

SNaP

**Specific Needs and
Protection Orders**

National Report Austria

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1. Introduction

Social science studies show that individuals suffering from physical or cognitive disabilities or mental illnesses are victims of physical, psychological and sexual violence significantly more often than their peers (Schröttle/Hornberg, 2013 and 2014; Schachner et al., 2014; FRA, 2014; WHO, 2003; Hughes et al., 2012). This begs the question whether and how measures of protection against violence in the intimate social environment are working for this group. *SNaP – Specific Needs and Protection* started out with the hypothesis that police and court measures of protection in cases of violence in close social relationships are less often imposed when incidents involve women who need support in their daily lives or are in need of care (e.g. women with physical disabilities or mental problems), or do not (effectively) protect them from (further) violence. Two previous Daphne III projects¹ showed that in particular the protection of older, dependent women or those in need of nursing care poses particular challenges to the police and the legal system. Protective measures aim to remove the endangerer from the victim, only permitting limited, if any, contact between the perpetrator and the victim. Such protective measures, however, presuppose that the person to be protected is not in need of daily assistance from the perpetrator.

Project Design

Scientific studies from different countries (cf. Hague et al., 2007; Ackerman et al., 2014; Schröttle et al., 2013) indicate that the current practice of protective orders is problematic because the support needs of victims with so-called specific needs are not considered or not adequately taken into account. With that in mind, the research teams in the partner countries² examined national protective measures for their suitability and efficiency for different victim groups with specific needs. On the country level, *SNaP* therefore focused on the following issues:

- Which victim groups can be identified by their “specific needs”?
- Are current legal provisions fully at their disposal, or are there limitations?
- What are barriers for an ideal protection of victims?
- What is the scope for improvement, what are alternatives to existing measures of protection against violence?

¹ “Intimate Partner Violence against Older Women” (www.ipvow.org) and “Mind the Gap” (<http://www.ipvow.org/en/research-reports/mind-the-gap>)

² Besides the project leader, the Institute of Conflict Research (IKF, Austria), the participants include ZOOM - Gesellschaft für prospektive Entwicklungen e.V. and the German Police University (DHPol) (both Germany), CESIS – Centre for Studies for Social Intervention (Portugal), Safe Ireland (Ireland) and the University of Bialystok (Poland).

The study therefore focused on the lived practice, the essential issue was whether and how those involved are able to identify specific needs and how they react to them. Another point we needed to clarify were the factors that influence decisions about imposing protective measures in cases with victims with specific needs. We analysed from the victim's perspective what prevented them from having recourse to measures of victim protection, and which problems confronted them when they turned to the police or other agencies.

On the basis of the research results, also national policy papers and an international policy paper were drafted to increase the awareness of politics, government agencies, lobbying organisations and victim protection facilities for specific needs and the consequences of ignoring them.

Methodological Approach

As described above, our study aimed to identify victim groups with specific needs, to examine the implementation and effectiveness of protective measures for these groups, and to develop recommendations to improve their protection. To reach these goals, we chose a qualitative research approach³ combining a number of methods and perspectives:

- **Collection of data on legal provisions and regulations and secondary analytic evaluation of existing data on victim protection measures.** This step provided an overview of the respective national regulations and their implementation as far as national statistics were available, but also gave us an insight into the problems confronting victims of violence with specific needs.
- **Collection of data on legal provisions for the protection against violence within the immediate social environment in five more countries.** In this literature analysis, we collected data on relevant legal provisions, taking into account evaluations and experiences in Great Britain, Spain, New Zealand and the Netherlands as well as the U.S.A. The analysis concentrated on potentially valuable approaches to victim protection for vulnerable groups that might be adopted, on implementing and monitoring measures and on the protection against violence. Insights from these studies were primarily used in the cross-country project report.⁴

³ A quantitative empirical survey leading to sound data was not feasible within the financial framework of the Daphne III programme. On the one hand, such a survey would have required a very large sample in order to determine which victims are particularly vulnerable with regard to barriers in accessing victim protection measures. On the other hand, such a project would only have provided limited information, because it is difficult for research to reach the most vulnerable groups, such as victims with serious cognitive disabilities.

⁴ The comparative study is only available on the project website www.snap-eu.org.

- **Interviews with experts and practitioners from the fields of police work, the legal system and NGOs.** In the exploratory phase of the project, each partner carried out expert interviews with national and international key experts⁵, in order to explore key restraints relating to legal provisions and their implementation and to identify specific needs groups and target groups for interviews. Subsequently, other experts and practitioners were interviewed. The national project teams were free to choose between individual interviews or focus group discussions. The interviews focussed on three areas, namely (i) identifying groups with specific needs; (ii) the most important current barriers to the protection against violence in legal provisions and their implementation as well as room for improvement; and (iii) the collection of agency-specific data and case histories. In addition, two expert interviews were conducted in each country to sketch and draft a national policy paper.
- **Analysis of files and qualitative case histories.** At least 50 files were analysed in each country; the approach regarding the case providers (e.g. police, public prosecution, courts, NGOs) was left open on the national level, and therefore varied considerably. Privacy rules sometimes complicated access to and tracking of cases. As specific needs of victims, e.g. disabilities or residence status, are not used as classification markers in the institutions that provided the cases, no computer-aided search for relevant files was possible. In Austria, we decided to ask staff members of different institutions to choose files for us or to prepare case histories (see Chapter 4). We would like to emphasize from the start – regardless of the source used for file analysis – that because of the purposeful selection of files this cannot be called a representative study in any of the countries. Nevertheless, we can infer case types that provide information on the implementation of victim protection measures, their effectiveness, and awareness for and attention to specific needs within the police and the judiciary. For file analysis, we developed a project-wide grid which was only adapted with regard to national specifics. We collected information on the socio-demographic data of victims and endangerers as well as information on the living conditions at the time of the violence, on the history of violence and the experienced forms of violence. In addition, we surveyed the victim's attitude towards seeking help – who did the victims turn to, what support did they receive, and what was their attitude towards the involvement of police or public prosecution? Another main focus was the approach of police and judiciary: Were protective measures taken, and if so, which ones? What were the problems that arose in the course of police/judicial procedures? What was the impact of protection orders? The analysis grid was used to ensure the comparability of basic data while enabling us to enter into the specifics of each case. We did not attempt a statistical evaluation beyond

⁵ Four interviews each were carried out in Austria, Ireland, Poland and Portugal, eight in Germany. In Austria and the other small countries 29 interviews took place, in Germany, because of the size of the country, 78.

some essential case features for the presentation of the overall sample, as this would not lead to reliable data due to the purposeful selection of cases.

- **Expert meetings on the national as well as EU level.** The aim of the national expert meeting was to present the results of our study and to reflect upon these findings together; but also to discuss the content and target audience of the policy paper. In Austria, 16 experts accepted our invitation, including representatives of the police, victim protection agencies (violence protection centres and women’s shelters), refugee facilities and facilities for the disabled, an association for legal guardianship, and researchers.

Finally, we held a final conference in Berlin in September 2016, to integrate the experiences and perspectives of other European experts and to benefit from their knowledge for the development of recommendations for future activities on the national levels, but also on the EU level.

Terminologies

In the study, we focused on female victims of violence in close relationships who were over 18 years of age at the time of the abuse. We did not focus exclusively on intimate partner violence, but also took into account violence from – male and female – relatives, acquaintances, carers and fellow occupants in institutions.

As “groups with specific needs”, we initially understood the “traditional” fields of disability – physical, cognitive and mental handicaps. Discussion within the project teams, and not least the inspiration from interviewed experts in all five countries, finally resulted in an expanded definition of “specific needs,” which not only allowed for person-centred characteristics, but was based on a more inclusive understanding of vulnerability and included structural, cultural and perpetrator-specific factors.

A research project on “special needs⁶ and protection orders” requires some explanation regarding the meaning of these headline concepts. While “protection order” is more or less a technical term with its meaning depending on the legal and socio-political framework, the meaning of “specific needs” is less straightforward.

In literature, “specific needs” are frequently mentioned with regard to victims of specific types of crime such as intimate partner violence, sexual assault, child abuse, or trafficking in human beings. On the other hand, victim groups such as children, older adults, persons with disabilities, or ethnic minorities are characterized as having “specific needs” (see for

⁶ The project proposal was referring to “special needs”; in the course of the project, we decided to replace “special” by “specific”, as disabilities result in specific needs, but not necessarily exceptional ones.

example Berson, 2010; Franklin et al., 2015; Jackson et al., 2015; Twyman et al., 2010). While the term "specific" is very much open to interpretation, it can be considered as an antonym to "standard". Thus, it indicates that these types of crime are linked to specific (non-standard) victim needs or that these groups of victims have specific needs distinguishing them from other groups. In both cases, the term "needs" primarily refers to post-victimization processes such as formal and informal victim support and case handling by the police and the judiciary (and not, for example, to pre-victimization needs linked to specific risks of becoming a victim).

In the context of the project, "specific needs" should not be considered as a stable feature of victims or victim groups. Rather, it refers to the interaction of person and situation. This is in line with an interactionist understanding of human behaviour (see e.g. Cantor/Kihlstrom, 1987) or with a concept of "persons in context" (Shoda et al., 2007), the importance of which has been linked to societal tendencies of ever growing interdependencies (Hermans/ Dimaggio, 2007).

Specific needs arise and exist in given situations, they are not "permanently attached" to a woman via her ethnicity, disability status or other characteristics. In the field of violence in close interpersonal relationships, the project focusses upon frictions and mismatches between victimization experiences in specific (although possibly repeating) situations, individuals involved in and affected by these experiences, and measures taken to handle incidents and to prevent their reoccurrence.

The situations the project looks at are those where the use of protection orders is an option. The main research perspective is characterized by the following questions:

- Where do tensions, frictions, or problems arise between the application of a standard protective measure and the situation of a victim of domestic violence (DV)?
- How do institutions handle these difficulties?
- How can problems be solved or at least diminished?

Problems and frictions can arise with regard to the (anticipated) consequences of an application of barring orders. This refers to such aspects as not being able to live independently once the perpetrator has been banned, losing one's permanent residence permit, being ostracized by one's significant others, or endangering custody. Since a victim's willingness or readiness to initiate or accept measures taken in a case of violence will at least partly be determined by her anticipation of effects and side-effects, those consequences need not to be "real" or "certain" in order to have an impact on the way in which cases of interpersonal violence are handled.

Problems can also arise with regard to the availability of measures. This may be of limited importance with regard to emergency barring orders issued by the police and is more relevant for measures where a woman affected by DV has to take an active part in getting the measure activated. Availability issues may for example be related to lacking information, being illiterate, not speaking the respective country's official language.

Such critical person – situation interactions may be more prevalent or may have a higher probability among persons with certain characteristics. But this link is not a categorical one. A female DV victim may have a severe disability and still be unaffected by worries about being able to manage her household when the perpetrator is away (because there are good technical solutions or a well-functioning social network). A woman from an ethnic community where very hierarchical conceptions of gender roles are widespread may still have confidence in the loyalty of her significant others if she actively supports banning the perpetrator from her home.

What has been said about "specific needs" also applies to a (related) notion of "victim vulnerability". The term vulnerability has its origin in the Latin word for wound, *vulnus*. In a very broad sense, vulnerability can be understood as the capacity to be hurt or damaged, or as a person's risk of encountering a bad outcome (cf. Aday, 2001; Spiers, 2000). A model presented by Turner et al. (2003) differentiates between a system's exposure to hazards or risks, its sensitivity, and its resilience, hinging upon its capacities to adjust and cope. In the context of the present project, victim vulnerability – again focussing upon post-victimization issues – refers to a person's odds of encountering negative case outcomes. Again, it is not some stable and generalized personal feature of "vulnerability" that is important for the project. The project looks at a kind of "situational victim vulnerability" in the sense of a lack or at least diminished capacity of using protection orders to enhance one's safety. This situational vulnerability can be assumed to be more prevalent among certain groups of people than among others but still it is an interactionist concept linking the person in the post-victimization period, the situation and the context within which she lives, and the measures at hand and the organizations being able to apply them.

Structure of the Report

Chapter 2, "Legislative Basis for Emergency Barring Orders/ Civil Protection Orders and their Implementation" starts with an overview of the development of protection against violence in Austria and its most important measures, which are then discussed in detail.

In Chapter 3, “Identification of Vulnerable Groups”, we first present typological dimensions that (may) lead to (increased) vulnerability or specific needs. The chapter centres on the perspectives of practitioners and experts regarding the awareness for and identification of specific needs of victims of violence as well as assessments on the effectiveness of protective orders for the groups we identified, possible alternatives to emergency barring orders/ civil protection orders, and suggestions for improvement.

The results of our file analysis are presented in Chapter 4, “Victims with Specific Needs and Protective Orders”. Following the description of file access and an overview of the cases, we proceed to analyse the files, focusing mainly on the efficiency of the intervention(s) and the resources available to the victim. For Austria, we have identified six types on the basis of the analysed cases, each of which is illustrated by one or two examples.

In the final chapter, “Summary and Conclusions: Options for Improvement and Alternatives to Protective Orders”, we formulate recommendations to politics, police, victim protection organizations and institutions for the disabled, referring back to the insights from this study and further research as well as the practical experiences of violence protection and victim protection institutions, as well as institutions for the disabled.

2. Legislative Basis for EBOs/ Civil Protection Orders and their Implementation

The main protective measures against domestic violence are emergency barring orders (EBOs), in the sphere of police action, and civil protection orders, which are imposed by civil courts.

Outline

The “Federal Act on the Protection against Domestic Violence” entered into force in 1997⁷, constituting the main source of law for the protection against violence in Austria. It did not chose the path of introducing women-specific protective measures, but protects both genders. Its main measures are the following:

- the police **emergency barring order** (EBO): In situations of acute danger, the police is authorised to bar an endangering person from the residence of the individual at risk and its immediate surroundings for 14 days, even when he lives there himself. If the endangerer is present in the apartment at the time of the intervention, an expulsion order has to precede it.
As the law is not exclusively geared to the protection of women and children in the domestic context, it also applies to other forms of communal living, such as institutions.
In 2013, the EBO for places of residence was expanded to include schools and other institutional forms of child care (kindergartens, crèches) in cases where children under 14 years of age are affected by violence.
- the **civil protection order** (CPO) by the civil court: In order to achieve longer-term protection from the endangering person, there is the possibility to file for a civil protection order at the District Court. If such a request is filed while an EBO is in force, the latter is automatically extended to four weeks. In principle, an application for a CPO does not presuppose the prior existence of an EBO. Since 2009, there is a distinction between Protection against Violence in the Residence for a maximum of six months (§ 382b Enforcement Code) and a General Protection against Violence for a maximum of twelve months (§ 382e Enforcement Code); both can be filed for together. In practice, these orders are often issued for shorter periods.
- the support of victims of violence by so-called **Intervention Centres**, which were established in each federal state (and now are mostly called Violence Protection

⁷ Federal Law Gazette. I no. 759/1996

Centres). These are NGOs, which however are state-funded (from the budgets of the Federal Ministries of the Interior and of Women's Affairs) and which the police have to inform promptly about any EBO they issue, so they can contact individuals affected by violence as quickly as possible.

