



THE POVERTY RISKS OF WOMEN AFFECTED BY VIOLENCE AND THEIR CHILDREN

Report on the socioeconomic situation in Austria

IMPRINT

PUBLISHER

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Bacherplatz 10/4, A-1050 Vienna, Austria

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Printed by: Reumiller&Reumiller

This report has been drawn up in the context of the PROGRESS programme GenderWorks: Mainstreaming and Communicating Gender Equality in Anti Poverty and Inclusion Strategies, and was funded by the European Commission.

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Project partner organisations of GenderWorks:
WAVE Women Against Violence in Europe (Austria)
Oxfam (UK)
Lamoro (Italy)

Vienna 2009



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'Violence against women, many of whom are mothers, remains one of the most pervasive human rights violations of our time. It has far-reaching consequences – endangering the lives of women and girls, harming their families and communities, and damaging the very fabric of societies. Ending and preventing violence against women should be a key priority for all countries.'

United Nations Secretary-General Ban Ki-moon, 15 May 2009

Message on the International Day of Families¹

'Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.'

Universal Declaration of Human Rights, Article 25²

According to the Global Gender Gap Report 2009, Austria has fallen from 57th to 103rd place in the world-wide comparison of women's economic participation. Austria now only holds 42nd place regarding achievements in the field of women's equality (while it still ranked 29th in 2008) and is second to last among the 27 EU countries.

Global Gender Gap Report 2009

Global Gender Gap Report 2009³

The UNDP Human Development Report of 2009 also states that the standard of living and the development potential in Austria are significantly less favourable for women than for men. According to the Report, women in Austria earn about 40% less than men.

UN Human Development Index 2009⁴

Equality of women is a human right. The UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) also stipulates that it has to be ensured that women in Austria have the same development potential as men. CEDAW is the most important UN Convention regarding women's rights and has also been ratified by Austria. According to CEDAW, systematic steps have to be taken to eliminate all forms of discrimination against women in all areas of life.

The 30 Articles of CEDAW cover all areas of life from education to work and health. The Convention was adopted by the United Nations in 1979 and has been signed by 182 countries so far

0. INTRODUCTION

WAVE (Women Against Violence Europe) is the key network of European women's shelters and women's counselling centres. Its headquarters are located in Austria, on the premises of the Austrian Autonomous Women's Shelters Association (AÖF). Founded in 1994, WAVE has since provided various forms of support and information to women's organisations in a total, at present, of 47 European countries, in particular by means of specific, practical projects in the fields of domestic violence, protection against violence and prevention of violence.

As of December 2007 WAVE has cooperated with two European partner organisations, namely Oxfam GB (United Kingdom) and Lamoro (Italy), in the context of a two-year PROGRESS project funded by the European Commission: GenderWorks – Mainstreaming and Communicating Gender Equality in Anti Poverty and Inclusion Strategies. The most essential goal of this project was to voice gender, and women's, perspectives in matters of poverty and social inclusion within the European Union (EU) and at national levels in Austria, Italy and the United Kingdom, and it particularly aimed at highlighting the interactions between violence against women and poverty as well as contributing long-standing experience gathered in Austria and preparing a report to share this knowledge with other experts.

In the context of this project WAVE established a national group of experts who, in six workshops, intensively studied various aspects of the social and economic situation of women experiencing violence. This was paralleled by an in-depth analysis of Austria's report on strategies of social protection and social inclusion 2008–10⁵, especially with regard to the central themes of poverty and violence against women. WAVE, because of its location at the Austrian Autonomous Women's Shelters Association (AÖF), indirectly is a member of Armutskonferenz, the Austrian Anti-poverty Network.

The preliminary results obtained in the three partner countries were presented at three international practice exchange meetings. The 11th WAVE conference held in Vienna from 24 to 26 September 2009 included a special workshop that focused on this theme: Social-economic rights of women survivors of violence, especially for immigrant women. Upon the request of Lamoro and Oxfam, also the long-standing WAVE partner organisation Casa delle donne, the women's refuge of Bolzano (Italy), was invited to take part in the international practice exchange meetings to promote the inclusion of central aspects related to poverty and violence against women in Italy. It was also planned to organise a stakeholder learning seminar, which eventually did not take place for lack of time, however.

We would like to thank all members of the national expert group for their input and excellent cooperation: Birgit Thaler-Haag (women's shelter of Salzburg,) Michaela Moser (Austrian Network Against Poverty and Social Exclusion), Marija Binder (Domestic Abuse Intervention Centre Vienna), Irma Lechner (women's shelters of Vienna), Andrea Brem (women's shelters of Vienna), Christina Matschi (women's shelters of Vienna), Angela Ivezic (Vienna Counselling Centre for Migrants) and Anneliese Erdemgil-Brandstätter (Lower Austria training project: Violence against Women: The Relevance for the Health-Care System). We are also indebted to Teresa Lugstein (make it Girls' Promotion Centre of the Province of Salzburg) for her invaluable help with including the complex theme of women with disabilities, and our gratitude is due to Anny Knapp (Asylum Coordination Austria), who spontaneously, and within short notice, agreed to contribute a chapter on asylum seekers.⁶

This report summarises the results of the work of the expert group. It consists of seven main chapters that largely reflect the most important spheres of life. Due to the complexity of the subject it is not possible to discuss in detail all aspects that are, or could be, of relevance in this context. Therefore this report cannot claim to be exhaustive. Still, in our opinion, it definitely makes sense to give a general, if incomplete, overview of this issue.

