



Policy Paper Austria

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Academic research from different countries suggests that the current practice of protection orders in cases of violence in the intimate social environment does not or not adequately protect victims with specific needs. Against this background, *SNaP – Specific Needs and Protection* examined national protection measures for their suitability and efficiency for different groups of victims with specific needs in an explorative study.

Background

This Policy Paper summarizes the key findings of *SNaP* in Austria and provides recommendations for policy makers, the police, the judiciary, victim protection institutions, counselling institutions and lobby organizations.

Target Audience



Results

Identification of Vulnerable Groups

A survey amongst experts and an analysis of the records of counselling institutions and police showed that effective victim protection often is not ensured, not only for women with physical, cognitive, or mental impairments. Victims of violence who face challenges in accessing victim protection or for whom it is particularly difficult to remain in the network of support due to legal or social parameters and/or individual characteristics also are severely disadvantaged. According to the experts, this is often true for female migrants and refugees with insufficient German skills and an uncertain residence status, or for women suffering from mental illness.

Person-Centred vs. Group-Centred Approach

A majority of the interviewed experts regard a person-centred approach in counselling and support, taking as a starting point the structural conditionality of disadvantages, as an essential precondition for victim protection, even though it is also necessary to identify group-specific factors entailing an increased vulnerability in order to ensure that specific needs are recognized.

The Efficiency of Police Emergency Barring Orders

The interviewed experts estimate that emergency barring orders (and protection orders) constitute an effective instrument of protecting women with specific needs against violence. However, many victims with specific needs face challenges in accessing these protection measures, and experts criticize that they are rarely applied in some victim groups (e.g. for individuals needing care and support, or with cognitive or mental impairments).

Recognition of Specific Needs

Police did not take specific victim needs into account when issuing barring orders, or these were not listed as indicative of increased risk in the records we analysed. If impairments and specific needs are not recognized or documented, this may result in grave consequences regarding the provision of resources.

Recommendations for an Improved Victim Protection

The experts acknowledge that the Austrian Protection against Violence Act and its instruments, the emergency barring order and the protection order, are largely effective, also in cases of victims with specific needs. Case analyses, too, support these findings. Nevertheless, there is a need for improvement.¹

Awareness Raising

Raising awareness for the issue of violence against women with specific needs is considered to be *the* precondition for an improved victim protection, as there is a serious lack of knowledge regarding specific needs of victims of violence with disabilities and other social disadvantages in all relevant sectors. Awareness raising needs to happen on all levels of society.

- Involvement of women with disabilities and their representative organizations as well as of migrant women on the political-conceptual level, for instance when developing campaigns and National Action Plans etc.
- Agenda setting through campaigns, posters, advertisements, but also National Action Plans
- National Action Plans (e.g. NAP Disability; NAP on the protection of women against violence) need to be provided with sufficient funds to implement these goals
- An improvement of the data situation is necessary to facilitate agenda setting and to determine of the qualitative and quantitative need for measures and support offers.

Recommendations

Intersectional Approach, Cooperation and Networking

The specific needs of victims of violence in the intimate social environment need to receive much more attention in all relevant institutions in order to ensure an effective protection. This means that for instance the issue of violence has to be integrated into working with the disabled, and vice versa, the issue of disability needs

¹ The following recommendations draw on suggestions by the experts interviewed during the study and in the national experts hearing, and result from the findings of case analyses as well as other studies.



to be addressed in protection against violence and victim protection. Cross-professional networks allow for quick and efficient action, and thus constitute a resource for the involved institutions as well as for the victims.

Recommendations

- An intersectional approach requires staffing and financial resources, trainings, cooperation and networking
- Involvement of peers in the field of violence and victim protection, respectively the involvement of experts in the protection against violence in institutions for persons with disabilities (e.g. in a counselling capacity or on an advisory board)
- Expansion and strengthening of networking between the police and involved institutions in the disability, care, health, migration, and refugees sectors
- Raising the issue of violence in institutions for the disabled and development of an action guideline for dealing with violence between residents and/or between residents and care staff.

Training and Instruction

In order to be able to recognize specific needs, the police, the judiciary and support institutions need to be aware of and have information regarding the increased risk of women with disabilities or mental illnesses of becoming victims of violence. Besides a fixed place of the issue of violence against individuals with specific needs and appropriate action against it, for instance in the curricula of police training, the following aspects also need to be considered in order to increase the social and cultural competence in interventions:

Recommendations

- Involvement and recruitment of peer trainers with expert knowledge on domestic violence
- Application of a gender-specific approach to domestic violence and of the concept of the social conditionality of disability
- Reduction of negative stereotypes, prejudice and denigration
- Raising the issue of different forms of individual as well as institutional discrimination and their intersections.

