



Parents' rights or child protection?

Experience concerning the new Act on Family
Matters in view of domestic violence

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As of 1 February 2013, Austria's amended Act Modifying Family Matters and Name Changes has been in force.¹ The Domestic Violence Intervention Centre Vienna has now reviewed its initial effects. Already during the deliberation period for the new Act, the Intervention Centre, as well as other victims' protection organisations, repeatedly expressed their concern that shared custody as the standard ruling after divorce could undermine the protection of children from domestic violence (see Wiener Interventionsstelle 2012). Experts from the court system then gave an assurance that in cases of violence, the violent parent would not get custody after the parents' separation. However, the results that have so far been available show a different picture: even when children have experienced domestic violence either directly or indirectly it still seems to be the rule that the violent parent continues to have custody, and that no effective measures to protect the children or to make the violent parent change their behaviour are being taken.

This article discusses domestic violence with regard to children and young people. Based on an initial evaluation conducted at the Domestic Abuse Intervention Centre Vienna, the experience made so far with the new Act on Family Matters is presented and reviewed. Finally, the potential for child protection resulting in the new Family Act are highlighted, and proposals for an improved protection of children and young people are presented.

Children and young people experiencing domestic violence²

In 2013, the Domestic Abuse Intervention Centre Vienna provided services to 453 children and young people as

primary victims³ of domestic violence. Since its establishment in 1998 the Intervention Centre has thus been a child protection service as well. In situations of acute violence, children and young people are offered crisis intervention, assistance and support, together with the non-violent parent. Women are experiencing intimate partner violence disproportionately often (see 2011 Council of Europe Convention), and in many cases, both women and their children are suffering violence. It is important to be aware of the connection between violence against women and violence against children, and to take appropriate measures to prevent further violence and to strengthen non-violent family structures.

In addition to children directly suffering violence in a specific situation, children who witness violence against another person are victims nevertheless. In 2013, approximately 5 700 children in Vienna were indirectly affected as they lived in families where violence was committed. At present, these children do not receive support as funds are only available for services to children who are directly suffering violence. The Vienna Intervention Centre has drawn up a programme for children's services (see Logar 2007), which cannot be implemented for lack of funds, however. The Intervention Centre will therefore address their concerns to Sophie Karmasin, Austria's new Minister for Family Affairs, to request support for children witnessing violence.

The following section will discuss the consequences that witnessing domestic violence has on the children's development.

¹ In the following, the Act will also be referred to as "Act on Family Matters" or "new Family Act"

² Whenever children are mentioned in this article, young people up to age 18 are deemed to be included.

³ In this context, the term "primary victims" of violence refers to persons whom the police, in the course of interventions, have identified as facing an immediate risk of violence.

What does witnessing violence mean for a child's development?

Even though the fact that domestic violence causes children to suffer is sometimes still denied or underrated, it has meanwhile become a matter of consensus among the majority of experts concerned that witnessing violence considerably affects children's cognitive and social development (see Kavemann 2007; Kindler 2007; Logar 2007). The new Act on Family Matters defines witnessing violence against a caregiver as a risk to a child's well-being (see box on p.5).

Children witnessing violence aren't just observers who do not get involved. On the contrary: they grow up in an atmosphere of fear, exercise of power, helplessness and insecurity, and seeing that a caregiver is threatened or injured causes considerable stress in the children. In such situations they can easily be overwhelmed by feelings of fear. The resulting symptoms range from sleeping and eating disorders, bedwetting, speech disorders, withdrawal, behavioural disorders (aggressive or depressive behaviour), difficulties at school, to thoughts of suicide and suicidal acts (see Brunner 2008). Each case needs to be assessed individually. Children are involved in intimate partnership violence⁴ in various ways: mothers may hide in the children's room to escape their partner's violence; or children try to protect their mothers and are then suffering violence themselves or have to witness violence; they may be exposed to threats – from verbal abuse to threats of murder. Studies in this field have revealed two typical patterns of behaviour in children witnessing violence: on the one hand, they express their experience as externalised behaviour, in the form of restlessness or aggressiveness, and on the other, they respond with internalised patterns of behaviour such as depressiveness or anxiety (see Kindler 2007).

