

**Comments by the Republic of Austria
on the Recommendations made by the CEDAW Committee on
August 6, 2007
concerning the Communications**

**Sahide GOEKCE, No. 5/2005
and
Fatma YILDIRIM, No. 6/2005**

Concerning the views and recommendations of the Committee on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as: CEDAW Committee) of August 6, 2007 relating to its Communications on the cases Sahide GOEKCE, No. 5/2005, and Fatma YILDIRIM, No. 6/2005, the following comments are submitted pursuant to Article 7, para. 4 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women within the stipulated period:

Comments

The recommendations of the CEDAW Committee comprise the following points:

- a) Strengthen implementation and monitoring of the Federal Act for the Protection against Violence within the Family and related criminal law, by acting with due diligence to prevent and respond to such violence against women and adequately providing for sanctions for the failure to do so;
- b) Vigilantly and in a speedy manner, prosecute perpetrators of domestic violence in order to convey to offenders and the public that society condemns domestic violence as well as ensure that criminal and civil remedies are utilised in cases where the perpetrator in a domestic violence situation poses a dangerous threat to the victim; and also ensure that in all action taken to protect women from violence, due consideration is given to the safety of women, emphasizing that the perpetrator's rights cannot supersede women's human rights to life and to physical and mental integrity;
- c) Ensure enhanced co-ordination amongst law enforcement and judicial officers; and also ensure that all levels of the criminal justice system (police, public prosecutors, judges) routinely co-operate with non-governmental

organisations that work to protect and support women victims of gender-based violence;

- d) Strengthen training programmes and education on domestic violence for judges, lawyers and law enforcement officials, including on the Convention on the Elimination of All Forms of Discrimination against Women, general recommendation 19 of the Committee, and the Optional Protocol thereto.

In response to these recommendations, Austria has endeavoured to take and/or intensify appropriate measures in order to eliminate the deficits in the protection of women against domestic violence identified by the CEDAW Committee and to continuously improve such protection.

At the beginning it should be emphasized that Austria does not regard protection against domestic violence as the individual victim's problem, but as a concern of public security. In order to be able to offer protection to victims as rapidly and efficiently as possible while safeguarding their personal integrity and thus to combat domestic violence effectively, the legislator has put in place a system of measures. This complex problem area is addressed through co-ordinated co-operation between law enforcement bodies, judicial authorities as well as welfare and victim protection organisations, not least with a view to lowering the number of unreported cases of domestic violence.

The establishment of intervention centres which must be informed of any police action in cases of domestic violence was of vital importance as these centres constitute a core element of this system. Once these centres have received relevant information, they function pro-actively, i.e. they establish contact with the threatened person whom they offer their support. These centres primarily serve the purpose of increasing the security of women and children who have been exposed to threats and physical abuse. These interventions are focused on putting a stop to violence, and not on preserving or ending a marriage or consensual union. In their support to victims, intervention centres set the priority of working out together with their clients both a short-term and a long-term security concept. The dangerousness of the perpetrator is jointly assessed with the victim and an emergency plan is drawn up together with the victim.

In response to the ever larger number of incidents of domestic violence and with a view to preventing tragic events as the two cases presented in the “views”, the Austrian Federal Government raised the financial resources allocated to intervention centres (the financing is done jointly by the Federal Minister of the Interior and the Federal Minister for Women’s Affairs). The funds earmarked for intervention centres against domestic violence were increased from € 3,368,324.97 in 2006 to € 5,459,208.-- (+62%) in 2007, and once again, in 2008, to € 5,630,740.-- which represents an increase by 3.14%. It can be expected that this considerably topped up budget will result in an improved service quality of the intervention centres as these will be able to draw on more human resources and use better infrastructure. At this point of time, however, a detailed comment on such improvements cannot yet be made as the evaluation for 2007 is still ongoing.

In addition, a series of other mechanisms for protection against violence were subsidised by the Federal Minister for Women, Media and Civil Service (Federal Minister for Women’s Affairs), the Ministry of the Interior and other ministries and Province governments (see, for example, **Annex .JA**: subsidies granted by the Ministry of the Interior in 2007). Mention should also be made of another general measure aimed at improving the quality of violence prevention in Austria: in co-operation with the intervention centres and Vienna University, a study is conducted on domestic violence in which indicators are defined.

In the first part, the new legal provisions for the protection against domestic violence will be explained. Thereafter, specific measures destined to improve the practical implementation of these provisions by different agents will be presented.