The second part of the introductory chapter provides detailed insight into the general framework of violence and poverty. It aims to illustrate that the themes of women, violence and poverty are interdependent. This would be impossible



without giving a precise definition of term poverty as well as a description of the at-risk groups that are most relevant for this report (immigrants, older women, women with disabilities as well as single mothers). The last section gives a short analysis of the complex interactions of the individual areas in which deficits caused by poverty are particularly frequent (health, education, income, inadequate social benefits, housing as well as separation/divorce).

The following chapters provide detailed analyses of individual risk factors within these areas that are frequently found in the context of poverty and violence. This is aimed at highlighting to what extent causes of poverty may mutually exacerbate each other and how hard it is for the women concerned to find a way out of their precarious situation in life. The chapter on immigration (Chapter 7) strikingly illustrates that poverty may reach a degree where subsistence is at stake. And it is revealed that Austria's legislation in this field (in spite of repeated amendments) does not meet the general (and meanwhile global) standards for approaches to immigrants on a basis of respect and human dignity. It will be discussed in detail which regulations especially exacerbate the situation of immigrant women affected by violence.

Finally, we will describe the range of services that the women's shelters provide and that specifically focus on combating poverty. The good practice example of Vienna's women's shelters underlines that it is our task and practice to fight poverty at all levels, which, regrettably, often goes unnoticed by the general public and political decision-makers.

2010 has been designated as the European Year for Combating Poverty and Social Exclusion. For this reason we regard it as a must to investigate the themes that are presented in this report. And we also hope that this will be a relevant contribution to sustainably integrating in the poverty debate the aspect of violence against women.

0.1. POVERTY HAS A FEMALE FACE

In order to understand how violence against women is connected with poverty it is necessary to explain and define the terms of poverty and violence as well as their effects and consequences on individual areas of life, based on facts, figures and studies as well as practical experience. Not all women who are survivors of violence are inevitably affected by poverty because violence is found in all social classes. Still, violence, and especially violence experienced over a long time, is a high-risk factor for poverty. Violence may bring poverty and social exclusion on women and their children. The reasons for this interrelation will be demonstrated in the following chapters.

Poverty has a female face: this fact has been pointed out for many years and has already become a set phrase. Experts of feminist development theory call this a process of sloganisation, which describes the attempt to get feminist approaches and subjects on the agenda of political mainstream and implement them in institutionalised policy areas.⁷ Sloganisation is closely linked to simplification, and messages communicated in this way are almost always both true and false, important and dangerous: on the one hand, it is obvious that women all over the world are more often, and more severely, affected by poverty than men, but on the other, the conclusion that is often drawn, i.e., 'woman = poor', is as dangerous as it is wrong, and it further reinforces existing gender stereotypes.

One of the great challenges in the poverty debate is defining poverty as such, as this is significant for measuring poverty and making poverty visible, and also for determining the extent of poverty. At European level, the current discussion distinguishes between two forms of poverty: absolute or extreme poverty means that people are not in a position to meet necessities for survival such as food, housing, clothing or basic medical care. This type of poverty typically describes the situation in developing countries or certain groups in Europe, e.g., homeless people or Roma and Sinti.

In the majority of European countries, however, poverty is understood in the meaning of the second form: relative poverty. 'People are said to be living in poverty if their income and resources are so inadequate as to preclude them from having a standard of living considered acceptable in the society in which they live. Because of their poverty they may experience multiple disadvantage through unemployment, low income, poor housing, inadequate health care and barriers to lifelong learning, culture, sport and recreation. They are often excluded and marginalised from participating in activities (economic, social and cultural) that are the norm for other people and their access to fundamental rights may be restricted'.⁸ This definition of poverty implies that poverty may be different according to country, depending on general living standards, and also that poverty cannot just be defined on the basis of income situation and economic criteria. It is more than a question of material resources.

For this reason the second report on poverty and wealth in Austria states that because of its multifaceted nature, it is impossible to give a general definition of the term poverty.⁹ What is much clearer to distinguish its individual areas of poverty: deprivation starts where lack of financial resources affects certain circumstances of life. Primary deprivation means that people can no longer afford basic necessities. Secondary deprivation means that they have to do without goods that are deemed desirable. The definition of manifest poverty is that people do not only have low incomes but are also affected by deprivation. Social exclusion does not always involve a financially disadvantaged situation, however.

