under threat of violence wishes this protection to be extended, she must apply for a temporary injunction through the district court within these seven days. The injunction can cover different areas.

The most important passages in the new law state:

“A person who threatens a close relative with bodily harm or behaves in a manner that considerably jeopardises mental health must, subsequent upon the relative's petition, be made to

1. leave the home and its immediate vicinity, and
  2. be barred from returning to the home and its immediate vicinity
- if the home has priority in satisfying the residential requirements of the person petitioning.”  
(paragraph 382b, section 1 EO)

“Furthermore, the court has the option to bar a violent person from

1. residing in significant areas and
  2. meeting or contacting the petitioner
- unless this substantially jeopardises the interests of the aforementioned perpetrator”  
(paragraph 382b, section 2 EO).

This temporary injunction lasts for 3 months. The term of the temporary injunction may be extended if by the end of 3 months a divorce petition or, in the case of common-law partners, a petition for eviction or sole usage has been lodged. In this case the temporary injunction remains in force until the suit is closed.

These temporary injunctions can be enforced immediately. Before the new legislation was enacted, women exposed to violence often had to wait many months before the perpetrator was expelled from the home. Now the expulsion can be ordered by the court immediately – and if necessary by the police. The important thing is that protection from violence is not restricted to the home but also enforced in other specific areas.

### **Shortfalls in the New Legislation**

Even active lobbying failed to secure enactment of certain important legal provisions. The initial draft envisaged imposing a seven-day deadline for the court to decide on a temporary injunction. This time limit was deleted in deference to massive opposition from the Austrian Judges' Association. The term of validity for the temporary injunction was slashed from 6 months in the initial draft to 3 months. This entails drawbacks for certain groups of women: for example older women for whom a divorce would involve disadvantages, and especially for women migrants entitled to residence in Austria on the strength of their family visas who would forfeit this entitlement through a divorce.

Of course the protection afforded by the new law also extends to migrants too, although the tightening of migration regulations in Austria over the past few years means that it is often not possible for them to leave a man who commits acts of violence against them. Especially for migrants, it is necessary to take measures to safeguard an independent livelihood – for instance, the right to work. In 1997 an initiative launched by the Action Committee of Autonomous Austrian Women's Shelters succeeded in securing exceptions for migrants suffering violence to the regulations banning family members with family visas from working. On January 1, 1998



the Federal Ministry for Labour, Health and Social Affairs issued a decree which enables abused women to be granted a work permit.

### **Initial Observations**

**In the first year after the Protection from Violence Act came into force, from May 1997 to April 1998, the police expelled perpetrators of violence from their dwellings and/or barred them from returning in 1,993 cases. In the second half of 1998 the figures increased and in the whole year 2673 expulsions were ordered by the police.**

Considerable opposition had been expected in the implementation of the new law, and the above numbers are higher than projected. The new legislation is thus being applied, although it could probably be applied far more frequently than has been the case to date. Practical experience has shown that the substantial amount of paperwork involved – an expulsion has to be meticulously documented – is proving an obstacle to the law's implementation. The police tend to prefer less time-consuming approaches, first and foremost the procedure referred to as "conflict resolution" in which the police officers seek to pacify the parties involved. Another widely used approach involves the perpetrator "voluntarily" leaving the dwelling – although in this case he can return at will. The women's shelters are seeking to remedy the problem by ensuring that the police are required to document every case of domestic violence in detail.

The number of infringements of expulsion orders is surprisingly small. It would appear that perpetrators take this measure seriously, not least because an infringement entails further punitive sanctions – even police detention. Thus, experience to date shows expulsion orders to be an effective measure. Moreover, they also involve palpable social consequences: an act of violence incurs a kind of "disqualification", like the soccer referee's Red Card that signifies being sent off the field. In both cases, unacceptable behaviour leads to the culprit being barred. The public relations work that accompanied the introduction of the new legislation used the slogan "Red Card for Violence".

In Austria there was never really any question of pursuing a pro-arrest policy of the kind practised in every state in the USA. The main reason is that there would be substantial social opposition to such a policy: the trend is to reduce the number of detentions, not to increase them. Furthermore, the use of arrest as a sanction would have entailed an amendment to criminal law which would not have passed Parliament.