A. In the administration of justice

I. Statutory measures

I.1. Protection of victims

In an effort to bolster the position of victims during criminal proceedings, especially in view of their emotional strain and stress, victims exposed to violence, severe threats or sexual abuse have been granted the right to **free support from psycho-social and legal experts throughout criminal**

proceedings since January 1, 2006. Under the Amendment to the Code of Criminal Procedure, Federal Law Gazette No.19/2004, which took effect on January 1, 2008, victims – as before – are entitled to psycho-social and legal support throughout criminal proceedings (Section 66, para. 2 of the Code of Criminal Procedure as amended). This support comprises the preparation of the victim for the criminal proceedings and the associated emotional stress and strain, as well as assistance during questioning or cross-examination in the course of the proceedings and legal advice and representation by a lawyer. In the interest of the smooth functioning of this system in practice, the Ministry of Justice has entrusted appropriate victim protection services with the support of victims during legal proceedings and reimburses expenses incurred in their support function to them. The psycho-social expert supporting the victim may accompany the latter for questioning and give advice as a person of trust (Section 160, para. 2, Code of Criminal Procedure, as amended).

The option and obligation to **interrogate them in a way that minimizes the distress** caused to victims by being questioned in court (Section 165, para. 2, of the Code of Criminal Procedure, as amended) was extended to include the trial itself. At present, all victims who are entitled to support throughout criminal proceedings must be interrogated in the afore-mentioned manner (the defendant must not be present during such interrogations, indirect questions are not permissible, etc.) (Section 250, para. 3 of the Code of Criminal Procedure, as amended).

Accordingly, the specific situation of victims of domestic violence is taken into account and, at the same time, the court seized with a domestic violence case gains first-hand experience with the suffering inflicted, which will motivate it to impose sanctions commensurate with the victim's situation. By supporting victims throughout legal proceedings it can be ensured that these individuals who are under extreme psychological pressure are treated with respect and dignity and given assistance in order to be better able to cope with the stress to which they are exposed in criminal proceedings.

In order to meet the need for special protection of victims of domestic violence, Section 173, para. 5, no 3 of the Code of Criminal Procedure, as amended, explicitly provides for the option that **instead of arresting a perpetrator pending further investigations “more lenient means” may be employed** (pledges and orders). In cases of violence that has occurred in dwellings within the meaning of Section 38a of the Code of Criminal Procedure, more lenient

means would be a perpetrator's pledge to refrain from any contact with the victim, the prohibition for the perpetrator to return to the family apartment and its immediate environs or the order to comply with such an existing prohibition or interim injunction and to hand in all keys to the family apartment. **If the offender ignores his pledge or such an order, pre-trial detention may be imposed on him as a direct sanction under the Code of Criminal Procedure.**

Section 177, para. 5 of the Code of Criminal Procedure as amended stipulates, in the interest of more effective victim protection and on the basis of appropriate precautionary arrangements, that victims who have been exposed to violence in dwellings **must be informed forthwith by the criminal police of the release of the defendant before a sentence is rendered** by a first instance court, stating the definitive reasons for his release and indicating the more lenient means imposed on the offender.

If the perpetrator is released from pre-trial detention, it will be the responsibility of the public prosecutor's office to assure that the relevant information is passed on to the victim.

I.2 Criminal prosecution of perpetrators in cases of serious threats without the victim's authorisation

In addition, the requirement that the victim has to give her authorization for criminal prosecution in cases of dangerous threats made in the family (Section 107, para. 4 of the Code of Criminal Procedure) was eliminated as of July 1, 2006 so that victims are now relieved of the pressure exerted by their families to withdraw their authorization for criminal prosecution. This new approach underlines the fact that it is not the victim but solely the public prosecutor who has to take a decision on the prosecution of the criminal offence of dangerous threat (Section 107 of the Penal Code). The criminal police and the public prosecutor's offices, to whose attention the suspicion of a criminal offence has been brought, must, ex officio, conduct an investigation of any such case (Section 2, Code of Criminal Procedure as amended).

Ultimately, the public prosecutor's office will lead the investigation procedure and take a decision on whether a charge is to be brought against the perpetrator or the investigation procedure discontinued (Section 101, Code of Criminal Procedure, as amended). In the event that the investigation procedure is discontinued by the public prosecutor's office, the victim has the right to

lodge a claim with the Higher Regional Court for the investigation procedure to be continued (Section 195 of the Code of Criminal Procedure as amended).

I.3 Requirement to speed up criminal proceedings

The reform of the Code of Criminal Procedure which took effect on January 1, 2008 illustrates in the procedural principle set forth in Section 9 of the Code of Criminal Procedure as amended, the requirement to speed up all criminal proceedings enshrined in the Austrian Constitution (Article 6, para. 1. of the European Convention on Human Rights). The obligation to conduct legal proceedings swiftly, without any undue delays, emphasises the priority task of proceedings, namely to assure expedient law enforcement (and assertion of the victim's interests) with a view to assuring confidence in legal provisions.

