



Ludwig Boltzmann Institut
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**„Access to specialised victim support services for women with
disabilities who have experienced violence“**

JUST/2011/DAP/AG/3293

**National Report
Austria**

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2. Abbreviations

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
EDF	European Disability Forum
FLG	Federal Law Gazette
IDA	International Disability Alliance
NAP	National Action Plan
NHRI	National Human Rights Institution
OeAR	Austrian National Council of Persons with Disabilities
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities

3. Executive Summary

This report offers an overview of the available information concerning violence against women with disabilities. The desk study describes the current Austrian legislation on violence against women, specific policies and organisations concerning violence against women and analyses the accessibility of these structures for women with disabilities who experienced violence. Information about violence against women with disabilities in Austria is scarce. In general, the gap between women with disabilities facing violence in public and private spheres and those having access to justice is significant. Only a low number of women with disabilities is able to defend their rights before courts. Although the legislation in place concerning violence against women can be assessed to a large extent as satisfactory, the main issue is the matter of (un-)accessibility of this legislation for women with disabilities.

The accessibility of the relevant legislation for women with disabilities is characterised by a lack of implementation of Art. 13 UNCRPD (UN Convention on the Rights of Persons with Disabilities) in Austria. Art. 13 UNCRPD requires from States Parties to 'ensure effective access to justice for persons with disabilities on an equal basis with others'. Measures need to be implemented which facilitate the role of persons with disabilities as witnesses. There is a tendency to treat abuse of persons with disabilities as social work issue instead treating it as criminal offence. Therefore, only seldom police investigations follow after accusations. Experience shows that a high number of cases of violence and abuse reported to police are terminated at an early stage and no action to court are brought in. The current system of psycho-social and legal assistance during criminal proceedings is not sufficient for persons with disabilities.

Austria has an extensive network on organisations supporting women who experienced or experience violence. However, desk research shows that only a few of the 200 websites, of organisations for women who have experienced violence, are barrier-free accessible. Furthermore, based on the information, provided at these websites, it is not clear whether the services offered by these organisations are offered in an accessible manner for women with disabilities.

Legislation, policies and programmes show a general lack of awareness concerning violence against women with disabilities in Austria among the government. A few promising practices of organisations which established mutual cooperation in order to offer adequate counselling to women with disabilities exist in Austria. In order to broaden these practices and install them sustainably additional funding for these services are required.

4. Introduction

Information about violence against women with disabilities in Austria is scarce. Nevertheless, reports show that more than every second woman with disabilities experienced sexual violence once or several times in live.¹ A further dramatic form of gender-based

¹ Independent Monitoring Committee for the Implementation of the Convention on the Rights of Persons with Disabilities, Report of the Independent Monitoring Committee for the Implementation of the Convention on the Rights of Persons with Disabilities to the Committee on the Rights of Persons with Disabilities in prepara-

violence notified in Austria is forced sterilisation.² One of the risk factors identified is the ongoing exclusion from parts of the society including education and sex education. Exclusive education and limited sex education and reproductive health 'make it difficult for women and girls with disabilities to know how to protect themselves and to react adequately to sexual abuse, harassment and violent behaviour.'³ Most of the persons with disabilities facing sexual violence are abused in their immediate social environment including specialised institutions or family. After learning from the violent acts, usually, specialized agencies rarely implement effective measures in order to protect the victim⁴ from further violence.⁵ Prevention of violence requires measures in numerous areas, such as healthcare, education and more awareness-raising as required by Art. 8 UNCRPD. The gap between those women with disabilities facing violence in public and private spheres and those having access to justice is significant. Only a low number of women is able to defend their rights before courts. The following seeks to elaborate why women with disabilities face difficulties in having access to the installed system of protection of women from violence.

5. Legislation on violence against women and women with disabilities

5.1 Applicable international and regional standards concerning violence against women with disabilities

Austria ratified UNCRPD in 2008 and submitted its initial governmental report to the Committee on the Rights of Persons with Disabilities⁶ in 2010. Austria was examined by the Committee in April 2013. The initial report discusses the issue of violence against women with disabilities only briefly. With regard to Art. 6 UNCRPD, the government refers to disability organisations which stress the issue of violence and abuse of women with learning difficulties.⁷ However, the government does not further discuss this matter and refers to the general legislative and organisational framework on violence against women without examining its accessibility for women with disabilities.⁸

Besides the Committee on the Rights of Persons with Disabilities also other monitoring bodies of the UN human rights treaties might take up the issue of violence against women with disabilities. Austria ratified CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) in 1982.⁹ Generally, violence against women

tion of the dialogue with Austria in September 2013, p. 21 cited after Zemp, Aiha/ Pircher, Erika, 'Weil das alles weh tut mit Gewalt' - Sexuelle Ausbeutung von Mädchen und Frauen mit Behinderung (1996).

² Ibid.

³ IDA (ed.), Responses and comments of OeAR, EDF & IDA to CEDAW/C/AUT/CO/7-8, p. 5,

http://www.oear.or.at/inter-national/lobbying/internationales-lobbying/stellungnahmen/OeAR_EDF_IDAsubmissiononAustriaCEDAWCommitteefinal.doc (accessed 126April 2013).

⁴In this report, the term "victim" is used in certain contexts, since it is a defined term in the Austrian Criminal Procedure Code and used regularly in connection to domestic violence. In addition this report uses the term "women who experienced violence".

⁵ Independent Monitoring Committee for the Implementation of the UNCRPD, 'Statement on violence and abuse against persons with disabilities', 24 February 2011, p. 5-6.

⁶ CRPD/C/AUT/1.

⁷ CRPD/C/AUT/1, para. 83.

⁸ CRPD/C/AUT/1, para. 168-170.

⁹ See FLG No. 443/1982.

plays a significant role in the monitoring of the implementation of CEDAW in Austria. In the latest concluding observations of the Committee on the Elimination of Discrimination against Women,¹⁰ the Committee stresses several gaps in the Austrian efforts to combat violence against women. The Committee urges Austria to implement a comprehensive strategy or national action plan on violence against women. Furthermore, Austria should continue its efforts to train judiciary and improve the data collection on violence against women.

However, violence against women with disabilities plays a rather insignificant role in the monitoring process. Concerning women with disabilities, the Committee urges to 'continue public awareness-raising campaigns on all forms of violence against women, including (...) women with disabilities'.¹¹ Since the latest State report of Austria concerning CEDAW did not include relevant information on violence against women with disabilities, the CEDAW Committee requested further information on that issue.¹² However, this request remained to a large extent unanswered by the government. The government refers to the Victims of Crime Act, which is applicable to all victims of crimes though.¹³ Furthermore, it refers to the start of the independent monitoring of all facilities and programmes for persons with disabilities to prevent the occurrence of violence as of 1 July 2012.¹⁴

Violence against women with disabilities is not addressed by other monitoring bodies of the UN human rights treaties. Also the process of Universal Periodic Review (UPR) did not lead to any specific conclusions and recommendations for Austria on violence against women with disabilities. Nevertheless, several recommendations concerning different aspects of violence against women have been issued. Austria should seek to implement the national legislative framework on violence against women more coherently and effectively¹⁵ and should intensify its efforts to eliminate violence against women.¹⁶

The Council of Europe Convention on preventing and combating violence against women and domestic violence requires from States Parties to 'address the specific needs of vulnerable persons'. Furthermore, all rights of the Convention shall be secured without discrimination on the ground of disability.¹⁷ The monitoring body GREVIO has the potential to put more emphasis on violence against women with disabilities in monitoring, after the Convention entered into force. Austria signed the Convention in 2011. Preparations for the ratification are generally finished according to the government and the ratification was expected already for 2012. Nevertheless, it did not take place thus far.¹⁸

In concluding, it can be observed that the issue of violence against women plays a great role in the monitoring of the implementation of Austria's human rights obligations. However, the specific issue of violence against women with disabilities and the accessibility of organisational frameworks for women with disabilities who have experienced violence play only a marginal role within monitoring.

