

COUNTRY PROFILE



MARVOW

Multi-Agency Responses to
Violence against Older Women

Multi-Agency Responses to Violence against Older Women

AUSTRIA

Co-funded by the Rights,
Equality and Citizenship (REC)
Programme of the European Union



This report is developed by the Association of Autonomous Austrian Women's Shelters – AÖF

January 2020

This report has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of MARVOW consortium and can in no way be taken to reflect the views of the European Commission

MARVOW - Multi-Agency Responses to Violence against Older Women

EU project No. REC-RDAP-GBV-AG-2018 856739

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Introduction

The purpose of the initial report is to give an overview of the current situation in **Austria** regarding institutional responses to elder abuse. An analysis was made of existing national legal framework addressing criminalization of abuse and access to law, protection and support of elderly female victims of Domestic Violence, gender-based-violence. The institutional service providers and chains of (medical) care were examined. Identification of capacities of each factor needs are to be studied in the course of the report.

Main Findings

For a long time, Austria has had a pioneering role in Europe concerning the protection from violence and victim protection. The GREVIO report of the Council of Europe's Committee of Experts on Women's Rights emphasises this and welcomes several positive measures in Austria, especially the long-standing political commitment to combatting violence against women. GREVIO particularly praises the strong leadership role Austria has taken over the last 20 years via the introduction and further development of the Security Police Act, the expulsion and restraining orders for perpetrators in cases of domestic violence. Numerous amendments to the law have led to a comprehensive catalogue of criminal offences and made it possible to provide extensive legal and psychosocial support for victims of violence and sexual offences. Nevertheless, there are still many gaps and deficits in victim protection and protection against violence, especially for older women victims.

Austria has specific laws on violence against women and Domestic Violence and they do criminalize numerous forms of violence. A specific milestone is the Violence Protection Act of the Security Police, which came into force on May 1st,1997. They include the Security Police Act and the Civil Law Act. All victims of domestic violence receive protection and support by these violence protection laws – children, adolescents, adults, but also the elderly and men who become victims of domestic violence. The laws covers Violence Protection Acts (Barring order and Prohibition) (Security Police Act §38a) and interim injunction in the Civil Law, which is a Longer-Term Protection By means of a Temporary Injunction According To The Act On

Enforcement Procedures (Eo §§ 382b And E). This law has been continuously improved and amended in connection with victim protection facilities. The last change was made on January 1st, 2020. But not all paragraphs have been coordinated with victim protection experts. There are numerous paragraphs in criminal law that protect victims of violence. Above all, these are: bodily harm and grievous bodily harm (Austrian Penal Code, StGB §§ 83 and 84); maliciously inflicted grievous bodily harm (§ 87); deprivation of liberty (§ 99); human trafficking (§ 104.a); coercion and grievous coercion (§§ 105 and 106); dangerous threats (§ 107); insistent persecution (stalking) (§ 107a); continued exercise of violence (§ 107.b); rape (§ 201); sexual coercion (§ 202); grievous sexual abuse and sexual abuse against minors (§§ 206 and 207), sexual harassment in the public area (§ 218) and defamation (§ 211).

Neglect of care, education or supervision is also a criminal offense (§199).

The criminal law says: “Anyone who grossly neglects the care, upbringing or supervision of an underage person due to a law and thereby, if only negligently, causes them to be neglected, is to be punished with imprisonment of up to six months or a fine of up to 360 daily rates”.

All these laws are so-called “official offenses”, which means that the state (prosecutors and police) have to investigate on their own initiative.

In civil law, victims can exercise their rights through the following paragraphs: damage to reputation, defamation and insult.

From 2011 to 2017 in Austria there were also so-called MARACs (Multi-Agency Risk Assessment Conferences) for female victims in particularly high-risk situations in Vienna and some federal states. But the Austrian Government ended MARACs in spring of 2018, because of several reasons. But since 2020 there is a new Protection law with a new regulation regarding case conferences of high-risk victims. Since January 1st, 2020 only the police can call in case conferences of high-risk situations, not all institutiond who support victims of violence.