I.4 Creation of specific competences for major public prosecutor's offices

Section 4, para. 3a of the Regulation issued by the Minister of Justice relating to the amendment to the Regulation on the Implementation of the Public Prosecutors Act (Implementation Regulation for the Act governing Public Prosecutors) stipulates -- for public prosecutor's offices with at least ten established posts -- that the head of the public prosecutor's office has to assign the task of **processing cases of violence that has occurred in the immediate social environs** (violence within the family, violence directed at children) to **one or several specifically trained public prosecutors**. As a consequence of this provision, specifically trained public prosecutors who are familiar with the phenomenon of domestic violence are to be entrusted with criminal proceedings dealing with violence in family settings. Thus a more profound understanding of the particular situation of victims of violence within relationships (within families) can be assured.

II. Measures for improving practical implementation

With a view to improving the processing of cases involving violence against women by public prosecutor's offices, **the heads of all Austrian prosecutor's offices and public prosecution directorates were informed in detail** on the Recommendations of the CEDAW Committee concerning the Communications on the cases Sahide GOEKCE, No.5 / 2005 and Fatma YILDIRIM, No.6 / 2005 on the occasion of **the annual staff meeting** held on November 13, 2007 **in the**

Federal Ministry of Justice and also engaged in an exchange of opinions concerning issues of co-operation with law enforcement bodies and intervention centres.

With a view to improving and intensifying **co-operation and the flow of information amongst public prosecutor's offices, courts and victim protection facilities**, the Federal Ministry of Justice initiates, **at regular intervals, "round tables"** bringing together representatives of regional courts and public prosecutor's offices with those of local victim protection entities. These "round tables", primarily serve the purpose of deepening mutual understanding and ultimately bringing about more efficient co-operation and communication in concrete cases. The creation of specific competences for major public prosecutor's offices in cases of violence in the victim's immediate social environs should contribute to more efficient co-operation between public prosecutor's offices and victim protection entities, because in concrete cases co-operation will be restricted to a small circle of responsible persons; this will facilitate communication and promote mutual understanding.

In addition, a **working party on domestic violence** was set up in the Ministry of Justice in response to the recommendations of the CEDAW Committee concerning the administration of justice. This working party deals with the questions as to how in cases of domestic violence the interventions of public prosecution authorities and courts can be improved and works out a training concept for judges and public prosecutors, so that maximum protection can be afforded to victims of domestic violence.

In line with the recommendation of the CEDAW Committee, routine co-operation between the public prosecution authorities and non-governmental organizations committed to the protection and assistance of female victims of gender-specific violence should be assured, this round of discussions comprised participants from a wide range of different disciplines, who represented the Association of Austrian Public Prosecutors, the Association of Austrian Judges, the intervention centres and centres for protection against violence in Austria, the legal profession and the departments of the Federal Ministry of Justice responsible for legislative measures in substantive criminal law, the basic and advanced training institutions for candidate judges, judges and public prosecutors as well as the technically competent unit for the supervision of public prosecution authorities in specific criminal matters.

II.1. Improvement of the interventions of public prosecution authorities and courts in cases of domestic violence

In view of the fact that the need for rapid and optimum response mostly arises in the evenings or on weekends, i.e. outside regular office hours, there was discussion of best possible action during these times, i.e. during standby duty, and a best practice model was devised for this situation. This model is to be presented in the course of numerous training programmes and will be continuously expanded. The following elements of this best-practice model have been defined.

II.1.1. The decision-making basis

In order to be able to **broaden the decision-making basis**, it is of primary importance to gain a most comprehensive survey of the overall situation. Particularly in cases of domestic violence this must include an analysis of the protagonist's history – going beyond investigation of the current facts of the case – as well as the identification of objective facts which allow the most reliable assessment of the future situation to be made, especially with regard to the dangerous character of the protagonist.

So as to be able to **determine the current sequence of events of the case** a hearing, if feasible, of all available witnesses is important. Given the generally very emotional state of all parties involved, an interrogation of unbiased witnesses, if possible, is of great value. It is obvious that the police can enlist the services of interpreters, if necessary. Nevertheless, the question should be clarified as to whether an interpreter had previously been employed during any hearings or interrogations. Should the person concerned have been interrogated without an interpreter's assistance, it would be necessary to raise the question as to whether the interrogated party had the capacity to express him- or herself clearly, so as to be able to better assess the validity of his or her testimony.

In order to be able to investigate the past history of a case, which naturally provides clues to forecasting the further development and assessing **the dangerousness of the perpetrator**, the aforementioned witnesses must obviously be interrogated.

In any case, it must be clarified whether and when **earlier incidents** involving domestic violence had occurred and/or whether **written complaints had been filed in the past**. It must also be verified who had

filed such complaints and/or who had suffered damage. Frequently law enforcement offices who have been working for some time in the respective district are, to some extent, familiar with this environment although their knowledge remains to be documented. Any **information received from victim protection entities** must obviously also be used.