¹⁰ CEDAW/C/AUT/CO/7-8, 1 March 2013 (advance unedited version).

¹¹ CEDAW/C/AUT/CO/7-8, para. 25.

¹² List of issues and questions with regard to the consideration of periodic reports CEDAW/C/AUT/Q/7-8, para. 21.

¹³ Replies of Austria to the list of issues to be taken up in connection with the consideration of its combined seventh and eighth periodic reports CEDAW/C/AUT/Q/7-8/Add.1, para. 103.

¹⁴ CEDAW/C/AUT/Q/7-8/Add.1, para. 104.

¹⁵ A/HRC/17/8, 92.15.

¹⁶ A/HRC/17/8, 92.42.

¹⁷ CM(2011)49, Art. 18 and Art. 3.

¹⁸ Answer of the Ministry of Justice to parliamentary inquiry, 11250/AB XXIV Legislative Period, p.1.

5.2 National specific legislation concerning violence against women

Concerning domestic violence, the Austrian Federal Act on Protection Against Domestic Violence¹⁹ is essential, which entered into force in 1997. This act consists of several provisions which are laid down in the Civil Code, the Enforcement Code and the Security Police Act. In general, this act has three key features:

- eviction order and barring order issued by the police²⁰,
- injunction order issued by the civil court²¹
- and the support and counselling of victims by intervention centres against domestic violence.

In case a perpetrator threatens or injures a person in an apartment or house, the police has to evict the perpetrator from this place and bar the person from re-entering the place for 14 days. It is irrelevant, who legally owns the house or apartment. The police has to issue the barring order and the victim cannot influence the imposition of the order by the police.²² The police informs the intervention centre against violence of every eviction and barring order. The intervention centre then contacts the victim and offers counselling free of charge.

Within the 14 days of barring order, the victim can apply an injunction order issued by the court. If the person does so, the barring order is extended to a total of four weeks. This injunction order obliges the perpetrator to leave the apartment and forbids the person to return for a period of up to six months. This injunction can be applied at court by all individuals living in the common apartment with the perpetrator and is not limited anymore to close relatives. In case the victim initiates divorce proceedings, the validity of the injunction order is extended to cover the period up to the termination of the proceedings. A general injunction order on protection against violence allows banning the perpetrator from staying in certain places other than the apartment, such as place of work for instance. This injunction can be issued by court for a period of up to one year.²³ However, NGOs criticise that victims are not sufficiently protected. The infringement of the injunction is not treated as criminal offence and offenders therefore would be able to violate the order without consequences.²⁴

The Austrian Criminal Code criminalises for instance 'serial perpetration', when the perpetrator 'repeatedly commits acts of violence against another person over an extended period of time'.²⁵ Since 2008 stalking is penalised with imprisonment of up to one year.

¹⁹ The latest amendment of this act took place in 2009, Federal Law Gazette I No. 40/2009.

²⁰ See section 38a Security Police Act.

²¹ Generally, there are three different relevant injunction orders: injunction order concerning the common place of living (section 382b Enforcement Code), general injunction order concerning violence (section 382e Enforcement Code), injunction order in order to protect private sphere (section 382g Enforcement Code).

²² Birgitt Haller, The Austrian Legislation against Domestic Violence, http://www.ikf.ac.at/english/austrian_legislation_against_domestic_violence.pdf (accessed 10 April 2013), p. 1.

²³ See Birgitt Haller, The Austrian Legislation against Domestic Violence, http://www.ikf.ac.at/english/austrian_legislation_against_domestic_violence.pdf (accessed 10 April 2013), Rosa Logar, National and International Measures to Prevent Domestic Violence against Women and Children, in Federal Chancellery – Federal Minister for Women and Civil Service, Ten years of Austrian Anti-Violence Legislation, Conference report 2007. See concerning the 2009-amendments Federal Chancellery – Federal Minister for Women and Civil Service, http://www.bka.gv.at/site/cob_37005/6845/default.aspx (accessed 10 April 2013).

²⁴ Frauen:Rechte jetzt! NGO Forum for the implementation of CEDAW in Austria (ed.), NGO Shadow Report CEDAW, 2012, p. 10.

²⁵ CEDAW/C/AUT/7-8, para. 57. Section 107b Criminal Code.

The Austrian Criminal Procedure Code provides specific rights to victims who have been exposed to violence, threat or violation of their sexual integrity. They are entitled to psycho-social and legal assistance (*psycho-soziale und juristische Prozessbegleitung*) free of charge during criminal proceedings.²⁶ Since 2009 the psycho-social assistance provided by intervention centres against violence is extended also to civil proceedings.²⁷ Victims of violence are also entitled not to be questioned at court in the presence of the perpetrator for instance²⁸ and since 2008 certain courts have specialized state prosecutors who are mandated to process 'cases of violence in the immediate social environment of victims'.²⁹

Sexual violence against persons with disabilities are primarily penalised pursuant to section 205 of the Austrian Criminal Code. This section criminalises the 'sexual abuse of defenceless and mentally-impaired persons'. This regulation is criticised as the 'defencelessness' of a person justifies a lower penalty as compared to the maximum sentence of rape for instance. The maximum penalty of section 205 is five years imprisonment; the maximum penalty of rape is ten years imprisonment. A current amendment of the Criminal Code on sexual offences takes this issue into account and raises the penalty for certain acts to ten years imprisonment.³⁰ However, besides the issue of penalty, it is also criticised that this section should focus on the misuse of power relations and authority instead of the 'defencelessness'³¹, which is not taken into account in the current amendments.

Victims of certain crimes, including victims exposed to violence, are entitled to file an application under the Victims of Crime Act.³² Under this act, victims can receive a lump sum compensation for pain and suffering due to the crime as well as have costs for measures such as rehabilitation refunded.

5.3 Further country specific legislation relevant for violence against women with disabilities

Austria established in 2009 an Independent Monitoring Committee for the Implementation of the UNCRC pursuant to Section 13 of the Federal Disability Act.³³ The task of this monitoring committee is to fulfil Austria's obligations under Art. 33 (2) CRPD. Austria has to establish an independent mechanism which promotes, protects and monitors the implementation of UNCRC. The members of the committee are representatives of NGOs committed to persons with disabilities, human rights, development cooperation as well as academia.³⁴ However, this committee's work is hampered by a lack of budget and operational capacity. The tasks of the committee should have been assigned to a national hu-

²⁶ Section 65 and 66 Criminal Procedure Code, FLG No. 631/1975 as amended by FLG I No. 2/2013.