How children experiencing violence cope with this depends on their stage of development. Violence may affect and impair their development significantly. Even young babies can be traumatised. If their mother, as their primary caregivers, experiences fear and threat, her feelings may be transferred to the baby (see Koordinierungsstelle gegen häusliche Gewalt 2011). Children at pre-school age may even experience violence as life-threatening. At that age, they are often exposed to their fears as they are less able to control their feelings. They may react with strong outbursts of rage, grief or resignation. Feeling guilty is a typical reaction of many school-aged children (see Brunner 2008). They worry about whether they may have triggered the violence and whether they may be responsible for the violent situation. In addition to feeling helpless, questions of right and wrong play an essential role here. In the case

of young people, domestic violence often intensifies their wish to keep their distance on the one hand, and a feeling of responsibility towards their parents on the other. Many of them are struggling with feelings such as anger, shame, helplessness or guilt.

Children do not get used to domestic violence. On the contrary: they become sensitised and it gets increasingly harder for them to cope with the violence they are experiencing (see Koordinierungsstelle gegen häusliche Gewalt 2011). A number of studies point to an impairment of their cognitive development, such as concentration disorders and difficulties at school. Furthermore, witnessing violence as a child affects one's relationship skills later in life. According to specialised literature, their risk of committing or suffering violence themselves in adult life is three times higher (see Kindler 2004). Witnessing violence against one's mother is a traumatising experience and may massively affect the children's entire development.

The three-planet model

Even though protecting children from violence should be given top priority, in practice, this principle is not applied accordingly. Custody procedures are often lengthy, and by demanding sole or shared custody, violent fathers try to continue to exert power and control over their (former) partners. Furthermore, inconsistent and contradictory reactions by authorities have been noticed (see Kavemann 2007).

Many institutions seem to take the view that “conflicts between the parents”, and thus problems in the relationship, are the main issue. However, such a position tends to regard the aspect of domestic violence as irrelevant to an extent that it ceases to play a role when the conditions for separation are negotiated. Separation is seen as a solution to the violence problem and as a measure to re-establish child protection. The fact that in cases of domestic violence, separation does not by any means signify that the violence will stop tends to be overlooked. Separation and divorce are, in fact, tantamount to an elevated risk of escalation. Almost all murders and attempted murders are committed during that stage (see Hester 2005; Logar 2007).

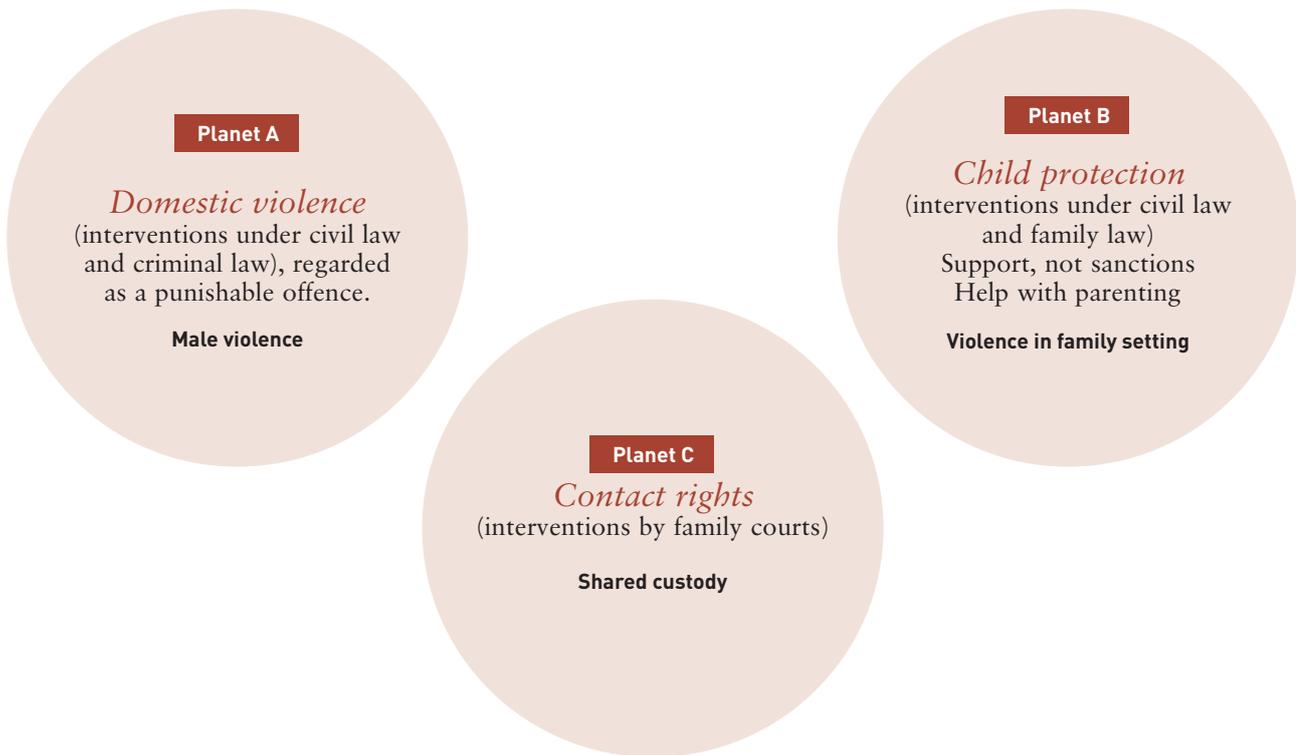
The fathers' rights to contact, even in the case of violent fathers, often seem to be given priority over child protection. If the children describe their relationship to the violent father as negative, their statements are not taken seriously in many cases, or they are seen as failure on the mother's part to exert a positive influence on the children's relationship to their father. There is denial of the fact that violence can have negative effects such as fear or refusal of the perpetrator, or the victims are regar-