Experience to date suggests that expulsion from the dwelling is a good solution; possibly better than police detention, since it has palpable social consequences but avoids the stigma of arrest. In their first study, Shermann & Berk showed that arrest has a deterrent effect on perpetrators of violence (cf. Shermann/Berk, cited in Barnett/Miller-Perrin/Perrin 1997). Subsequent studies have not always corroborated this view: the deterrent effect of arrest tended to be confined to perpetrators who had a job (cf. Jasinski/Williams 1998).

**In the first year 577 applications for injunctions were lodged. Of these, 462 were granted and 52 turned down, while 63 were still pending on the sample date.**

The new legislation is inadequate to deal with cases of extreme violence, as was illustrated by the tragic murder of a woman shortly after the new laws came into force. The husband had severely battered his wife and threatened her several times. He possessed a number of weapons. The police and the court were informed of the situation, but the man was nevertheless not taken into custody. In the case of highly dangerous perpetrators of violence, only detention combined with comprehensive security precautions on behalf of the victim can ensure that the conflict does not end lethally. In the prevention of violence, criteria for risk assessment and their consistent application are a key factor (cf. Campbell 1995). An estimation of the dangers involved will also be of great importance for the agencies involved, since they too are at risk. It happens again and again that police officers and shelter staff are injured or

killed in the course of their duties. Domestic violence is frequently underestimated, and those in danger are seldom warned. What is more, the advice the victims receive, far from promoting their safety, may well put them at greater risk – for instance, the advice to leave the perpetrator. This actually increases the danger, because the most severe acts of violence tend to be prompted by divorce or separation.

If violence prevention measures are to be effective, further research on the criteria for risk assessment and their application will be indispensable. The more accurately prevention measures are targeted – that is, the more precisely they are gauged to the specifics of a given situation – the better they work. While it would be absolutely wrong to detain every perpetrator on the spot, it is vital to resort immediately to detention in the case of dangerous perpetrators.

It is still too early to make any reliable assessment of the new violence prevention legislation in Austria, not least because no systematic evaluation has yet been made. However, there are reasonable grounds to hope that it could emerge as an effective approach to preventing violence. It could also have a general preventive effect if it is backed up by comprehensive and continuous public relations work.

### **Domestic Abuse Intervention Projects in Austria**

In Austria the initiative for establishing Intervention Centres came from feminists, developed out of work done in women's shelters. The original concept for Intervention Centres was put forward by representatives of the Autonomous Austrian Women's Shelters and was modelled on the North American Domestic Abuse Intervention Projects (DAIP) in Duluth, Minnesota. It was presented in March 1994 in the ministerial work groups.

Regrettably, after the assessment of the first draft, the bill on the creation of Intervention Centres was dismissed. This would have been an important and necessary step, since the status and the rights of victims of violence in the Austrian legal system are distinctly weak. These measures fell prey to economic cutbacks and to the fact that the country's judicial system does not (yet) feel responsible for supporting women and children exposed to violence. But the Federal Minister for Internal Affairs and the Federal Minister for Women's Affairs did feel responsible. The Federal Minister for Internal Affairs stated that, according to police regulations, the police also have the task of preventing domestic violence and assisting the victims. On the basis of these regulations, a budget was established jointly with the Federal Ministry of Women's Affairs for the creation of Intervention Centres.

Five intervention projects have been established to date (in Vienna, Graz, Salzburg, Innsbruck and Linz). As stated above, these facilities were initiated by staff members at women's shelters and counselling centres. Their goal is on the one hand to assist victims in enforcing their rights (individual advocacy) and on the other hand to improve methods of intervention and inter-agency co-operation (institutional advocacy).