It is also relevant whether in the past expulsion and prohibition to return orders or temporary injunctions had been issued against the defendant and if so, whether he had complied with these. In most cases, the police draws on the so-called criminal police file index and logs recorded incidents contained in these files. In this context it must, however, been borne in mind that the criminal police file does not give a sufficiently clear picture of whether and how these incidents had been dealt with in previous court proceedings. **The status of an offender's criminal record** must be established as a standard routine as this obviously contains valuable clues to his past life, although it fails to give a complete picture of it, because sentences that were pronounced only recently are frequently not yet documented in the record, and hence no conclusions can be drawn with regard to pending or discontinued proceedings or acquittals. To the extent to which this is technically feasible, ideally **the register for the automation of legal proceedings** (Verfahrensautomation Justiz) **should be checked**. This appears also necessary in view of the fact that arrest warrants or pre-trial detention orders cannot be justified by incidents for which legal proceedings have already been discontinued or which have even resulted in acquittals. Conversely, delinquency in the course of pending proceedings constitutes a valid reason for arresting the offender.

If possible, the **facts of earlier cases** should also be established (in the light of the above observations) as these permit conclusions regarding the perpetrator's readiness to resort to violence and/or indicate a tendency towards the use of violence by the perpetrator (eventually an intensification of acts of violence).

Investigation of the perpetrator's past history must also **take into account the background of the facts of the present case**, i.e. any disputes about custody and visiting rights of children and divorce or settlement procedures. For assessing the dangerousness of the offender not only his past history needs to be considered but also **any weapons prohibitions** imposed on him as well as his **specific personal situation**. In many cases, an

unprejudiced assessment of the **origin, social milieu and background** will not contradict repeated observations in service and empirical data, because traceable circumstances, such as war traumas, fanatical religious beliefs and socially accepted or even demanded violence in the perpetrator's ethnic or social environment, etc. may, under certain circumstances, give rise to the justified fear that further acts of violence can be expected. Other circumstances, such as, for example, **alcoholism, gambling or an imminent threat of deportation** or the loss of a residence permit after divorce from the victim, may also yield valuable clues for assessing the dangerousness of the perpetrator.

Furthermore, the observation of law enforcement officers dealing with the offender concerning his personality traits in connection with his **behaviour during official acts or his response to an expulsion order** serve as valuable argumentation and decision-making tools in assessing the danger that a crime will be planned and/or committed.

Valuable clues to the perpetrator's readiness to resort to violence can be gained by studying **the type of violence** to which he resorted both in the present case and in earlier incidents. Therefore, it appears necessary, also for this reason, to identify all circumstances such as the use of weapons, violence against children, persons with special needs, or pregnant women, the committing of a crime on account of a minor incident, or particularly brutal behaviour, etc.

II.1.2. Documentation:

Just as important as the establishment of facts and past histories as a decision-making basis is the **accurate documentation of these data in the official memorandum** which has to be written after the telephone conversation with the public prosecutor on duty. **A complete description of all facts known to the public prosecutor on duty** at the time of his decision is indispensable also for his own protection, especially when he/she reports a perpetrator who is at large. In training programmes, this issue cannot be overemphasized because in those tragic cases – which can, however, never be excluded with absolute certainty despite utmost diligence – in which the perpetrator who is at large and commits the threatened crime after having been reported, the reasonableness of the decision taken by the public prosecutor on duty can be determined only post

factum in the light of an ex-ante analysis on the basis of the time of his/her decision as documented in the official records. In this process, it must also be analysed whether and, if so, what measures had already been taken by other authorities (expulsion and prohibition to return order pursuant to the Police Act and temporary injunction pursuant to the Act on the Enforcement of Judgments). For the public prosecutors who are subsequently entrusted with such a case, the official notice is of particular significance as it is the only source from which it can be seen whether the body of knowledge has significantly changed since the decision taken by the public prosecutor on duty to such an extent that the measure adopted by that time needs to be revised.

II.1.3. Instructions for further investigations and repeated contacts with the police:

In many cases, a single contact between the public prosecutor on duty and the competent police station will not be sufficient. If in view of the above-described considerations further investigations appear necessary and if these can be conducted within a reasonable time-frame, the need may arise to instruct the investigating officer to make another phone call to the public prosecutor on duty, so that the latter may reconsider and eventually modify his/her earlier decision on the facts of the case.

II.1.4. Decision

Before the public prosecutor on duty can consider an appropriate reaction to the crime described in the telephone conversation, it is necessary to clarify whether any other authority had already reacted to it. Such reaction must be in line with the Federal Act for the Protection against Violence within the Family, Federal Law Gazette No. 759/1996, providing for expulsion orders and the prohibition to enter the family dwelling (formerly the prohibition to return order) in accordance with the Police Act and the so-called temporary injunction for protection against violence (Sections 382 b to 382 d of the Act on the Enforcement of Judgments) which are briefly described below.