⁴ Intimate partner violence against women can differ in form (e.g. physical, psychological or sexual violence) and intensity (e.g. beating, bruises, severe injuries, homicide; Echeburúa et al. 2009).

ded as being responsible for this, rather than the abusers.

One explanation for this phenomenon is that the issue of violence is "split" by the diverse, separate institutions in charge. Marianne Hester (2005) developed the theory of

the three-planet model to describe the situation: each planet represents a specific perspective, with its own language, legislation and logic. Consequently, the different perspectives of the three planets compete with each other, and congruence is difficult to achieve.



Source: Diagram by Barbara Kavemann, adopted and adapted by the authors (Kavemann 2007:29)

Planet A: Domestic violence

If a husband/partner and father exercises domestic violence he faces consequences under civil law, as well as security police interventions (barring orders, interim injunctions). Under Austrian law, violence is a punishable offence. Protection of the woman suffering violence, as well as the children affected, is regarded as most important.

Planet B: Child protection

On the child protection planet, however, the focus is on protecting the child, not the adults.

The child's well-being is deemed to be most important, not criminal prosecution. Rather, interventions by public authorities address the mother (see Kavemann 2007). Youth and family welfare policies have traditionally

been oriented towards mothers: in the case of violence, this means that the mother, not the violent father, is expected to get active to change the situation. Possible steps to be taken are suggested to the mother to protect her child(ren) in the best possible way. At present, measures focusing on the person causing the violence, such as applying for an interim injunction against the abuser, or making him take part in an anti-violence training programme, are rarely taken (see Wiener Interventionsstelle 2013).

Planet C: Contact rights

In all questions concerning contact rights, fathers inhabit Planet C. Here the focus is on the child's right to personal contact with both parents. The mother is expected to exert a positive influence on the relationship between the child and the father, whereas worries about her own and the children's safety play a minor role, if any. This is possible due to the following compartmentalisation: the violent husband and the "good father" are seen as two different persons. The contradiction that nobody is likely to be a good father when he abuses the child's mother continues to exist, and the issue of violence is delegated to Planet C.

Barbara Kavemann (2007: 13) has developed a similar model, and distinguishes three spheres that are separated from each other:

- 1) protection and support of (primarily) women experiencing intimate partner violence;
- 2) child protection and ensuring the child's well-being;
- 3) asserting fathers' rights after separation and divorce.

