

Conference

**„Preventing, Protecting and responding to Violence against Women:  
from Legislation to Effective Enforcement“**

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Conference Hall of the Ministry of Interior

**Understanding dynamics of domestic  
violence; credibility of evidences and  
testimonies and how it affects the  
police response**

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# Content

- **Introduction of professional background**
- **Understanding dynamics of domestic violence; credibility of evidences and testimonies and how it affects the police response**
- **Short introduction into the current Austrian anti-violence legal framework: approach and experiences**

# Credibility of evidences and testimonies and how it affects the police response

- Unfortunately there are a lot of prejudices, myths and barriers for women victims of domestic violence trying to access justice, barriers that victims of other crimes do not have to face
- The credibility of the victim is questioned easily. Why is that so?
- How is this in other areas of crime? I had my bicycle stolen several times in my life. Every time I reported it to the police; I was not afraid I would not be believed; I was not afraid that the police will meet me with suspiciousness and would think I invented the theft in order to get money from the insurance company. And they never were suspicious!
- So why are we afraid as a women to report domestic or sexual violence to the police? Why do women fear the police will not believe them? Why are women victims often met with suspiciousness?
- This has to do with the role of women in society, the power imbalance between men and women, and the discrimination women still face in our societies, as the Council of Europe Convention says;
- There is no evidence that there are more false accusations in this area of crime then with other crime – why do we still hear so many stories, also from police and justice system, that women invent violence often?
- Its a myth, we have no evidence for that and yet we are repeating it! We have to stop that, it is undermining our democracies, our justice system and the rule of law
- Women should be able to trust the police and the justice institutions
- The new survey of the Fundamental Rights Agency shows that women do not trust the institutions – many women do not even report the most serious violent act they experienced to the police! This is concerning!
- Test question: Would you advise your sister, your niece, your daughter, to report to the police if they are so unfortunate to experience a rape by a boyfriend ?
- If all of us can wholeheartedly say yes to this question, without doubt, we have made progress; We need to work hard together to reach that point.

## Credibility of evidences and testimonies and how it affects the police response 2

- Keep in mind that chances are much higher that a victim will NOT report the violence, than victims inventing violence
- We need to refrain from mistrusting many victims because very few persons invent a violent crime
- In order to gain the trust of victims we need to listen and belief
- And we need to keep in mind:  
Separation is a difficult process that takes time.
- There is a high risk of further violence especially if victims try to leave — we need to make sure we do not put victims in a situation of even higher risk
- It can be a survival strategy to identify with the aggressor (Stockholm Syndrome) – we should never take that personally or get angry at a victim because she refuses our help
- If the help for survivors is missing or inadequate, victims have no alternative to the violence
- Victims need not only rights in legal proceedings but also the right to affordable housing and to an income that secures their existence and the existence of their children as well as an independent residence status.

## Austria: A short overview

- 8 million inhabitants
- Vienna: 1.6 million
- 9 provinces
- member of the EU since 1995
- Ratification of the Istanbul Convention July 2013

# Specialised services for women victims of domestic violence and their children in Austria

- 1 national helpline for women, 24-hour service, toll free, phone no: 0800 222 555 (funded by the Minister for Women, run by the women's shelter network)
- 1 general helpline for 0800 112 112  
24-hour service (funded by the Ministry of Justice, run by the White Circle Association)
- 30 women's shelters (since 1978);
- 4 shelters in Vienna;
- shelters are mostly run by women's NGOs and funded to almost 100% by the federal and regional governments.
- 9 intervention centres for victims of domestic violence
- 1 intervention centre & shelter for victims of trafficking in human beings.