Reminder:

In accordance with Section 38 a of the Police Act police officers **may eject persons** from whom the danger to the life, health and freedom of another person emanates **out of an apartment and its immediate environs and prohibit the former from entering these premises** for a period of ten days, if, in view of certain facts such as a previous attack, it is feared that such an assault is imminent (Section 38 a, para. 1 and 2 of the Police Act). This period may be extended to a maximum of 20 days if an application has been filed for the issuance of a temporary injunction pursuant to Section 382 b of the Act on the Enforcement of Judgments with a district court.

Compliance with the prohibition to enter the apartment is checked by law enforcement officers at least once a day during the first three days after it has been pronounced (Section 38 a, para. 7 of the Police Act). The pronouncement of a prohibition to enter the family apartment must be checked within 48 hours by the law enforcement authority (Section 38 a, para. 6 of the Police Act). Non-compliance with the prohibition to enter the family apartment is punished by an administrative fine of up to euro 360 (Section 84, para. 1, no. 2 of the Police Act).

In accordance with Section **382 b of the Act on the Enforcement of Judgments, courts** may instruct a person who has made a physical assault on a close family member, threatens him or her with such an assault or behaves in such a way as to impair the physical health of a close family member and thus makes living together or meeting intolerable, **to leave the family home and its immediate environs and/or prohibit him/her from returning there for up to three months, to impose a ban on staying in certain places and to avoid meeting with such family members or establishing contact with him or her (Section 382 b, para. 1 and 2 of the Act on the Enforcement of Judgments)**. Family members are all persons who live or have lived with the abuser in a family or family-like community (Section 382b, para. 3 of the Act on the Enforcement of Judgments). The validity of the temporary injunction is extended if certain proceedings such as divorce or separation of property are pending until these are concluded. The police may be entrusted with the enforcement of such orders. Upon the applicant's request, law enforcement officers can be entrusted with the task of creating the conditions stipulated by the temporary

injunction by using their power of command and coercion (Section 382 d, para 1 and 4 of the Act on the Enforcement of Judgments).

Today, as in the past, the public prosecutor on duty has or had several options in taking his/her decision:

If the situation does not appear to be too alarming, he/she may order that a **complaint be lodged against the abuser at large** (irrespective of whether he has already been arrested or not).

If the perpetrator has absconded (or has not yet been formally arrested by the police), the need may arise to issue an **arrest warrant**. In this context it should be pointed out that as a result of the deletion of Section 452 of the Code of Criminal Procedure, for **offences falling under the jurisdiction of district courts and carrying sentences of more than six months' imprisonment**, i.e. offences set forth in Section 83, para. 1 of the Penal Code, **pre-trial detention** may be ordered due to the danger that a crime could be committed.

If the defendant has already been arrested, (until January 1, 2008) the public prosecutor on duty had only one option – if a complaint against the defendant at large was not possible – i.e. to order **emprisonment with the prospect of pre-trial detention**.

Since January 1, 2008 the option set forth in Section 173, para. 5, no 3 of the Code of Criminal Procedure as amended and described under item I.1 has been available, which will gain **vital importance** especially in cases of domestic violence, and therefore awareness of it should be heightened.

If the defendant has been arrested pursuant to Section 171, para. 2 of the Code of Criminal Procedure, under Section 172, para. 2 of the Code of Criminal Procedure it is now possible not to commit the perpetrator to a prison if the purpose of his apprehension can be achieved by **more lenient means pursuant to Section 173, para. 5, no 1 to 7 of the Code of Criminal Procedure**. In such cases the criminal police has to instruct the defendant, upon order of the public prosecutor, **to record pledges from the defendant or to confiscate his keys to the family apartment and to release him/her thereafter**. The court will take a decision concerning the duration of the application of such more lenient means.

In cases of violence in apartments (Section 38 a, Police Act), a more lenient measure would be the defendant's pledge to refrain from any contact with

the victim, and to comply with the order not to enter a certain dwelling and its immediate environs pursuant to Section 38 a, para. 2 of the Police Act or a temporary injunction pursuant to Section 382 b of the Act on the Enforcement of Judgments, including the confiscation of all keys to the family apartment (Section 173, para 5, no 3 of the Code of Criminal Procedure) and the instruction to avoid certain places or persons (including the victim) (Section 173, para. 5 no 4 of the Code of Criminal Procedure). Section 173, para. 5, no 3 of the Code of Criminal Procedure expressly refers only to violence in apartments. If the violence has occurred in other places, Section 173, para. 5, no 4 of the Code of Criminal Procedure can be evoked, as it provides for the order to the perpetrator to avoid certain apartments, certain places and certain persons, but the keys can only be confiscated in the cases set forth in Section 173, para. 5, no 3 of the Code of Criminal Procedure.