Protection of children in one world/one planet

The protection of children, as well as their mothers, in a situation of domestic violence can only be improved if stakeholders are made aware of the existence of these three separate "planets", and avoid such a compartmentalisation. This can be achieved by integrating the entire problem into an all-encompassing approach. The fact that violence has been exercised cannot be "put aside": protecting victims from further violence must be given priority by all institutions involved in a case.

Experience concerning the new Act on Family Matters gathered by the Vienna Intervention Centre

The main statutory changes that entered into force in 2013 are the following:

According to the fundamental principles of the General Civil Code (Section 137, para. 2), parents shall further the well-being of their underage children and ensure their care, safety, as well as careful parenting. Parenting

duties⁵ shall be taken on by mutual consent. The duty to protect children from violence is laid down in unmistakable terms: any use of violence or the causing of physical or psychological pain shall be inadmissible.

Under the new Act on Family Matters, shared custody has been defined as the standard ruling in the case of the parents' divorce. The courts can decide in favour of shared custody even if the parents have not reached a consensus. According to the new Act, the court can decide on a "phase of temporary parental responsibility" for a period of six months whenever parents are unable to agree on the issue of custody after separation or divorce. During this period, no decisions on any applications for sole custody are made. For instance, when a mother applies for sole custody because the child's father has exercised violence, the courts still grant the violent father all custody rights and thus expressly permit the perpetrator access to the victims.

Another new aspect of the Act concerns the definition of child well-being, which shall be applied as a guiding principle in all matters (custody and contact rights; see box on page 8). The Act provides a list of criteria for defining child well-being. It includes, for instance, taking into account the child's opinion, ensuring appropriate support, care, security and protection, as well as protection from any form of violence. As has been pointed out in the above section, witnessing violence against a close caregiver is regarded as a risk to the child's well-being.

The Act also establishes the instrument of family court assistance in court proceedings. Family court assistants provide input to help courts decide on family matters, and have far-reaching powers regarding the assessment of the (family's) situation. Regrettably, the Act does not specify the role of family court assistance vis-à-vis the youth and family welfare offices. In practice, this has already led to costly overlaps and confusion regarding competences. Family court assistants may also function as mediators during visits, by mediating between the parents and, for instance, supervising the taking and returning of the child.

The Domestic Abuse Intervention Centre Vienna already expressed concern during the deliberation stage and warned that the Act might result in unnecessary, costly duplication, which may delay measures to be taken instead of speeding them up, for the sake of child protection. As the police notify the child and youth welfare offices of any domestic violence interventions, and as the offices are, by statute, responsible for the child's well-being, the courts already have access to a specialised authority, which can, in addition, both take and supervise child protection measures. Unfortunately,

⁵ In Section 158 of the General Civil Code, custody is defined as follows: "Whoever is in charge of custody of underage children shall care for them and rear them, administer their property and represent them in any other matters."

practical experience has shown that family court assistants are called in as well (see case described in next section), which results in duplication with regard to interviews and investigations, and eventually slows down the proceedings. This runs counter to the necessity of the quick, effective protection of children.

The Domestic Abuse Intervention Centre Vienna organised two group discussions with the staff involved, based on interview guidelines, in order to ensure a systematic survey and exchange of experience concerning the new Act on Family Matters.

The Intervention Centre staff indicated that court decisions in favour of shared custody seem to be the rule in custody proceedings, even in cases of domestic violence. A few institutions continue to take the view that a violent husband can nevertheless be a good father, and that children are not affected by violence committed against their mothers (a position typical of the three-planet model).

The staff also reported cases in which women were granted sole custody, but not due to violence on the part of the father but because the father did not want custody anyway or lived abroad. There are several instances of women who did not have the stamina or the means to apply for the withdrawal of the violent father's custody and to hold out throughout the proceedings. Controversial divorce proceedings and actions for withdrawal of custody often take a great deal of time, and in the case of domestic violence, this is a period full of tension, and the risk of escalation is high. Sometimes mothers experiencing violence do not apply for sole custody due to fear, because they think it is hopeless, or in an attempt to speed up the proceedings to end a situation of violence. In this way, mothers who have experienced violence themselves and want to protect their children do not get support from authorities who take the appropriate steps of their own accord, but rather face additional difficulties such as having to apply for withdrawal of custody.