### **The Innovative Features of the Intervention Centres**

Women's shelters were among the first facilities for abused women and children. As resident facilities, they primarily serve the needs of women who want a separation – on a temporary basis, at least – from the perpetrator. Seeking refuge in a women's shelter is often not a carefully considered step but a necessary escape from a dire emergency. The women's shelters set out to offer the victims an alternative to the violence that threatens them at home. The goal is to empower women and children and to enable them to lead a life free of violence. Between a third and half of the women return home (cf. Egger/Fröschl/Lercher/Logar/Sieder 1995, Hamby 1998). It soon became evident, however, that the women's shelters do not address the needs of all the women concerned. This perception led to the creation of non-resident counselling centres for women. They cater to a different target group: women who either do not yet wish to

separate from their partners or have alternative accommodation and need counselling and assistance. Broadly speaking, it is middle-class women who avail themselves of the non-resident counselling centres.

The intervention centres are designed to address the needs of another group of abused women: those who do not turn to a counselling centre or other women's aid facility of their own accord. The question was how to reach at least some of these women. We decided to take police intervention as our starting-point. When the police are called in to deal with cases of domestic violence, then the violence has generally taken on threatening dimensions. It has come to the public attention. It will entail various – usually legal – consequences, depending on the specifics of the situation. Social intervention measures are seldom implemented and are often confined to providing information on aid facilities or, if children are involved, notifying the child welfare authorities. If the victim does not contact an aid facility of her own accord, there is the danger that no further intervention will occur until the next outbreak of violence. The police are called in each time, but society fails to respond. If this cycle of violence is to be interrupted, we need a new intervention strategy, the so-called pro-active approach. This approach to combating violence against women has also been adopted in a few other countries (cf. Pence/Paymar 1993, Burton/Regan/Kelly 1998).

The pro-active approach necessitated the amendment of Austrian legislation. Hitherto data protection regulations had prevented the police from passing information to private victim welfare bodies. The new law made this possible. In cases of domestic violence the police notify the intervention centres about expulsion orders, and the intervention centres get in touch with the victims.

**Between mid-February and the end of December 1998 the Vienna intervention centre received 188 notifications from the police of expulsion orders in connection with domestic violence. Over the same period the actual number of police expulsions came to about 270 so that the intervention centre was not informed of 90 such cases. The system of notification did not work well in every administrative district in the first half of the year but improved significantly in the second.**

**In all sixty cases, the victims of violence were women and children, the perpetrators male family members. The intervention centre first tries to contact the victim by telephone and then, if this does not work, by mail. By June 30, 1998 forty-nine of the sixty women had been reached and had received counselling at least over the telephone (cf. Vienna Intervention Centre Against Domestic Violence 1998). No contact had yet been made with eleven of the women. After the police have expelled the perpetrator from the dwelling, the intervention centre spends about a month actively seeking to establish contact with the victim. Priority is accorded to cases in which a perpetrator has already been expelled on previous occasions.**

Experience to date has shown that it is often necessary to adopt various approaches in enlisting the victims' co-operation and establishing contact with them. It is simply not expedient to wait until someone who has been exposed to violence takes the initiative and gets in touch with aid facilities. Violence can paralyse its victims, leaving them lacking the energy needed or too afraid to take steps on their own.

The pro-active approach also requires follow-up contacts at regular intervals. The target group here consists of women who are in the process of separating from their partners or who have decided to remain with them. It is important to continue providing these women with assistance and to stay in touch with them as a means of preventing violence from becoming a "private matter" again. In the initial stages the intervention centre staff, unused to handling such situations, were somewhat apprehensive about getting in touch with victims. One of the questions we had to resolve was: What would we do if the perpetrator picked up the phone? In time, though, as we gained a measure of self-confidence, we came to realise that it is important

the perpetrator is aware somebody is intervening. This undermines a strategy many perpetrators use of preventing their victims from seeking help.

The evaluation of an intervention project in London (cf. Burton/Regan/Kelly 1998) prompted us to extend this pro-active approach. The evaluation showed that the women welcomed being contacted repeatedly. The researchers comment:

“WSS (Women’s Support Service, part of the Domestic Violence Intervention Project in London) represents one of a small number of projects in Britain (Domestic Violence Matters is another example) that take a pro-active, interventionist approach to domestic violence, which in this project encompassed initiating and maintaining contact, and taking a more directive approach. There are important messages here which have implications for the provision of support services for women suffering domestic violence. The view of many organisations is that services should be provided at the point where they are requested. But what we know about domestic violence is that it saps women’s energy, isolates them, and frequently distorts their sense of reality. Pro-active responses have many advantages:

- someone other than the woman takes responsibility for naming the violence;
- the first contact can be one in which belief is established very quickly;
- women can be invited into a support network at a much earlier point than they might otherwise choose;
- even when support is not taken up, the possibility of it has been registered, and future access might be made easier as a result” (Burton/Regan/Kelly 1998).