If the offender cannot be released in accordance with Section 172, para. 2 of the Code of Criminal Procedure, he/she must be committed to prison in the precinct of the competent court within 48 hours (Section 172, para. 3 of the Code of Criminal Procedure).

If the defendant was at large and could therefore not be apprehended, the option of more lenient means (Section 172, para 2 of the Code of Criminal Procedure) is obviously not available. Hence a prohibition order (not to enter the apartment) pursuant to Section 38 a of the Police Act cannot be issued, and the only alternative is the issuance of a court-approved arrest warrant (Section 171, para. 1, of the Code of Criminal Procedure) with a search for the defendant (Section 167, no. 1, Section 168, para. 2, Section 169, para. 1 of the Code of Criminal Procedure) and the lodging of a complaint against the perpetrator at large.

In cases of doubt, in particular, in which the public prosecutor on duty ultimately decided to issue an arrest warrant, it is advisable not to consider the case closed with this warrant. In this context, it has proved valuable in practice to regularly mandate the police to discuss the case with the public prosecutor on duty before the offender is committed to prison, because after the arrest and interrogation of the defendant a picture may emerge that is entirely different from the initial situation, which calls for a revision of the assessment of the facts of the case.

II.2. Training and further training concept

Additionally, the working group developed a comprehensive concept for the training and further training of trainee judges, judges and public prosecutors. In this context, Article 16 of the Service Regulations for Judges and Public Prosecutors (*Richter- und Staatsanwaltschaftsdienstgesetz (RStDG)*) deserves mention. It expressly stipulates that the Bench examination must also cover the subjects of prevention of violence and the right to protection against violence. Although these issues have always been part of the practical training of trainee judges and hence part of the Bar Examination, the Regulations underline their particular relevance for this exam.

The training concept developed by the working group provides for training and further training courses to be attended jointly by judges, public prosecutors, contributors to intervention centres and to other services for the protection of victims. These courses are to be organised by inviting interdisciplinary lecturers from sectors such as prevention, police and judicial authorities. The concept also includes intensive training of public prosecutors on duty as part of a comprehensive training model. Specific training modules are planned on subjects such as “protection of victims/protection against violence”, “domestic violence”, “structures of violence” and “predicting the dangerous character of an offender”. The outline of the training and further training concept for judges and public prosecutors is contained in **Annex /B**.

B. Law enforcement officers

“Domestic violence” is an integral part of the basic training of every law enforcement officer. This part of the training serves to enhance and deepen the individual awareness and understanding of cases of domestic violence and to create a sensitive approach to such cases.

Furthermore, continuing issue-related seminars and workshops are being organised with instructors and trainers of police training courses (current topics: protection of victims, reform of the Code of Criminal Procedure, human rights, ethics, etc.)

The great importance attached to effective prevention of domestic violence in the training of law enforcement officers is also demonstrated by the training of special prevention officers (242 persons throughout Austria at the moment). Great effort is being spent on imparting an understanding of the nature and dynamics of violent relations and of the situation that victims of violence find themselves in. Focal areas in the training of prevention officers are:

- Types, patterns and the impact of violence against women and children,
- Interviews conducted with children,
- Situation of women who have suffered violence,
- Crisis management for victims, rights of victims, suggestions on how to treat victims correctly,
- Psychological profile of perpetrators, perpetrator strategies,
- Assessment of the dangerous nature of a situation,
- Recommendations on police intervention in case of domestic violence,
- Legal basis,
- Information on intervention centres, women's refuges, counselling centres for men and other NGOs.

Ongoing network meetings with NGOs, training and further training measures, and training courses carried out in cooperation with NGOs are strategic priorities for 2008.

In particular, against the background of the present views, which were a reaction to the killing of two women from the migrant community by their husbands, a special initiative started in 2007 deserves mention: in Vienna, an attempt is being made to recruit citizens with a migrant background for the police service. This project aims at attracting qualified persons from various ethnic and cultural backgrounds and at enhancing the intercultural competence of law enforcement officers. Officers from migrant communities with appropriate language skills are better suited and more efficient in providing information about the rights and duties to those in migrant communities. This is of particular importance when intervening in a case of domestic violence, where victims have to be treated with empathy to create an atmosphere of trust, and where a determined stand has to be taken against aggressors to whom the legal basis has to be explained. In a confrontation with the police, the perpetrator's acceptance of the police intervention is considered much higher if the officer possesses intercultural

competence. It is also expected that in such circumstances the situation will de-escalate.