Among the positive aspects of the new Act, the Intervention Centre staff mentioned the definition of the child's well-being, and particularly that violence and the fact of witnessing violence are referred to in the Act. However, the corresponding section is hardly applied by the courts: even though witnessing violence has been defined as a risk to the child's well-being, this aspect does not often play a relevant role in custody and contact rights proceedings.

In the majority of cases in which the Domestic Abuse Intervention Centre Vienna has been involved, the courts did not examine the aspect of the child's well-being,

even though the fact of violence was known to the authorities.

The following case handled by the Domestic Abuse Intervention Centre Vienna illustrates the problems of the new Act: even though a barring order as well as an interim injunction had been imposed against the man, the court decided in favour of a "phase of temporary parental responsibility" (duration as defined in the Act: six months). The mother applied for sole custody accompanied by contact rights for the father of the child. Neither was accepted by the court. The temporary phase continued for more than a year, and family court assistance was involved in order to assess the situation. The family court assistant provided a long report that focused on the child's bonding to the parents, while the exercise of violence was treated as a marginal issue. The effects that witnessing violence had on the child, who was only three at that time, were hardly discussed. According to the experts at the Intervention Centre, an essential aspect for assessing the child's well-being has in fact not been given due attention at all. The "phase of temporary parental responsibility" was extended to more than 12 months. The court's final decision then was that the shared custody was to be continued. This is a good example showing how the aspect of protecting the child against violence may lose priority.

Options for child protection under the new Act, and recommendations

Even though the initial review of the new Act Modifying Family Matters is rather negative, the Intervention Centre has identified potential for child protection and prevention of domestic violence as well. The existing options are insufficiently used, however.

They include:

- Sec. 138 – child well-being
- Sec. 181 – withdrawal or restriction of custody
- Sec. 187 (2) – personal contact
- Sec. 107 (3) 3 – attending advisory sessions or training programmes for managing violence and aggression.

Interventions in these four areas should be combined and coordinated on the basis of multi-agency cooperation. In this way, and in conjunction with other statutory measures focusing on protection from violence, such as police-issued barring orders, interim injunctions and criminal law interventions to prevent violence, they can help improve the protection of children from domestic violence. The following recommendations describe ways in which the above measures may be applied in order to enhance children's protection.

Active child protection, by applying the principle of child well-being in all cases of domestic violence

Child well-being – Section 138

In all matters concerning underage children, particularly custody and personal contact, the children's well-being shall be regarded as the guiding principle, and shall be guaranteed to the best possible extent. The main criteria for assessing child well-being include [...]

7. avoiding the risk that the child may experience abuse or violence either directly, or witness abuse or violence against a caregiver.

Source: 2013 Act Modifying Family Matters and Name Changes

Authorities are obliged to actively prevent victims from violence, especially if they know, or should have knowledge, of imminent danger to a child's well-being. This has been confirmed in several decisions by the European Court of Human Rights. In the case of *Kontrova v. Slovakia* in 2007, the Court held that the State had failed to sufficiently protect two children from domestic violence. The children's mother had fled from their father's violence and had been unable to take the children with her. The authorities did not intervene to remove the children from their father even though they knew about repeated acts of violence that he had committed against the children's mother. The father then killed the two children. Slovakia was convicted because the children's right to protection of their personal integrity had been violated (see Logar 2013).

This case underlines that immediate action is necessary whenever indications of violence and danger are apparent, even if "only" the mother seems to be suffering violence. In Austria, a set of measures are available to protect persons from domestic violence (barring orders, interim injunctions, multi-agency cooperation), which enable the relevant authorities to obtain information on domestic violence. For instance, the police informs the family courts whenever barring orders have been issued or interim injunctions have been applied for. The report from the police is then made available to the family court. The police inform the youth welfare office whenever a case of police intervention involves a family with children, no matter whether they are directly or indirectly experiencing violence. The Intervention Centre (outside Vienna: the violence protection centre in charge) is informed as well, and proactively contacts the victim. There are a number of interventions and networks res-

ponding to domestic violence, which provides a good basis for the work of the family courts. It would thus be possible for the family courts to respond more quickly in many cases, and take measures aimed at child protection.