The Vienna intervention centre plans to extend this pro-active approach, taking care to avoid infringing the feminist principle of women’s self-determination or putting pressure on the women concerned. In addition the intervention centre provides the following services: counselling, risk assessment, safety planning, support in securing individual rights, support in court, and perpetrator-related interventions. **In the first year the assistance provided to women principally took the form of counselling on a one-to-one basis. As of the beginning of 1999 the centre will also run support groups.**

### **Perpetrator-Related Intervention**

If the victim’s safety and protection are to be safeguarded, it is not enough just to work with the victim. Intervention is necessary to put an effective and immediate stop to further abuse. Such measures are referred to as “perpetrator-related intervention”. One of the intervention centre’s functions is to initiate or carry out perpetrator-related interventions with the victim’s assent. These measures include:

- Requesting the police to issue expulsion orders in cases of imminent violence
- Applying for an injunction
- Co-operating with the State Prosecutor’s Office and the courts to implement measures to prevent violence
- Consulting the child welfare authorities on ways to protect the children
- Confronting the abuser
- Establishing contact and co-operation with all the agencies involved
- Putting the perpetrator in touch with counselling facilities.

While the process of working with perpetrators generally does not start until a later stage, perpetrator-related intervention seeks to confront the abuser with his actions at the earliest possible juncture after violence has been committed and to terminate the violence immediately. The latter goal can be achieved only if various agencies initiate wide-ranging but co-ordinated interventions to make the abuser realise his behaviour is not tolerated and will

entail consequences. Perpetrator-related intervention is also important as a means of assessing the danger and the perpetrator's willingness to co-operate.

The Vienna intervention centre seeks to apply intervention methods gauged to the individual case. Experience hitherto suggests that interventions from various quarters tend to reinforce each other, producing a cumulative effect:

"More recently, Murphy, Musser, and Maton (1996) showed cumulative effects for each intervention that perpetrators received. These included successful prosecution, probation and court-ordered counselling, and completion of treatment. Although each individual intervention produced only a modest effect, together they led to as much as 25% lower recidivism. Unfortunately, however, only a small percentage of the sample (4%) actually received all the interventions available in the community. The modest effect for any single intervention is consistent with the result reported for studies that examined only one treatment component and suggests that making a larger impact on domestic violence will require multiple services. I am not aware of any studies that also incorporate an investigation of the effects of services to victims, but it is possible that these may also have a cumulative effect on the reduction of violence." (Hamby 1998, pp. 242f.)

The Vienna intervention centre's planned strategy also includes running social training programmes for perpetrators. This aspect of the project has not yet been implemented, because the resources are lacking and the requisite background conditions have yet to be created (co-operation with the penal courts). Moreover, support for the victims and perpetrator-related intervention come higher up in the priorities of violence prevention measures. In Austria there are virtually no programmes for violent men, although there is a lively debate over the questions who should work with violent men and, above all, what approaches should be adopted. The few men's counselling centres, which tend to be therapy-oriented, advocate a therapeutic approach based on voluntary participation. The feminist intervention centres argue in favour of training programmes on the lines of the Duluth model. The sheer scale of public debate on the issue is surprising when one considers that the evaluations of perpetrator programmes to date point to a relatively modest success rate. Only very few perpetrators are willing to undergo treatment, the drop-out rate is high, and the effectiveness of the treatment is dubious. Recent studies have failed to detect a difference in the incidence of recurrent violent behaviour between men who had received treatment and those who had not (cf. Gondolf 1997, Rosenfeld 1992, Tolman & Bennet 1990, cited in: Jasinski/Williams 1998). The results of such studies indicate that the factors contributing to the termination of violent behaviour are primarily social regulatives and co-ordinated interventions, but not perpetrator programmes.