The distinguishing characteristic of the Austrian conception of protection against violence is the creation of an **emergency measure** issued by the police, without the individual affected by violence being able to influence this measure, and the possibility of offering **longer-term protection**, which only the person affected by violence (and, in the case of minors, Child and Youth Welfare in its capacity as their legal guardian) can apply for. These two protective measures are accompanied by the offer of the Intervention Centres, which, besides legal and psycho-social support, also aim to **empower** victims of violence.

Another milestone in the protection against violence is the **2nd Protection against Violence Act**⁸, which updates the first Protection against Violence Act, adds some further regulations, but also introduces a new offence, i.e. "persistent perpetration of violence" (§ 107b Austrian Penal Code).

A Federal Government focus on combating violence against women followed in August 2014, when the (first) **National Action Plan** was passed for the period of 2014 to 2016.⁹ The moment was chosen because the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (**Istanbul Convention**) entered into force; the National Action Plan's preamble points out that most of the measures the Convention requires have already been implemented in Austria. Austria is one of the first signatories of the Istanbul Convention (11 May 2011), and has also ratified the treaty (14 November 2013).

The situation of handicapped women and girls is referred to twice in the NAP Violence against Women: In the field of responsibility of the Ministry of Education, existing material for teaching staff on violence against girls and women was to be expanded by the new key focus "Violence against Handicapped Women and Girls", and over the whole period of 2014 to 2016, the Ministry of Women's Affairs funded counselling and assistance for women with learning disabilities and multiple handicaps who were victims of sexualized violence.

The much more comprehensive **National Action Plan Disability 2012–2020**¹⁰ has a separate chapter on violence against handicapped women, also emphasizing the necessity

⁸ Federal Law Gazette I no. 40/2009

⁹ <https://www.bmb.gv.at/ministerium/vp/2014/20140826.pdf?5i83tx> (only in German)

¹⁰ https://www.sozialministerium.at/cms/site/attachments/7/4/9/CH2092/CMS1359980335644/nap_II_2013.pdf (only in German)

of raising public awareness of violence as well as providing information on the right of self-determination of handicapped individuals in several other passages.

Besides some substantive legislative changes like the penalization of persistent perpetration of violence, as already mentioned, or of stalking (§ 107a Austrian Penal Code) – we particularly need to mention some amendments to the **Criminal Procedure Code** over the past years which aimed to improve the protection of victims. These include specifically the legal entitlement to **psycho-social and legal assistance** for victims of certain criminal offences (§ 66 (2) Criminal Procedure Code) since 2006, and, since 2009, the restricted entitlement to psycho-social assistance in civil proceedings (§ 73b Code of Civil Procedure). Thus, Austria anticipated key demands of the so-called **EU Protection of Victims of Crime Directive** – Directive 2012/29/EU¹¹ – years before it was passed.

With the goal of a full national implementation of the Protection of Victims of Crime Directive in mind, which should have been completed by 15 November 2015, the Criminal Procedure Code was amended¹²; those regulations that explicitly refer to the Protection of Victims of Crime Directive¹³ entered into force on 1 June 2016. Thus for instance it refers to paragraphs 22 and 23 of the Victims Protection Directive, stipulating that minors and victims of sex offences and victims of domestic violence are to be considered as victims with **specific protection needs** (§ 66a Penal Code), i.e. that they have specific rights regardless of individual assessment.¹⁴ Regarding the provision of protection, it is especially important that, provided they apply for it, the victims have to be informed without delay and ex officio when the defendant is released from custody, when custody is lifted, or when the defendant escapes from custody or is re-arrested (§ 66a (2) section 5 Penal Code).

¹¹ Directive of the European Parliament and the Council of the European Union, 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

¹² Federal Law Gazette I no. 26/2016

¹³ In § 516a, the following paragraph 3 is added: "(3) §§10 (2), 25 (7), 65 section 1 lit. a and b, 66 (1) section 1a, 1b and 5, (3) and (4), 66a, 70, 80 (1), 156 (1) section 2, 165 (3) and (4), 172 (4), 177 (5), 181a, 195 (2) and 196 (2) in the version of the Federal Law Gazette I no.26/2016 serve to implement Directive 2012/29/EU on minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, Official Journal of the European Union L 315/57, 14 November 2012."

¹⁴ § 66a (2) Penal Code: Questioning by an individual of the same sex; refusal to answer certain unacceptable questions; gentle questioning; right to move to exclude the public; immediate official notification of the release of the defendant or his/ her escape from custody; presence of a trusted third party.

Protective Measures

Below, we will address the protective orders introduced in the Protection against Violence Act as well as alternative options of preventing the perpetrator from approaching the victim.

Emergency Barring Order and Civil Protection Order

The EBO¹⁵, which is codified in the Security Police Act (§ 38a Security Police Act) targets **endangering situations**, not actual criminal offences. When the executive forces' risk assessment identifies the threat of an attack on life, health or liberty, they have to ban the endangering person from entering the apartment and its immediate surroundings where an individual at risk resides. On the one hand, this protection does not depend on gender, and also relates to the apartment – its focus is therefore not protection within the victim's immediate social environment; if necessary, an EBO could also be issued against a stranger, e.g. a saleswoman.

The basis for an EBO is a standardized **risk assessment**¹⁶ with a checklist of several pages which is used nationwide; there is no explicit inquiry into nor a documentation of possible handicaps or specific needs of the individual at risk.¹⁷ The individual at risk can neither apply for an EBO nor refuse its protection. The apartment keys are taken from the endangering person, and s/he has to be informed of possible shelters.¹⁸ Removal may be imposed by direct force. The issue of an EBO has to be reviewed within 48 hours; in the event of its suspension, the individual at risk as well as the endangering person have to be informed without delay. Compliance with the 14-day EBO has to be checked by the police at least once during the first three days of its validity.

If an existing EBO is violated, a fine of up to 500 Euros or an alternative prison sentence can be imposed. In case of recurrence, the endangering person can be taken into custody. The EBO is also binding for the individual at risk, s/he can also be fined for allowing the endangering person into the apartment.

The executive is not only duty-bound to inform the individual affected by violence of suitable victim protection agencies, specifically the relevant **Intervention Centre** or the

¹⁵ Often the term expulsion order is used instead of EBO. This measure precedes the EBO and is only needed when the endangering person is found in the same apartment. If the aggressor has already left the apartment before the executive forces intervene, an expulsion order is not necessary and only an EBO is issued.

¹⁶ Concerning risk assessment by the police see Amesberger/ Haller (2016a).

¹⁷ At the national expert meeting (14 July 2016) this issue was intensely discussed.

¹⁸ While an EBO is valid, he may only enter the apartment under police escort in order to pick up personal items.

competent **Violence Protection Centre**, but also to notify the locally responsible institution when they issue an EBO. In general, the form completed during the intervention is emailed to the protection centre, containing personal information on those involved as well as an assessment of the situation; the agency will then try to contact the individual at risk and to arrange a meeting.

The Protection against Violence Act aims to support individuals affected by violence in effectively leaving a violent relationship. Therefore, one of the essential tasks of the Intervention Agencies, whose clients are women in 95 per cent of the cases, is the **empowerment** of these clients. For the same reason, the option to apply for longer-term protection following an EBO was created in the form of the **civil protection order**. To obtain this measure, the individual affected by violence has to apply for it him-/ herself¹⁹, s/he can revoke the application as well as apply for the measure to be suspended. When a civil protection order is applied for while an EBO is in place, the police measure is automatically extended from two to four weeks. During these additional two weeks, the District Court has to rule on the application (which is usually possible²⁰), to avoid a gap in protection until the civil protection order is approved.

The application of a civil protection order does not depend on a prior EBO, it can be applied for independently. (Statistics are not available.)

In 2009, major changes were made to the rules on the civil protection order valid until then, for instance the requirement of being a next of kin as a precondition and the differentiation between further cohabitation or further encounters being unacceptable were removed – in each case, the criteria is the existence of an attack, a threat or psychological damage. Only those who currently share the apartment with the endangering person or have shared it until recently can apply for **protection against violence in the residence** (§ 382b Enforcement Code). These civil protection orders can be issued for a maximum of six months.²¹ The measure of **general protection against violence** (§ 382e Enforcement Code) is valid for a maximum of twelve months and orders the perpetrator to keep away from certain places and to avoid meeting or contacting the victim. In practice, both measures are often only issued for a period of three or four months (statistics are not available).

The responsible authority for issuing a civil protection order is the District Court, where the application is usually filed either in writing, mostly with the support of the responsible

¹⁹ In addition, an application can also be filed by the Child and Youth Welfare in its role as legal guardian for the protection of minors. This procedure is chosen when the mother will not or cannot take sufficient measures to protect her children, but also in order to take pressure off the mother, for instance when she is afraid of the endangering person's revenge.

²⁰ The original period of 7 days proved to be too short.

²¹ A longer period is only admissible when there are simultaneous proceedings for divorce, for the annulment of marriage, proceedings regarding the division of conjugal assets and conjugal savings or proceedings to settle rights of use to the apartment.

Intervention Centre, or in person on the court's public days. In principle, the Protection against Violence Act stipulates that family judges see to such matters, who also deal with divorces by mutual consent, custody proceedings etc., and therefore are in possession of all necessary information.²² Although the Protection against Violence Act intended that the submission of the applicant, as a rule supported by the issue of an EBO, sufficed, and the respondent did not need to be heard, there has always been some resistance against this procedure in parts of the judiciary. There still is no consistent procedure in place; one interviewed female judge emphasized that she always delivers applications for a civil protection order to the respondent as a matter of principle.²³

Besides these civil protection orders already mentioned, a "stalking CPO" (§ 382g EO) is in force since 2006, which prohibits privacy infringements, e.g. by personal contact, persecution, disclosure of personal data and photos or presence at certain locations. If the civil protection order is disregarded, the victim can apply to the court for a coercive sentence.

Alternatives: Preventive Detention and Pre-trial Detention

Strictly speaking, arrest and imposition of pre-trial detention are no alternative to a police EBO in Austria, because in these situations, too, an EBO has to be issued in order to avoid gaps in protection. It is the same logic according to which in some regions, an EBO is issued when a woman takes refuge in a women's shelter.²⁴ If the endangering person is released, or if the woman returns to the apartment, the existing EBO guarantees protection.

Pre-trial detention is applied for by the public prosecutor and decided upon by the responsible judge; there are instances when applications are not granted (interviews 19 and 20 – public prosecution). There are no statistics on the imposition of pre-trial detention in cases of violence in the immediate social environment; intervention centres/ violence protection centres have long criticized a practice they consider restrictive. The judiciary rejects this criticism, referring amongst others to the fact that the EBO provides a less severe instrument as opposed to detention.

²² For a number of years now, in Vienna, the responsibility for cases of CPOs with married couples when minors are involved falls exclusively to family judges; for all other CPOs, also for non-marital cohabitation, civil judges without this special competence take the decisions.

²³ In most cases, she added, there were no reactions, only two out of ten respondents disputed the application (Interview 15 – Court).

²⁴ Here we need to take into account that a barring order may only be issued when the victim has urgent need of housing. When a woman declares that under no circumstances she will return to the apartment, an EBO must not be issued.

In the expert interviews, detention was not addressed as an alternative to EBO and CPO. The only alternative measure of protection applied in practice seem to be – only in the institutional context – **bans from the premises**.

Application of Protective Measures in Practice

In Austria, data on the application of the police EBO are collected by the executive as well as by intervention centres/ violence protection centres; it is only the victim protection agencies who also record information on the endangered individual and the endangerer.²⁵ As specific needs are not systematically recorded, there are no statistics on either level on protection measures for particularly vulnerable victims of violence.

The most recent available police statistics dates from 2014: Across Austria, police issued 7,585 EBOs (2013: 7,704), of which 764, i.e. ten per cent, were disregarded (2013: 9.6 %).²⁶ The slight decrease in EBOs continued in 2015, at least in Vienna: there are 3,138 measures in 2014 as opposed to 3,429 in 2013 (IST Wien 2016, 42).

The working group *GenderStat*, which was initiated by the Vienna Intervention Centre in 2011, endeavours to improve the data situation in cases of violence against women and domestic violence, and has for instance identified minimum standards for police data collection, based on the Istanbul Convention; these, however, do not include “specific needs”. These recommendations have so far not been implemented due to administrative and budgetary restrictions (and their implementation is not to be expected in the near future).

The responsible party for statistics on civil protection orders is the Federal Ministry of Justice, which, in the first years after the Protection against Violence Act came into force, provided comprehensive data (applicant, duration of decisions). Currently, court statistics only provide information on the fact that the number of approvals has continually risen over the last years; however, data are not collected in such a way that they would allow for conclusions on the number of applicants. The same is true for dismissals; here, we can only record that there was no consistent development and no clear tendency can be identified.

²⁵ This presupposes that a support relationship has been entered into; data of persons who were only in telephone contact are not available. Statistics provide insights into e.g. gender, age and citizenship of the client, increased vulnerability cannot be concluded from these data.

²⁶ E-Mail Ministry of the Interior, 27 March 2015.

Tab. 1: Applications for violence protection CPOs (§§ 382b and e EO) 2009 – 2015

	(partly) approved	dismissed*
2009	1,946	180 (8.4%)
2010	2,041	199 (8.9%)
2011	2,094	208 (9.0%)
2012	2,134	247 (10.4%)
2013	2,221	228 (9.3%)
2014	2,296	252 (9.9%)
2015	2,283	228 (9.1%)

*Percentage in relation to the total number of approvals and dismissals

Source: Federal Ministry of Justice²⁷

While in the first years after the Violence Protection Act came into force, a CPO was applied after roughly every fourth EBO (Haller, 2005, 288), experts from violence protection agencies as well as from the police force assume that this relation has now shifted to one to three.

Data relating EBOs/ CPOs to family law decisions or with the activities of Child and Youth welfare are not available, either.

²⁷ Mail Federal Ministry of Justice, 31 March 2016

3. Identification of Vulnerable Groups and Protection Orders – the Expert View

This chapter focuses on the perspectives of practitioners and other experts regarding the recognition and identification of specific needs of victims of violence as well as their assessments of the efficiency of protection orders for the groups we identified, possible alternatives and suggestions for improvement.

Initially, we planned to include both available protection orders, i.e. the police emergency barring order and the court civil protection order, in our study. But the expert interviews quickly showed that the focus has to be on police measures. Their issue are the responsibility of state bodies, and the victim is entitled to state protection. Civil protection orders, on the other hand, are usually applied for by those affected themselves, i.e. they themselves decide whether they need or want protection (although, in a second step, the state – this time the court – again rules on their application). What is more, conclusive data on civil protection orders are not available at the judiciary, and relevant information is not always available from victim protection agencies. Below, therefore, protection orders mainly refer to EBOs, while civil protection orders are only dealt with occasionally.

Interview Partners and Methodological Approach

For the Austrian country study, we had intended a total of 31 interviews, which, according to the project conception, aimed to fulfil a number of aims:

- delimitating the research field with a view to legal provisions relevant for the protection against violence and their practical implementation, as well as the identification of vulnerable groups (four interviews with representatives of institutions for women affected by violence, one clinic for the deaf, and one public prosecutor's office)
- collecting information on the perceptions and assessments of experts from as many areas of practice as possible, combined with the research into case histories (25 interviews – see below)
- development of a policy paper and an implementation strategy for the resulting suggestions (two interviews with one legal and one social science expert)

Due to the narrow focus of the project – the application of police emergency barring orders in cases of violence against women with specific needs – finding interview partners who felt competent in both areas was not a simple task. The experts we interviewed between March 2015 and September 2016 mostly come from NGOs; the police and the judi-

ciary are represented by five experts. Most interview partners live and work in Vienna, nine work in other federal states. The surveys were mostly done in the form of individual interviews, additionally we organized two focus groups. With two experts, we had two interviews each – in the exploratory phase and during the main survey; hence they were counted twice.