C. Creating awareness among boys and youths

Commitment and initiatives against violence concern everyone. Since 2007, policy activities of the Ministry for Social Affairs have focussed on combatting male violence and on the prevention of violence, in particular among boys and male youths. These initiatives include cooperation with White Ribbon on “Men against male violence”, promotion and support of various violence prevention projects and cooperation with the Minister for Women’s Affairs and the Ministry of Education.

The Minister for Women’s Affairs, the Minister of Education and the Minister for Social Affairs jointly initiated Gender Days 2007. Their aim is to prevent violence, to provide positive and identity-reinforcing orientation aids for boys and male youths in a gender-equitable education, and to enhance the awareness for non-violent solutions of conflicts.

In nursery schools and elementary schools, i.e. as early as possible, it should be made clear to boys and male youths that there must be no room for violent acts of men in our daily lives. Gender Days workshops on the prevention of conflicts and violence have raised public awareness among Austrians of violence among youths, violence against women and domestic violence, and thus provided a first step towards prevention.

Another focal point is qualified training, which provides the opportunity for employment and hence for avoiding violence and crime among youths.

D. Awareness and information

The exhibition “Behind the façade” was presented March 7 – 19, 2007, at the Federal Chancellery and opened by the Minister for Women’s Affairs, together with the Federal Chancellor and the Minister of the Interior. It signalled to the general public the great importance the Federal Government attaches to the fight

against violence. A panel discussion on “Providing protection against violence for migrant women“ was held in the course of the exhibition. The exhibition addressed occupational groups confronted with domestic violence, and, in particular, schoolchildren. Numerous school classes attended the guided tours at the exhibition. Preparation and follow-up sessions were also provided for them.

Furthermore, the Federal Minister of the Interior and the Federal Minister for Women, Media and the Civil Service mandated the intervention centres in Vienna and Lower Austria to organise and implement an international symposium entitled “10 years of Austrian legislation on the protection against violence in an international context“. The symposium was held in Vienna on November 5 and 6, 2007 and in St. Pölten on November 7, 2007.

The Austrian Act on Protection against Violence within the Family (*Gewaltschutzgesetz*) has celebrated its tenth anniversary. On that occasion, experience with domestic violence in the past 10 years in Austria and in Europe in general was reflected, and good practice models and innovative measures were presented. Among the 35 participants were a large number of police officers, many of them in executive functions, members of the administration of justice, members of centres for the protection of women and of other social service institutions.

The women’s helpline for victims of violence was installed at the end of 1998 during the campaign “Stop Violence“. It has been operated by the Association of Autonomous Austrian Women’s Refuges (*Verein Autonome Österreichische Frauenhäuser, AÖF*) since June 1999 and is a nationwide service that can be called around the clock, all-year round, and at no cost. It helps women in crisis situations and assists them in finding a suitable place to take refuge close to their home. An effective campaign that helped raise public awareness of the women’s helpline was run between November 2007 and January 2008. Posters, free cards, ads and TV commercials informed the general public, in particular the women concerned, about this important service. There are plans to continue advertising for the helpline in May and June 2008.

III. Publication of recommendations

In conclusion, please note that an unofficial German translation (sometimes together with the English original) of the views and recommendations of the CEDAW-Committee was published not only on the homepage of the Federal Chancellery but also on “Intranet Justiz“, a clearly arranged information platform for members of the Austrian administration of justice, and on the website of the Ministry of Justice www.bmj.gv.at, which is accessible to the general public.

Annex .A

Federal Ministry of the Interior grants for the protection against violence in 2007:

Recipient	Amount
2007	
Womens Access to Justice (Frauenrechtsschutz) Association aiming at breaking down barriers to justice that women and children are confronted with as victims of violence in criminal proceedings, in cases pertaining to marriage and family law, when enforcing claims under civil law in cases of actual or threatened violence or claims for gender equality under labour and social law.	€15,000.00
Verein Notruf Workshops on information about and prevention of sexual violence; evening sessions, further training and coaching.	€18,560.00
Verein Männerberatung Innsbruck „MANNSBILDER“, counselling for violent men and male youth, group work	€8,912.75
Verein Selbstlaut Working on prevention with children, youths and teachers in primary and secondary schools	€14,797.00
Gewaltschutzzentrum Steiermark Association for prevention of violence, assistance to victims and protection of victims	€2,500.00
LEFÖ Contributes to the “Intervention centre for victims of trafficking in women“, a victim protection facility for women affected by trafficking in humans	€99,120.00
Männerberatung/Wien Association for the counselling of men to stop violence in partnerships	€78,420.00
Verein TAMAR Counselling centre for sexually abused women and girls	€4,000.00