### **Implementation and Monitoring of the Laws**

New laws are only as good as their enforcement. It is thus one of the top priorities of the Vienna intervention centre to oversee the implementation of the new Protection from Violence Act. The methods adopted here include: training programmes, guidelines and instructions, individual interventions, and inter-agency co-operation to monitor and improve the practical application of the law. Members of women's shelter staff have been holding police training courses since 1989. These courses are an integral part of the training and further training programmes for the law enforcement authorities (cf. Egger et al. 1995). The situation is more difficult with judges in Austria, because they are not required to attend further training courses. Further training seminars in this field were launched in 1996, albeit on a voluntary basis. Training for all vocational groups is an important aspect of violence prevention. Vocation-related training programmes have been drawn up in Austria, and efforts have been made to incorporate these in the vocational groups' training and further training syllabi (cf. Action Committee of Autonomous Austrian Women's Shelters).

The Federal Ministry of Justice and the Federal Ministry for Internal Affairs have both published detailed commentaries and directives on the implementation of the Protection from Violence Act.

### **Multi-Agency Work**

Recent developments in violence prevention include multi-agency work. This approach has its origins in the perception that violence against women can be effectively combated only through concerted and co-ordinated action on the part of all the social agencies concerned. There are various approaches to the structural organisation of multi-agency work. They range from institution-based projects like the Domestic Abuse Intervention Project in Duluth, Minnesota, one of the first of its kind, to the more or less formal network structures such as the Domestic Violence Fora in Britain and integrated intervention projects working with victims and perpetrators on violence prevention (cf. Pence/Paymar 1993, Hague/Malos/Dear 1996, Burton/Regan/Kelly 1998). In recent years similar intervention projects have been established in the German-speaking countries – in Germany, Austria and Switzerland.

Multi-agency co-operation is part of the intervention projects in Austria. Its objective is to enhance the effectiveness of violence prevention measures and to gauge them more accurately to the victims' needs. Far from being a simple strategy, it is extremely complex and sets its sights very high. It involves a range of widely differing agencies, attitudes and standpoints. For instance, women's organisations come face to face with the (still very much male-dominated) police force, sexist and racist attitudes with feminist and human rights-oriented approaches. The process of networking keeps running up against the obstacles posed by social power structures – as exemplified by the judicial system, which often appears reluctant to co-operate. The most urgent questions here are: who benefits from networking, and who wants it for what reasons? Multi-agency work to combat violence against women is certainly an apt strategy for the future. But certain conditions need to be fulfilled if it is to succeed (cf. Hague/Malos/Dear 1996, Action Committee of Autonomous Austrian Women's Shelters 1998).

The necessary foundation upon which all the agencies involved can co-operate effectively to combat violence against women is a consensus that acts of violence do not lie within the norms of social behaviour but are an "infringement of the norm" (cf. Hagemann-White 1992, cited in: Hagemann/White/Kavemann/Ohl 1997). This consensus is, however, not in itself sufficient. We also need a vision of a society free of violence (cf. Hagemann-White 1998). At present the social consensus is not yet established, and the vision of a non-violent society remains a Utopia. However, the intervention projects upon which feminists have embarked testify to the courage with which the feminist movement is developing, venturing out of the specialised niches which it has created for itself and progressing along the path of mainstreaming. Where this path will lead remains to be seen. The new initiatives are running into the obstacles of backlash, the new conservatism and a growing atmosphere of racism.

To believe in the "Golden Age of Equality" may smack of visionary naïveté (cf. McCorduck/Ramsey 1998). Yet I am convinced that Utopias and visions can engender realities. Certainly, putting your faith in positive visions and scenarios and working towards these goals is, it seems to me, a more promising approach than resigning yourself to an immutable patriarchy. At the same time it is important to recognise negative tendencies for what they are in order to be able to combat them. I would identify three points as being of significance for the future development of women's rights and the quest to combat violence against women in Europe:

- To evolve strategies against women's unemployment and against the growing conservatism which are seeking to send women "back to hearth and home"

- To evolve strategies against growing racism and new forms of violence against women migrants, and to enforce women migrants' rights to independent residence and to work
- To establish a social consensus against violence against women, and to mobilise society and above all men in endeavours to combat violence against women.

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