²⁷ Section 73b Code of Civil Procedure.

²⁸ Section 250 para. 3 Criminal Procedure Code.

²⁹ CEDAW/C/AUT/7-8, para. 61.

³⁰ Independent Monitoring Committee for the Implementation of the UNCRC, 'Statement on violence and abuse against persons with disabilities', 24 February 2011, p. 6; report of the parliamentary committee on justice concerning application 1704/A(E), 21 June 2012, p. 1, and current amendment of the Criminal Code concerning sexual offences, 462/ME.

³¹ Independent Monitoring Committee for the Implementation of the UNCRC, minutes of the public meeting on 28 October 2010, p.4.

³² FLG 288/1972 as amended by FLG I No. 96/2012.

³³ FLG No 283/1993 as amended by FLG I No. 109/2008.

³⁴ Report of the Independent Monitoring Committee for the Implementation of the Convention on the Rights of Persons with Disabilities to the Committee on the Rights of Persons with Disabilities in preparation of the dialogue with Austria in September 2013, p. 4.

man rights institution (NHRI), which did not happen in Austria since there is no NHRI in Austria.³⁵

Since 1 July 2012 the Austrian Ombudsman Board is mandated to monitor 'all institutions and facilities where people with and without disabilities are in danger of abuse, violence or inhuman treatment and measures that deprive them of their liberty.'³⁶ The mandate of the Austrian Ombudsman Board has been broadened in order to fulfil international human rights obligations. Under the Optional Protocol to CAT Austria has to establish a national preventive mechanism. Art. 16 of CRPD obliges Austria to effectively monitor all facilities and programmes for persons with disabilities by independent authorities.³⁷

The visits of institutions and facilities for persons with disabilities are conducted by six commissions in Austria. Commission members have unrestricted access to these facilities and have to be provided with all relevant information and documents. Visits can be conducted also unannounced.³⁸ Relevant places to visit may encompass specific programmes, institutions for vocational training as well as schools and boarding schools.³⁹ Since the commissions took up their work only in summer 2012, in total nine visits of facilities for persons with disabilities have been conducted, of which seven have been unannounced.⁴⁰

5.4 Conclusions concerning legislation

The Austrian Independent Monitoring Committee for the Implementation of CRPD summarises the Austrian legislation on violence as 'international role model in the protection against domestic violence'. Concerning women with disabilities, the legislation shows huge gaps and the needs of women with disabilities 'are only inadequately taken into account'.⁴¹

A general concern is the lack of available data, which hampers a thorough analysis and monitoring of the legislation's application. Certain data are not collected or are not publicly available; the currently available data categories such as age or form of violence are not specific enough and cannot be linked with each other.⁴² However, the lack of data is not exclusively an issue of violence against women. Generally, Austria lacks data on the living situation of persons with disabilities which includes also information and data on violence and abuse.⁴³ The fact, that Austria still does not have a comprehensive National

³⁵ Report of the Independent Monitoring Committee for the Implementation of the Convention on the Rights of Persons with Disabilities to the Committee on the Rights of Persons with Disabilities in preparation of the dialogue with Austria in September 2013, p. 5-6.

³⁶ Austrian Ombudsman Board, <http://volksanwaltschaft.gv.at/en/human-rights/monitoring-and-control> (accessed 10 April 2013).

³⁷ Section 11 Ombudsman Act, FLG 433/1982 as amended by FLG I No. 1/2012. See explanatory remarks concerning FLG I No. 1/2012, p. 10.

³⁸ National Action Plan on Disability 2012-2020, p. 21.

³⁹ See explanatory remarks concerning FLG I No. 1/2012, p. 10.

⁴⁰ Austrian Ombudsman Board, Report of the Austrian Ombudsman Board to the National Council and the Federal Council 2012 (2013), <http://volksanwaltschaft.gv.at/downloads/q3at/PB-Bericht%202012.pdf> (accessed 22 April 2013), p. 46.

⁴¹ Independent Monitoring Committee for the Implementation of the UN Convention on the Rights of Persons with Disabilities, Report of the Independent Monitoring Committee for the Implementation of the Convention on the Rights of Persons with Disabilities to the Committee on the Rights of Persons with Disabilities in preparation of the dialogue with Austria in September 2013, p. 21.

⁴² NGO Shadow Report CEDAW, 2012, p. 11.

⁴³ Independent Monitoring Committee for the Implementation of the UNCRPD, 'Statement on violence and abuse against persons with disabilities', 24 February 2011, p. 6;

Action Plan on violence against women, which would improve also the implementation of legislation and should include also violence against women with disabilities, has been criticised by the CEDAW Committee⁴⁴.

Experiences of victims of violence with disabilities show that the legislation has gaps. In criminal proceedings, persons with disabilities are not sufficiently supported when giving a statement at court. These statements seem to enjoy less credibility.⁴⁵ Consequently, the current system of psycho-social and legal assistance during criminal proceedings is not sufficient for persons with disabilities. A woman raped by a man, both having learning difficulties, described that the perpetrator was acquitted by a judge reasoning this decision with his learning difficulties.⁴⁶ Access to justice requires the capability to file a complaint at a police station. A woman exposed to violence and using a wheelchair explained that the perpetrator was able to escape simply due to the fact that the near police station was not barrier-free.⁴⁷

In concluding, the statement of the Austrian Independent Monitoring Committee shows that legislation in place concerning violence against women can be assessed to a large extent as satisfactory. However, the main issue is the implementation of legislation and for women with disabilities the matter of (un-)accessibility of this legislation, which will be discussed in the next chapters.

6. Implementation of Legislation

6.1 Policies and programmes

National Action Plan for the implementation of UNCRPD

Austria adopted a National Action Plan (NAP) for the implementation of UNCRPD⁴⁸ in 2012. The NAP is a strategy until 2020 and contains chapters e.g. on employment, education or awareness raising. For each of these chapters, specific aims and measures for their achievement are formulated. Shortcomings of the NAP are the fact that most of the measures are formulated very vaguely and it lacks budgetary means for its implementation.⁴⁹ Concerning women with disabilities, the aims and measures are rather general. It is stressed that women with disabilities face a higher risk of being a victim of violence. However, the NAP does formulate any further measures to tackle this issue. The NAP solely formulates the general aim to raise public awareness concerning violence against women with disabilities. Furthermore, women should be supported in learning to identify violence against them and to defend themselves effectively. However, concrete measures in order to reach this aim are missing. More gender-specific data should be col-

⁴⁴ CEDAW/C/AUT/CO/7-8, para. 25.

⁴⁵ Independent Monitoring Committee for the Implementation of the UNCRPD, minutes of the public meeting on 28 October 2010, p.7 and 12.

⁴⁶ Independent Monitoring Committee for the Implementation of the UNCRPD, minutes of the public meeting on 28 October 2010, p.6.

⁴⁷ Independent Monitoring Committee for the Implementation of the UNCRPD, minutes of the public meeting on 28 October 2010, p.7.

⁴⁸ Federal Ministry of Labour, Social Affairs and Consumer Protection, NAP on UNCRPD, <http://www.behindertearbeit.at/bha/wp-content/uploads/NAP-Behinderung.pdf> (accessed 12 April 2013).