The second report on poverty and wealth also points out that there is no consensus either on how exactly to define wealth.¹⁰ This is all the more regrettable as an alarming trend shows: in Austria, approximately one million people still live in households¹¹ with incomes below the poverty risk line. At the same time, wealth has increased in Austria.¹² This is no coincidence, but an effect that definitely results from tax advantages for income from investment and property. There is an obvious connection between poverty and wealth, and if responsible tax policies were pursued, the poverty risk¹³ could quickly and efficiently be controlled in Austria: two billion euros, i.e. approximately 0.8% of GDP, would be sufficient to put an end to structural poverty.¹⁴

0.2. FUNDAMENTAL PREREQUISITES FOR A LIFE WITHOUT POVERTY

As U.S. philosopher Martha Nussbaum underlines in her studies on capabilities and human rights, the issue of eradicating and combating poverty among women (as well as poverty as such) is more than the question what women/humans actually have but rather what women/humans are capable of doing and being. In other words, it is a matter of basic, internal and combined capabilities. This goes beyond what political rhetoric refers to as equal opportunities, which is supposed to create equal positions to start from, but without taking over responsibility also for further development processes or even the results that might finally ensue. In an open list, Nussbaum names aspects of life to which these capabilities relate and which are understood as prerequisites for living a truly human life: bodily integrity and bodily health, being able to lead a self-determined life, psychological and emotional well-being, freedom of expression and opportunities for development (which includes freedom of political and artistic speech as well as religious exercise), being able to form a conception of the good and to plan one's own life, being able to live in relation to others and engage in various forms of social interaction, to participate in political choices, to have the right to seek employment and to hold property, and eventually to be able to play and enjoy recreational activities. Living in an environment that is free of violence is essential for being able to use these capabilities and to lead a self-determined life. Experiencing violence in a relationship massively restricts the lives of the women concerned.



0.3. CAPABILITIES AND PERSPECTIVES

Not only poverty, also wealth may be discussed on the basis of a comprehensive approach: the term wealth then includes more than just the material and financial resources that are available to a person. It rather reflects the option to lead a life of freedom and independence to realise manifold capabilities. In this context one must also take into account the complex interactions that are triggered as a result, which are often visible only where opportunities and capabilities are lacking and not when they are abundant.

Poverty means that it is impossible to meet the goals one has set for their own lives. In a wealthy money economy such as Austria, income poverty is the main cause for the lack of capabilities. Still, income analyses are insufficient for a description of the actual situation. Income alone does not necessarily reflect the goods a person possesses, because support by social networks or benefits in kind granted by public agencies cannot be estimated, and neither can inefficient household management be expressed in figures. The ability to use income to develop and realise capabilities is determined by personal, social and environmental factors of development that mutually influence one another.

For instance, age, gender, educational level and health or disability are factors that influence a person's chances of realising capabilities, as do access to the labour market and work conditions, access to education and health care as well as the possibility to express one's concerns in a political way. Exclusion and privileges show as complex social processes that, while they go beyond poverty and wealth defined in terms of monetary resources, are in fact closely linked.

In order to prevent poverty, a basic level of social opportunities is required, which has to be ensured through equality of access to institutions. It is decisive to overcome deficits in this very field so that also people who are financially disadvantaged may realise a fair share of opportunities and capabilities.¹⁵

0.4. SOCIAL EXCLUSION

In order to use one's capabilities, the question of how resources are distributed is of obvious relevance. In addition, factors such as time poverty, respect, chances of cultural and political participation and influence, self-representation and authority of interpretation, are decisive as well. Social exclusion has become a catchword that is often used in the context of poverty, to emphasise the processes which push people to the edge of society, which limit their access to resources and opportunities, as well as central aspects of social life, leaving them feeling marginalised, powerless and discriminated against.¹⁶

In order to understand the extent and complexity of the phenomenon of poverty, a definition of poverty should not be reduced to economic aspects such as relative income. In order to grasp the multi-dimensional character of poverty, additional indicators have to be taken into account, e.g., degree of independence and autonomy, degree of unemployment, access to and adequate services in health-care, educational and all other public institutions as well as number of people facing inadequate housing and environmental conditions.¹⁷

0.5. POVERTY RISKS AND VIOLENCE AGAINST WOMEN

This report focuses on the situation of a group of people who seem to be of marginal interest in the discourse on poverty but who are particularly vulnerable: women experiencing violence, and their children. They are members of several at-risk groups simultaneously and thus they are struggling with multiple problems and stress to especially high degrees. Members of this at-risk group are found in all societal and social classes and in all countries of the world. In Austria, one out of five women are assumed to have suffered violence committed by their (former) partners at one time in life. This

also includes immigrants, older women, women with disabilities, i.e., groups of victims who face particularly great risks. For many women with children, the decision to leave a violent partner means starting life as a single mother and thus facing the highest poverty risk (34%).¹⁸ A separation or divorce often means that women lose their financial security, social contacts and the legal basis that grants them the right to stay in the country.

In the context of poverty and women, the relevance of the concept of social exclusion is obvious. The very fact that reliable figures and data on women's poverty are lacking is a striking manifestation of exclusion. In addition to the many inadequacies of conventional poverty statistics, which cannot be but criticised, and apart from the lack of available data on women's poverty, another problem arises: almost all poverty statistics relate to households, and statements regarding poverty of individuals are derived on the questionable assumption that the household income is equally distributed among all persons living in the household, which implies equal access to equal amounts of money. The results obtained in this way do not reflect the actual situation and in addition, they hide the fact that women, whose income is generally lower, often have the direct responsibility for children or other dependants. Therefore it makes sense in more than one way to approach the subject on a gender-sensitive basis.