# Legal and support measures

**Laws to prevent violence against women and domestic violence and to protect victims**

**First protection from violence Act in force since 1 May 1997; last reform: September 2013**

**three main elements:**

- **Eviction and barring orders by the police: immediate **eviction of the violent party from the home of a victim for 2 weeks**** (Section 38a of the Austrian Security Police Act); may be extended to 4 weeks if the victim applies for an interim injunction.  
Protection in the house, the surrounding, school and kindergarden if a child is the primary victim
- **Court protection orders** may be issued in the form of an interim injunction for 6 months or 1 year (under civil law – Section 382 of the Austrian Act on Enforcement Procedures).
- **Support services for victims:** 9 intervention centres pursuing a proactive approach (Section 38a of the Austrian Security Police Act); they are run by NGOs, with 100% funding by the Ministry for Women and the Ministry of the Interior.

## Legal protection in Austria

- Criminal procedure law: right to legal and psycho-social court assistance for all victims of violence, in force since 2006;
- new anti-stalking legislation, effective since 2006 (Section 107a of Austria's Criminal Code);
- new provision in the Criminal Code adopted in June 2009, under which the repeated exercise of violence is punished more severely than single violent acts (Section 107b).



# Police eviction and barring orders

- **Prerequisites:** acute danger to the life, health and freedom of a person (prevention measure).
- **Who is protected:** any person living in the household, no family relations required.
- It is not relevant who the owner or tenant of the house or flat actually is.
- **Measures** (taken by the police, no consent by the the victim is needed):
  - **immediate eviction** of the dangerous person;
  - **barring order:** the evicted person is not allowed to return to the house or immediate surroundings of the victim for 2 weeks.
- If the victims applies for an **interim injunction** within 2 weeks, the police barring order is extended to 4 weeks.

# Police eviction and barring orders

- The police have to interview the parties separately.
- They have to seize the dangerous person's keys to the house.
- They have to inform the parties concerned about the intervention and their rights.
- Violation of the orders is punishable with a fine of up to €360.
- The victim is not allowed to permit the evicted person to return to the house.
- The police has to check compliance with eviction and barring orders within 3 days.

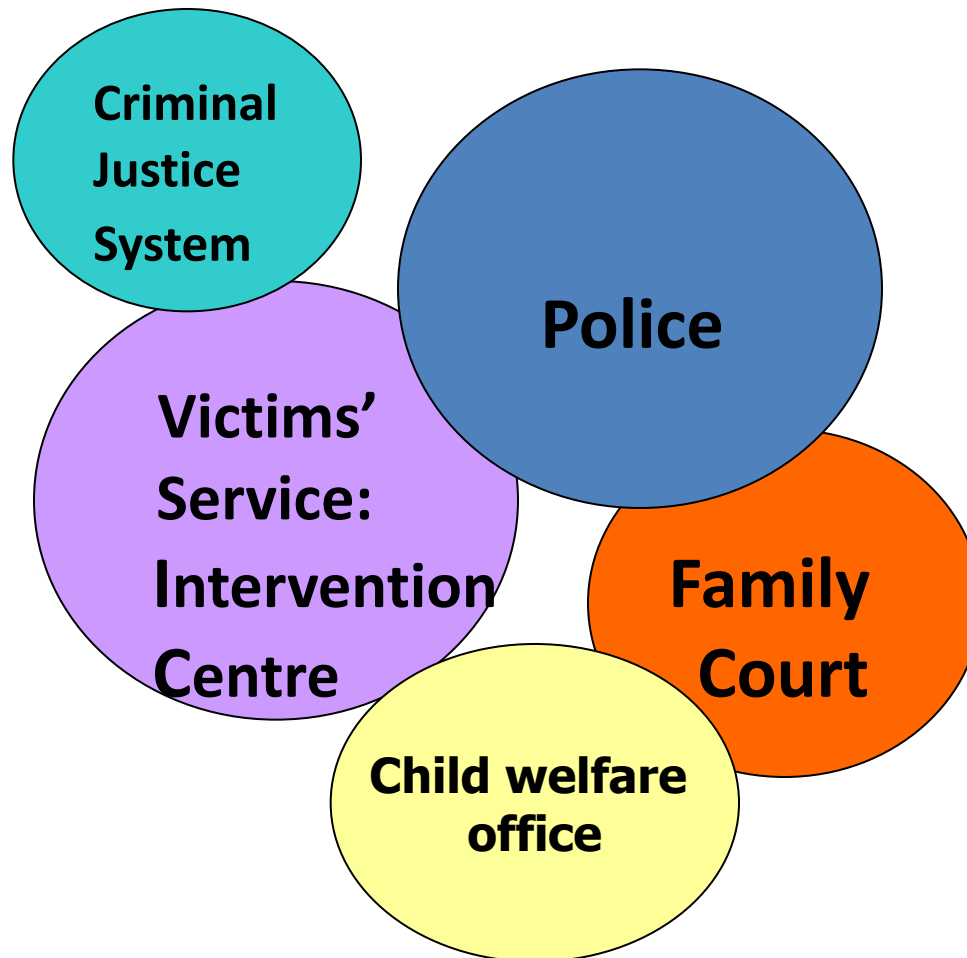
# Family (civil) courts: Civil law protection measures