⁴⁹ Ombud for equal treatment of persons with disabilities, press release concerning the activities of 2012 of 27 March 2013, p. 2.

lected in all areas of work concerning disabilities and women and girls should be promoted in education.⁵⁰

A specific chapter of the NAP tackles the issue of protection from violence and abuse. However, the NAP refers in a very general way to regular institutions of the Austrian legislation such as the psycho-social and legal assistance to victims of crimes in criminal proceedings. Possible problems of accessibility for especially women with disabilities are not mentioned.⁵¹ The NAP intends to improve the support for victims of crime. However, the measures of improvement are, again, very general. For instance, the NAP refers to an initiative of the Ministry of Interior to implement roundtables on violence at local level, including violence against persons with disabilities.⁵² On the website of this initiative itself, persons with disabilities are not mentioned as a target group.⁵³

Implementation of UNCRPD lacks participation of persons with disabilities. Austria's first state report on UNCRPD was prepared without consultation of persons with disabilities and NGOs representing persons with disabilities.⁵⁴ The NAP on UNCRPD claims to be developed in a participatory manner, but the opportunities of participation had been not adequate since there was for instance no version of the draft in easy language available.⁵⁵ To conclude, the NAP on UNCRPD acknowledges the issue of violence against women with disabilities, but does not formulate any concrete tasks for the government in order to improve the situation of women with disabilities.

Policies and programmes concerning violence against women

Austria lacks a comprehensive strategy or national action plan on violence against women. Consequently, policies on violence and its prevention are scattered among various governmental and non-governmental actors. Main governmental actors are the Ministry of Interior, the Federal Chancellery/Minister for Women's Affairs and the Ministry of Justice. Nevertheless, there are initiatives which intend to improve the cooperation and coordination between all ministries, federal provinces and NGOs. All actors are gathered in the 'Platform against Violence', coordinated by the Ministry of Economy, Family and Youth, which runs also a specific group on violence against women.⁵⁶ In addition, the Ministry of Interior initiated in 2012 the 'Alliance against Violence' which seeks first to gather all initiatives of NGOs and governmental actors on prevention of violence and gathered around 650 initiatives.⁵⁷

Key characteristic of the Federal Act on Protection Against Domestic Violence is the cooperation between law enforcement and intervention centres against violence. The police informs the centre and afterwards the centre is going to contact the victim. Each federal

⁵⁰ NAP on UNCRPD, p. 12.

⁵¹ NAP on UNCRPD, p. 30.

⁵² NAP on UNCRPD, p. 30.

⁵³ Federal Ministry of Interior, see initiative S 1.10 ('*Kommunale Krisentische*'), http://www.innensicher.at/s_01.html (12 April 2013).

⁵⁴ Responses and comments of OeAR, EDF & IDA to CEDAW/C/AUT/CO/7-8, p. 4, http://www.oeaer.or.at/inter-national/lobbying/internationales-lobbying/stellungnahmen/OeAR_EDF_IDAsubmissiononAustriaCEDAWCommitteefinal.doc (accessed 12 April 2013).

⁵⁵ Independent Monitoring Committee for the Implementation of the UNCRPD, 'Statement on draft NAP on UNCRPD 2012-2020, 16 February 2012, p. 2;

⁵⁶ See <http://www.gewaltinfo.at/plattform/> (accessed 15 April 2013).

⁵⁷ Ministry of Interior, http://www.bmi.gv.at/cms/BK/buendnis_gegen_aktuelles/start.aspx (accessed 15 April 2013).

province has at least one intervention centre and further regional offices. Since 2004, the number of intervention centres has been increased and 14 additional regional centres have been established.⁵⁸ The intervention centres are publicly financed, usually by the Ministry of Interior and the Federal Chancellery/Minister for Women's Affairs. Some intervention centres are financed by the respective federal provinces.

The system of psycho-social and legal assistance during criminal proceedings and psycho-social assistance during proceedings before civil courts is coordinated by the Ministry of Justice. The Ministry of Justice appoints appropriate organisations and NGOs which offer the assistance. The services offered by the organisations are free of charge for the victim of crime. The organisation gets its work refunded by the Ministry of Justice. All intervention centres against violence are in the pool of organisations offering psycho-social and legal assistance.

The existing legislative framework and structure requires intense awareness-raising and trainings for all actors involved, such as police, state prosecutors and judges. Austria has a long tradition of conducting trainings for the police in the area of domestic violence. Since 1990 the issue of domestic violence has become part of the initial training curriculum.⁵⁹ However, experts identify the judiciary as 'missing link' in the chain of intervention and criticize the lack of awareness and additional victimisation by stereotyping women as desperate, weak and helpless.⁶⁰ Since 2008 there are specially trained public prosecutors which process cases of violence in the immediate social environment of victims.⁶¹ These specially trained public prosecutors and judges are only at bigger courts and it is recommended by intervention centres against violence to have those public prosecutors and judges at every court.⁶² Nevertheless, according to the experiences of NGOs judiciary requires further and intensified training programmes on violence against women.⁶³

6.2. Institutions and organisations: relevant actors in the field – the support structure

The chapter below gives information on the relevant actors in the field of specialised support services for women and women with disabilities who have experienced or experience violence. Due to limitations of this report, only a few organisations are explicitly described, some as examples for the many others which are similarly working.

⁵⁸ CEDAW/C/AUT/7-8, para. 64.

⁵⁹ Autonomous Austrian Women's Shelters, http://www.aof.at/cms/index.php?option=com_content&view=article&id=82&Itemid=104&lang=de (accessed 15 April 2013).

⁶⁰ Rosa Logar, Michaela Krenn und Klara Weiss, Summary of Experts' Panel, in Federal Chancellery – Federal Minister for Women and Civil Service, Ten years of Austrian Anti-Violence Legislation, Conference report 2007, p. 24-25.

⁶¹ CEDAW/C/AUT/7-8, para. 61.

⁶² Legal working group of the intervention centres against domestic violence, Suggestions for Amendments, May 2011, p. 31. http://www.ifs.at/fileadmin/user_upload/Dokumente/Interventionsstelle/Reformvorschlaege_2010.pdf (accessed 15 April 2013).

⁶³ Frauen: Rechte jetzt! NGO Forum for the implementation of CEDAW in Austria (ed.), NGO Shadow Report CEDAW, 2012, p. 10-11.

6.2.1. Support structure for women who have experienced/experience violence

Intervention Centres against Violence

In each federal province of Austria there is at least one intervention centre against violence and they were established as a supporting measure to the Protection of Violence Act 1997. The centres assist women who have experienced domestic violence and offer support for all persons who have experienced violence in the immediate social environment (domestic violence, interfamilial violence, stalking). The main aims of the centres are strengthening and supporting women who have experienced violence by enforcing their rights and the prevention of further violence.