Prevalence

We do not have enough statistics, figures and data on elderly victims of violence in Austria. The number of older women over 60 who seek refuge in women's shelters is

only 2%¹. The statistics of the intervention centers also show that there are only about 4% of victims over the age of 60.²

Austria has basically implemented many good and important measures concerning protection against violence. Austria has a good infrastructure for women affected by violence (30 women's shelters which can offer about 791 places for women and children, 6 women's counselling centers especially for women affected by violence, 7 special women's counselling center for sexual violence and there there is a women's helpline against violence which can be reached 24/7). And since 2013 we also have 2 shelters for girls and women, who are affected by forced marriage, located in Vienna and 2 shelters for women, who are affected by human trafficking. Austria does have a specific phone number for elderly people seeking help, which is good, but the opening hours are very limited and not 24/7: Counselling phone concerning violence and age: 0699/11200099, nationwide and free of charge. But abused elderly women can also call the Women's Helpline: 0800 222 555.

Since 1985 there have been men's advice centers in Austria that support men in various life situations and in crises. There are now one or two male advice centres in all 9 federal states. And since 1999 there is a specific anti-violence program for perpetrators.

Main gaps

Austria ratified the Istanbul Convention in 2013, but there is currently no political will to take equality policy and violence prevention seriously.

The Istanbul Convention explicitly states that "the achievement of equality in law and in fact between women and men is an essential element in the prevention of violence against women". Although gender equality is enshrined in the Austrian Constitution, Austria is far from achieving actual and real equality: With a Gender Pay Gap of about 25% as well as Gender Pension Gap of 40%, Austria is at the bottom of the EU ranking. And the level of violence against women in Austria is also alarmingly high: one in five women becomes a victim of physical and/or sexual violence at least once in her life. Every year, more than 3000 women and children in Austria have to seek refuge from

¹ https://www.aof.at/images/04a_zahlen-und-daten/AOEF-Statistik_2018_barrierefrei.pdf

² <https://www.interventionsstelle-wien.at/download/?id=718>

their abusers in one of the women's shelters. Calls to the women's helpline against violence are increasing every year, in 2018 there were more than 6900 calls. Severe violence against women and murders of women are increasing every year, and they have more than doubled since 2014. In 2018, 41 women were murdered due to partner violence and domestic violence. In 2019 there were 34 murders. We are very distraught by this. Austria has also ratified the Istanbul Convention and committed itself to providing comprehensive and careful support to every single woman affected by violence.

According to an EU study from 2011, violence within the family costs Austria 3.7 billion euros annually – a considerable amount of money that could be saved in the long term by increased investment in prevention work.

Old people, or the subject of violence against elderly people and women is still not very visible in Austria. There are hardly any specific advice centers for older people. There is also a lack of public relations or awareness campaigns. The Ministry of Social Affairs has its own department for senior citizens. Numerous information brochures on violence against older people have been developed here, but an extensive and offensive campaign against violence against older people is missing. In 2018, the Association of Autonomous Austrian Women's Shelters was able to produce and publish a training film on behalf of the Ministry of Social Affairs. The film is called "Step by step. Ways out of violence. Episode 4. The invisible violence against older women".

There is a nationwide networking platform, "*Platform Against Domestic Violence*", launched by the Ministry of Family Affairs in 1993. A total of 45 victim protection facilities are member of this network Meetings are organised regularly twice a year. The network also encompasses facilities that are committed to helping older victims of violence.

MARVOW: COUNTRY PROFILE – AUSTRIA

The information in the profile covering the period since 2015 onwards as well as the current situation concerning work with tackling elderly abuse in Austria. Older persons in this project are defined as persons of 60 years of age or older.