For instance, according to a publication by the Austrian Ministry for Women¹⁹ recent studies confirm a higher general risk of poverty for women, but the gender-related differences are rather small: the poverty risk is 13% for women and 11% for men. However, it is also pointed out that considerable differences show when the results are studied in more detail. If one compares one-person households only, a 23% poverty risk shows for women who live alone (for single men, it is 14%). The risk is particularly high for retired women living alone: 25%.²⁰ Recent surveys have revealed a similar situation all over Europe.²¹

Still, at present Europe in particular lacks players who promote studies on the distribution of resources. Therefore, only a general statement can be given here: at present, 234 000 women in Austria (6%) live in manifest poverty, and more than half a million women are supposed to have a poverty risk.²²

0.6. GENDER-RELATED REASONS FOR POVERTY

In spite of the insufficient data situation, there is no doubt that women are disproportionately affected by poverty. And there is no doubt either that the reasons for women's poverty are gender-related, and life in poverty also has gender-related consequences. The complex network of patriarchal power structures and a symbolic order that is associated with socioeconomic disadvantages for women is not only an underlying cause of greater (risks of) poverty among women that has to be analysed and understood, it is also necessary to see its link to those spheres of life that are traditionally regarded as women's places: the fact that women often are in charge of unpaid care duties is one of the main reasons for the higher risks and levels of poverty among women. It still is often taken for granted that mothers, daughters (in law), sisters, etc., will do care work without pay. This does not count, and is not counted in terms of national economy and may be a poverty trap for many women. And where an increasing number of women have apparently succeeded in getting out of these duties, their work, and the poverty risk it entails, has simply been transferred to other women, often immigrants or women from neighbouring countries (e.g., to deliver care services to older people). In this respect, it is not gender as such that is essential but the fact that they take over certain roles and work that are traditionally expected of women.

This is paralleled by lower wages in those sectors where typical 'women's jobs' predominate, i.e., a gender-oriented labour market. The resulting disadvantages are further aggravated by a system of social benefits that are linked to previously earned wages. Although a number of studies confirm that women disproportionately profit from welfare



state benefits, this does not solve the problem by any means. On the contrary: those who earn low wages will get low unemployment benefits, and people who have one or several unstable jobs only, e.g., marginal employment, will always face financial disadvantages.

Lack of childcare places, in particular for children under three years, makes it difficult for women to get jobs. Women who return to work after parental leave usually earn less and their income remains smaller. The problem of unequal pay for equal work is more pronounced in Austria than in most other countries of Europe.²³ Currently, Gabriela Heinisch-Hosek, Austria's Minister for Women, has initiated a national action plan (NAP) on equality of men and women that aims at disclosure of wages in order to find out how wide the gender gap actually is in individual enterprises and organisations.²⁴

A patriarchal view focusing on male breadwinners still predominates in conservative sociopolitical systems. This perspective is in fact a major obstacle to the goal of preventing and combating women's poverty. And even where the role of women as breadwinners has become accepted to increasing degrees, this does not mean that their perspectives are always more promising. For instance, in the development policy discourse of recent years and in the corresponding programmes aimed at combating poverty, the important role that women play has been recognised, and investments into women's work have increasingly been promoted, with slogans such as 'investing in women means investing in entire nations'. Occupation programmes and micro-loan schemes for small businesses run by women have become more and more popular, but this does not touch the central issues of redistribution of work, income and power. Policy-makers have pinned their hopes on 'poor' women as triggers of economic upturn, and without aiming at a change of the patriarchal and neo-liberal system. However, if the goal is to combat women's poverty, as well as poverty of men and children, in an effective and sustainable way, the economic and political framework has to be put to the test and radical changes will have to follow.

0.7. THE SCOPE AND CONSEQUENCES OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN

Violence against women is one of the world's most frequent and most severe human rights violations of our time. There are a variety of national and international studies showing that 20% to 25% of all women interviewed indicated that in their adult life they had suffered physical violence, and 10% stated experience of sexual violence by their partners. If all forms of violence are taken into account, according to a survey by the Council of Europe conducted in 2006²⁵ the share of women experiencing violence is as high as 45%. According to a study by SEESAC, a project funded by the United Nations²⁶, approximately 100 million women out of the total of 500 million people living in the 27 member states of the EU have become victims of male violence. Between one and two million women suffer abuse every day.

Austria does not have studies to confirm this, but it is estimated that in Austria one out of five women have become victims of violence committed by their own partners (husbands, former husbands, live-in partners, boyfriends, etc.). A representative study on the extent of violence against women, which was conducted in Germany in 2004²⁷, shows that one out of four women have experienced violence by their partners at least once in life.

In 2008 alone, 3 220 women and their children turned to one of the 26 autonomous women's shelters in Austria to get protection and help.²⁸ Data provided by the intervention centres, violence prevention centres or the police show that women are disproportionately more often affected by domestic violence than men: recent statistics of the Domestic Abuse Intervention Centre Vienna²⁹ reveal that 91% of victims are women or girls, and in 90% of cases the perpetrator is a male member of the family, mostly the woman's (former) husband or (live-in) partner. Every day, Austria sees between 17 and 20 police interventions related to violations of the Violence Protection Act. Every year 30 to 40 women are

murdered in Austria³⁰, many of them by husbands, live-in partners, brothers or former partners. More than half of all murders that are annually committed in Austria take place within intimate relationships or families, i.e., the very place where we expect to be safe and protected.³¹

Violence against women has structural causes. The United Nations Declaration on the Elimination of Violence Against Women says 'that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men'.³²