Dr. Eva WAGNER, study on domestic violence, project "Taking a firm legal stance against aggressors"	€3,240.00
Verein Männerwelten Salzburg Counselling for men and male youth, in particular counselling for perpetrators and violent youths	€17,550.00
Pro Mente Burgenland Preventive measure: "Be yourself – be self-confident and strong when steering through life"	€36,000.00
Verein Theater Nemesis Support for the theatre play on the protection of our children, with participation of the audience, entitled "Taking good care of myself"	€26,375.40
Wald erleben/Bad Sauerbrunn Forest education focussing on prevention of violence	€3,240.00
IOM – trafficking in humans Organisation for migrants Development of guidelines for data collection to combat trafficking in humans, including comparable indicators	€30,635.58
Transfer AGIS Project dealing with trafficking in children	€53,403.82
Total	€411,754.55

New training and further training concepts for judges and public prosecutors

I. Training

Content

- Police Act (SPG), Act on the Enforcement of Judgements (EO), Code of Criminal Procedure (StPO): How to react to violence in immediate social environs
- Cooperation of police and administration of justice on acts of violence
- Phenomenology of violence, reasons for staying in a relationship characterised by violence; psychology of victims/traumatising effects on victims after acts of violence; dealing with victims; psychology of offenders; case studies
- Assessing the dangerous character of offenders who use violence and threat in immediate social environs
- Duties and scope of victim protection facilities, youth welfare offices and similar institutions

Training modules

- Seminar “Domestic violence“
Content: Structures and relationships of violence; stalking; role of the penal code when ostracising violence; cooperation of police and administration of justice on acts of violence in immediate social environs; duties and scope of victim protection facilities, youth welfare offices, etc.
- Seminar “Predicting the dangerous character of an offender“
Content: Offender profiles, criteria for assessing violence scenarios; cooperation of police and administration of justice on violence in immediate social environs – fast exchange of relevant information with public prosecution authorities

II. Further training

Curriculum “Violence in immediate social environs“ for public prosecutors with special competence pursuant to Article 4 (3a) of the Implementing Order relating to the Public Prosecutor’s Act (DV-StAG); seminars for judges and public prosecutors, in particular for those on stand-by duty.

Content

- Structures of violence and behaviour of persons caught up in relationships of violence
- Adequate appreciation of evidence and judicial proceedings in the administration of justice
- Importance of the role of public prosecutors for the protection of persons threatened by further acts of domestic violence
- Cooperation with law enforcement officers
- Bridging the gap and connecting the interface between public prosecution office/ criminal court and family court
- Including family judges, police officers, NGOs and other experts in seminar organisation, lecturing and target groups.

Training modules

- “Case studies: chronology of Yildirim and Goekce cases“
Content: Review of the views of the CEDAW Committee
Target groups: Judges, public prosecutors, members of intervention centres and other victim protection entities
- “Predicting the dangerous character of an offender“
Content: Offender profiles, identification of danger signals, behaviour and interaction patterns of offenders, communication and interrogation strategies, criteria for assessing violence scenarios
- “Violence structures – the role of the Penal Code and civil law in ostracising violence“
Content: Interface family courts/law enforcement and criminal courts
Improved interaction; legal and organisational changes required to ensure better protection against violence (e.g. organisation of stand-by duties; legal concept of temporary suspension, etc.)

- “Homicide offences and serious violence in immediate social environs“
Interdisciplinary meeting on prevention and case management
Content: Case study on how to bring about improvements by quickly recognising dangerous situations
- “Criminal law and code of criminal procedure for NGOs“
Content: Basic principles of criminal law interventions as a prerequisite for constitutional proceedings
Target groups: Judges, public prosecutors and representatives of NGOs
- “Daily routine at an intervention centre/women’s refuge“
Responsibilities of intervention centres and other victim protection facilities
Content: Responsibilities and scope of victim protection facilities to prevent violence
Target groups: Judges, public prosecutors and NGOs
- “Consideration of evidence and interrogation methods”
Seminar for judges/public prosecutors with at least one year of professional experience
Content: Judging credibility in violence relationships; impact of traumatisation when giving evidence
- “Combatting domestic violence: a mandate for criminal and civil courts“
International workshop as part of the HELP programme of the Council of Europe
Content: Deliberations on designing training concepts in the field of trafficking in human beings and protection of victims
How can training modules be designed most effectively?
Aim: Preparing curricula and material
Target groups: Heads of judicial academies
Human rights officials
Experts with practical experience } from Council of Europe member states
- “Self-management for public prosecutors and criminal judges”
Keeping calm when having to make a difficult decision; discussion and reflection on job profile and professional image
Content: Methods on how to keep up performance under stress

Target groups: junior and senior public prosecutors and criminal judges

- “Scientific data and international research findings on domestic violence”
Content: Presenting current data and research findings as a basis for determined action in order to improve range of action in cases of violence in the immediate social environs
- Supervision for public prosecutors