1. Overview of Legal and Policy Framework on elderly abuse and perpetrators/offender management

1. What is the definition of domestic violence/domestic abuse in law?

In Austria we have Violence Protection Acts (Barring order and Prohibition) (Security Police Act §38a) and interim injunction in the Civil Law, which is a Longer-Term Protection by means of a Temporary Injunction according to The Act On Enforcement Procedures (Eo §§ 382b And E).

Since 1997, there have been the Violence Protection Acts (Barring order and Prohibition, Security Police Act §38a), in which the police are obliged to expel perpetrators for a certain time (14 days) from the apartment and the victim can apply to the court for an extension (interim injunction established in the Civil Law) - up to 6 months or a year or until the end of the divorce. Victims are cared for by the intervention agencies during the expulsion and the prohibition of entry. Such an order can be commanded, if a dangerous attack on life, health or freedom is imminent. The victim cannot influence the imposition of a barring order, only the police is obliged to do this. This law has been amended and improved several times³. With January 2020 there will be further measures which cannot yet be assessed in terms of their effects.

Regarding the Criminal/Penal Law: The Austrian Penal Code lists a number of violent acts as punishable offences. Among these are:

- bodily harm and grievous bodily harm (Austrian Penal Code, StGB §§ 83 and 84)

³see: https://www.a oef.at/images/06_infoshop/6-2_infomaterial_zum_downloaden/gewaltschutzbro schuere/GSB_englisch_2013.pdf

- maliciously inflicted grievous bodily harm (§ 87)
- deprivation of liberty (§ 99)
- human trafficking (§ 104.a)
- coercion and grievous coercion (§§ 105 and 106)
- dangerous threats (§ 107)
- insistent persecution (stalking) (§ 107.a)
- continued exercise of violence (§ 107.b)
- rape (§ 201)
- sexual coercion (§ 202)
- grievous sexual abuse and sexual abuse against minors (§§ 206 and 207).
- sexual harassment in the public area (§ 218)
- defamation (§ 211)
- neglect (§ 199)

All violent offences are offences liable to public prosecution, which means that charges are brought and they are prosecuted by the state as soon as they have become known to the authorities (police, courts). The approval of the victim is not required. On June 1st, 2009, repeated exercise of violence was added to the Austrian Penal Code as a punishable offence (Austrian Penal Code, § 107.b). Repeated exercise of violence against a person has since then been punishable with a higher range of punishment than in the case of several acts of violence that are treated as separate offences.

2. Does it include non-physical abuse and/or coercive control/intimate abuse?

In the penal code, we have three acts regarding psychological violence:

- dangerous threats (§ 107)
- insistent persecution (stalking) (§ 107.a)
- deprivation of liberty (§ 99)

But in Austria we do not have an act for systematic psychological violence – like in France. But victims of damage to reputation, defamation or insult can apply by the civil court.

3. Does it include neglect?

Yes. Neglect of care, education or supervision is also a criminal offense (§199).

The criminal law says “Anyone who grossly neglects the care, upbringing or supervision of an underage person due to a law and thereby, if only negligently, causes them to be neglected, is punished with imprisonment of up to six months or a fine of up to 360 daily rates”.

4. What types of domestic violence/domestic abuse is criminalised?

See above.

5. Do elder victims have access to free and adequate legal aid? If no, please specify.

Yes. Austria has basically implemented many good and important measures for protection against violence. We have a good infrastructure for women affected by violence (30 women's shelters with about 791 places for women and children, 6 women's counselling centres especially for women affected by violence, 7 special women's counselling centre for sexual violence and there is a women's helpline against violence which can be reached 24/7).

Furthermore, we have 2 shelters for girls and women, who are affected by forced marriage, located in Vienna and 2 Shelters for women, who are affected by human trafficking.

Austria does have a special specific phone number for elderly people seeking help, which is good, but the opening hours are very limited and not 24/7: Counselling phone

concerning violence and age: 0699/11200099, nation-wide and free of charge. But abused elderly women can also call the Women's Helpline: 0800 222 555.