- Who is protected: all persons who live or have lived together as a family or in a way comparable to a family.
- Prerequisites: physical assault, threat, or behaviour that is a considerable risk to psychological health.

Two types of protection orders:

- 1) an injunction that protects the victim in her home and its immediate surroundings (the perpetrator is ordered to leave the house and must not return);  
duration of the order: 6 months and/or until the conclusion of relevant court proceedings (e.g., divorce proceedings).
- 2) an injunction that ensures protection also at work, kindergarten, etc.;  
duration: up to 1 year and longer.
- If eviction and barring orders have been issued by the police, the court has to decide on an injunction within 4 weeks.

# Institutionalised cooperation: Main actors



# Institutionalised cooperation

## The police are obliged to send a report to:

- **the local intervention centre**: in all cases; within 24 hours, by fax;
  - initial reports as well as reports on violations of eviction and barring orders;
  - reports on other DV interventions and complaints;
- **the youth welfare office**: in all cases in which minors are involved (as witnesses, victims or perpetrators);
- **the family court**: if the victim applies for an interim injunction or if the perpetrator has violated the family court protection orders.
- The police has to send seized **keys to the family court**.

## Institutionalised cooperation

### **The family court:**

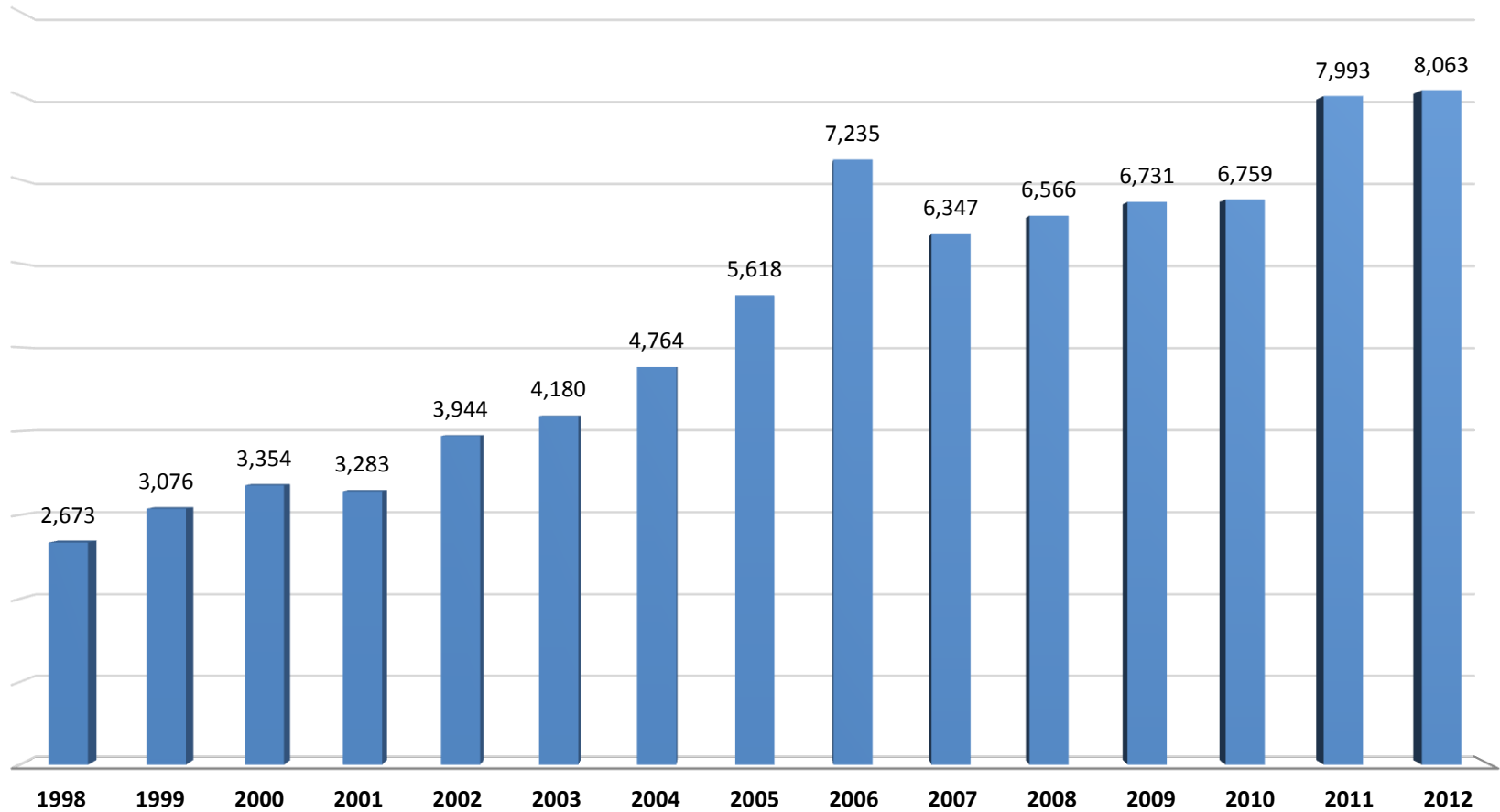
- informs the police if a victim has applied for a civil law injunction;
- asks for additional information from the police
- orders the police to implement court decisions whenever the victim requires this.

# Intervention Centre

## **The Intervention Centre Vienna:**

- provides pro-active and comprehensive support to victims;
- ALL victims are offered support, it is cost free
- The Intervention Center gives priority to the safety and security of the victim (danger assessment, safety planning);
- accompanies the victim to court in legal proceedings;
- helps the victim get financial assistance, find a job, accommodation, long-term therapy, childcare, etc.
- informs the police, the family court, the public prosecutor/criminal court and other relevant agencies on any danger for the victim (written reports);
- runs a training programme for violent men, in cooperation with the Men's Counselling Service since 1999.