Violence against women is not an individual misfortune but a political and social problem. Austria has recognised this fact and taken measures to protect victims. In 1978 the first women's shelter was opened in Vienna, and by now, 30 women's agencies exist all over the country to provide protection and assistance to women and their children. In addition, in 1998 the nationwide cost-free women's helpline (0800/222 555) was established as a first contact point for women. Under the Violence Protection Act that entered into force on 1 May 1997 and its subsequent amendments, the rights of victims were enhanced. June 2009 saw comprehensive statutory reforms aimed at improving the rights of victims of violence.³³ These laws are a strong signal showing that domestic violence against women and children is not tolerated: perpetrators increasingly often have to face consequences for what they have done. This has been paralleled by measures such as the continual expansion of violence prevention centres and intervention centres as well as counselling agencies. Victims of sexual violence get support by specialised regional counselling centres and phone hotlines. As of 2006, victims have been granted the right to cost-free legal and psychosocial court assistance. And the Anti-stalking Act implemented in the same year also empowers victims of insistent, repeated persecution by their own (former) partners.

Still, many structural deficits are found in Austria, which the CEDAW Committee of the United Nations communicated to the Austrian Government in 2007. In its concluding comments of 2007, the United Nations CEDAW Committee on the Elimination of Discrimination against Women expressed its concerns as follows:

*'While welcoming the State party's efforts to address stereotypical attitudes and behaviours that discriminate against women and perpetuate inequality between women and men, the Committee remains concerned about the persistence of deep-rooted traditional attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society. The Committee expresses its particular concern about the persistent stereotyping of women primarily as mothers and caregivers and of men as breadwinners. Such stereotypes, which undermine women's social status and are reflected in women's disadvantaged position in a number of areas, including in the labour market and in access to decision-making positions, in their study and professional choices and in the marked division of family and domestic tasks, constitute a significant impediment to the practical realization of the principle of equality of women and men, as called for in article 2 (a) of the Convention.'*³⁴

In order to eliminate discrimination of women further, the UN Committee urges the State party of Austria to adopt policies and take proactive and concrete measures to eliminate occupational segregation and to narrow and close the pay gap between women and men, to ensure access to social benefits for women, to address women's vulnerability to poverty and to take measures to facilitate the reconciliation of family and professional responsibilities and to end multiple forms of discrimination against immigrants and asylum seekers. With regard to the persistence of violence against women, the Committee also calls upon the State party of Austria to put in place a national action plan and campaign to prevent and eliminate violence against women, to intensify its efforts to combat all forms of violence against women including domestic violence, and to take into account the specific situation of immigrants



and asylum seekers affected by violence, to ensure a sufficient number of safe crisis and intervention centres and shelters, staffed by expert personnel and provided with adequate financial resources, to ensure a systematic collection of data (e.g., on type of violence and relationship of the perpetrator to the victim), which are made publicly available and form the basis for monitoring and implementation of current and future policy measures.³⁵

Violence against women is found in all social classes, although differences show with regard to the risks for those affected, and it has no cultural, religious or class-related limits. The term violence against women encompasses five types of violence, which are often found in combined form:

- physical violence: pushing, kicking, punching, choking, burning, beating with objects as well as damaging or destroying personal property, breaking furniture or torturing pets, etc.;
- psychological violence: verbal abuse, humiliation, ridiculing or libelling a woman in public, armed or unarmed threats, coercion, intimidation, etc., psychoterror or stalking, i.e. insistently following, waylaying, harassing and spying on a woman, etc.;
- sexual violence: this comprises all actions that are directed against the sexual self-determination of women: rape, sexual assault, forcing a woman to look at porn material, etc.;
- social violence: control and isolation (e.g., prohibition to contact others, locking up a woman, cutting off the phone);
- economic violence: abuse of power over financial means, e.g., not giving a woman sufficient money to manage the household, keeping secret the family's income situation, forbidding a woman to hold a job or have her own bank account, etc.

Over time, these forms of violence against women tend to become more frequent and more severe. Violence does not just stop. For women and children, the time of divorce or separation is the most dangerous phase. Again: it is a horrible fact that every year 30 to 40 women are murdered in Austria and that half of these murders are committed by (former) partners and relatives.³⁶ It is essential in this context to emphasise that women – also women in Austria, in spite of a good legal framework – still are not sufficiently protected against violence. In 2004 two cases that were especially shocking were communicated to the UN CEDAW Committee by the Association for Women's Access to Justice and the Domestic Abuse Intervention Centre Vienna.³⁷

Domestic violence against women and children also has economic consequences and involves enormous costs to be paid by the public purse and tax payers. In an Austrian study conducted by the Institute of Conflict Research the public costs of domestic violence were estimated. The types of cost included covered various areas such as police authorities, the health-care system, assistance services as well as costs of incapacity for work. According to the study, an annual total of more than 78 million euros per year has to be spent (with health care accounting for almost 14 million euros). The authors conclude, however, that the actual costs are likely to be significantly higher, however, because in many areas few reliable empirical data are available and a significant share of unreported cases always have to be assumed.³⁸

In their study Haller and Dawid state that the cost of domestic violence has been studied in several Western countries since the early 1990s. A study from Switzerland carried out in 1998 estimated an amount of 262 million euros that has to be paid every year in the context of domestic violence. In 2004, Silvia Walby investigated the situation in England and Wales, focusing on forms of violence occurring between partners in intimate relationships. Her estimate covers direct and indirect costs spent in the police sector and the criminal justice system as well as in the areas of health, social services, housing, civil legal costs, loss of income and economic output as well as emotional costs and need for support services, amounting to a total of 33.6 million euros.³⁹

However, even if costs are discussed here, this does not at all mean that the measures listed might not be absolutely necessary. On the contrary: the authors of this study expressly underline that regulations under international law such as CEDAW have to be implemented in a binding form. As every woman has a right to protection and safety, independent of the costs involved, we also urgently recommend that the international standard of 1 place in a women's shelter per 10 000 inhabitants be met.