6. How are older victims of violence identified? Or are they are hidden, contacted only, if they report?

For the health sector, the so-called victim protection groups were enshrined in Austria law in 2011. This means that all private and public hospitals must set up an interdisciplinary working group responsible for comprehensively training and sensitizing all staff in the hospitals on domestic violence and violence against women. They are also responsible for recognizing victims of violence, for addressing violence, for investigating injuries and for documenting injuries, photo documentation and forensic evidence of sexual violence.

Implementation of victim protection groups need resources: Sufficient financial resources, ongoing training, multi-institutionalized cooperation with all relevant institutions (police, victim protection institutions, women's shelters, men's advice centres, judiciary, etc.)

Similar to the victim protection groups, there have been child protection groups in all hospitals for years. Austria has ratified the Istanbul-Convention in 2013. All of these measures are good and important, but in general there is not enough support for older people, especially for older women who are affected by violence. Although the victim protection groups are required by federal law, they are still not implemented everywhere in all hospitals. Especially nursing homes are lacking victim protection groups. and the staff is not yet sufficiently trained. Above all, far too little is done on the subject of violence against older women. Victim protection groups should also be installed in care facilities. Another significant problem is that women shelters have too few places for women and are often not able to look after and take care of older women, especially older women in need of care.

The law on protection against violence also falls short. Older violent men can often not be turned away or be evicted by the police, because there are no possibilities or alternatives for accommodations for the perpetrators. There is far too less training for

the police on this topic and they are therefore not prepared. Austria has just a few specific counselling centres for elderly female victims (see below). One of them is run by Pro Senectute, but the opening hours are very limited, not 24/7, just one day 1-2 hours a day. In Austria there are no awareness campaigns on the issue of violence against elderly women. The political will is not very high to support elderly women victims of violence.

7. What kind of support services are offered for older women on national level?

Help concerning violence against older women/people on a national level:

- Police: 133
- Counselling phone violence and age: 0699/11200099, nationwide and, free of charge
- Women's helpline against violence: 0800/222 555, throughout Austria, 24/7, free of charge
- Victim emergency call: 0800/112112, throughout Austria, 24/7, free of charge
- Telephone counselling emergency call: 142, current crisis aid, 24/7
- Pro Senectute Austria: 01/4796161

Older women who experience violence very rarely turn to victim protection facilities. Living very isolated without access to information about help, older women are often very hard to reach. Many old women do not know that the women's helpline exists. Older women are often not used to getting help.

- on regional level?

Women's shelters

Women's counselling Centres

Victim protection groups in hospitals

- on municipal level?

In Austria almost all services for victims are run by NGOs.

Women's shelters

Women's counselling Centres

Victim protection groups in hospitals

8. Who are service providers for victims of domestic violence on national level? How do these service providers cooperate or network? (Please amend the table below accordingly and specify their role one by one)

Service and support by the police and in court: by the state.

Service and support by the health care system: by the state or private and profit organisations.

Victim support services: almost all by NGOs (non-profit organisations).

9. Who are service providers for victims of domestic violence on community level? How do these service providers cooperate or network? (Please amend the table below accordingly and specify their role one by one)

Service and support by the police and in court: by the state.

Service and support by the health care system: by the state or private and profit organisations.

Victim support services: Almost all by NGOs (non-profit organisations).

If possible, please describe the activity chain / information flow starting from the first contact and ending with safety plan and violence free life, specifically for older victims?

10. Are risk assessment processes for domestic violence cases in place in your country? Does it cover older victims of violence?

From 2011 to 2017 there were also so-called MARACs (Multi-Agency Risk Assessment Conferences) for women in particularly high-risk situations in Vienna and some federal states. But the Austrian government has stopped conducting MARACs in spring of 2018. The new law says that only the police can call in conferences on cases of high-risk situations.

11. If risk assessment has been developed by a specific agency/institution or organisation in your country but is not yet implemented, please explain what are the obstacles?