Whenever there is an indication of violence, the authorities should assess the issue of child well-being immediately, even when children are affected "only" indirectly. Such an assessment should be carried out by the youth and family welfare offices, as they have often been concerned with the case anyway. It does not seem sensible to involve an additional player (i.e. family court assistance). Having to deal with a further authority means additional stress for the person experiencing violence. Moreover, when victims have to provide information on their experience of violence repeatedly, this provably elevates the risk of retraumatisation. With regard to a considerate approach towards the victim, as well as effective child protection, the youth and family welfare offices should be the authority in charge, which can also take violence prevention measures. The Intervention Centre has acquired specialised expertise on domestic violence, and proactively works with persons experiencing domestic violence and stalking. These two proven agencies provide valuable complementary input, and their role as specialised agencies should be acknowledged by the courts to a greater extent.

Restriction or withdrawal of custody as a measure of violence prevention

Withdrawal or restriction of custody – Section 181

1. Whenever the well-being of underage children is at risk due to a parent's behaviour, the court, irrespective of the applicant in the case in question, shall take appropriate measures to safeguard the child(ren)'s well-being. The court can, in particular, withdraw custody completely or in part, as well as other statutory rights regarding parental consent or approval. In individual cases, the court may declare unnecessary a parent's consent or approval that would be required statutorily, provided that there are no sound reasons for refusing the said consent or approval.

2. Such orders may be applied for by one parent: for instance, when parents fail to reach consensus in an important matter concerning their child, as well as by other relatives in the direct ascending line, by foster parents (or one foster parent), by the youth welfare officer in charge, as well as by underage

youths aged 14 to 18 – but in the latter case only for matters of their own care and upbringing. Third parties may suggest that such orders be applied for.

Source: 2013 Act Modifying Family Matters and Name Changes

Assessing a child's well-being should always include the question whether it is justifiable for a parent who tends to use violence to retain custody rights, or whether these rights shall be restricted or (temporarily) suspended in order to protect the children involved. The position of the Vienna Intervention Centre is that a father who has committed violence should not be granted custody rights after a separation, unless he actively deals with his violence problems and unless his behaviour has visible changed.

Section 181 on withdrawal or restriction of custody provides an opportunity for the family courts to take measures that restrict custody rights. The court may also threaten to take such a measure – for instance, combined with the obligation to attend an anti-violence training programme. If these obligations are not met, or if new instances of violence become known, the courts should withdraw custody as soon as possible. Otherwise, the perpetrator continues to have unlimited access to the children, which involves a high risk of new acts of direct or indirect violence. In cases of acute violence, the competent authorities should thus take action immediately.

Still, this instrument, which would be essential for protecting children from domestic violence, is in fact hardly applied, on the contrary: it is up to the mother, who is often a victim of violence herself, to file an application for withdrawal of custody. This is against the due diligence obligation defined by the European Court of Human Rights.

Quick, effective violence prevention measures that target the perpetrator are thus essential for protecting children from domestic violence. The opinions of intervention centres and violence protection centres, as well as other victims' protection organisations, should be heard by the courts and taken seriously, as these agencies are familiar with the situation and have specific expertise in the areas of danger assessment and safety planning.

Restriction or suspension of contact rights

Personal contact – Section 187(2)

If needed, the court may restrict or prohibit personal contact, especially if this is deemed advisable due to the prior use of violence against the child or an important caregiver, or if the parent who does not live in the same household as the underage child does not meet their obligations under Section 159.

Source: 2013 Act Modifying Family Matters and Name Changes

After the occurrence of violence, the person exercising violence should be refused contact rights. The guiding principle here should be that the perpetrator has to cease his violent behaviour and tackle his problem before contact with the child is permitted. Unless his violence is penalised and the problem of violence is responded to, and unless the damage caused is redressed, the message conveyed is that violent behaviour is not a serious problem. In this way, public institutions contribute to the toleration of violence, albeit unintentionally. It is important for prevention to make it clear that violence is never justified, and that it is always the person exercising violence who is responsible for it. If a violent father is granted contact rights without having dealt with his problem, the problem of violence is denied, and relegated to a "private matter" concerning the victims involved.