Tab. 2: Classification of interview partners

Organisation/ Bereich	Anzahl
Violence protection centres, women’s shelters, counselling centres for women, emergency hotlines	11 (+2)
Disability (day care institutions, health, (peer) counselling, peer representation organizations)	6
Police	2
Homelessness	2
Refugee facilities	2
Child welfare	1
Judiciary (court, public prosecution)	3
Academic research	2

The institutions are not named here, as some experts were promised anonymity; in addition, many of the institutions provided cases, and the anonymity of clients (in particular those of smaller organizations) might be compromised if the institution is known (see also chapter 4).

Most of the interviews took roughly an hour, some however were much longer, i.e. when the interview partner provided cases, some of which were discussed in detail. All interviews were audio recorded, for some of them, complete transcriptions were made. For most of the discussions, we took minutes in note form. The method of evaluation was qualitative content analysis.

For the interview guidelines, we developed a rough grid which was expanded and substantialized according to the profession of the experts. In all cases, the main focus was on identifying groups with specific needs – from the interviewee’s perspective – and their impact on the protection needs of those affected by violence in their immediate social environment, followed by questions regarding particular challenges, the efficiency of protective orders, and possible alternatives.

Identification of Vulnerable Groups

The majority of our interview partners thinks that there is no group in particular with particular “specific needs”. Fundamentally, every victim has individual needs, and assistance and support need to be adapted to these. Some of the interviewees see a problem in the term “specific needs” in itself, arguing that it is vague regarding the dividing line to “normal” needs. This is especially true regarding the fact that the situation in which a victim of violence finds herself can never be called “normal”, and therefore does not involve “normal” needs, but always specific, i.e. situational needs. On the other hand, some experts identify the labelling and the resulting stigmatization as a problem, and thus refuse a naming/ listing of groups with specific needs. But there are other voices who are very clear in identifying and naming such groups; however, they, too, point out that, *“because, from the point of view of a person-centred approach, (...) every individual has special needs”* (Interview 9 – Violence). If some speak of specific and targeted measures for certain groups as a whole, we need to emphasize that, insofar as the needs of those affected are met with suitable measures of help and assistance, these do not differ widely from the “standard”.

Typology of Specific Victim Needs

The following systematic presentation is based on the assumption that specific needs not only arise from person-specific disabilities, but often are due to (society’s) structural inadequacies. This assumption necessitates a classification of needs within a system with several levels, divided into a macro, meso, and micro level. On the **macro level**, socio-structural deficits like the legal situation or funding systems were pinpointed, i.e. systems that can hardly be influenced by the individual or a specific group, but can lead to specific needs. On the **meso level**, there are those needs that arise on the level of interaction between the system and the subject. The **micro level** finally includes those needs that are mostly subject- or group-specific, i.e. which can only marginally be influenced by social structures. However, it must be noted that these levels cannot strictly be separated from each other, that they are interdependent, which manifests itself in practice when support institutions are powerless to act (see in more detail below). For a systematic presentation, however, this theoretical division is necessary.

Macro Level

On the macro level, legal and economic structural deficits are the main influences. One problem that is repeatedly addressed arises from the interaction between the separation

of the victim from her violent partner and her residence status. Because the residence status of the other members of the family usually depends on the husband in cases of family unification, the separation entails the loss of the victim's status and massive uncertainty for her, which drastically reduces the chances of *self-empowerment* of the woman and her escape from violence.²⁸ Under certain conditions, the Settlement and Residence Act (NAG) allows for a right of settlement for family members, amongst others either after a divorce/ separation (§ 27 (2) NAG), or when there are exceptional circumstances, amongst which are the following (§ 27 (3) NAG):

1. the family member is the victim of forced marriage or forced partnership,
2. the family member was a victim of violence, and a civil protection order according to §§ 382b or 382e EO (protection against violence order) was issued against the applicant for unification, or
3. the applicant for unification has lost his residence permit because he has been issued with a final sentence for a premeditated crime.

However, after a period of one year (in which the residence permit is based on one of the listed rules), the general conditions and barriers for granting residence reapply, which often leads to individuals affected by violence being refused residence because of an insufficient income.

Another problem is economic dependence, not of the partner, but of the welfare state. The legal claim to minimum benefits, emergency unemployment assistance or, in general, access to the welfare system, require certain "characteristics" of the applicant. Thus, for instance, for married couples or couples living in a shared household, minimum benefits as well as emergency unemployment assistance take the partner's earned income into account. This regulation leads to situations in which a victim of violence is stripped of all support, if her husband – if he earns a certain income – does not meet his maintenance obligation voluntarily.²⁹ Nevertheless, experts emphasize that *"for Austrians (...), their economic dependence on the partner is not always real, because the social system is a good security net"* (Interview 10 – Child Protection).

Another disadvantage arises from a lack of resources in support institutions as well as possible limiting requirements that lead to the mentioned powerlessness of institutions. Such limitations are manifest in practice, for instance on different levels of the funding of **women's shelters**. Tight budgets and a lack of space aside, in some federal states problems arise from different jurisdictions within the state administration. Thus, residence in

²⁸ This example clearly shows that the division into macro, meso and micro level makes sense. The need for an independent residence title cannot be viewed as an individual characteristic of an individual or group, but is a legal construction.

²⁹ Emergency unemployment assistance currently is a maximum of 1,400 Euros. The woman's claim decreases as soon as the husband (without care obligations for children) has a net income of more than roughly 640 Euros a month, and the more he earns, the smaller her income.

Lower Austrian women's shelters is considered as full coverage – a requirement that can hardly be met in practice, if only because of the diversity of clients – which is why "*all other benefits are cancelled when they are with us*" (FG – O). For women who receive minimum benefits, for instance, this means that they have to make a decision between minimum benefits and the women's shelter in an emergency, but it also applies to mobile services or nursing in a geriatric day-care centre, which are not possible during protective housing in a women's shelter, although they have completely different purposes.³⁰ The reason for these extremely problematic regulations, according to the experts, is that otherwise, such situations would lead to a double funding by the federal states; however, it is exactly regulations like these which result in exacerbating the emergency of those affected.

Structural deficits and disadvantages mainly affect foreigners/ migrants.

Meso Level

The meso level includes a broad spectrum of specific needs that mainly develop in the context of interaction. An issue that the experts named significantly often were **language and communication barriers**, which different groups (deaf people, migrants who only speak very little German, but also some women with learning disabilities) are confronted with. The main focus are situations in which victims are not included in communication (any more) or marginalized, although they are, in principle, while sometimes in a very limited way, able to make themselves understood. Thus, those working in the field repeatedly see cases in which the police will have carers, the victim's children or even the perpetrator describe the situation, instead of communicating with the victim directly. (This, however, is also true when interpreters are called in.) While a direct approach is necessary in any case in order to give the victim *a voice*, this may lead to neglecting or missing the victim's *own voice*. In the context of the police intervention, the barring order which potentially follows it, a civil protection order, but also later, in the course of criminal proceedings, such communicative imbalance may have serious consequences for those affected, as the following quotation illustrates:

She does not speak German, but the man does. Now, I only know the woman's and the son's perspective, but he confirms her story. Anyway, the woman was not able to explain herself because of the language problem, the man was, and this led to the woman being barred; for the time being, she was homeless, and therefore came to the emergency shelter with her son. (FG – WB)

³⁰ Due to the pronounced federalism of Austria, there are some regulations differ according to the federal state. In Salzburg for instance there is no full coverage for residents, they have to do their own shopping; for this, they need additional financial means, i.e. as the case may be minimum benefits. They, too, do not have any claim to other benefits while residing at the women's shelter, e.g. mobile services for health or mental health care; these measures, however, may be funded on a case-by-case basis.

The overlap of the different levels (macro, meso, micro) can be illustrated particularly well in the context of communication problems. For instance it is not possible for example to provide interpreters for all languages at all times. Thus, an interview partner described the following situation: *"The mother is completely unable to make herself understood. She only speaks Pashtu, which means that we can't even speak to her through our Farsi-speaking colleague"* (Interview 8 – Refugee facilities). Making communication possible in such situations, therefore, is clearly an individual specific need (and thus located on the micro level), but surely it can also be regarded as a general demand on a society that justice is done to the diversity of the population, and this in particular in cases when support and help has to be guaranteed by the state.

Further specific needs develop in situations when (underage) **children** become part of the interaction events. Children can have two different roles: first, they often constitute the mother's last and only, and therefore enormously strong social bond³¹. As a result, she is willing to maintain the family life, in particular when the children want it, in spite of her experience of violence (this need is already closely connected to the micro level, as the women's subjective concepts are an important influence). In other cases, children are used by the father in order to build up pressure on the mother, on the legal level as well as through violence, as one expert illustrated: *"We had a case for example when [the father] locked himself in with the children and tried to commit suicide"* (Interview 10 – Child Protection). When the mother is "out of reach" of the father, for instance because of a communication ban, the violence may be directed against the children instead of her. On the legal level, disputed custody and visiting rights play major roles. Thus the experts explain that fathers in cases of a civil protection order with a communication ban often argued that handing over the children, and thus contact to them, was made impossible, which constituted a restriction of their visiting rights (Interview 9 – Violence). The problem of the social bond also is evident in cases in which violence against the mother is perpetrated by the (adult) children themselves, who, in these cases, are a resource as well as the perpetrators. In summary, children may be described as an extension of the sphere of vulnerability of women, in particular when decisions on visiting rights do not take existing civil protection orders into account or do not find practical solutions.

Social bonds not only play a role as bonds to the family, but also to an institution or a closed community – the latter include amongst others ethnic groups (the interviewees cited mostly Chechen and Afghan communities), but also the "deaf community" or the community in a care institution. As **social control** is particularly efficient in such communities, cries for help from those affected by violence are often stifled out of fear that the "story" could get about and result in a stigmatization of oneself or one's whole family. In

³¹ This term from criminological attachment or control theory that was developed by Travis Hirschi (cf. Hirschi, 1969) to explain why people act in a deviant or compliant manner. Roughly speaking, the core of this approach is that strong social bonds, which Hirschi mainly understands as "attachment to families, commitment to social norms and institutions (school, employment), involvement in activities, and the belief that these things are important" (ibid., 16), maintain conformity.

the context of ethnic groups, the experts also broached the issue of immediate, active, targeted and conscious control. Thus, sanctions against the victim could not only result from her turning against the perpetrator, but also from her seeking support outside the community, as this story illustrates:

"We had incidents, they concerned a woman who simply got support from a man who accompanied her to the authorities. They stood beside each other at the railway station, and a car with young Chechen men arrived, they got out and shouted at her that she could not be in touch with this man, he was no Chechen, she had to get into the car at once. They actually dragged her into the car and said she had to sever contact at once, it was inadmissible" (Interview 8 – Refugee facilities)

Assisted living institutions for disabled persons and the life situations of individuals depending on continuous support/ care represent intervention settings that clearly demonstrate how **dependence** creates specific needs. When persons affected by violence depend on the person who exerts violence against them – in private life or in an institution – this leads to a vicious circle. Because of the increased need of support, social relations are usually very limited (being bedridden, inability to communicate), the victims of violence therefore often cannot inform a third party of the situation. In addition, there is a fear of no longer being provided for when the violence becomes known and a protective measure is imposed against the perpetrator. In spite of the existence of an acutely threatening situation, the police could not bar a violent man who is responsible for his wife who needs nursing from the apartment without making sure that the victim of violence will immediately get other outpatient or in-patient care. Such emergency care is only available in Vienna, provided by the Hospitallers; in all other federal states, the only alternative is emergency admission to a hospital.

A difficult situation also arises when violence happens between the residents of an assisted living institution. Both victim and perpetrator have a need for care or support, the perpetrator cannot simply be issued with a barring order. Occasionally, the perpetrator can be transferred to a different department or institution, but often this only results in shifting the problem. As a result, thus the experts, in such cases *"the barring order is practically never applied. Institutions tend to deal with such situations internally by transferring the perpetrator (carer or co-resident)."* (Interview 2 – Academic Research)

From a typological viewpoint, the meso level therefore mainly includes victims with communication difficulties, persons with few, but all the more significant social bonds, and persons whose vulnerability is increased e.g. by children or by their own nursing needs. The challenges faced by LGBT persons are also located on this level. According to the experts, this group cannot be reached or access is extremely limited, and does not turn to the relevant institutions in cases of violence. The reasons for this situation are surely to

be found on both sides: the institutions obviously do not succeed in reaching out to this group, and those affected probably do not take these steps for fear of (further) stigmatization and/or discrimination; the community effect described above may also play an important part.

Micro Level

Last but not least, we want to address those needs that primarily arise from “characteristics” of those affected themselves. These are first and foremost fears, insecurities, bad experiences and other individual sensitivities. Some victims for instance need longer to turn to a third party³² with their problems, e.g. because of traumatization, shame or simply timidity. **Cultural aspects** also play a part on the micro level. Due to a certain socialization marked by patriarchal structures, many women do not recognize violence as such, and/or those affected more or less consider it as normal. In the context of an EBO, such cultural aspects have an exacerbating effect insofar as they counteract the protective function, because these women – due to their socialization – feel more committed to their husbands than they do to themselves: *“I cannot do that, he is my husband. I HAVE to let him in, I cannot say no.”* (Interview 8 – Refugee facilities). On the other hand, the measure cannot take effect in its function of clarifying legal standards to the perpetrator, as these are adamant:

“But it’s normal to beat my wife, where I come from, I am allowed to do that” and “she is my wife, I can do whatever I want, it is my right to be here [in the victim’s apartment] because she is my wife” (Interview 8 – Refugee facilities)

This entails an obvious problem for analysis: Regarding these factors, generalization is simply impossible; on the one hand, because these simply are specific situations and needs, on the other, because often, too little information is available (due to a lack of experience). However, it should be noted that these needs can also be influenced from outside: A secondary victimization³³ for example (a phenomenon that tends not to depend on the individual) has effects on the willingness to file charges or on the way in which a victim-witness testifies before the court; whether victimization occurs and its consequences depends on the victims personal resources.

³² Third party also in the sense of support institutions or the police.

³³ Secondary victimization means repeatedly being victimized (in particular, but not exclusively) in the course of criminal proceedings that are managed inconsiderately and without sufficient regard to the victim as such, amongst others by renewed confrontation with the perpetrator, public testimony etc., and the resulting stress, such as retraumatization (cf. e.g. Kury, 2010, 65; Schneider, 2007, 409; Sautner, 2014).

Protective Measures in Cases of Increased Vulnerability

In some contexts, therefore, the victim protection measures provided by law may prove to be unsuitable or counter-productive, so viable alternatives have to be found.