0.8. AT-RISK GROUPS

Apart from the aspect of social exclusion, vulnerability is a term that has frequently been used in definitions of poverty. It refers to the fact that people may have an elevated risk of poverty because of their social position. For instance, this applies to women, children and young people, single parents, older people, immigrants, asylum seekers, ethnic minorities, people currently or formerly living in public institutions and people with disabilities. According to the publication *Poverty and Inequality in the EU*⁴⁰, drawn up by the European Anti-Poverty Network in cooperation with Hugh Frazer, the group of especially vulnerable people includes children (aged 0–17) and older people (65+), for which the poverty risk is 19%, as well as young people (aged 18–24), with a risk of 20%. The figures relating to older people reveal that the situation is further aggravated for women: older women are at a much higher risk than older men (21% compared to 16%). One-parent households have the highest poverty risk, i.e., 33%, and again, this group mostly consists of women. Looking into the special challenges and difficulties that these people are facing contributes to a better understanding of the specific dimensions of poverty. However, many national and European poverty studies do not sufficiently take into account these at-risk groups.

Women experiencing domestic violence, especially after a separation, are vulnerable to poverty for several reasons. In the majority of cases they are without financial means and without a place to live, and access to the labour market is especially difficult for them. The situation is even more precarious for women with a background of immigration. Often, their subsistence and their right to stay in Austria entirely depend on the abuser, and as a consequence they frequently stay with their partners or have to return to them.

Even though, on principle, every woman may become a victim of male violence, independent of age, nationality, level of education, sexual orientation, income, etc., there are women who are facing particularly difficult problems and are thus very vulnerable. This group includes women with learning difficulties, physical disabilities and women depending on care services, women who suffer from mental or physical diseases, older women and women who need nursing, immigrants and asylum seekers, girls and women who were forced to marry or who (have to) live in a prearranged marriage, victims of trafficking in human beings and forced prostitution as well as girls and women who are victims of female genital mutilation. This is determined by many factors such as extreme dependence on, and/or threats by, one's (former) partner, one's family or family in law, relatives and/or institutions. In addition, the legal and structural framework also plays an essential role. Although all groups enumerated are regarded as highly vulnerable, for a number of reasons not all of them may be studied in detail in this report.

0.9. THE SPECIAL SITUATION OF CHILDREN

Children who experience domestic violence or witness violence against their mothers are themselves affected by both violence and poverty as well as social exclusion. Experience of violence impairs and damages the healthy emotional, psychological, physical and mental development of children and young people. Scientific studies have shown that in 70% of cases in which women suffered violence by their partners the children were abused as well.⁴¹ The severer the violence against the woman, the more massive the violent acts against the children will be. But



even if children do not have to suffer physical violence themselves, they are still affected by it: it constitutes violence against them when they have to witness abuse and threats against their mothers.

Although it is evident that violence against women is often linked to violence against children⁴², this fact still has not sufficiently been taken into account. Often mothers are expected to protect their children while they themselves do not get the support and assistance they would need. A separation or divorce does not automatically stop the risk of suffering violence. Quite the contrary: often this is the stage during which the most massive acts of violence occur.