Documenting Impairments

Documenting disabilities in police records needs to walk the tightrope of protecting sensitive data, and making sure necessary information is shared in order to recognize resulting specific needs and to meet these. In order to guarantee an optimum victim protection for groups with specific needs, it is necessary to include impairments into the risk analysis, and to pass the relevant information on to victim protection institutions.

- Expansion of risk indicators in the reports on emergency barring orders to violence protection centres/ intervention agencies, for instance by observations regarding physical or cognitive impairments, communication problems, economic and/or residence dependence etc.
- Development of rules for the transmission of sensitive data according to the maxim of “violence protection before data protection”.

Recommendations

Communication

In the explorative *SNaP* study, victims facing difficulties in communicating are the largest group of vulnerable individuals. They include first and foremost women with insufficient German skills (female migrants and refugees), but also deaf women and women who are seriously limited in their ability to express themselves due to cognitive impairments. Two problem areas have to be emphasized: for one, a negligent treatment of communication difficulties on the part of the police, and secondly, problems regarding interpreting services themselves. This results in a number of recommendations:

- Sufficient opportunities for interpreter trainings need to be ensured in less common languages and for sign language
- All those involved need to be familiar with non-verbal alternative communication options, too
- Further training offers for interpreters on the issue of domestic violence and traumatization are needed
- The establishment of a nationwide, round the clock interpreters’ hotline would do much to facilitate access to interpreters
- When sign language interpretation is needed, audio-visual telecommunication instruments can be used in order to allow for quick questioning and counselling

Recommendations



- The interpreter has to be objective and professional. This means that children, relatives and acquaintances should only be consulted for interpretation in emergencies.
- Police need to assess victims' language skills in detail. In doing so, they need to take into account that a linguistic competence that is adequate for everyday communication may deteriorate in situations of emotional stress – for instance after violent incidents, during police questioning or at court. Therefore, in cases of doubt, interpreters should be requested.
- In order to meet the victims' needs, and to avoid loss of information, information sheets on the emergency barring order etc. should be written in simple language.

Access to Victim Protection

Information regarding offers is an essential precondition for access to victim protection. Victim protection and counselling institutions specifically target women with specific needs by issuing brochures in multiple languages, in Braille, in Easy Reading-versions as well as sign language videos. Nevertheless, there is a need for action:

Recommendations

- Texts regarding legal issues (e.g. written legal information in the course of police questioning or court summons) should be written in simple language. This would also benefit German-speaking victims.
- Barrier-free design of websites of victim and violence protection institutions
- Improved resources at facilities for victim protection and women's shelters in order to improve support for victims with specific needs – in particular deaf women and women with cognitive impairments
- Involvement of women with an experience of being socially disadvantaged in victim protection institutions in order to allow for peer counselling
- Better networking of police and victim protection institutions with counselling institutions for the mentally ill or for individuals with physical or cognitive disabilities in order to improve knowledge regarding specific needs and the efficiency of victim protection measures.

If the demand of *spatial accessibility* is to be met consistently, victim protection institutions and women's shelters need additional public funding. What is needed is:

- A barrier-free access to counselling and victim protection institutions, e.g. by installing (stair) lifts, guidance systems for the blind, signs in Braille
- Expansion of barrier-free women’s shelters/ rooms in women’s shelters. This includes the possibility of accommodation of a carer/ assistant and the refund of accruing costs.
- Modification of entitlement conditions for assistance and external care services in case of accommodation in a women’s shelter.

With regard to the protection against domestic violence, Austria is exemplary in the international comparison. This study has shown that the Protection against Violence Act also offers suitable protection to victims with specific needs, provided that individual needs are recognized and sufficient resources are provided.

Further Reading

Helga Amesberger & Birgitt Haller: Police and Court Protection Orders in Cases of Violence in Close Social Relationships – the Situation of Women with Specific Needs. Country report Austria. With contributions by Stefan Hopf, Vienna 2016. Available for download at: www.ikf.ac.at or www.snap-eu.org

Relevant documents:

Directive 2012/29/EU of the European Parliament and the Council, 25 October 2012, on minimum standards on the rights, support and protection of victims of crime <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012L0029>

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046031c>

UN Convention on the Rights of Persons with Disabilities

<http://www.un.org/disabilities/convention/conventionfull.shtml>



Project Partners

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All country reports are available for download at www.snap-eu.org.

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