Efficiency and Use of EBOs and CPOs

Following the typology of “specific needs”, we shall now look into the efficiency of the two most common protective measures in Austria. The police barring order as well as the court protection order are in principle identified as very efficient instruments for the protection of victims of violence; in principle, regarding their efficiency, they do not differentiate between persons with or persons without specific needs. In short: the barring order and the protection order are basically and in most cases appropriate means of protecting individuals with specific needs, too.

Some **exceptions**, i.e. cases in which these protective measures cannot be applied, or only with difficulty, or cannot take their protective effect, were already mentioned above; we will again summarize them shortly. These include the court-ordered visiting rights of fathers with small children, who have to be handed over, which cannot always be done by a third party, and which in practice may either lead to renewed endangering situations for the mother, or to accusations by the father that he is being denied his rights. A careful consideration of both consequences by the judiciary should however avoid further risk. Another typical constellation is violence between users of a day care institution who e.g. suffer from cognitive impairments. In this context, a barring order consciously used as a temporary measure may cause problems when a certain quota of attendance is a condition for care: A 14 day barring order can exceed this limit (cf. Interview FG – WB). Finally, economic dependence, i.e. victims having no or only a small income, may lead to women not applying for civil protection orders because they are unable to provide for themselves (and their children).³⁴

Finally there are constellations in which a barring order may fulfil a protective function, but does not serve to clarify legal standards to the perpetrator. This may be the case in cases of perpetrators suffering from mental illness or learning disabilities, who, according to the experts, do not always understand the aspect of clarifying standards, i.e. exemplifying limits (and see the barring order as a “holiday”, for example) or simply forget about the existence of the prohibition (cf. Interview FG – WB). On the other hand, a perpetrator may not always obey the barring order due to his feeling of responsibility and concern for

³⁴ In many cases, the men continue to pay the rent (mainly to avoid losing their claim to the (shared) apartment) as well as child support, but pay no alimony to the victim (cf. Interview 15 – Judiciary).

the victim (“who will take care of her when I am not there?”), or simply does not accept the purpose of the measure.

Further and alternative protective measures

The interview partners referred to other protective measures that they themselves already apply or would like to see for future improvements.

In institutions accommodating their clients, **bans from the premises** play an important role. These are (compared to the barring order) a much lower-threshold instrument because they are issued by the staff and do not require a police intervention. Bans and discussions in which the situation is spelled out play the role of an preceding authority to barring orders, as the following quotation illustrates:

What I do have to say, if there is violence, we never decide to kick them out the first time. There are discussions, that’s the first step [...] And then there was in both cases a ban from the premises [...] In one case, the situation escalated to such a degree that the police had to be called and [...] then the police filed charges with this temporary barring order.” (Interview 8 – Refugee facilities)

Regarding institutions accommodating their clients, special “perpetrator flat-shares” were proposed (Interview 3 – Disability) in order to mitigate the problem of shifting the violence to another institution. However, this needs intensive and well-organized support. Others were sceptical of the idea in general.

In summary, there is general consensus on the following point: For a further improvement of protection, it is necessary to increase **external communication**, to significantly facilitate access to information for the victims, and in particular provide a more easily understandable communication of existing information through **simple language formats**, because women with communication problems or cognitive impairments in particular, who constitute a large share of those affected, would benefit a lot from such an optimization. Another consensual point amongst the experts is that a further improvement of victim protection needs “*education and awareness raising within the police [and] victim protection agencies*” (Interview 2 – Academic Research) and a closer cooperation as well as a development of special competences, for instance in the form of “*peer counselling³⁵ in the police as well as in victim protection agencies*” (Interview 2 – Academic Research).

³⁵ Peers are to be understood as persons with a similar specific need.

4. Victims with Specific Needs and Protective Orders – Case Study Results

As mentioned, we were able to analyse 55 cases for this study, which were made available by different institutions. In a first section, we will outline our access to the cases, the characteristics of victims and perpetrators as well as the forms of relationships and the contexts of violence etc. The second part focuses on typecasting the cases into groups with selected case studies, which we analyse with our main focus on the question whether those affected by violence actually got protection, whether the interventions were successful, or whether a different approach might not have made (more) sense.

To begin with, we would like to mention that in case selection as well as in the analysis, the question were the **resources** available to the victim of violence (currently or in the past). This includes resources such as the ability to manage everyday life without support, having a social network and communicative competence – abilities and opportunities located on the micro level within the sphere of influence of the women. On the meso level, violence protection agencies, institutions for disabled people, refugee counselling services or child and youth services etc. play their part. What victims cannot influence are factors on the macro level, in particular legal regulations, but possibly on the micro level, too, like e.g. some mental illnesses. In order to end violence sustainably, or to enable some groups of individuals to protect themselves against violence for the first time, suitable resources need to be provided on the macro level, too – such as an independent residence permit for victims of violence.

Methodology and Overview of Cases

For our analysis, 55 cases were available, most of them provided by institutions in the regions of Vienna and Lower Austria. Nine cases came from other federal states.

As we guaranteed the institutions providing the cases their clients' anonymity, smaller institutions are not named: With a small number of clients, striking case histories may easily lead to those concerned being identifiable. The cases we examined mostly come from women's institutions (38, for the most part hotlines for women affected by violence, Violence Protection Centres and women's shelters), but also from institutions for people with disabilities (six), from refugee facilities and custodial guardians (five each), one contribution is from the police.

Case collection began in summer 2015, on the one hand through direct contacts with Violence Protection Centres, but also following expert interviews, in which we asked about groups they regarded as particularly vulnerable. The most recent cases we included were provided in June 2016.

The approach in case collection shows that this is no representative but a purposeful selection. The analysis of these cases therefore does not allow for conclusions regarding the protection of particularly vulnerable women in general, but – as is the case with all qualitative research – it allows for a paradigmatic approach to specific problem constellations and the attempts to solve these by the involved institutions.

For documentation of the cases, the case providers were supplied with a grid showing the essential cornerstones that seemed relevant for analysis. These documentation sheets could be completed online or manually, and there was sufficient space for additional detail. This was to guarantee a comparability of basic data on the one hand, but also the possibility to include the specifics of a case. All institutions were asked to report current cases as far as possible – those dating farthest back are from 2013.

In spite of the standardizing guidelines, the quality of case histories varies widely, for a variety of reasons: because detailed information requires a close relationship with the client, because the institutions have different goals and offer different measures of support. Very little is known about the endangering persons or perpetrators in most cases, because the majority of the institutions is victim-oriented.

Some case providers were interviewed as experts; on this occasion, they were questioned for further details of the case histories.

Before content analysis, there is a quantitative presentation of essential case characteristics in order to provide an idea of the overall sample. A statistical analysis was not deemed worthwhile as case selection was completely random.

Data on the Women Affected by Violence

The victims of violence are between 21 and 84 years old, the average age is 43 years; the median age of the women is 39.5 years. Ten women are over 65 years of age.

The nationality is known for only 48 women, 19 of them are Austrians. Amongst the other 29 women, there are eight EU citizens, 13 third-country nationals, three recognized refugees (one of whom has a "Rot-Weiß-Rot card"³⁶) as well as five asylum seekers.

36 women had at least one and a maximum of six children; for 19 victims, we know that their children are still minors.

Most of the women were attacked or endangered by their partner (husband, companion, boyfriend), 38 to be precise. In one of the cases we analysed, the victim was attacked jointly by her husband and her mother-in-law. In eight other cases, her "ex" was the perpetrator. The proportion of relatives is significantly smaller: one son, one daughter, one grandson or the mother were the attackers in seven cases. Two women experienced violence from a female fellow occupant in the refugee facility.

The victim's lasting separation from the perpetrator was successful in 22 cases (16 case histories, however, lack the relevant information).

Seven assaults did not take place in a private residence: six happened in refugee facilities, and one in a shelter for homeless mothers.

Vulnerability

The list of characteristics leading to increased vulnerability is comprehensive; in addition, a lot of the women are confronted with multiple challenges, such as mental problems in addition to financial dependence on the endangering person – in total, such multiple burdens were identified in 23 cases.

A very frequent find, with 24 women, are mental problems. The second-largest group are those twenty victims who have to deal with communication challenges (amongst them four hearing impaired and 16 migrants with little or no knowledge of German). Four women have learning disabilities or are cognitively impaired. 16 women suffer from physical disabilities. A total of twelve victims are in need of support or care; in one case, the perpetrator depends on the victim for care. Seven women are under guardianship.

15 women are economically dependent on the attacker/ endangering person; one of them has a disabled child, which increases her dependence on her husband.

³⁶ This aims to allow skilled workers from third country nationals and their families controlled immigration into Austria with a view to permanence according to individual and labour market policy criteria. The Rot-Weiß-Rot card is issued for twelve months, and authorizes fixed-term residence and employment with a defined employer.

In four cases, the victim's residence status depends on the perpetrator; however, for most of the migrants we do not have information regarding their residence status.

Further characteristics that increase the victims' vulnerability are linked to gender roles and socio-cultural issues. These are primarily a family of origin with a highly traditional orientation, which therefore thinks that a woman has to submit to her husband and which cannot accept divorce (six women). Three women felt that violence was "normal" due to their socialization, and three other women were severely restricted in their choices by their religion (two Catholics, one Muslimah).

Perpetrators' Characteristics

The feature named the most were addictions: 15 perpetrators were addicted to alcohol, drugs, and/or medication.

Eight suffered from mental or psychiatric illnesses, another individual was affected by learning disabilities; two perpetrators were under guardianship. Five individuals were affected by physical disabilities, and one perpetrator depended on home care.

In four individuals, their complete economic dependence on the victim was striking.

Protection from Violence

Police issued an emergency barring order against 36 perpetrators; this was followed by the victim applying for a civil protection order in 13 cases; Child and Youth Welfare applied for one further civil protection order for an underage child. Information on CPO applications could only be accessed in eleven cases, in all of these this protective measure was actually granted. None of the applications was withdrawn, one victim applied for the CPO to be suspended.

Case Typologies

The cases we examined are extremely diverse; in addition, some victims of violence are affected by multiple disadvantages. Trying to identify structural or "typical" problems, we

formed clusters, taking into account major characteristics, and analysed common features.

In order to provide some illustration with the bare numbers, we present one or two case studies following the general presentation of the case type. In doing so, we try to contrast solutions involving police action and the issue of emergency barring orders with other possible interventions. Each of the case presentations concludes with the reasons of the institution that provided the case for choosing this particular one.

Physical Disability

Physical disabilities often mean the need for support in coping with everyday life. Several studies substantiate that physically or cognitively impaired women are affected by violence in their social proximity to a far higher degree than other women (cf. Schrötle/Hornberg 2014; Schachner et al. 2014). A limited autonomy in their lives and their dependence on third parties not only increase the risk of violence, but also mean that emergency barring orders and civil protection orders may not be suitable or sufficient instruments to protect them when the perpetrator is also the person supporting them in their daily lives.

In total, 16 of the 55 files refer to a physical disability. The women in this group

- are between 21 and 84 years of age
- nine women are mothers, three of them have underage children
- for the most part they have Austrian citizenship or one that has equal status; two have refugee status
- they need a wheelchair or other mobility aids, suffer from chronic illness or age-related frailty, four are deaf; seven women in this group have multiple disabilities
- with one exception, all of them share a household with the perpetrator. In half the cases (8), the perpetrator was the husband/ companion/ boyfriend; in two cases, the ex-husband (one still lived with the victim). Five women experienced violence from their children or grandchildren, one from her mother.
- Nearly all of them experienced repeated physical violence – beating, choking etc. – with some serious injuries resulting from it; mental violence was also very common, followed by dangerous threats, and, in one case each, sexual violence, forced marriage and stalking. There are also some indications of economic violence.

Half of the women with physical disabilities depended on the support and care of a third party. In addition to external assistance, the perpetrators covered some of the support they needed. This form of **dependence** is a serious impediment to ending the violent relationship. Those five case histories in which the women successfully separated include four women who are able to live autonomously for the most part: three deaf women and one who, though her movement is limited, is still mobile. One spastic with severely impaired mobility fled to the women's shelter when she was threatened with forced marriage.

With one exception, the police was involved in all of these (16) incidents; the **intervention** was initiated by the victim in nine cases. The police reacted by issuing an emergency barring order against ten perpetrators, one was also temporarily detained. In the five case histories without an EBO, we were only able to deduce the reasons to some extent: One woman already stayed at the women's shelter³⁷, two further victims were not injured and police did not perceive an imminent threat. In one further case, an EBO was not issued because of mutual violence, according to a social worker at a day clinic for the hearing impaired. In this case, however, police do not seem to have noticed the specific needs of the victim: During the police intervention, no sign language interpreter was present, although victim and perpetrator are deaf; moreover, both only have a basic knowledge of German. This is aggravated by the fact that the woman, who had fled to the women's shelter on several earlier occasions, was not questioned in depth. In the fifth case, concerning an 83-year-old woman with limited mobility who had called the police emergency service on three earlier occasions, the police only intervened after the intervention of a women's helpline. In spite of the victim's increased vulnerability due to her physical disability, no EBO was issued; the only intervention was a legal information interview with the perpetrator.

Some files include the reports of EBOs to the Violence Protection Centre. The physical disability of the victim was only mentioned in the cases of one deaf woman and one woman in a wheelchair. In two other cases, the fact that the victim has to use a walking frame, or that the victim is emaciated and weighs only 35 kg and cannot live alone, is only mentioned in the file of the Violence Protection Centre. Physical disability was never listed as a factor increasing the risk of violence. What needs to be positively highlighted, however, is that the police does not seem to perceive the victim's need for support as a reason for not issuing an EBO against the endangering person, even when he nurses the victim.

As far as the files mention the fact, the police have followed regulations in informing the Violence Protection Centre/ Intervention Centre after issuing an EBO. During the police

³⁷ In principle, police should also issue an EBO when the endangered person voluntarily leaves the apartment to avoid a gap in protection in case of her return.

interview with the deaf victims, a sign language interpreter was not always used. According to the assessment of the interviewed social worker, however, this was not absolutely necessary with his client, as the woman is able to lip-read and communicate in writing.

Two perpetrators were detained, one temporarily, the other was taken into custody. The police brought one victim to the women's shelter after the charge had been filed because she did not want to return to her apartment. As far as case providers commented on police interviews of the victims and the measures taken, these comments were always positive: The police officers were described as mostly sensitive and supporting in the interviews. Further measures (charges, collection of evidence) were done "very correctly and thoroughly". A staff member of a women's shelter, however, remembered a derogatory behaviour towards one client: The young woman who was sitting in a wheelchair had defended herself physically against her mother's assaults – obviously, the officers doubted that the physically disabled woman had done so.

According to the files, four women applied for a **civil protection order**; two were approved, for the other two, pertinent information was not available.

For an effective protection of victims to be ensured, different institutions need to cooperate. Obligatory information of an Intervention Centre/ Violence Protection Centre of the issue of an emergency barring order by the police is an important basis for the (possible) activation of a wider **network of support**. This is also shown in the case studies of victims with physical disabilities: Often, what is needed is also assistance regarding economic security, shelter, care and support in daily routines – more than with women without physical disabilities. (Nevertheless, many of these points are also valid for women with no physical disability.) Police and court protection orders are therefore not sufficient to ensure a lasting protection from violence, but they are an important resource to make it possible.

Case Study 1: Mrs H. (Case 48)

Mrs H. is 76 years old and mostly bedridden. She lives with her husband, who keeps house and takes care of Mrs H. in spite of his frailty and his problems with walking; he has the support of a home helper.