Women's shelters and intervention centers use hazard and risk assessment modules such as by Jaqueline Champbell or a questionnaire called "The big 26 questions" by Duluth. Men's advice centers / perpetrator programs and the police also use their own risk assessment methods. But we also ask and recommend the prosecutors and the court to use a risk assessment program.

12. Are specific tools used in the process of practicing risk assessment on domestic abuse cases?

Some intervention centres as well as some police offices use Danger assessment, called "Dyrias". Other intervention centres use danger assessment by Jaqueline Campbell or a questionnaire. called "The big 26 questions" by Duluth. Again others use a tool called "SARA", etc.

13. Is risk assessment embedded in a wider policy/legislative framework on combatting intimate partner violence against women (legal framework, National Action Plan/Strategy, other policy)? Please specify.

Austria has ratified the Istanbul Convention and should therefore implement also the recommendations of risk and danger assessment.

14. To what extent is the existing policy framework gender specific?

See MARACs.

Please identify any existing empirical research, studies and evaluations, on elderly abuse in your country. Or any other relevant studies on domestic violence which might be important to MARVOW project. Please report exact reference and summary of main findings.

2. Mapping work with victims/survivors

Fill in a Country Profile covering the period since 2015 onward current situation on work with tackling elderly abuse in your country.

Please specify the agencies, institutions or organisations involved in work with and their specific role in the victim support system.

Actors	Role in victim support (step by step activities) Access	Challenges	Source of info 1-4*
Acting coordinating body	Victim protection group – if they already exist	Not specified for elderly women	By federal legislation
Social workers (municipality level)	Identification of GBV and violence and referral of victims to support services	They are not sensitised enough	mixed resources
Healthcare (family doctor/GP)	Identification of GBV and violence, documentation, screening and referral of victims to support services	they often do not take part in trainings, and they are not interest in the issue of GBV and violence against elderly women and people	mixed resources
Medical doctor in hospital	Victim protection group – if the already exist	they often do not take part in trainings, and they are not interest in the issue of GBV and violence against elderly women and people	By federal legislation
Social worker in hospital	Identification Violence and referral of victims to support service	They are responsible for all social issues, but they often do not have enough resources	mixed resources

Psychologists/ Psychotherapists	Identification of Violence and referral of victims to support service	they are not available in all hospitals	mixed resources
Police	Reporting, if they are called and imposing the barring order	Not all are sensitised enough concerning GBV	mixed resources
Prosecutors	After a report, execute legislation and find evidences and send the case to the court or other measures	Not all are sensitised enough on GBV and they do not take part in trainings	mixed resources
Shelter service providers	In case of violence, emergency support, offering safety places, security, psychological and individual and comprehensive support and court assistance	There are not enough places in women's shelters, especially for elderly women. But the health service can expect cooperation with women's shelters, intervention agencies and counselling centers. All these facilities are ready for cooperation and mutual support. They offer training, training and seminars, they offer informational materials for victims of violence. The big problem is, just that there are too few financial and human	direct contact with an agency

		resources in the aid organizations.	
Day care centres for elderly	Identification of violence and referral of victims to support services	Not all are enough sensitised on GBV	mixed resources
Social housing (for survivor)	Identification of violence and referral of victims to support services	Not all are enough sensitised on GBV	mixed resources
Elderly care houses, nursing homes	Identification of violence, documentation, screening and referral of victims to support services	Not all are enough sensitised on GBV	mixed resources
Other (please specify) Intervention centres on domestic violence	Supporting victims after a barring order, by reporting by the police, and by the court victims have the right to court assistance (in accordance with the code of criminal procedure, Strafprozessordnung § 66 and the code of civil procedure, Zivilprozessordnung § 73.b) in order to ensure their rights, victims of violence are entitled to psychosocial and legal assistance in court during criminal proceedings, free of charge	They are very important, but especially in Vienna they have too little resources	By the federal law and security law

* Source of information above comes from (please specify):

1 – researcher’s knowledge;

2 – national etc. reports;

3 – direct contact with an agency

4 – mixed resources

3. Mapping work with perpetrators/offender management

Fill in a Country Profile covering the period since 2015 onward current situation on work with perpetrators/offender management.