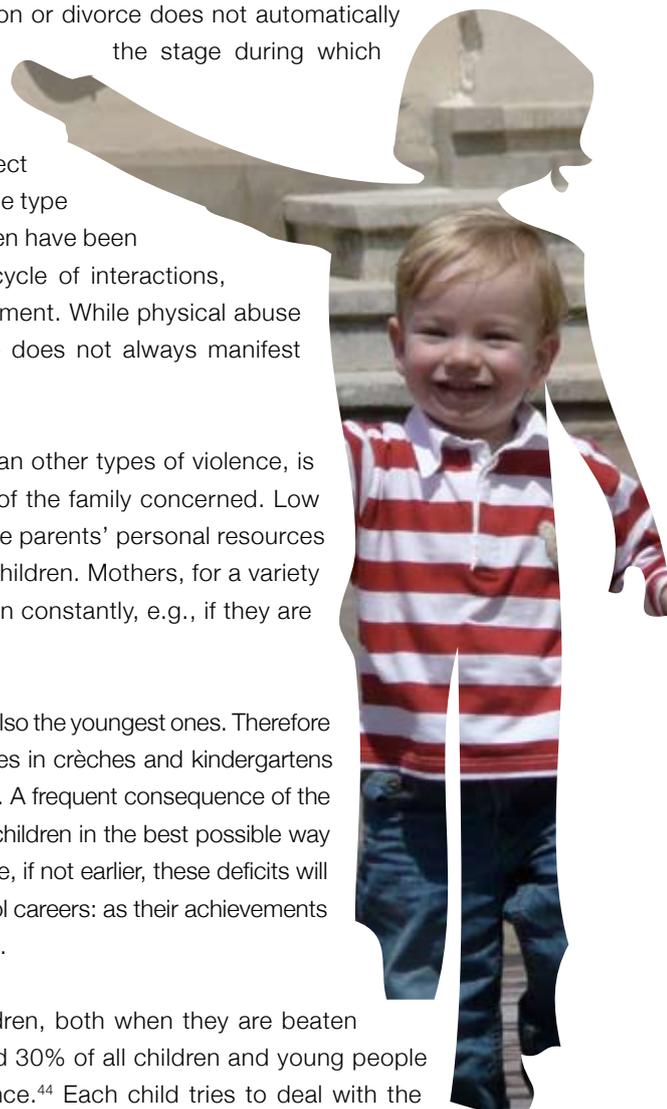
The stress that children suffer as a consequence of direct or indirect experience of violence may show in various forms and depends on the type and intensity of the violence as well as the degree to which the children have been affected. The children's stress levels may intensify in a complex cycle of interactions, which may lead to manifold problems in their psychological development. While physical abuse leads to visible injuries, distress caused by psychological violence does not always manifest itself immediately.⁴³

Negligence is a form of psychological violence which, more often than other types of violence, is found under conditions of material want and social marginalisation of the family concerned. Low incomes, unemployment, disease and inadequate housing reduce the parents' personal resources and make it hard for them to meet the needs and demands of their children. Mothers, for a variety of reasons, are often unable to ensure adequate care of their children constantly, e.g., if they are very young or have addiction problems and mental diseases.

An atmosphere of violent tension is stressful for all members of the family, also the youngest ones. Therefore it is especially important to have an adequate number of childcare places in crèches and kindergartens so that qualified care services for children are available outside the family. A frequent consequence of the violence mothers have suffered is that they simply cannot care for their children in the best possible way or cannot support their development. Once the children reach school age, if not earlier, these deficits will become more manifest and further aggravate in the course of their school careers: as their achievements at school are bad, higher education is often unavailable to those children.

Experience of violence always has negative consequences for children, both when they are beaten themselves and when they are indirectly affected. Between 10% and 30% of all children and young people witness domestic violence in the course of childhood or adolescence.⁴⁴ Each child tries to deal with the stress in their own way and finds individual coping strategies. The consequences of stress may show at all levels: physically, psychologically, emotionally as well as in the child's behaviour. Children affected by violence may become increasingly anxious or extremely well-adjusted, or develop little self-confidence, and sometimes they may also show aggressive patterns of behaviour with significantly reduced empathic abilities.

Children may feel personally responsible for the situation of violence at home, and they may respond by getting mad at their abusing fathers or angry with their abused mothers. If it is not possible to cope with violence experienced, this may lead to a state of chronic stress, and in the long run the child in question may develop post-traumatic stress syndrome. Often symptoms such as sleeping disorders, concentration difficulties or hyperactivity may ensue, which are massive problems for the children concerned.⁴⁵



A child who witnesses violence, or the violent behaviour that their father shows towards their mother, may adopt this as a model for their own future behaviour, and violence thus contributes to defining their identity in a particularly negative way. For instance, sons who identify with their fathers may regard violence as a legitimate means of asserting themselves. Girls, on the other hand, may idealise their mothers' roles as victims, and although they regard as unfair the abuse and bullying by their fathers, they perceive such behaviour as something normal. In either case, both sons and daughters may consequently live in relationships dominated by violence, and the spiral of violence will be continued.⁴⁶

In any case, the fact that the children's potential for development is impaired is particularly negative, because these restrictions in their capabilities and perspectives both during school age and in working life will finally seal their fate: they will face an increased risk of poverty⁴⁷, social exclusion, poor chances in the labour market, small financial resources and little opportunity of social participation.⁴⁸

According to Statistics Austria, at present 15% of all children and young people under 27 years have a risk of poverty, which is one out of four people with a poverty risk. Children in low-income households are forced to cut back on basic needs: eight percent of young people up to age 27 feel these restrictions when buying food or clothing, three percent know problems financing heating or visits to the doctor; five percent live in households with payments in arrears, and 13% live in overcrowded flats. They most probably do not have a room of their own, they do not have enough space for playing, learning, etc. One out of three live in cramped conditions. As a result, these children are restricted in their development options: 20% of young people do not have a computer at home for financial reasons; 28% have no access to the internet and thus cannot get familiar with the opportunities opened up by modern information and communication technologies.⁴⁹ This has detrimental consequences for the education and training of the children concerned (see chapter on education and training).

0.10. DEFINITIONS OF INDIVIDUAL AT-RISK GROUPS

0.10.1. IMMIGRANTS

A state is regarded as a country of immigration when a significant population growth because of immigration is registered. In particular the U.S., Canada and Australia are considered to be traditional countries of immigration, where the arrival of people from other countries is part of their cultural identity and a matter of course that is not questioned. This does not apply to Austria, although its population has grown considerably, and continues to grow, as a result of immigration. Austria in fact is a country of immigration but still lacks many of the characteristics that define an immigration country proper. For instance, moving to Austria is possible almost exclusively in the context of family reunification or seeking asylum. Immigration for the purpose of finding work in Austria is subject to strict regulations.