There were repeated police interventions at the H. residence because of mutual physical violence; the police was called by different individuals. The police describes Mrs H. as extremely aggressive, for example striking out at her husband with her walking stick. Attacks against police officers have repeatedly resulted in hospitalization in a psychiatric institution. Mr H. beats his wife's face and torso with his open palm. These arguments are

usually triggered by Mr H. stopping at the local inn after doing the shopping – Mrs H., who is extremely jealous, alleges he has an affair with the barmaid.

Regardless of physical and mental challenges, the police has already issued repeated barring orders against both parties; both were charged repeatedly, too. Barring orders against Mr H. were disregarded by him after a short time because he feels responsible for the care of his wife. Police interventions were therefore not altogether successful, and a protection against further violence was maintained for short periods of time at most.

The situation only improved after intensive cooperation of the police with care institutions. On the initiative of a social worker, a joint approach is developed. This includes a clarification of Mrs H.'s health status, an increase of the hours of support by the home helper, as well as a conversation to clarify norms between a prevention officer and Mr H. The medical examination shows that Mrs H. suffers from dementia, which explains her aggression. Subsequently, police and the social worker repeatedly get in touch with the couple and check on the situation.

The police officer chose this case because it illustrates that emergency barring orders only show limited results in such cases, and only a joint, coordinated approach of police and social services results in a situation in which further police intervention is no longer necessary. The increased support by the home helper relieved the husband, who may have become violent because the situation was too much for him. The medical clarification and the knowledge that aggression and jealousy are symptoms of the illness helped him understand his wife's behaviour and made it easier for him to cope with it.

Mental Illness and Learning Disorders

Information in the case histories regarding mental illness and cognitive impairment are not very detailed; concerning the gravity of the illness or the extent of limitations in daily life they are inconclusive. Nearly half the files we analysed (24 of 55) mention one or several mental illnesses, e.g. depression, schizophrenic-paranoid psychoses, (alcohol-related) personality and behavioural disorders, or their effects like massive anxiety or panic attacks and attempted suicides. A total of 25 victims – those already mentioned and one of the women with a learning disorder – are mentally and/or cognitively impaired. Eleven of them are subject to multiple disadvantages: in the form of a physical disability (a total of six cases), insufficient knowledge of German, or homelessness (two each), or care responsibilities for a disabled child.

The women in this group

- are aged between 24 and 80 years
- are mostly Austrian citizens or have a nationality with equal status (15), five are third-country nationals and one woman is a recognized refugee.³⁸
- The majority of perpetrators were long-time husbands/ companions/ boyfriends (16), followed by former partners (5). In three cases, daughters or sons were violent, in one further case it was a fellow occupant in a refugee facility.
- More than two thirds of the victims shared a household with the perpetrator at the time of the violent incident.
- Eleven women had one or several children, seven of them underage children.
- Nearly all (23) suffered physical assaults, some of them were seriously injured; more than half experienced mental violence (15); dangerous threats (9), stalking (4) and sexual violence (4) also occurred.

This means that victims suffering from mental illness – like other victims, too – mainly sought help in cases of physical violence. Because of often long-standing relationships, we may assume that many women have repeatedly experienced violence over a longer period of time.

In this group, vulnerability sometimes is increased because of risk factors on the part of the **perpetrators**: seven suffer from addictions (alcohol or drugs), four have previous convictions for violent offences. A particular challenge for intervening police are perpetrators with mental, physical and/or cognitive impairments, because a police intervention may not put their health at risk, and it can be difficult to assess whether the perpetrator has understood the meaning of a police-issued EBO. According to the files, five perpetrators were mentally ill (e.g. bipolar disorder, Tourette syndrome, suicidal), two others were under guardianship, and one was physically disabled.

Access to police and support institutions is an essential resource for a lasting protection from violence. In 22 cases, the police became aware of the violence; in slightly more than half of them (13) the victim herself informed them. 15 times, an emergency barring order was issued. In no file there is any indication that a victim was assessed as unreliable – a fear often expressed by victims – and that as a consequence no EBO was issued. One victim expressed such concerns to her guardian, but subsequently was pleasantly surprised with the sensitive and understanding manner of the officer. Nonetheless, in some cases, the perpetrator was only barred from the apartment and an EBO was issued after several calls for help to the police. In some cases, it seemed to be the victims themselves who urged the police to refrain from issuing an EBO and from charging the perpetrator – their arguments being existential fears, the fear of losing their residence title and

³⁸ Three files contain no information on the victim's nationality.

the damage to the partner's reputation that would affect the whole family. In part, a failure to issue an EBO may be due to the fact that the couples lived in separate households and the perpetrators were also cognitively impaired or under guardianship – instead, police gave them a warning talk. In one case, no protective measure was taken due to the lack of an acute threat, but charges were brought on suspicion of bodily harm. In total, charges seem to have been pressed in a total of eleven files.

We know of eight women that they applied for a **civil protection order**; all of them were approved. One woman finally applied for a suspension of the order after a month because she began to pity the perpetrator who lived in a homeless shelter since the barring order.

According to available information, a third of the women with mental illness and/or learning disorders managed a lasting separation from the perpetrator.

Mental illness usually is **not immediately obvious** to intervening police officers, and the concerned parties do not point it out. Therefore it is hardly surprising that it is the exception for it to be indicated in the report to the Intervention Centre/ Violence Protection Centre. The documentation of mental illnesses is situated in the tension-ridden constellation of privacy versus victim protection. What needs to be carefully considered is whether being aware of such an illness is necessary for immediate victim protection, and would lead to the adoption of different or additional police measures. The involved experts consider documentation as necessary, but also raise the problem of, on the one hand, whether knowing about a diagnosis will actually lead to adequate police interventions, and, on the other hand, whether it may not also entail officers calling the victim's credibility into question. This is different with mental illness in the perpetrator, which may lead to an escalation of violence. But here, too, there is the question of options for the executive, beyond issuing an emergency barring order. Some files illustrate that a close connection to care and counselling institutions not only activates an important resource for the victims, but also supports the police and leads to a more efficient protection against violence (see above, case study 1).

Generally speaking, we can see that **emergency barring orders and civil protection orders** are **efficient protection against further violence** in cases of victims with mental illnesses, too. However, interviews point out that mental illness in combination with other factors (e.g. learning disorders, strong emotional attachment to the perpetrator, existential dependence, "habituation" to violence) decrease the effectiveness of protection orders because the victims (or the perpetrators, too) do not understand the measure.

Here we also need to mention the problem of **traumatization**. Only in two files of a victim protection agency there is an unambiguous reference to the traumatization of the victim. Long-lasting violent relationships and the childhood experience of violence that

some women mention suggest that the number of traumatized victims is much higher. These women repeatedly find excuses for the perpetrator's violent behaviour. It seems to be particularly difficult for traumatized victims, or rather the victim protection agency, to maintain support in such cases; at least this is what these two files suggest.

Mental illness is a wide field, and it does not per se generate specific needs regarding the protection against violence. Issuing an emergency barring order is therefore a suitable instrument for this group, too. In particular in combination with other challenges and a lack of resources, mental health problems may seriously limit the agency of victims and the effectiveness of protection measures. As the following case studies show, expulsion and prohibition of return are not always suitable measures.

Case Study 2: Ms T. (Case 37)

Ms T. is 28 years old and intellectually challenged, the symptoms of which are a low memory performance, childish-adolescent behaviour and limited everyday skills. Ms T. needs intensive guidance and support in order to be able to understand processes. In addition, she suffers from a schizophrenic-paranoid psychosis which may lead to a paranoid assimilation of experiences. She lives with her mother, her brother has accepted her guardianship.

Ms T. has been going to a day-care institution for some years, where she has formed a friendship with another client. The carer there says their relationship is marked by tenderness, mutual threats and assaults. It is not always clear what really happened. Sometimes, Ms T. is able to react confidently and refuse when she is touched in intimate places, sometimes her reaction is purely aggressive – and sometimes with a long delay. Her violence is targeted at her friend as well as other clients or herself. The carer says a further problem is that because of the victim's low memory performance, incidents cannot be talked over, and experiences of violence will sometimes only surface months later, resulting in incomprehensible impulsive outbreaks. For outsiders – carers and police – it is nearly impossible to determine whether something really happened, and when and how it has happened.

This is also true for the most recent incident at the day-care institution. The couple teased each other, there was physical contact, and finally this went too far for Ms T. She fiercely defended herself, this seemed to put an end to the incident. The next day, however, Ms T. threatened her friend with a knife, and the carers called the police, who after some time succeeded in calming Ms T. Initially, six officers were present, a large contingent for a small institution, but understandable from a safety point of view. Ms T. and her friend were questioned separately. No police barring order was issued, but the care insti-

tution imposed a one-day ban. The next day, the institution invited the police to talk about the violent incident and the police intervention with all clients. Ms T. was supposed to take part, too, but she was afraid of the police and hid in the toilets. One day later, Ms T. beat her friend again, police was called in again, and Ms T. was hospitalized in a psychiatric clinic.

Ms T.'s carer sees "a lot of helplessness" regarding such incidents in all those concerned – police, carers and clients. She rated the police approach as correct and welcomed the fact that the officers did not issue a barring order. Although as an institution, they are anxious not to establish a "microcosm" in which the laws and rules of the outside world have no value, she has several reasons for thinking that a barring order is not an appropriate measure: often, the events leading up to an incident are unclear, and it is often impossible to reconstruct them. The interviewee also doubts that those concerned would understand this measure or would be able to remember over a longer period of time why they are not allowed to enter the day-care centre. She also identifies negative consequences for those barred: when a client misses more than 25 days in a year, s/he will lose her/his claim to a care place. A barring order would add up to 14 days of absence; in case of another absence due to illness or possibly another barring order, the client would be out on the street. But the carer welcomes it when victim and perpetrator are taken in for questioning, and also that charges are pressed. In her opinion, this step serves to show that violence is not okay and helps to "establish reality".

In the case in point, the institution also held a warning conversation with the client in the presence of her guardian. In order to prevent further sexual assault, sex education for the client would be extremely helpful, as the constellation of victim and perpetrator was confused by the client's sexual curiosity and her adolescent behaviour. This was however refused by the family, or rather her brother and guardian.

Ms T.'s carer has chosen this case because it shows the complex implications of protection against violence for individuals suffering from serious mental illness. Multiple challenges and blurred lines between perpetrating an offence and being a victim are huge challenges for the police and the care institution.

Guardianship

Cases in which women are under guardianship are strictly speaking a sub-group of the one described above. These women, too, suffer from mental problems, they are mentally ill or intellectually challenged to a degree that makes it impossible for them to manage certain affairs, e.g. their income. Yet this group is set apart from the other one by the fact

that a guardian “looks after them” and that it is therefore easier to identify their being affected by violence.

Seven women are under guardianship: for five women, an association has accepted guardianship, for one woman each a lawyer and, respectively, her brother. The group of victims under guardianship is extremely heterogeneous, regarding their socio-demographic characteristics as well as the facts of the situation. In the described cases the women are eminently vulnerable as it is a coincidence that the perpetrators at least partially support the victims in their daily lives.

The women of this group

- are between 28 and 80 years of age
- most of them are confronted with multiple challenges: there are two women with learning disorders and mental illness, three victims with a physical and mental problems, and one woman each with a learning disorder and with a mental illness.
- Six of the victims share a household with the perpetrator. In four cases, the perpetrator was the husband or companion, once the victim called him her friend, twice the daughter.
- The victims were repeatedly subjected to (serious) physical, psychological, economic, and sexual violence; the violence resulted amongst others in neglect, separation from other attachments, broken bones and burns.
- In addition, all women under guardianship are either Austrian citizens, or their residence is assured.

The case histories suggest strong **emotional attachments** to those exercising the violence, with their need to be supported even increasing the victim’s dependence. This is illustrated by the long-lasting relationships (partnerships of 8 to 10 years) and the often long-standing violent relationship, as well as by the fact that only two of the victims permanently separated from the perpetrator.

In six of the seven cases, there was a **police intervention**. The police was informed of the violent incident by the victims themselves in most cases – mostly following the guardians’ advice and supported by them. Reporting the assault led to an emergency barring order in most cases (four times), once, additionally, to the temporary arrest of the perpetrator. In one case the police justified its decision not to issue a barring order with the fact that there was no immediate danger. In another, which took place in a day-care institution, the police was called because of a violent incident, but did not issue a barring order in agreement with the care institution, but held a crisis intervention discussion with all clients of the institution (see above, case study 2).

After issuing barring orders, the police correctly informed the responsible Intervention Centre/ Violence Protection Centre. As far as information about the police interviews with the victims is available, these were held in the presence of the guardians. In four files, there are indications of charges being pressed and criminal proceedings being initiated. Overall, this indicates a lawful and quite sensitive approach by the police. Those guardians who were present at the police questioning of the victim describe a gentle interrogation which did justice to the victim (e.g. allowing them to take their time; asking simple questions).

According to the information in the files, only one woman applied for a **civil protection order** (for general protection against violence). It was approved for one year, but the victim applied for its suspension after one month.

One specific feature of this group is the involvement of guardians who are legally bound to have personal contact with their client at least once a month, which makes it possible for violence to be discovered and steps to be taken from the outside. In the present cases, in particular those guardians who have no family relation to the victim constitute a resource for those affected by violence. They advised them to file a charge, accompanied the victims to the police and to the Violence Protection Centre, or initiated other protective measures themselves.

Case Study 3: Mrs Z. (Case 40)

Mrs Z. is 80 years old and suffers from beginning dementia, vertigo and high blood pressure; in January 2016, she had to be hospitalized for some time with a fractured lumbar vertebra. Mrs Z. shares a household with her daughter, who has no independent income; the mother's pension and nursing allowance constitute both women's livelihood. During a review of the nursing allowance rate by the pension insurance fund, a serious lack of hygiene was observed. This was in September 2015. A building inspection – instigated by the responsible social worker at the district headquarters – identified a worrying lack of hygiene. The community social worker could not examine the living situation because the daughter of Mrs Z. refused her access to the house.

In January 2016, Mrs Z. was hospitalized. Shortly after her admission to the hospital, proceedings to put her under guardianship were initiated, and by the end of February, a provisional guardian was appointed to manage pressing affairs. Directly after her hospitalization, Mrs Z. was admitted to a nursing home in March 2016. The guardian learned from Mrs Z. that she had not received essential care for about two years, and her daughter also prevented contact with relatives and acquaintances. Because of her health, Mrs Z. depends on external care, which is why she never even thought of leaving her daughter.

Breaking this dependence is only possible if someone else takes responsibility for caring for Mrs Z. Following discussions with her, the guardian organized for Mrs Z. to be admitted to a nursing home. According to her guardian, Mrs Z. is extremely relieved about the separation.

Neither Mrs Z. nor the guardian have informed the police of her neglect and the restriction of her personal contacts. Issuing a barring order was never discussed, it would not have made sense because it would have left Mrs Z. without care.

Mrs Z. had resources at her disposal that made rapid protection against further violence or neglect possible (within three months): an attentive reviewer for the nursing allowance and a committed guardian. Her claim to social benefits facilitated a quick admission to a nursing home. The resource "social network" could only be activated to a limited degree because the daughter had prevented contact with relatives and acquaintances. The guardian suspects that the second daughter, who lives abroad, initiated the nursing allowance review after she had noticed the lack of hygiene during a visit.