In the case of domestic violence, visitation cafés are inadequate as an option because the necessary security precautions cannot be taken there, and as they do not specialise in domestic violence cases. Contact in visitation cafés might be indicated in domestic violence cases if the perpetrator has completed an anti-violence training programme and if no incidents of violence against the child or the mother have been recorded for a long period (3 – 6 months).

Another standard should be that children must never be forced to have contact with the parent in question – as a general principle, including cases of domestic violence as well. It must be recognised that violence has negative consequences, that it causes fear and refusal, and that it affects the relationship. Forcing a child who has suffered or witnessed violence to maintain contact with the violent parent means giving the adults' rights priority over the child's safety.

Referral to anti-violence training

As has already been mentioned, obliging perpetrators to attend an anti-violence training programme is of key importance for the prevention of violence. This option is hardly used at present, and the majority of perpetrators have not faced any further consequences following barring orders by the police, nor have they been obliged to take certain steps, even though in two out of three cases of barring orders, punishable acts have already been committed. Between 1999 and 2008, less than 1 % of perpetrators of whom the Intervention Centre was informed in notifications by the police took part in anti-violence training courses (see Wiener Interventionsstelle 2011).

This gives rise to concern, and is one of the major weaknesses of Austria's system of violence prevention. These non-consequences following acute intervention (i.e. barring orders and interim injunctions) may also be the reason why violence against women and children has not decreased. According to the new study on violence against women conducted by the European Fundamental Rights Agency, approximately 20 % of all women in Austria have experienced sexual or physical violence since the age of 15 (see FRA 2014).

Conclusion

At present children are, in fact, insufficiently protected from violence. It is therefore necessary that the courts, the youth and family welfare offices, as well as victims' protection organisations, cooperate and jointly develop strategies in order to overcome the "division into three planets" and to ensure effective, quick protection. This must be paralleled by a discussion at the expert level on the definition of parenthood. Biological fatherhood continues to be regarded as a most central aspect, while the father's behaviour – even violent behaviour – is deemed to be of little relevance. The effects that domestic violence has on the child's situation and development is not at all adequately taken into account. For this reason, joint quality standards for child protection and for responsible fatherhood, free of violence, have to be developed and advanced.

In addition, children must be heard in the matter, and they must be allowed to decide against having contact with a violent parent. Girls and boys cannot be treated as a homogeneous group, but differences with regard to situation in life and individual needs must be taken into account. This includes the necessity of qualified aftercare services for girls and boys. In cases of domestic violence, shared child custody must not be the rule, on the contrary: court representatives already pointed

out during the discussion of the new Act on Family Matters that shared custody was out of the question in cases of domestic violence.

Summarised recommendations for improved child protection

- In cases of domestic violence, all authorities and agencies involved should act in line with the following joint standards of child protection:
- The child's well-being and safety must be given priority, especially in cases of domestic violence, which includes witnessing violence against a close caregiver.
- The connection between violence against women and child abuse must be recognised: research and practical experience have shown that frequently both the mother and the child(ren) are experiencing violence. Children can only be safe if their mothers do not experience violence (any longer) as well.
- Authorities must take proactive steps whenever there are indications of violence, and, by virtue of their office, ensure the victims' protection.
- This also includes considering the partial or complete withdrawal of custody due to domestic violence, to protect the children involved.
- Whenever domestic violence is involved, decisions in favour of a "phase of temporary parental responsibility" after a separation shall be inadmissible.
- The courts should take steps by virtue of their office in order to assess and protect the children's well-being. In cases of domestic violence, proceedings for withdrawal of custody should be initiated by the courts, it should not be the task of those affected by violence to file an application to this effect.
- It is the duty of the youth and family welfare offices to ensure child well-being, and in cases of domestic violence, they should cooperate with specialised victims' protection organisations such as the intervention centres, violence protection centres and women's shelters, as well as the family courts. In cases of domestic violence, any duplication of activities, multiple interviews and

surveys by the family court assistance must be avoided in order to minimise stress for the victims and to prevent their retraumatisation.

- Contact rights should only be granted when the violent parent has successfully completed an anti-violence training programme and has not exercised violence for a certain period (3 – 6 months).
- All perpetrators should be obliged to attend anti-violence training programmes as a prerequisite for being granted parental rights.