In general the centres offer their services during working days as well as on weekends and national holidays (limited hours). Outside opening hours callers are directed to the National Women's Hotline. The centres offer psycho-social and legal counselling, psycho-social and legal assistance during court cases and anti-violence-trainings in various languages. The brochure on protection against violence is available in 20 languages, in Braille and for persons with hearing impairments there is a link on the website to services in sign language for women who have experienced violence (see chapter below). The intervention centres against violence are financed by the Federal Ministry of Women and Civil Service, the Ministry of the Interior and the Ministry of Justice in the frame of the legal and psycho-social assistance (*Prozessbegleitung*).⁶⁴

Women's Shelters

The association "Autonomous Austrian Women's Shelters" is on the one hand the network of the Austrian Women's Shelters and on the other hand an information hub for its members. Moreover the association is very much engaged in lobbying for the policies of the Austrian Women's Shelters Movement and is the legal entity managing "WAVE" (Women Against Violence Europe), the "Information Centre", the "Women's Helpline against Male Violence 0800/222 555", the "Literature Documentation" and the "Helpchat". The association "Autonomous Austrian Women's Shelters" is funded by the federal Ministry of Economy, Family and Youth, the Federal Ministry for Women and Civil Service, City of Vienna Women's Department and private donors.

There are 30 women's shelters in Austria providing approximately 759 places for women who have experienced violence and their children. According to the Council of Europe taskforce recommendations, more shelter places would be needed in Austria and approximately 78 shelter places are still missing.⁶⁵ All are run by independent women's NGOs. The women's shelters provide support in case of all forms of violence. Women who have experience violence and their children can stay for four to six months in five shelters and seven to 12 months in 25 shelters. The shelters offer their services 24 hours 7 days a week.

The shelters have an average staff of four to six and all services offered are free of charge. Women's shelters are funded 80-90% by the federal provinces and 10-20% by private and national donations. One result of the funding by federal provinces is that funding varies between the nine different provinces. Only in three provinces funding is

⁶⁴ <http://www.interventionsstelle-wien.at/>

⁶⁵ WAVE, Country Report Austria: Violence against women and migrant and minority women – 2012 (2013),p. 48.

sustainable as described by law. The women's shelters in the capital have a permanent contract with the City of Vienna.⁶⁶

Helplines

There is the "National Women's Helpline against Male Violence 0800/222555". It is run by the Austrian Women's Shelter Network and provides free telephone counselling 24 hours a day 7 days a week for women who experienced or are experiencing violence in Arabic, Bosnian, Croatian, Serbian, Turkish, Russian, Polish and English. The helpline is 100% funded by the Federal Ministry for Women's Affairs and the Civil Service.⁶⁷

24-Hours Women's Helpline – 71719 (24-Stunden Frauennotruf)

The Helpline offers counselling and assistance in case of acute experience of violence. The services comprise 24 hours emergency-assistance and crisis intervention including psycho-social and legal counselling by telephone and e-mail, assistance during reporting to the police, court cases and medical examinations. Additionally the Helpline provides the women' helpline internet forum, where users can exchange experiences, give advices and offer further education. The services are free of charge for girls and women older than 14 years who have experienced or experience violence and for their relatives, friends and acquaintances. The helpline is financed by the City of Vienna Women's Department (Municipal Department 57).⁶⁸

Helpline and Counselling for raped women and girls 5232222 (Notruf und Beratung für vergewaltigte Frauen und Mädchen 523 2222)

The helpline is a non-profit association and offers psycho-social and legal counselling, assistance during court cases/procedures, prevention and education as well as information. The services are available for girls and women older than 14 and their social environment (relatives, friends, care takers etc.) and professionals (teachers, physicians, therapists etc.). The helpline is supported by the Federal Ministry for Women's Affairs and Civil Service, the City of Vienna Women's Department (Municipal Department 57) and the Ministry of Justice.⁶⁹

6.2.2. Support structure for women with disabilities who experienced/experience violence

NINLIL⁷⁰ is an association for empowerment and counselling of women with disabilities which is divided into two working fields:

KRAFTWERK works in the field of combating sexual violence against women with learning difficulties. The offers include personal counselling for women with learning difficulties⁷¹ and/or multiple impairments, carers, relatives and professional assistants. The team offers personal advice by phone, seminars and workshops for women with learning difficulties and/or multiple impairments, information on psychotherapies, sexual consultation, self-defence, guardianship and counselling centres.

⁶⁶ <http://www.aeof.at/cms/>

⁶⁷ <http://www.frauenhelpline.at/>

⁶⁸ <http://www.wien.gv.at/menschen/frauen/servicestellen/frauennotruf.html>

⁶⁹ <http://frauenberatung.at/>

⁷⁰ <http://www.ninlil.at/>

⁷¹ The term "learning difficulties" (*Lernschwierigkeiten*) is used by NINLIL. In the Austrian context in general the terms "learning difficulties" (*Lernschwierigkeiten*) as well as "intellectual impairments" (*intellektuelle Beeinträchtigungen*) and "intellectual disabilities" (*intellektuelle Behinderungen*) are used.

ZEITLUPE is the first Peer-Counselling-Centre from and for women with disabilities in Vienna. The offer includes counselling concerning living with personal assistance, self-determined habitation, self-determined partnerships, sexuality and other issues. All counselling services are free of charge. NINLIL is financed by the Federal Ministry for Women and Civil Service, City of Vienna Women's Department (Municipal Department 57), City of Vienna - Vienna Health Promotion, the Austrian National Bank and private donors.

Association Hazissa – Specialised Centre for Prevention – against (sexualized) violence (*Verein Hazissa Fachstelle für Prävention – gegen (sexualisierte) Gewalt*):

Hazissa⁷² is a specialised centre for the prevention of sexualized violence against children, youth and persons with disabilities. The services comprise awareness-raising and public relations as well as information, networking and counselling. In addition, Hazissa offers seminars, further education, coaching and organisational development on the topic of prevention of sexualized violence to professionals working with children, youth and persons with disabilities. Among others Hazissa provides workshops specifically tailored to persons with disabilities on all questions concerning sexuality and the topic of violence for girls/women and boys/men, separately. The association is supported by Federal Ministry for Women and Civil Service, the Ministry of the Interior, the City of Graz, the Fonds Gesundes Österreich, the Federal Styrian government, membership-fees and donations.

Expert centre – “.hautnah.” for persons with disabilities

“.hautnah.” is an expert centre belonging to the social service company alpha nova. The centre offers counselling, seminars and workshops, for men and women with disabilities among others on sexuality education, personal partnerships, contraception, sexual assistance etc. and support in case of sexual violence. Counselling and further education for relatives, personal assistants and carers comprise areas like self-determination and sexuality, dealing with sexual violence, legal questions etc. Counselling services are free of charge. Apart from that “.hautnah.” offers erotic workshops and sexual assistance for persons with disabilities. The expert centre is financed and sponsored by various private and state agencies.⁷³

WITAF – Website “Schrei gegen Gewalt” (“Cry Against Violence”)⁷⁴

The website as well as the brochure “Cry Against Violence” was developed jointly by the association “Autonomous Austrian Women's Shelters”, the Vienna Intervention Centre against Violence and WITAF (the association for persons with hearing impairments). The website offers information (videos with subtitles) on the topic of prevention of violence, stalking, assistance during court cases and refers to the helpline 0800 133 133 (gehoerlosennotruf@polizei.gv.at) in Austrian sign language for persons with hearing impairments. Additionally it offers downloads and lists with addresses of counselling centres.