For the guardian, this case shows that violence can be recognized and ended by taking a closer look.

Victims with Difficulties in Communicating

Within the victims with difficulties in communicating, a total of 21 women, we need to differentiate between two basic groups: deaf women (four) and women who have insufficient knowledge of German. Three of the four deaf women are migrants; with one exception, however, they all speak fluent German.

The women in this group

- are mostly between the ages of 22 and 53; two are 70 and 84, respectively
- are migrants with one exception: seven are third-country nationals, five are asylum seekers, two recognized refugees and six EU citizens
- 17 women have children, 14 have underage children
- mostly share the household with the perpetrator (18 of 21). The violations were perpetrated by the husband/ companion in 15 cases, once jointly by the husband and the mother-in-law, in two cases each by the ex-husband or a fellow occupant in the refugee facility, and once by the grandson.

- In most cases the available documents do not clarify whether and how the residence status of the victim depends on the perpetrator – we only know of four women where this is the case.
- Physical violence – beatings, throwing of objects, threats with a knife, choking – was experienced repeatedly, and for most over a long period of time, by 19 victims; eleven files also mention psychological violence; two women were sexually assaulted.

In contrast to the victim groups described so far, these women **hardly show multiple challenges**. According to the files, one deaf woman has to use a wheelchair to move around, and mental problems are listed for two migrants. However, there is the question whether other, less obvious limitations are always noticed when there are communication problems. For one in five women we know that her residence status depends on the perpetrator's, and that there is financial dependence. Due to a lack of information we cannot specify the degree of this dependence.

Police was alerted in 20 of the 21 cases, either by the victim (nine) or other individuals (eight); in three incidents, it is unclear who turned to the police. In nearly three quarters of these cases, the police issued an **emergency barring order** after the most recent incident, in five cases, it did not (in three cases, there is no information on this question). A barring order was not issued in two cases because the victim had already found shelter in a women's shelter.³⁹ In another case, no barring order was issued because of mutual violence; the intervention took place without a sign language interpreter, although both the victim and the perpetrator were deaf. Immediately after this "mediation", the husband once more became violent, but the police was not called again. In the fourth case – an intervention in a refugee facility – the camp management was only advised to recruit security personnel, to make sure the ban from the premises the management had imposed on the perpetrator could be enforced. Another victim finally was confronted with a xenophobic police officer at the "mediation": He advised her to return to her "homeland" without her children if she was unable to resolve her marital problems. In another incident, the only intervention was mediation, after which the woman turned to the City of Vienna's 24 hours women's hotline.

In the files, there are no indications regarding a violation of emergency barring orders; insofar, they can be regarded as an efficient protective measure. Besides the issuing of EBOs, the police took **further measures to protect the victim** by taking one perpetrator into custody and by confiscating weapons. In nine files, there were indications of charges and criminal prosecution in the context of domestic violence.

³⁹ In principle, the police should issue a barring order in this case, too.

Six of 16 victims applied for a **civil protection order**, five of which we know were approved. One perpetrator repeatedly violated the protection order and had to pay administrative penalties.

Communicative competence is a condition to be heard. For migrants without or with an insufficient knowledge of German, problems with communication are the main barrier in accessing and maintaining support. With the recognition of the right to interpretation in criminal proceedings, the legislator acknowledges that a lack of language skills constitutes a barrier in preliminary investigations and to the implementation of the rights of victims and offenders, and offers an essential resource by establishing a claim to interpretation. As the reports to the Intervention Agency/ the Violence Protection Centre regarding the issue of an emergency barring order or other police documents are only included in the files in exceptional cases, information on the **use of interpreters** is not always available.

During the police intervention at the scene, no professional interpreters are present, because it is necessary to intervene quickly. In the refugee facilities, there sometimes was multilingual staff who could help (and who also accompanied some victims to the police inspection for questioning).

What is more decisive is the existence of interpretation during the detailed interview at a later date, because this is when decisions about ordering protective measures and pressing charges are taken; in addition, the minutes of the interrogation of victim and offender are often the basis for further decision in the criminal proceedings. As other studies have already shown (cf. Amesberger/ Haller 2016), the interrogating police officers often do not recognize communication problems or specific needs of the victim. Accordingly, we found that only one of the deaf victims was interviewed with a sign language interpreter (in another file, there is no pertinent information). With (refugee) women who are staying in institutions, it was mostly care staff who interpreted, not professional interpreters. Police also sometimes seems to sidestep the problem by not summoning the victim for questioning. For deaf migrants with little knowledge of German, there is an additional difficulty: Sign language is not an international language, and professional sign language interpreters only work in a few languages; Turkish and Arabic for example are not available.⁴⁰

Case Study 4: Mrs A. (Case 11)

Mrs A. is a Nigerian citizen, and she has been married to an Austrian businessman for seven years. She does not work, and depends on her husband's income. She lives in

⁴⁰ According to the websites of Austrian sign language interpretation service providers, the working languages are mainly German, Austrian Sign Language, English and International Sign, and sometimes also French, Spanish and Italian.

near-total isolation, with very few social contact. Mr A. wants to divorce her and tries to force her to consent by threatening to throw her out of the house immediately. Mrs A. is not sure of the consequences a divorce might have for her residence status in Austria.

The case history does not say since when the husband has become violent. It is clear that there were several physical assaults. Once he threatened Mrs A. with a knife and beat her with objects. One seriously injured finger and hematoma are some of the results. Mrs A. fears further attacks and is afraid her husband might turn his gun on her. She therefore turns to the police, who issue an emergency barring order against the husband. It only specifies the living area of the house; the cellar, in which the husband has his office, is exempt, and encounters are therefore unavoidable. During the police intervention, the gun is secured, and charges against the husband for bodily harm and dangerous threat are filed. The husband also files charges of bodily harm against his wife.

One month after the emergency barring order has expired, Mrs A. turns to the City of Vienna's 24h women's emergency hotline: She says she does not feel safe in the house. Mrs A. has not applied for a civil protection order because there is little prospect of it being approved, as the house is the husband's workplace, too. Though the husband mostly lives with his girlfriend, he keeps coming to the house to pick up things. The week before, the situation has escalated once more, and he beat her upper arm with an object. The counsellor recommends that Mrs A. go to the women's shelter, which the latter refuses, and to file another charge. In addition, lawsuit assistance is organized.

Regarding the husband's charges of bodily harm, Mrs A. is advised to get legal counsel and under no circumstance to go to court by herself. Unfortunately, she does not follow this advice: The criminal proceedings against the perpetrator end with an acquittal for reasonable doubt; Mrs A., on the other hand, is sentenced for bodily harm.

The counsellor at the 24h women's emergency hotline does not think the specific needs of her client have been recognized by the police or by the court. Mrs A. was interviewed by the police without an interpreter. Although she speaks a little German, she does not have the ability to describe the events exactly. Although the legal lawsuit assistant told the court that she needed interpretation, none was appointed. The judge considered that, as the client had been interviewed by the police in German, her language skills must be sufficient to understand the hearings. When she finally recognized that the victim's language skills were insufficient, she did not adjourn proceedings in order to request professional interpretation, but got a legal intern to interpret.

This case history shows that victims with little knowledge of German are especially vulnerable to not being seen as victims with specific needs. Their supposed ability to communicate induces agencies not to seek support. Requesting interpreters demands bureau-

cratic effort, and leads to delays and expenses for the state. To avoid all this nevertheless means that difficulties in communication are not taken seriously, and that possible negative effects are ignored.

Case Study 5: Mrs G. (Case 19)

Mrs G., an Israeli citizen, is 40 years old. With her Jordanian husband (43, worker) she has an underage daughter. All of them are deaf. In addition, Mrs G. has only limited German skills. A divorce has been in the air for some time, but so far, it was impossible because of the residence permit for "family reunification". Now, Mrs G. has found a job as a cleaner, a divorce has therefore become possible.

For some time, there have been repeated violent altercations, following which Mrs G. has fled to the women's shelter at least six times. Finally, a neighbour calls the police. The social worker at a clinic for the hearing impaired does not know whether the police officers who intervened were aware of the couple's deafness beforehand. At any rate, no sign language interpreter was present during the police intervention; the interviewee has no idea how they made themselves understood. What is clear is that the police did not issue an emergency barring order because of (supposed) mutual violence. Neither was the couple summoned to the police inspection for questioning – which is contrary to all custom. Possibly the intervening officers were unaware of the long-term history of violence, but had they questioned the victim using a sign language interpreter, it would have become evident. The couple still share their apartment, but are legally separated. They are waiting to be allocated separate council flats.

This case was chosen because it shows how specific needs are ignored. Not providing resources that enable victims to be heard and understood prevents the implementation of protective measures, and thus exposes victims to further potential danger. Mrs G. also experienced further violence from her estranged husband; she did not call the police again.

Dependence from the Perpetrator for Residence Status

The situation of migrants is sometimes insecure as they depend from the perpetrator for their residence status. Four women would lose their residence permit in Austria if they divorced their husband; in four other files, there is a note saying that the consequences of a separation for the residence status need to be clarified.

The dependence on the perpetrator, Austrian citizens in all but one case (four of them are migrants), is even reinforced by the fact that six women are mothers of underage children. Losing the residence permit would also mean to risk losing their children in cases where the husband is an Austrian citizen. Five women also depend on their husbands financially, which poses additional difficulties in getting an independent residence status, because a minimum income is one of its criteria. These are immensely difficult conditions for thinking of ending a violent relationship.

The police knew of the violent assaults in seven of eight cases. In two cases each, it was informed by the victim or another individual (it is not known who called the police in the other three cases).

It is striking that an **emergency barring order** was only issued in one of five cases (there is no information on police action in the other two cases). In those four cases in which no EBO was issued, two each are charges pressed after the victim took refuge in the women's shelter (cases 47 and 49) and mutual violence (cases 7 and 19). It is questionable whether police action served the protection of the victims: for one, no EBO was issued for the victims who had fled to the women's shelter, which leads to a renewed risk when they return home soon after. In two of the seven cases, the case providers were unable to provide information on the approach of the police. In a single one of the five documented cases, an **emergency barring order** was issued. Two of the other cases were regarded as cases of mutual violence by the police, two victims had taken refuge in a women's shelter – a situation in which, in order to safeguard victim protection, an EBO should be issued. The qualification "mutual violence" is problematic in both cases. With the deaf couple, no sign language interpreter was used to clarify the situation; and the other case suggests "symptoms of fatigue" in the executive. The victim who, according to the case provider, was regarded as "hysterical" by the police, had repeatedly called the police, several EBOs were issued, but she always returned to the perpetrator.

According to the files, not one woman in this group applied for a **civil protection order**.

Ultimately, current alien and foreigners laws leave foreigners who have come to Austria in the context of a family reunification with the alternative between suffering further violence or returning to their country of origin⁴¹, which may entail having to leave their children behind in Austria. As not only a divorce from the applicant for reunification but also his criminal conviction entail the loss of the residence permit in most cases, already calling the police for help constitutes a risk for the victim if, in addition to an EBO being issued, the police brings charges and the incident triggers court proceedings.

⁴¹ See also chapter 3.

Case Study 6: Mrs D. (Case 47)

Mrs D., a Serbian citizen, is 32 years old. She has a nine-months-old son with her husband and expects their second child. The couple have been married for two years, and they share the apartment with the husband's parents, and his daughter and son from a previous marriage. Mrs D. hardly speaks German and completely depends on her naturalized husband economically. He never bothered about a residence title for his wife, so de facto she is illegal.

Mr D. has been violent from the start of their relationship. He exercises physical, psychological and sexual violence. The in-laws are no support for Mrs D., on the contrary, they also exercise psychological violence. The victim's uncle and brother have known this for some time; Mrs D. finally takes refuge with them, and with their support, she informs the police. Her sister-in-law contacts the women's shelter.

Because there is no space at the women's shelter, Mrs D. first only gets telephone and individual counselling; a few weeks later, she is admitted. The police files the charge, but – according to the counselling centre – acts in a “noncommittal, indifferent to reluctant manner”. No EBO is issued; this measure would have done little to protect the victim, seen the superior force of the husband's family. During the intervention, the victim felt she was not taken seriously, and she has little confidence regarding the criminal proceedings.

Mrs D.'s story shows another aspect of dependence on the perpetrator regarding the residence status: At a court hearing regarding the application for sole custody for her nine-months-old son, a police officer and her husband take the child from Mrs D. He has applied for sole custody, too, justifying this with the mother's lacking residence status and income as well as the risk of the child being taken abroad. Mrs D. has now been fighting for visiting rights for ten months, without success so far.

Admission into the women's shelter protected Mrs D. from further physical and sexual violence. The women's shelter also covers the cost of her lawyer in the custody proceedings to make sure that the second child at least may remain with her.

The director of the women's shelter has chosen this case history because it shows how “remarkably offender-friendly and gentle” both involved courts acted. She adds that the police have done little to gather evidence and to protect the victim. She therefore thinks Mrs D.'s lack of confidence regarding the results of the criminal proceedings is probably realistic.

Economic Dependence, (Anticipated) Social Cost of Separation, and Restrictive Values

Besides the characteristics described above, other barriers to an efficient protection of victims can be economic dependence from the perpetrator, the real or expected social cost of breaking off a violent relationship, or attitudes towards violence against women and gender roles prevailing within the social environment. These factors often prevent women from seeking help at all, from supporting criminal proceedings, or from extricating themselves from the violent relationship for good. When violence is made public, police and court protection orders can at best clarify the norm that violence is not tolerated in society. However, economic dependence at least can be alleviated, if not solved, through social security measures.

15 of 55 files suggest an **economic dependence of the victim** from the perpetrator, in all cases the (ex-)husband or companion. With two exceptions, only migrant women mention existential fears. The majority of these women have underage children, which probably causes or at least aggravates their economic dependence (however, there is hardly any data on the victims' professional activity). When several gender-specific or structurally disadvantageous factors like migration, a lack of gainful employment and care responsibilities coincide, it seems that women can hardly envisage a separation from their violent husband/ companion, and in fact, this would constitute an enormous challenge for these women. The economic situation of many migrants is already precarious, a separation would significantly increase their risk of poverty. Some women also suspect that their husband would quit his job in this case to avoid having to pay alimony. In two cases, marriage contracts that release the husband from any support obligation prevent the victims of violence from filing for divorce. Two other victims (one of them an Austrian citizen) were concerned about the husband's reputation and professional success, should a violent incident become public knowledge, which might affect their own standard of living. This is why they did not want to involve the police and excused the violence as "one-time slip-up".

Sometimes, there are hints at **anticipated social costs** in the files; these appear mainly in connection with two groups: deaf women and members of ethnic or religious minorities. Both are afraid of becoming "visible", which might result in them losing their social network. Social pressure to keep silent strongly affects these women, as the story of Mrs I. illustrates (case study 7). Not only her concern that she might be excluded from the community becomes clear, but also how values – her own and those of the social network – may complicate a break from the violent relationship.