Please describe the work with perpetrators/offender management in your country? Please provide specificity on community level, if any.

Since 1985 there have been men's advice centers in Austria that support men in their life situations and in crises. There are now one or two male advice centers in all 9 federal states. The male counsellors also go to schools and offer violence prevention workshops, especially for male adolescents.

Some men's advice centers also offer anti-violence training for violent offenders.

This program has been in Vienna since 1999. The program lasts 8 months for the perpetrators and is carried out in close cooperation with the Vienna intervention agency. Probation services (Neustart/Bewährungshilfe) also offers anti-violence trainings/programmes for those released from prison.

The public prosecutor, the courts/judge and the Welfare Offices for Children and Young People (runs by the state) can refer violent offenders to the anti-violence training. The program has do orientating their program on: victim protection-oriented offender work. There is a specific program, which is focused on the victims need and security and has the intention to change the violent behaviour. Violent men must take responsibility for their violent behaviour.

Participation is mandatory. But few men participate or cancel participation this means perpetrators, who sent by the court, they have to go there, but event that, some of them decide to go the prison.

I will ask the Leader of this program, who many percent are older men.

Violent people could also take part voluntarily, but this happens very rarely.

There has been a federal working group for victim protection-oriented offender work since approx. 2013. This working group develops quality standards and criteria for victim protection-oriented offender work.

This is very important. But unfortunately, there is not enough money and resources for the nationwide expansion of victim protection-oriented offender work.

Until recently, the police were required to summon a perpetrator after a barring order or interim injunction and to clarify the norm. “Norm- verdeutlichung”– clarify the norms means the police gives the offenders a kind of advice or clarification of the impact of their violent behaviours. Advices what will happen, when they will not follow the police intervention, instructions and if he will repeat violence.

This work is to be carried out as of 2021 offender advice centers. Main issue with these centres is, that the criteria for this advice to the perpetrators have not been clarified - especially in acute and dangerous situations.

Please specify the agencies, institutions or organisations involved in work with and their specific role in the offender management system.

Actors	Role in victim support (step by step activities). Access.	Challenges	Source of info 1-4*
Police	Police is involved by reporting, if they will be called and the have to fulfil the barring order and to clarify the norm for the perpetrators	The police are not really specified trained on elder violent men and perpetrators, the do not know how to support victims and evict elder perpetrators, in case of barring orders	By the federal law
Social workers (municipality level)	Welfare Offices for children and young People (runs by the state) can (with the approval of the public prosecutor's office) refer violent offenders to the anti-violence training program.	They very rarely or too rarely refer to these programs	by the federal law

Prosecutors	The public prosecutor, the courts/judge ca refer violent offenders to the anti-violence training programs	They very rarely or too rarely refer to these programs	By the federal law
Probation service Men Counselling Centres	The offer men in crisis and men who are victim of violence or they offer different forms of therapies	Men do not use them to less.	mixed resources
Agency providing social housing	See above	See above	mixed resources
Prison	We have a forensic program in prison, but it is not enough. This is a kind of therapy or training for perpetrators to change his violent behaviour		mixed resources
Municipality official	See above	See above	mixed resources
NGO working with perpetrators Anti-Violence Perpetrator programs	The program has do orientating their program on: victim protection-oriented offender work. There is a specific program, which is focused on the victims need and security and has the intention to change the violent behaviour. Violent men must take responsibility for their violent behaviour.	We do not have a nationwide programme. And they do not have enough resources. The cannot offer the program in other languages	mixed resources and direct contact with an agency

Other (please specify) Interventions centres on domestic violence	See above		
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* Source of information above comes from (please specify):

- 1 – researcher’s knowledge;
- 2 – national etc. reports;
- 3 – direct contact with an agency
- 4 – mixed resources