Disabled Peoples Organizations (DPOs), Self-Determined Living Organisations

Several Austrian DPOs and Self-Determined Living Organisations offer peer-counselling and education on all aspects of life with the aim to accompany persons with disabilities and advocate their interests in a self-determined and self-responsible way. Even though these organizations offer no specialised victim support service, they are also constantly assisting persons with disabilities who have experienced or experience violence. These organisations are funded and supported by different state agencies and other donors.

⁷² <http://www.hazissa.at/>

⁷³ http://www.alphanova.at/fachstelle_hautnah.html

⁷⁴ <http://www.schreigegengewalt.at/>

7. Applicability of legislation to and accessibility of the support structure for women with disabilities

Art. 13 UNCRPD requires from States Parties to 'ensure effective access to justice for persons with disabilities on an equal basis with others'. Measures need to be implemented which facilitate e.g. the role as of persons with disabilities as witnesses. Furthermore, for those administering justice, for instance police, appropriate trainings have to be promoted. Austria shows severe gaps in implementing Art. 13 UNCRPD in practice. There is a tendency to treat abuse of persons with disabilities as social work issue instead treating it as criminal offence. Therefore, only seldom police investigations follow after accusations.⁷⁵ Experience shows that a high number of cases of violence and abuse reported to police are terminated at an early stage and no action to court are brought in⁷⁶, because the credibility of victims with disabilities is often doubted very quickly.⁷⁷

Application of legislation in practice

NGOs report that there is still a major lack of knowledge and awareness concerning violence against women within judiciary. Court verdicts and the explanation of judges show this lack. Therefore, already existing training programmes of the judiciary have to be intensified.⁷⁸ Information of all relevant actors and trainings on legislation is indispensable for an application of the legislation in practice. An example for the lack of awareness is the application of the rather new provision on the penalisation of 'serial perpetration of violent acts'. The provision was requested from civil society for a long time, but since its implementation in 2009 the provision is applied only rarely. Therefore, enhanced trainings which encompass this new provision for the judiciary are required.⁷⁹ Further example is the practice of civil courts concerning injunction orders. The courts decide upon these injunction orders, but can also try to establish a 'settlement' of the parties on this issue. Some courts arrange hearings of the parties at the same time for a 'settlement'. In practice therefore, a women who experienced violence and requests an injunction order meets the perpetrator at court.⁸⁰

A recently discussed case of rape shed light on the role of the judiciary and its lack of awareness concerning violence against women. A woman reported to police that she was raped by her ex-partner, but the state prosecutor did not bring an action to court assessing the case as 'passionate sexual intercourse'. As a consequence, more train-

⁷⁵ OeAR, Alternative Report on the implementation of the UN Convention on the Rights of Persons with Disabilities in Austria on the occasion of the first State Report Review before the UN Committee on the Rights of Persons with Disabilities (2013), p. 38-39.

⁷⁶ Independent Monitoring Committee for the Implementation of the UNCRPD, 'Statement on violence and abuse against persons with disabilities', 24 February 2011, p. 10;

⁷⁷ OeAR, Alternative Report on the implementation of the UN Convention on the Rights of Persons with Disabilities in Austria on the occasion of the first State Report Review before the UN Committee on the Rights of Persons with Disabilities (2013), p. 38-39.

⁷⁸ Frauen:Rechte jetzt! NGO Forum for the implementation of CEDAW in Austria (ed.), NGO Shadow Report CEDAW, 2012, p. 10.

⁷⁹ Legal working group of the intervention centres against domestic violence, Suggestions for Amendments, May 2011, p. 15.

⁸⁰ Legal working group of the intervention centres against domestic violence, Suggestions for Amendments, May 2011, p. 9.

ings of the judiciary are required.⁸¹ The provision of rape as defined in the Criminal Code is also criticized by NGOs. According to the provision, the perpetrator forces the victim to sexual acts by using violence or by threatening the victim. However, in case a victim clearly refuses any sexual acts and shows it by for instance crying or saying 'No' but the perpetrator does not have to use any physical violence, the act would not be punishable under the provision of rape. Practice shows that perpetrators are acquitted when the victim does not defend herself or 'freezes'.⁸² This can be also especially relevant to women with disabilities who for instance are physically not able to defend themselves. Consequently, an amendment of the provision of rape is required which includes also acts of perpetrators which have been set 'against the will' of the victim.⁸³

Psycho-social and legal assistance is offered to victims of violence during criminal proceedings. In many cases, victims are referred to civil courts in order to claim compensation. However, in contrast to the criminal procedure, no legal assistance is offered for the procedure at the civil court due to governmental budgetary constraints. Consequently, the victim has to find a new lawyer, pay or organise funding for this service and has to develop a relationship with a new lawyer in a very stressful situation. Therefore, legal assistance for civil court proceedings has to be offered in order to allow full access to justice for victims of violence.⁸⁴

Applicability of legislation to women with disabilities in practice

In general, key services in Austria concerning violence against women face a lack of funding. As described under chapter 6, Austria has a network of shelters and intervention and counselling centres which offer support to women affected by violence. In order to be able to maintain this network and the level of professionalism of the support, NGOs need adequate and sustainable funding.⁸⁵ In order to be able to offer the full range of services to a higher number of women, more funding would be necessary.⁸⁶ The limited budgetary means provided by the government therefore lead to limitations in offering services. Lacking financial resources make it for instance impossible to provide extensively support in the various mother tongues of migrant women.⁸⁷ Furthermore, services are not accessible to all women in Austria, since governmental service contracts with the institutions do not fund e.g. services for asylum-seeking women or undocumented women in Austria.⁸⁸ As a consequence, also the CEDAW Committee recently urged Austria to increase the funding of shelters.⁸⁹ The lack of additional funding which would be necessary to make services available to all women clearly has also a negative impact on women with disabilities.

⁸¹ See <http://www.falter.at/falter/2013/03/26/betreff-vergewaltigung/> (accessed 23 April 2013) and <http://www.gruene.at/ots/schwentner-zu-falter-artikel-schulungen-fuer-justiz-dringend-notwendig> (accessed 23 April 2013).

⁸² Legal working group of the intervention centres against domestic violence, Suggestions for Amendments, May 2011, p. 17-18.

⁸³ Legal working group of the intervention centres against domestic violence, Suggestions for Amendments, May 2011, p. 17-18.

⁸⁴ Legal working group of the intervention centres against domestic violence, Suggestions for Amendments, May 2011, p. 29.

⁸⁵ Frauen:Rechte jetzt! NGO Forum for the implementation of CEDAW in Austria (ed.), NGO Shadow Report CEDAW - Addendum, 2013, p. 4-5.

⁸⁶ Autonomous Austrian Women's Shelters, CEDAW 54th Session – Austria: Summary and update on Violence against Women (unpublished, copy with author).

⁸⁷ Frauen:Rechte jetzt! NGO Forum for the implementation of CEDAW in Austria (ed.), NGO Shadow Report CEDAW, 2012, p. 23.

⁸⁸ Frauen:Rechte jetzt! NGO Forum for the implementation of CEDAW in Austria (ed.), NGO Shadow Report CEDAW, 2012, p. 25.