# Police Emergency Barring Orders 1998-2012

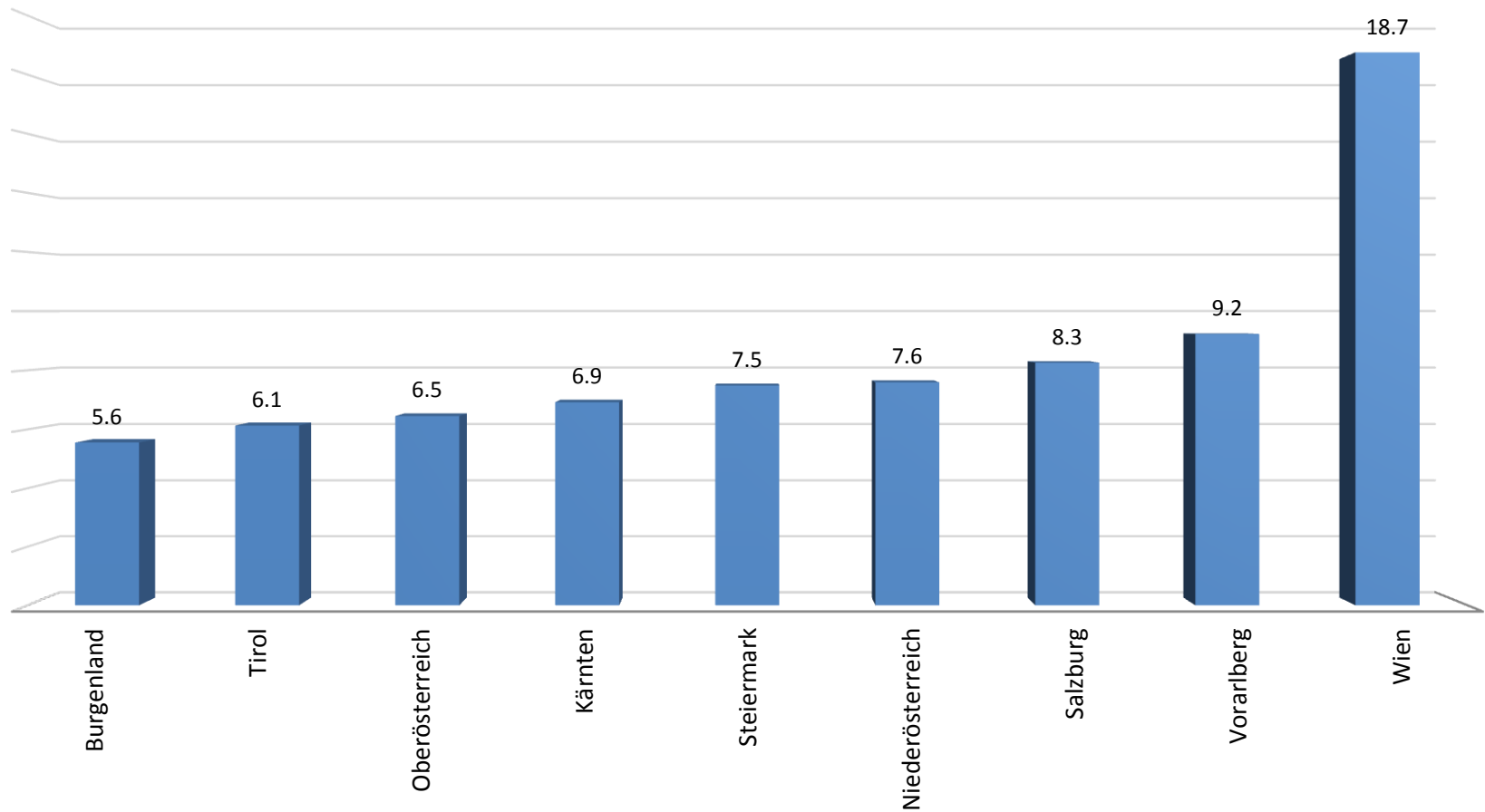




# Police Emergency Barring Order in Austria 2012

Indicator: Number of Barring Orders per 10.000 inhabitants

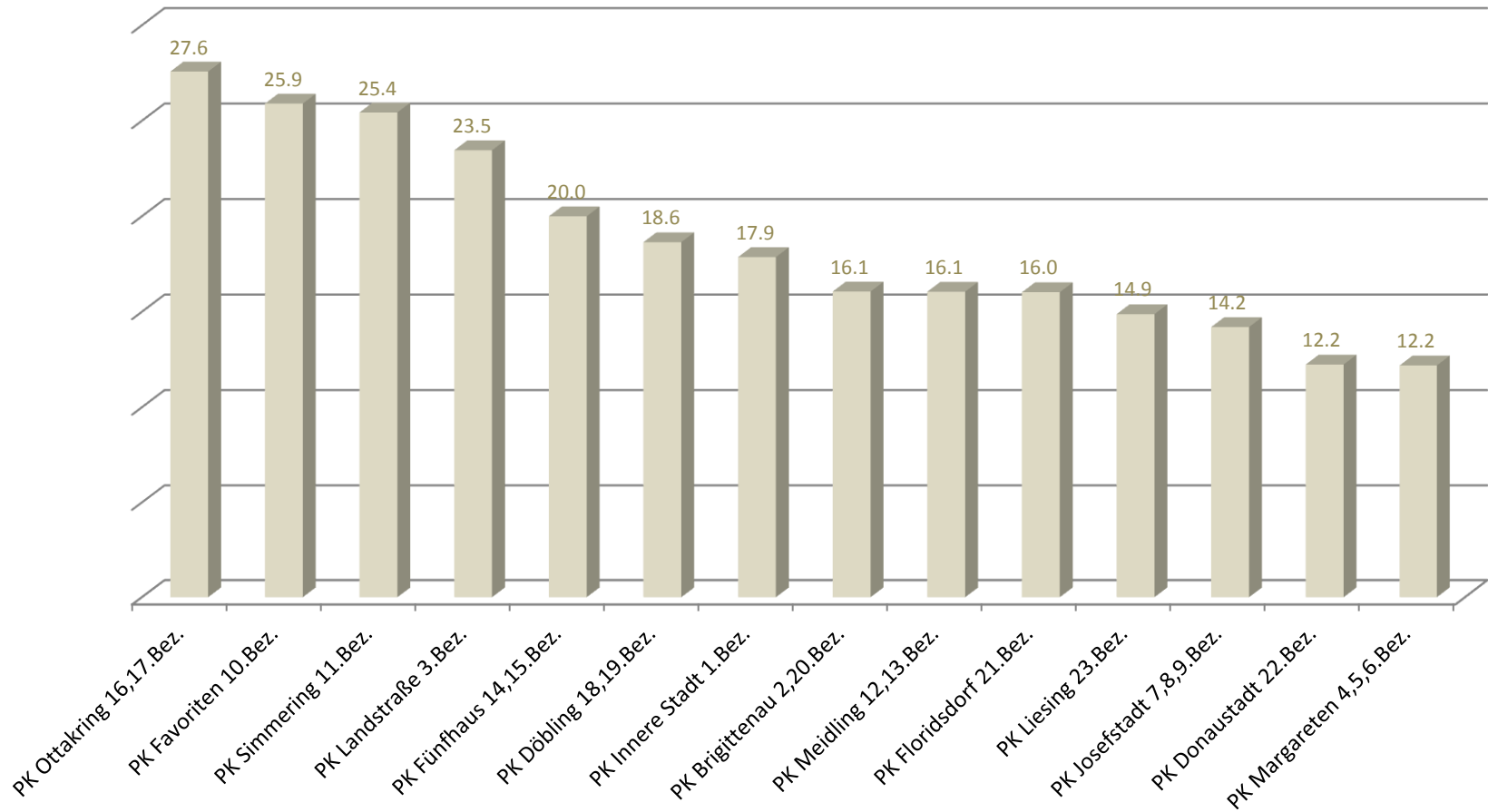
Österreich: Ca. 8,4 Million inhabitants



# Police Emergency Barring Orders in Vienna 2012

Indicator: Number of Barring Orders per 10.000 inhabitants

Wien: ca. 1,7 Million inhabitants



# Problems and gaps

- Eviction/barring orders and interim injunctions are not enough in dangerous cases.
- Ongoing risk assessment and safety management are needed – Model Multi-Agency Case Conferencing.
- Detention is necessary to stop dangerous perpetrators.
- See European Court of Human Rights cases (i.e. Opuz vs Turkey 2009), CEDAW cases Nos. 5 and 6: Sahide and Fatma (deceased) v. Austria.
- Multi-agency models such as MARACs have recently been started in Vienna and need to be rolled out in all regions and on a larger scale.

Thank you for your attention!