Here, we would also like to mention the persisting effects of **attitudes towards violence** against women, some of which are shared by the affected women, or they at least seem

to go along with them. It is mostly women with a migration background who occasionally regard violence against women as something “normal”; in their country of origin, they say, it is customary, and “a little beating” is all right. What this means, however, is that, when these women turn to a counselling agency or the police for help, they usually have experienced a degree of violence from their partner that went far beyond the “customary”. But these attitudes often are not based on socialization and “habituation”, but a massive traumatization through violence. One of the analysed files details the case of a Muslim woman who, though she came to the counselling service accompanied by her sister, finally was not supported by the latter. When the possibility of a stay at the women’s shelter was considered, the sister got nervous because of the “loss of honour” and even became afraid of her own husband. As a result, both women severed all contact to the counselling service.

Case Study 7: Mrs I. (Case 28)

Mrs I., a naturalized Austrian, is 39 years old and has three children aged five, eight and ten. She is a trained nurse and works in this capacity. The I.’s are members of an Indian sect which is close to Catholicism. The husband works as a male nurse.

Mrs I.’s marriage was a living hell – beatings, choking, rape, deprivation of liberty, verbal abuse and financial control. According to the interviewee’s assessment, the police were acting in a very “victim-friendly” manner during their last two interventions, and they have issued an EBO against the husband. But in the latest intervention, both were charged with bodily harm. Mrs I. did not have a public health officer document her injuries; the husband on the other hand did (according to the case provider, his injuries were nothing but “scratches”), which led to a conviction of the victim and the acquittal of the perpetrator. The victim had waived her testimony during the court hearing, referring to her statement at the police.

Whether her waiving her right to testify is due to social and psychological pressures from the community is unclear. It is however clear that there was massive pressure on Mrs I., which continues, even though the couple are now divorced, and for which female friends of Mrs I. are used. The ex-husband, who now lives in Switzerland, succeeded in having Mrs I. expelled from the community through a number of interventions. One key figure in this was the priest, who intimidated the devout woman directly and via the telephone, and who tried – according to the interviewee – to obtain a suspension of the civil protection order from Child and Youth Welfare.

The pressure from the community, the inner family circle and the priest only partly explains Mrs I.’s attitude towards the husband’s violent behaviour and victim protection

measures. According to her worldview, suffering must be borne and accepted. Although the children were also heavily affected by their father's violence, Mrs I. could not bring herself to apply for a civil protection order. "A little beating is okay," Mrs I. is quoted. Child and Youth Welfare obtained both available civil protection orders, a one-year prohibition to return to the apartment and a six-months prohibition of contact, which was extended by a year in the end. The female family judge heavily reproached Mrs I. during questioning, saying she had prioritized her own sensitivities and not her children's welfare. Because the civil protection order had been obtained by Child and Youth Welfare, Mrs I. could not be made responsible for it by her estranged husband and the community. This course of action protected her from social pressure to have the order suspended.

The social cost she feared and a likely traumatization probably prevented Mrs I. from permanently accepting help from victim protection agencies and other counselling institutions. According to the interviewee, the victim had turned to different institutions again and again, but a lasting connection was never formed; for instance she refused support from the Intervention Centre, justifying this by saying she did not want to "anger her husband even more".

The interviewee chose this case for three reasons: First, because Mrs I. does not have a specific need for support because of structural disadvantages: She speaks German very well (better than her ex-husband), has good professional training, is financially independent, and does not need any other support in everyday life. The most serious barrier to change is her religious worldview, according to which women have to bear and suffer violence and men are entitled to chastise women and children. More precisely, this conviction prevented a lasting connection to support institutions. The close relationship with her sect came at a high social cost when she wanted to free herself from the violent relationship.

The second reason for this choice was the attitude of the family court, which, according to the case provider, did not really register the husband's violence against his children. The admonition that Mrs I. should "not prioritize her own sensibilities" even strengthened her resolve to subordinate herself.

And thirdly, this case shows that EBOs and civil protection orders also offer lasting protection from further violence to women with strongly patriarchal backgrounds, which may result in them being able to extricate themselves from the violent relationship.

5. Summary and Conclusions: Options for an Improved Protection against Violence for Particularly Vulnerable Groups

Based on the concept of vulnerability, and thus on specific needs that primarily arise from the situation, the study not only focuses on women with physical, cognitive or mental disabilities, but also on victims of violence who face barriers in accessing victim protection because of legal or social factors and/or individual characteristics, or for whom it is particularly difficult to remain in the network of support, as is the case with women migrants and refugees who do not speak (sufficient) German or whose residence is not ensured, or with women who suffer from mental illness. Basing the analysis on a social, not a medical model of disabilities, which assumes that disabilities are socially produced by mechanisms of exclusion and denigration (Shuttleworth, 2007, 176) allows us to recognize structural bases of disadvantages and potential for change.

Identified Victim Groups

On the basis of this theoretical approach, we identified “specific needs” caused by factors on the macro, meso and micro level, or connected to them (see Chapter 3). While structures on the **macro level** (e.g. laws) become virulent that, while independent of individuals or groups of individuals, may well cause a specific need, on the **meso level**, needs arise from the “interaction” between system and individual, as shown in the example of language and communication barriers. Specific needs may finally be caused by person or group-specific characteristics (**micro level**), which largely do not depend on the system (e.g. fears; emotional dependence; social cost of a separation). This means that it makes little sense to identify groups of specific needs that can never be defined in a comprehensive manner, while at the same time, a labelling entails the danger of stigmatization. In contrast, an individual-centred approach which assumes a structural conditionality of disabilities is an inclusive approach which accounts for social diversity.

Nevertheless, to recognize specific needs, we need to identify factors which cause **increased vulnerability**. Based on the provided files and on the qualitative case studies, we have identified the following **characteristics** that make it more difficult to end a violent relationship: physical disability, mental illness and learning disabilities (amongst others victims under guardianship), communication barriers, residence status or economic dependence, as well as the (anticipated) social cost of a separation and internalized traditional values. A large percentage of the victims – 23 of 55 in the files we analysed – suf-

fers from multiple disabilities. This increases the challenges for victim protection, which can only be met through cooperation and networking.

Efficiency of EBOs

The Austrian Protection against Violence Act neither applies a gender-specific differentiation regarding the protection against violence, nor does it cite any other socially relevant factors justifying a claim to special protection. This means that the law protects all individuals, independent of their gender, age, forms of physical or mental disability, etc.⁴² The police emergency barring order of 14 days offers immediate short-term protection, which may be extended to up to a year by a civil protection order.

According to the assessment of the experts, EBOs (and civil protection orders) are efficient instruments for women with specific needs, too, to protect them from further violence. However, they state that these protection measures are often not applied for some groups of victims, i.e. when the victim is nursed by relatives, when she lives in an assisted living community, or suffers from serious cognitive or mental disabilities.

The reasons for **non-application** of EBOs – they are presented in more detail in chapter 3 – can be located on the macro and meso level as well as on the micro level: When the victim is bedridden or lives in a rural area, it may be that structural deficits mean that it is impossible to find a replacement for the violent carer quickly. In the field of the interaction between the system and the individual (meso level), communication problems between the police and the victim were named amongst others, when the victim cannot explain the course of events in an understandable and plausible manner. Besides these structural and situation-specific difficulties in accessing measures of victim protection, on the micro level, it is mainly causes based in socialization, like e.g. perceiving violence as normal due to exposure to violence in childhood.

In roughly two thirds of the analysed files, EBOs were issued; applications for a civil protection order were also mostly approved – 13 of 55 victims applied for one (provided information is available). In only one group, we were able to identify group-specific differences in the issuing of an EBO, namely with women migrants with a **residence status depending on the husband**: in only one of five cases, an EBO was issued; none of these women applied for a civil protection order. This indicates that foreigners and residence laws hamper, if not prevent, victim protection.

⁴² In the Criminal Procedure Code, too, individuals with disabilities are not cited as needing special protection (§ 66 a StPO), but all individuals who are victims of violence in apartments are cited specifically as needing particular protection.

These overall positive results may not mislead us into thinking that it is not the case that many victims with specific needs – for different reasons, which we will come to later – have no or very limited access to victim protection.

The approach in case collection clearly shows that this is no representative sample, no precise criteria of selection were fixed. We had – as presented in chapter 4 – asked institutions to submit case histories of victims with specific needs which, in their opinion, were exemplary in a positive or negative sense, i.e. we explicitly looked for examples in which no EPO was issued, or no police intervention took place. The analysis of these cases thus does not allow for conclusions on the provision of protection to especially vulnerable women in general, but permits – as is generally the case in qualitative research – an exemplary approach to specific constellations of problems and the involved institutions' efforts at solving them.

Recognition of Disabilities and Specific Needs

Even in cases where protection orders were issued, this does not mean that this resulted from the recognition of disabilities and the resulting specific needs. Its basis was that according to the police officer's assessment, there was immanent danger for the victim. Regarding the recognition of specific needs, we first need to distinguish whether these can be perceived by the intervening officers themselves, or only from information by the victim or a third party. While restricted mobility for instance, or difficulties in communication can easily be recognized, this does not apply to mental illness or residence-status or economic dependence. It is therefore not surprising that the latter do not appear in police documentation (and thus in reports to the Intervention Centre/ Violence Protection Centre). However, easily recognizable mobility disabilities are not always noted in the police reports either.

If different forms of impairments are only partly recognized or documented, this raises the question what this means for the recognition of specific needs and the provision of appropriate **resources**. Needs that arise from economic, nursing or residence dependence, to name only a few, cannot be met by the police. Thus the police's legal duty to report EBOs to Intervention Centres/ the Violence Protection Centres is immensely important. Referral to a victim protection agency provides the victims with a resource that can simplify or even overcome legal or situation-specific problems. As file analysis showed, some police officers chose the way of cooperation and networking with different institutions (e.g. counselling agencies, health care institutions) to meet the specific needs of the victims, like providing care and nursing.

As mentioned, the need for protection against (further) violence was met in many cases. However, some victims suffering from mental illness or learning disabilities reported that they had to contact the police several times before an EBO was issued against the endangerer – obviously, the victims were not believed at first. The police, however, would be able to react promptly to some needs, such as those that arise from a lack of German skills; nevertheless, the resource of an interpreting service is not always provided. Case analyses show that some police officers, in cases where communication was difficult due to hearing disabilities or a lack of German skills, did not pay enough attention to this problem. The lax approach to communication problems is particularly problematic when victims have some but limited knowledge of German, and officers conclude that communication is possible. While in cases with victims who have no knowledge of German at all, an interpreter is called in, this is often neglected in cases where the individual speaks a little German at least, which however might not be sufficient for a detailed deposition – which constitutes a violation of their right to be heard and understood. Here, the police is confronted with structural problems itself sometimes, as there are no or not enough interpreters for some languages. One especially disadvantaged group in this context are deaf migrant women with little knowledge of German, as there is a lack of sign language interpreters in the migrants' first languages.

Disabilities as Indicators of Increased Risk

Studies in social science clearly show a significantly increased risk of experiencing violence in their immediate social environment for women with physical, cognitive or psychological disabilities. The form the Austrian police use for EBOs does not contain any such risk indicators. This means that it is not standard procedure to draw on such disabilities as indicators for an increased risk. Whether they are finally identified as increased risk primarily depends on the background knowledge of the involved officers regarding violence in close social relations. In the police reports of an EBO to a victim protection agency and in the approvals of civil protection orders available to us, there is no case in which physical, cognitive, mental, socio-economic handicaps or handicaps due to the cultural background are explicitly cited as a particular risk factor.

Recommendations for an Improved Protection of Victims

In spite of the positive findings of EBOs being largely effective, the analysis of practical experience shows that there is need for improvement regarding the protection of victims with specific needs.⁴³ The following recommendations incorporate suggestions from the experts who were interviewed in the course of our study and result from the insights of our case analysis as well as from other studies.

Awareness Raising

Those working in the field and scientific studies agree that **raising awareness** for the issue of violence against women with specific needs is *the* precondition for necessary improvements in the protection of victims. An intersectional approach⁴⁴, cooperation and networking as well as training and instruction are important measures to increase awareness for specific needs and to promote more adequate action in the support of victims. We will describe these measures in more detail in the following sub-sections.

It is equally important to promote an awareness of the problem on the political level; national action plans are a good indicator. The Austrian **National Action Plan Disability** (2012 – 2020) broaches the issue of violence against women with disabilities in a separate chapter (Chapter 1.5) and finally reiterates the particular risk of violence for girls and women (BMASK, 2012). The NAP Disability also emphasizes the necessity of awareness raising, saying: “Violence against girls and women with disabilities has to become a public issue. It is necessary to provide information about the right of self-determination as well as preventive measures and ongoing support.” (BMASK, 2012, 38) The NAP Disability is criticized for the fact that, although the aims and measures it drafts are ambitious, they nevertheless remain rather vague.⁴⁵ The **National Action Plan for the Protection of Women against Violence** (2014 –2016) twice refers to the aspect of disability when listing measures: once with regard to the promotion of specialized support services, the second time with regard to the development of material for teachers on the issue of “Violence against Women and Girls with Disabilities” (BMBF, 2014).

⁴³ This is also the conclusion by the Independent Monitoring Committee on the Implementation of the UN Convention on the Rights of Persons with Disabilities in its 2013 report (cf. Unabhängiger Monitoringausschuss, 2013, 22).

⁴⁴ An intersectional approach means cooperation amongst different professions and those affected in order to broaden perspectives on a problem and to be able to take more adequate measures.

⁴⁵ Cf. Planitzer et al., n.d., 11–2. Amongst others it aims for “the organization of an efficient network of protection against violence in the communal sector” and the development of quantitative and qualitative victim support.

NAPs can contribute to awareness raising, but may also fail to contribute significantly to improvements if resources for the implementation of their aims are insufficient. Besides financial resources, empirical studies are also needed to improve the data situation regarding the situation of women with disabilities. These are not only necessary for setting the agenda, but also for implementing it, as they allow for conclusions about the qualitative and quantitative need for measures and offers of support.

Beyond National Action Plans, campaigns, advertisements etc. can help target different social and political stakeholders and contribute to awareness raising. It is also in this sense that the national expert group⁴⁶ argued with regard to the Policy Paper for a broader target group that was drafted in the project; unanimously, they stated that in all relevant fields, there was still little knowledge on the specific needs of victims of violence with disabilities and other social disadvantages. Another demand aims for the inclusion of women with disabilities (cf. also Hague, 2007, 86). Thus, e.g. Planitzer et al. (n.d., 21) criticize the fact that no women with disabilities or organizations representing them were involved in the development of the NAPs, a criticism that the national expert group also expressed with regard to academic research.

Intersectional Approach

Our research results confirm that specific needs of victims of violence in their immediate social environment call for much closer attention in all institutions, if effective protection is to be ensured. This is true for the police and the judiciary, but also for counselling agencies and health care organizations; it means for instance that the issue of violence in the immediate social environment has to be raised in all areas of work with the disabled, and that the issue of disabilities should be integrated more in victim protection and protection against violence.

An intersectional approach demands staff and financial resources, trainings, cooperation and networking. The involvement of peers in the field of victim protection and protection against violence, or of experts in protection against violence in institutions for the disabled (e.g. in the form of counselling or advisory board activities) is also seen as an effective means to promote awareness and intersectional thinking and acting by the experts (cf. also Hague et al., 2007, 119 ff.). Regarding the provision of financial resources, this is a demand to political decision-makers.