⁸⁹ CEDAW/C/AUT/CO/7-8, para. 25.

The currently established system of psycho-social and legal assistance during criminal proceedings is not sufficiently developed for persons with disabilities. An inter-ministerial working group and the counselling centres established specific standards on psycho-social and legal assistance for specific groups. There are standards particularly for children and adolescents, for women who are victims of violence and trafficking in women and generally for victims of 'situative violence' (*situative Gewalt*). These standards specifically for women describe the responsibilities of the social worker, psychologist or lawyer offering the assistance. Furthermore, it describes which qualifications have to be fulfilled by the persons offering assistance.⁹⁰ These standards, however, do not refer at all to women with disabilities. Although there are specific standards for different groups, no standards are established neither for persons with disabilities being victims of crimes nor for women with disabilities who have been exposed to violence.

Courts regularly have to conduct 'round tables' with organisations and lawyers offering psycho-social and legal assistance as well as with state prosecutors and the youth welfare authorities. The round tables should improve the cooperation between the actors and be a forum for discussion of issues in relation to the implementation of the legislation concerning assistance for victims. Unfortunately, there is no information whether organisations representing the interests of women with disabilities are invited to these round tables. However, according to the Ministry of Justice, there are 'no objections to include further professions' in the round tables.⁹¹

Accessibility of support structure for women with disabilities

There are some civil society groups tackling the issue of violence against women with disabilities. The awareness for women with disabilities exposed to violence raised within women's counselling networks and centres as well as within organisations working with persons with disabilities. However, first measures taken such as courses on empowerment and self-defence need to be complemented by enhanced awareness-raising and additional measures.⁹² Generally, there is a lack of comprehensive barrier-free information on counselling services or on the Act on Protection Against Domestic Violence. Apart from that, barrier-free access to shelters in all provinces in Austria cannot be ensured. Often counsellors are not adequately trained to interact with persons with disabilities and sign language interpreters are not available.⁹³ Nevertheless, sporadically specific counselling for women with disabilities who experienced or experience violence and barrier-free access to relevant information can be found in Austria.

WAVE reported in its 2011 Country Report that just over a half of the Austrian women's shelters offer access for women with disabilities, undocumented women and Roma women. None of the facilities have specific facilities for women with disabilities, but some newer buildings are accessible for women using a wheelchair.⁹⁴ Desk research shows that only very few of the 200 websites of organisations for women who have experienced

⁹⁰ See <http://www.prozessbegleitung.co.at/Download/Standards%20Frauen.pdf> (accessed 23 April 2013).

⁹¹ Internal Decree of the Ministry of Justice, 13 January 2009, cited after standards for assistance for women who are victims of violence and trafficking in women,

<http://www.prozessbegleitung.co.at/Download/Standards%20Frauen.pdf>, p. 3-4.

⁹² Ministry of Health, Austria's Women's Health Report 2010/2011 (2011), p. 367.

⁹³ OeAR, Alternative Report on the implementation of the UN Convention on the Rights of Persons with Disabilities in Austria on the occasion of the first State Report Review before the UN Committee on the Rights of Persons with Disabilities (2013), p. 39.

⁹⁴ WAVE, Country Report Austria: Violence against women and migrant and minority women – 2011 (2012), p. 41.

violence are barrier-free accessible. Furthermore, based on the information, provided at these websites, it is not clear whether the services offered by these organisations are accessible for women with disabilities (e.g. counselling in sign language, counselling in easy language etc.)

The Vienna Intervention Centre against Violence (*Wiener Interventionsstelle gegen Gewalt in der Familie*) offers the brochure on Protection against Violence in Braille. For persons with hearing impairments a link on the website guides to services in sign language for women with hearing impairments who have experienced violence. The organisation NINLIL reports about regular exchanges and well working mutual cooperation with organisations dealing with sexualised violence against women in Vienna. At the same time, these organisations refer women with disabilities who have experienced violence to NINLIL.

8. Conclusions

8.1 Identified obstacles

In general, a lack of awareness concerning violence against women with disabilities can be identified. This lack can also be observed by the monitoring bodies of the UN human rights treaties, which took up the issue of violence against women with disabilities only recently. Implementation of the UNCPRD in Austria leads to more awareness concerning this issue. Nevertheless, concrete measures and adequate funding of measures in order to tackle violence against women with disabilities and its prevention are still missing. The NAP on UNCPRD refers to the issue, but does not formulate any concrete tasks for the government in order improve the situation of women with disabilities.

Austria faces a lack of specific data concerning violence against women and additionally a lack of data concerning the living situation of persons with disabilities including women who experienced or experience violence. The lack of adequate information and data on these issues hamper the development of evidence-based policies and legal amendments.

There is already an established system of cooperation of different actors based on the Act on Protection Against Domestic Violence. However, practice shows that there is still a major lack of knowledge and awareness concerning violence against women in general within judiciary. Enhanced trainings would be necessary in order to implement comprehensively the legislation as well as recent legal amendments in practice.

It is shown that it is difficult and stressful for victims of violence to go through civil court proceedings without having legal assistance as compared to psycho-social assistance. Both, psycho-social and legal assistance are only offered during criminal proceedings. Though, legal assistance also during civil court proceedings would strengthen the rights of victims of violence significantly and improve access to justice. It is very challenging and cost-intensive for the victim to have adequate legal representation during civil court proceedings.

The application of the existing legislation on violence against women to women with disabilities is characterised by the Austria's gap to implement Art. 13 UNCPRD. Art. 13

UNCRCPD requires for instance trainings of the police in order to ensure effective access to justice for women with disabilities. Although police officers are not adequately trained to interact with persons with disabilities,⁹⁵ no information could be found on measures such as trainings of police and judiciary on the improvement of access to justice for women with disabilities. Stereotypes towards persons with disabilities also hinder access to justice, as for instance court statements by persons with disabilities seem to enjoy less credibility.

There are no specific standards for women with disabilities who experienced violence for the psycho-social and legal assistance during court proceedings. The development of specific standards would on the one hand raise awareness for the issue of violence against women with disabilities and on the other hand improve the quality of assistance for them.

The development of documents such as the National Action Plan for the implementation of UNCRCPD or Austria's first state report concerning the implementation of UNCRCPD plays a crucial role, also concerning the formulation of required legal amendments. However, access to these development processes is very limited for women with disabilities and NGOs representing women with disabilities. Adequate opportunities to participate in these developments are not given.

A major obstacle is the general lack of adequate funding of services for women who experienced violence. In order to be able to offer support and services comprehensively to all women in Austria, including women with disabilities, more funding and more sustainable funding would be necessary. Organisations 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. There are not enough places in Austrian shelters which are barrier-free and accessible for women with disabilities. Moreover, most services of intervention and counselling centres are not available for women with disabilities. Often very few information about services and issues of violence respectively prevention of violence are accessible in a barrier-free format for women with disabilities. Finally, in addition to the lack of resources and accessibility, women with disabilities have almost no opportunity to contribute meaningfully during the formulation of policies aimed at improving their living situations.