References

Brunner, Sabine (2008): Kinder inmitten häuslicher Gewalt. "Frauenfragen" Nr. 2.2008 Schwerpunkt Häusliche Gewalt: eine Bestandsaufnahme.

Council of Europe (2011): Convention on preventing and combating violence against women and domestic violence. Istanbul, 14 April 2011. Download: <http://www.coe.int/t/dghl/standardsetting/convention-violence/convention/Convention%20210%20English.pdf> 18 July 2014.

Echeburúa, Enrique/Fernández-Montalvo, Javier/de Corral, Paz/ López-Goni, José (2009): Assessing Risk Markers in Intimate Partner Femicide and Severe Violence, *Journal of Interpersonal Violence*, Vol. 24, No. 6, Sage Publications, p. 925–939.

European Court of Human Rights (2007): Chamber Judgment No. 7510/04, 31 May 2007, in the case of *Kontrova v. Slovakia*, Strasbourg.

FRA/Europäische Agentur für Grundrechte (2014): Violence against women: an EU-wide survey. Main results report. Vienna. Download: http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf, 7.5.2014.

Hester, Marianne (2005): Tackling men's violence in families: lessons for the UK. In: dies./Eriksson, Maria/Keskinen, Suvi/Pringle, Keith [ed.]: *Tackling men's violence in families. Nordic issues and dilemmas*. Bristol: Policy Press, p. 173–182.

Kavemann, Barbara (2007): Häusliche Gewalt gegen die Mutter und die Situation der Töchter und Söhne – Ergebnisse neuerer deutscher Untersuchungen. In: dies./Kreyssig, Ulrike [ed.]: *Handbuch Kinder und häusliche Gewalt*. 2. Wiesbaden: VS Verlag für Sozialwissenschaften, p. 13–35.

Kindler, Heinz (2007): Partnergewalt und Beeinträchtigungen kindlicher Entwicklung: Ein Forschungsüberblick. In: Kavemann, Barbara/Kreyssig, Ulrike [ed.]: *Handbuch Kinder und häusliche Gewalt*. 2. Wiesbaden: VS Verlag für Sozialwissenschaften, p. 36–52.

Koordinierungsstelle gegen häusliche Gewalt (2011): Eine Handlungsorientierung für Jugendämter. *Kinderschutz und Kindeswohl bei elterlicher Partnerschaftsgewalt*. 5. Saarbrücken. Ministerium der Justiz.

Logar, Rosa (2014): Morde kommen selten "aus heiterem Himmel" - Gefährlichkeits- und Sicherheitsmanagement als Methoden zur Prävention von schwerer Gewalt. *Tätigkeitsbericht 2013*, Kapitel 3. Wien, Mai 2014.

Logar, Rosa (2007): Misshandelte Kinder misshandelter Frauen – vergessen im Vorzimmer des Hilfesystems? Acht Jahre Erfahrung mit der „Kinder-verträglichkeit“ des österreichischen Gewaltschutzsystems. In: Kavemann, Barbara/Kreyssig, Ulrike [ed.]: *Handbuch Kinder und häusliche Gewalt*. 2. Wiesbaden: VS Verlag für Sozialwissenschaften, p. 177–192.

Wiener Interventionsstelle gegen Gewalt in der Familie (2014): *Tätigkeitsbericht 2013*, Kapitel 5, Förderung von opferschutzorientierter Täterarbeit in Österreich. Wien, Mai 2014.

Wiener Interventionsstelle gegen Gewalt in der Familie (2011): *Tätigkeitsbericht 2010*, Kapitel 3, Lücken im Schutz von Kindern und Jugendlichen vor häuslicher Gewalt im Kontext von Obsorge- und Besuchsrechtsverfahren. Wien, 2011.

Wiener Interventionsstelle gegen Gewalt in der Familie (2012): *Stellungnahme zum Kindschafts- und Namensrechts-Änderungsgesetz (KindNamRäg 2012)*. Download: http://www.interventionsstelle-wien.at/images/doku/stellungnahme_kindnamraeg_2012_istwien.pdf, 7 May 2014.

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