⁴⁶ In the framework of our project, we organized a national expert hearing on 14 July 2016. Representatives of victim protection institutions, the police, guardianship, the ombudsman for children and young people, of an association for women with learning disabilities, a refugee facility, a women's lobby organization as well as academic researchers with an expertise in the field of violence against women with disabilities accepted the IKF's invitation.

Cooperation and Networking

Cooperation networks are an essential resource for dealing with and acknowledging specific needs. Trans-professional networks allow for quicker and more efficient action, and therefore are a resource for the involved institutions as well as the victims. The case studies (Chapter 4) have shown that in many cases, the victims only received effective help through networking and cooperation. This not only includes the cooperation between the police and victim protection agencies, which is well established, but also an expansion of networking to other supporting structures as well as the health care and nursing system.

Cooperation and networking are a fact; based on the Protection against Violence Act, there is an established system of cooperation between the police and Intervention Centres/ Violence Protection Centres. But, as the experts involved in the project nearly all emphasized, there is a need for an expansion and/or intensification of cooperation, and also for a continued expansion of the network by new groups of clients. Thus, for instance, employees of **refugee facilities** report that they were prompted to look for an exchange with specialists and more support from the police as well as the Intervention Centre/Violence Protection Centre when confronted with domestic violence. Women's shelters and Violence Protection Centres, on the other hand, need expert knowledge on the complex asylum and foreigner's laws, and therefore increasingly look to develop cooperations with relevant organizations. Planitzer et al. (n.d., 20) in their report on the access of victims of violence with disabilities to victim protection organizations emphasize that in particular in the judiciary, there is a lack of knowledge of and awareness for violence against women with disabilities. What is more: "Organizations having a long experience concerning counselling women who experienced violence often do not have the expertise to support women with disabilities comprehensively and often are not equipped for women with disabilities." (Planitzer et al., n.d., 21). They demand **peer counselling** to be organizationally anchored, not only in institutions for the disabled, but also in other counselling agencies, as well as the involvement of peers on the political-conceptual level, e.g. in the development of NAPs.

Representatives of the police also regard close cooperation with victim protection organizations as an essential precondition for an efficient and long-term victim protection. Counselling organizations and studies⁴⁷ for instance mainly attribute a lack of **willingness to file charges** to the fear of victims that they will not be believed by the police and at court. When this barrier is successfully overcome, efficient protection can be given, provided there is close cooperation, as case studies show. A lack of willingness to file charges does not only come into the equation with those affected, but also in institutions

⁴⁷ Cf. national expert meeting (14 July 2016) and Mandl et al., 2014, 23.

for victims with specific needs. Victim protection, however, requires that violence is discussed and, if necessary, reported to the police.

Nevertheless, there are constellations in which an EBO is not a viable solution. One case was described in which a male resident of an assisted living community threatened a female co-resident. As his cognitive abilities were seriously impaired, he could not be barred from the community, but was moved to a different house in order to separate the two of them.

Training and Instruction

To enable them to recognize specific needs, police and support organizations need to be sensitized. Dealing with specific needs should be a fixed part of police training curricula on violence in the immediate social environment. This also includes measures such as creating awareness and knowledge of the fact that women with disabilities and mental illness are much more often affected by violence, about the specific dynamics of violence and learning how to interact with victims adequately. As already mentioned above, a lack of knowledge is also identified on the level of the judiciary.

So far, in the domain of the police, there are first steps towards awareness raising for social diversity under the heading “diversity management”; the Generaldirektion für die öffentliche Sicherheit has defined “persons with disabilities” as a “core dimension”.⁴⁸ In practice, this means recruiting persons with disabilities (mainly deaf and blind persons) for office duty (telephone exchange, crime analysis, citizen services), as well as lectures and workshops to raise awareness amongst police officers (Bundeskriminalamt, 2016).⁴⁹ In the Criminological Guidelines drafted to support criminal investigations, there are no comments on specific victim groups. However, in the police intranet, a general guideline on contact with persons with specific needs – which is not limited to violence in the immediate social environment – and the brochure “Intimate partner violence against older women” are available.⁵⁰ The Security Academy’s training catalogue 2016 only lists one three-day seminar under the entry “disability”, in the seminar cycle “A World of Difference”, established since 2002, which wants to raise awareness for “racism, prejudice, and all kinds of discrimination” from a human rights perspective.

⁴⁸ Further core issues are: “generations”, “ethnicity”, “gender”, “sexual orientation”, and “religion and worldview” (cf. Bundeskriminalamt, 2016; Leprich, 2014).

⁴⁹ Unfortunately, the authors were unable to speak to the responsible officers; interviews were not authorized.

⁵⁰ Amesberger/Haller, 2016c, 10 and 12. The brochure “Intimate partner violence against older women. Information for police practice” was developed by the Institut für Konfliktforschung within the Daphne III project “Mind the Gap”.
(http://www.ipvow.org/images/ipvow/manuals/Manual_law_enforcement_agencies_Austria_en.pdf)

The social and cultural competence of those involved in all professional fields can be increased by also paying attention to and addressing the following aspects in (further) training (cf. also Hague et al., 2007, 84–5):

- Involvement of peer trainers with expert knowledge on domestic violence
- Application of a gender-specific approach to domestic violence and of an approach of situating disability socially
- Reduction of negative stereotypes, prejudice and denigration
- Raising the issue of different forms of individual and institutional discrimination and their intersections

Documentation of Impairments

Documentation of disabilities in official documents raises the complex questions of protecting sensitive data and necessary information in order to recognize and meet specific needs that may be deduced from it. During the national expert meeting, this issue was discussed at length. According to the **Data Protection Act**, sensitive data – these include information on health status, religion or sexual orientation – have to be kept confidential; exceptions are defined by law (§ 9 DPA 2000). Therefore – according to police representatives – police reports of EBOs to the Intervention Centre/ Violence Protection Centre usually do not contain indications of physical, cognitive or mental impairments.

The form the police use for EBOs does not include questions regarding such disadvantages of the victim. The risk assessment instrument SALFAG, which is in trial stage, the items “mental illness” and “suicidal tendency” are included for the perpetrator, not the victim. Physical and cognitive disability are not included in SALFAG as risk factors.

Information on the victim’s residence status also are only recorded in the police files in exceptional cases (Amesberger/ Haller, 2016a). Communication problems due to a lack of German skills are recorded insofar as the presence of an interpreter during the police interview is documented. As file analysis as well as a previous study of the IKF (Amesberger/ Haller, 2016a) have shown, interpreters are not always called in, even when support would be necessary.

Regarding the question of protection against discrimination versus protection against violence, the participants of the national expert meeting were unanimous in thinking that **protection of violence** had to be the priority. If we want to guarantee an optimum victim protection for groups with specific needs, we shall not be able to avoid recording disadvantages in risk analysis, and passing this information on to victim protection organiza-

tions. It would be possible to conform to data protection rules by either asking the victim for her consent to the transfer of this information, or by police officers recording disadvantages as a personal observation (for instance without referring to a medical diagnosis). However, representatives of Violence Protection Centres and counselling organizations doubted that disadvantages remain unrecorded solely due to data protection considerations – they suspect that there is also a lack of awareness, so the disadvantages are not spotted. Therefore, it does not suffice to include further items into risk assessment, but what is needed are (repeated) trainings about risk factors.

It is beyond question that personal data need to be treated in a confidential manner. Cooperation relations might take their inspiration for data exchange from the model of the British “No Secrets” guidelines. According to the motto that there are to be no secrets when violence is involved, and victims have to be protected like witnesses, the British Department of Health developed a guideline for cross-departmental cooperation (Home Office/ Department of Health, n.d.).⁵¹ With regard to the disclosure of confidential data, it formulated the following principles:

- “Information will only be shared on a ‘need to know’ basis when it is in the best interests of the service user
- confidentiality must not be confused with secrecy
- informed consent should be obtained but, if this is not possible and other vulnerable adults are at risk, it may be necessary to override the requirement; and
- it is inappropriate for agencies to give assurances of absolute confidentiality in cases where there are concerns about abuse, particularly in those situations when other vulnerable people may be at risk.” (Home Office/ Department of Health, n.d., 5.6)

This also means that decisions on what information is shared with whom have to be made on a case-by-case basis. The guidelines also emphasize that intensive training for dealing with sensitive data is indispensable.

Communication

An essential condition for ensuring victim protection is functioning communication. In our study, victims with communication problems are the largest group of vulnerable persons. These are first and foremost women with insufficient German skills (migrants and refu-

⁵¹ “This document gives guidance to local agencies who have a responsibility to investigate and take action when a vulnerable adult is believed to be suffering abuse. It offers a structure and content for the development of local inter-agency policies, procedures and joint protocols which will draw on good practice nationally and locally.” (Home Office/ Department of Health, n.d., 1.5)

gees), but also deaf women and women whose ability to express themselves is seriously limited due to cognitive impairments.

File analysis and expert interviews have uncovered two main problem areas: on the one hand a **negligent treatment** of communication problems by the police. Because of time constraints, a higher bureaucratic effort, and also because of the financial cost, they often do not call in an interpreter when at least minimum communication is possible. Apart from the fact that this neglects victim rights, it can lead to grave negative repercussions regarding victim protection and potential prosecution. The manner of communication, of entering into a relationship with the victim is decisive for the quality of evidence gathering, for the victim's trust in the police, and eventually for the protection of the victim. Victims repeatedly criticize that they were not listened to, that questioning about the course of events had been superficial, and that they had been made to feel that they lied or exaggerated (Amesberger/ Haller 2016a; Amesberger/ Haller 2016b, 13–4). On the other hand, problems regarding the interpretation services themselves are pointed out, namely the **lack of interpreters** – for some languages, there was not a single female interpreter –, the lack of knowledge about violence and traumatization amongst interpreters, and the lack of sign language interpreters. In rural areas, these problems become even more pronounced. "Interpreters" for **simple language** were never used, if the victim did not bring someone to questioning herself.

This results in a number of recommendations to politics, police and victim protection organizations:

- It is necessary to create more training offers for interpreters in less common languages as well as for sign language interpreters.
- Further training offers on the issues of domestic violence and traumatization are necessary.
- The establishment of an Austria-wide 24/7 interpreters' hotline would greatly facilitate access to interpretation services.
- When sign language interpretation is needed, audio-visual telecommunication resources could be used to enable quick questioning and counselling.
- The objectivity and professionalism of the interpreter have to be maintained. This means that children, relatives and acquaintances should only be used as interpretation in cases of emergency.
- The police needs to assess the victim's language skills more critically. It is necessary to bear in mind that a linguistic competence which is sufficient for everyday communication may deteriorate in situations of emotional stress – for instance after violent incidents, in police interviews, or at court. In cases of doubt, therefore, interpreters should be called in.

- In order to meet the victims’ needs and to prevent “loss of information”, information sheets on EBOs etc. should be written in simple language.

Access to Victim Protection

One essential condition for access to victim protection is access to **information**. Violence protection agencies for instance offer a brochure with the most important information on protection against violence, the legal basis and contact information in 20 languages, as well as in Braille. Similar information for deaf women was also published.⁵² In addition, the Viennese Intervention Centre, in cooperation with the deaf organization WITAF, developed the website “Outcry against Violence”, where videos on protection against violence, stalking, the emergency hotline for the deaf etc. are available.⁵³

The folder “Against Violence”, published by the association NINLIL⁵⁴, especially targets women with learning disabilities and offers information on violence (including a picture story), legal options and support offers.

These examples show that victim protection and other counselling organizations specifically target women with specific needs today. The police also provide information material in several languages, but no texts in simple language. Nevertheless, there is further need for action:

- Not only women with little knowledge of German or learning disabilities benefit from information written in simple language. In particular texts that address legal matters often are not understood by native German victims (Amesberger/ Haller 2016b, 14–5). Translation of the written legal information during police questioning or court summons into simple language would mean significant help for victims.
- Research of the Ludwig Boltzmann Institute for Human Rights in the course of a Daphne project showed that the websites of victim and violence protection organizations in most cases are not barrier-free for women with sensory or learning disabilities (Planitzer et al., n.d., 5 and 19–20).
- Due to a lack of resources – financial as well as staffing – and little knowledge about the needs of women with disabilities, access to counselling for deaf and cognitively impaired victims at victim protection organizations is difficult (Schachner et al., 2014, Interview 13 – Women). Specifically, more staff is needed, including peers, in order to provide high-quality counselling and assistance.

⁵² WITAF/ Verein Autonome Österreichische Frauenhäuser/ Wiener Interventionsstelle gegen Gewalt: Schrei gegen Gewalt! Informationen für gehörlose Frauen zum Schutz vor Gewalt. www.schreiegegengewalt.at

⁵³ <http://www.schreiegegengewalt.at/index.php?page=gewaltschutz>

⁵⁴ NINLIL – Association against sexual violence against women who are categorized as mentally or multiply disabled

- Networking and cooperation of police and victim protection organizations with counselling organizations for mentally ill persons as well as for persons with physical or cognitive disabilities or sensory impairments should also be stepped up in order to increase their knowledge about specific needs and the efficiency of victim protection measures.

By now, according to the Equal Treatment Act for Persons with Disabilities, all commodities, services and information intended for public consumption should be offered without barriers to access.⁵⁵ Police premises, and those of state-funded victim protection and counselling organizations as well as public buildings have to be provide barrier-free access. However, **barrier-free access to premises** is not yet fully realized. There is a particular backlog in women’s shelters. In some federal states, there is not a single barrier-free women’s shelter (e.g. the Tyrol), and in others, like Salzburg, there are wheelchair-accessible rooms, but reception fails because a next-door room would be needed for an assistant. This has already led to women with considerable nursing needs being turned away from the women’s shelter (FG – O; Interview 13 – women; cf. also Planitzer et al., n.d., 21).

This situation results in the following recommendations:

- Construction of barrier-free women’s shelters/ rooms in women’s shelters. This includes the possibility of accommodating a nurse/ an assistant. The women’s shelter must be remunerated for accommodating carers.
- Modification of eligibility criteria for assistance and external care services in case of placement in a women’s shelter.
- Full implementation of barrier-free access to premises (e.g. installation of (stair) lifts; guidance systems for the blind; lettering in lifts in Braille). To implement such building projects, counselling and victim protection organizations depend on financial support.

Austria is an international model country regarding protection from domestic violence. This study has shown that the emergency barring order, which is embodied in the Protection against Violence Act, is also a viable measure of protection for victims with specific needs, provided that individual needs are recognized and sufficient resources are allocated. With this in mind, it is **social structures** that result in restrictions, disadvantages and a lack of victim protection, not an individual’s characteristics and capacities. This study has convincingly shown that victims of violence with specific needs **are only gradually different from others**, if sufficient resources are made available to them.

⁵⁵ The Bundes-Behindertengleichstellungsgesetz (BGStG) entered into force on 1 January 2006. For the implementation of accessibility, there was a ten-year transitional period which ended on 31 December 2015. But the transitional period for public buildings has been extended to 31 December 2019 once more.

6. Literature

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List of abbreviations

CPO	civil protection order
DPA	Data Protection Act
DV	domestic violence
NAG	Settlement and Residence Act
NAP	National Action Plan
EBO	emergency barring order
EO	Enforcement Code
FG – O	focus group victim protection
FG – WB	focus group housing/ disability
LGTB	Lesbian Gay Transgender Bisexual
StPO	Criminal Proceeding Code

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