8.2 Good practises

Austria is still considered as international role model in the protection against domestic violence based on the respective legal act, although it has still gaps. Nevertheless, the established system of cooperation between various actors such as NGOs and police and enhanced rights of victims of violence during criminal and civil court proceedings form a stable working framework. However, in order to make this framework more accessible for women with disabilities who experienced violence, legal amendments and pro-active and sustainable measures for instance concerning formalised cooperation are necessary. Certain specific practices are already in place, such as NINLIL's mutual cooperation with

⁹⁵ OeAR, Alternative Report on the implementation of the UN Convention on the Rights of Persons with Disabilities in Austria on the occasion of the first State Report Review before the UN Committee on the Rights of Persons with Disabilities (2013), p. 39.

the Vienna Intervention Centre against Violence and the women's helpline concerning the counselling of women with disabilities who have experienced violence.

The WITAF, which is an organisation for persons with hearing impairments, the Autonomous Austrian Women's Shelters" and the Vienna Intervention Centre against Violence jointly developed a brochure and a website (<http://www.schreiegegengewalt.at/>) in Austrian sign language (videos with subtitles). Videos inform e.g. on the eviction order and barring order issued by the police in case of domestic violence and the assistance during court cases. This forms an example of a jointly established initiative which makes the current framework on violence against women more accessible for women with disabilities.

9. Recommendations

Public awareness concerning violence against women with disabilities needs to be raised by for instance campaigns as suggested by the CEDAW Committee and trainings of relevant actors.

Organisations and facilities supporting women with disabilities have to be funded adequately in order to be able to offer counselling in case of violence and to cooperate with organisations focusing on violence against women. Sufficient resources have to be allocated in order to provide barrier-free access to counselling centres for women with disabilities and to shelters. Furthermore, the development of comprehensive, barrier-free information on violence against women has to be funded.

Access to justice is essential and has to be improved for women with disabilities. The instrument of psycho-social and legal assistance during criminal proceedings and psycho-social assistance during civil proceedings has been proven as very effective instrument to protect rights of victims. For women, children and victims of 'situative violence' specific standards of psycho-social and legal assistance have been developed. In addition, specific standards have to be developed for women with disabilities who experienced violence.

Art. 13 UNCRPD has to be implemented effectively by for instance enhanced trainings for police and judiciary on violence against women with disabilities; including tackling issues such as prevailing stereotypes towards women with disabilities such as e.g. that persons with disabilities are seen as asexual beings.

The lack of data concerning violence against women in general on the one hand and the lack of data and information concerning violence against women with disabilities require for instance further research on the prevalence of violence and the prevention of violence.

In order to prevent violence against women with disabilities, enhancing inclusive education would be necessary. An exclusive educational system leads also to limited access to awareness raising on sexual education and reproductive health for girls/boys and women/men with disabilities.

10. Bibliography

Austrian Ombudsman Board: Report of the Austrian Ombudsman Board to the National Council and the Federal Council 2012, <http://volksanwaltschaft.gv.at/downloads/q3at/PB-Bericht%202012.pdf>

Federal Ministry of Labour, Social Affairs and Consumer Protection: NAP on UNCRPD (*Nationaler Aktionsplan Behinderung*) 2012-2020, <http://www.behindertearbeit.at/bha/wp-content/uploads/NAP-Behinderung.pdf>

Frauen:Rechte jetzt! NGO Forum for the implementation of CEDAW in Austria (ed.): NGO Shadow Report CEDAW, 2012.

Haller, Birgit: The Austrian Legislation against Domestic Violence, 2005, http://www.ikf.ac.at/english/austrian_legislation_against_domestic_violence.pdf

IDA (ed.): Responses and comments of OeAR, EDF & IDA to the list of issues of the CEDAW Committee in consideration of the combined 7th & 8th periodic report of Austria, CEDAW Committee, 54th session, http://www.oear.or.at/international/lobbying/internationaleslobbying/stellungnahmen/OeAR_EDF_IDAsubmissiononAustriaCEDAWCommitteefinal.doc

Independent Monitoring Committee for the Implementation of the UNCRPD: minutes of the public meeting on 28 October 2010

Independent Monitoring Committee for the Implementation of the UNCRPD: Statement on violence and abuse against persons with disabilities, 24 February 2011

Independent Monitoring Committee for the Implementation of the UNCRPD: Statement on draft NAP on UNCRPD 2012-2020", 16 February 2012

Independent Monitoring Committee for the Implementation of the UNCRPD, Report of the Independent Monitoring Committee for the Implementation of the Convention on the Rights of Persons with Disabilities to the Committee on the Rights of Persons with Disabilities in preparation of the dialogue with Austria in September 2013, <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Session9.aspx>

Klenk, Florian: Betreff: Vergewaltigung. In: Falter online. <http://www.falter.at/falter2013/03/26/betreff-vergewaltigung/>

Legal working group of the intervention centres against domestic violence: Suggestions for Amendments, May 2011, http://www.ifs.at/fileadmin/user_upload/Dokumente/Interventionsstelle/Reformvorschlaege_2010.pdf

Logar, Rosa: National and International Measures to Prevent Domestic Violence against Women and Children, in Federal Chancellery – Federal Minister for Women and Civil

Service, Ten years of Austrian Anti-Violence Legislation, Conference report 2007, http://www.bka.gv.at/site/cob__37005/6845/default.aspx

Logar, Rosa; Krenn, Michaela; Weiss, Klara: Summary of Experts' Panel, in Federal Chancellery – Federal Minister for Women and Civil Service, Ten years of Austrian Anti-Violence Legislation, Conference report 2007.

Ministry of Health: Austria's Women's Health Report 2010/2011, Vienna.

OeAR, Alternative Report on the implementation of the UN Convention on the Rights of Persons with Disabilities in Austria on the occasion of the first State Report Review before the UN Committee on the Rights of Persons with Disabilities, January 2013.

WAVE: Country Report Austria: Violence against women and migrant and minority women – 2011, 2012, http://www.wave-network.org/sites/wave.local/files/WAVE_CR2011_AUSTRIA.pdf

WAVE: Country Report Austria: Violence against women and migrant and minority women – 2012, 2013, <http://www.wave-network.org/sites/default/files/WAVE%20COUNTRY%20REPORT%202012.pdf>

Wiener Interventionsstelle gegen Gewalt in der Familie: Tätigkeitsbericht 2011. Wien, Mai, 2012, http://www.interventionsstelle-wien.at/images/doku/taetigkeitsbericht2011_wienerinterventionsstelle.pdf

Zemp, Aiha; Pircher, Erika: Weil das alles weh tut mit Gewalt - Sexuelle Ausbeutung von Mädchen und Frauen mit Behinderung, Vienna, 1996

Websites:

Autonomous Austrian Woman shelters: <http://www.aodef.at>

„hautnah.“: http://www.alphanova.at/fachstelle_hautnah.html

Interventionsstelle Vienna: <http://www.interventionsstelle-wien.at/>

Independent Monitoring Committee for the Implementation of the UNCRPD: www.monitoringausschuss.at

Ninlil: <http://www.ninlil.at/>

Ministry of Interior – Alliance against Violence:

http://www.bmi.gv.at/cms/BK/buendnis_gegen_/aktuelles/start.aspx

Violence Information: <http://www.gewaltinfo.at/plattform>

Women's Helpline: <http://www.frauenhelpline.at/>