What is particularly revealing here is the different terms that have been used to refer to people from other countries who permanently live in Austria. The economic boom of the 1960s brought about a great demand for additional workers. In the beginning, recruitment was quite difficult for Austria. Subsequently, hiring agreements were concluded with Spain in 1962/1969, with Turkey in 1964 and with Yugoslavia in 1966. The foreign workers were called 'guest workers'. They were welcomed with open arms because everybody was happy to find people who were willing to work in blue-collar jobs that Austrians tended to refuse, mostly in factories or in the cleaning industry.

In the 1970s, after the oil crisis, which massively affected also Austria's economy, recruitment was stopped. This does not mean, however, that foreign nationals did not come to Austria any longer: all 'guest workers' had the right to bring



their families to Austria, and very many of them made use of this right after they had realised that they were going to stay in Austria for a longer period than expected at first. Since the beginning of 1976 the Act on Employment of Aliens (AuslBG) has been in force in Austria.

Meanwhile, the 'guest workers' of the first generation had become 'foreigners'. In the late 1980s it was considered to be politically incorrect to use the term foreigner, and they were thus referred to as 'foreign fellow citizens'. Soon after, this term was again deemed inappropriate because it still included the word 'foreign', denoting outsiders. Use of terms such as 'migrant' or 'immigrant' were discussed. Women often were, and continue to be, completely ignored in the immigration debate.

This history of 40 years of immigration is also a history of lacking social acceptance. This lack of social acceptance and respect, and the resulting social exclusion of people with a background of immigration, are reflected in the difficulty to find a name for them. As long as these people are not accepted as an integral part of society they will be regarded as foreigners, called foreigners and eventually marginalised as foreigners.

As has repeatedly been mentioned, immigrant women are in a particularly difficult situation, especially when they are affected by domestic violence. They are discriminated against in multiple ways: as women, as mothers, because of their origin and because of restrictive legislation. Women who arrive in Austria on the basis of family reunification do not have an independent title of residence. Their status is linked to their husbands, and therefore they are dependent to a great extent, especially if they have to live with a violent partner and have no income of their own. If their wages are below a certain level, their residence status is derived from their husbands for a period of five years (see Section 2 of the Act on Settlement and Residence). Although exceptions applying to women suffering violence are granted, the requirements for this are strict and cannot easily be met. For instance, women have to present court-issued interim injunctions because of violence committed, within short time. The chances of being granted an interim injunction are good especially in those cases in which eviction orders have previously been issued by the police. However, many immigrant women are reluctant to turn to the police and rather resort to relatives, friends or a women's shelter. This significantly reduces their chance to obtain an interim injunction. In order to be granted an independent residence permit for Austria, women have to overcome other obstacles as well. Their stay in the country must not involve expenses for the state, and therefore they cannot take up state financial support. In addition, they have to prove an accommodation in accordance with local custom as well as a minimum monthly income of EUR 770 for themselves. As many immigrant women do not have employment or (have to) work in low-wage jobs it is difficult to prove such an income. Childcare duties are not taken into account, and immigrant women thus have to prove an income at the required level independent of the question of how old their children are, if childcare services are available and whether the woman in question will find employment at all.⁵⁰ In Chapter 7 of the Act on Settlement and Residence, these disadvantages for women are described in more detail.

In the corresponding laws, a number of further definitions are found, which are quoted below. An interesting aspect here is that the language of the corresponding provisions does not refer to men and women but only the male forms are used in the German texts. In our opinion, the fact that women have simply been ignored in terms of language may be understood as an indication that the lawmakers are not fully aware of the highly precarious situation of women.

Definitions according to the Act on Settlement and Residence (NAG)⁵¹:

- **alien:** a person who is no national of Austria;
- **EEA national:** an alien who is a national of one of the Parties to the Agreement on the European Economic Area;
- **freedom of movement:** the community right of EEA nationals to settle in Austria;
- **third-country national:** an alien who is no EEA national;

- **dependant:** a spouse or unmarried child under age or an adopted child or stepchild (nuclear family), provided that the spouse, with the exception of spouses of Austrian nationals, EEA nationals or nationals of Switzerland, is 18 years of age or older; if, in the case of polygamy, one spouse is already living with the reunifier in the territory of Austria, further spouses are not regarded as dependants with the right of residence;
- **reunifier:** a third-country national who legally resides in the territory of Austria or from whom a title within the meaning of the NAG may be derived.

Definitions according to the Alien Police Act (FPG)⁵²:

- **privileged third-country national:** the spouse, relative, and relative of the spouse, of the person in question or of a national of the EEA or Switzerland, who has made use of their right to freedom of movement, in direct descending line until reaching the age of 21 (and after age 21 provided that are actually supported), as well as a relative, and relative of the spouse, in direct ascending line provided that they are actually supported, insofar as said third-country national accompanies or follows the national of the EEA or Switzerland who has the right of movement and from whom their community privilege is derived;
- **dependant:** a third-country national and spouse or unmarried child under age including adopted children or stepchildren (nuclear family).

Definitions according to the Act on Employment of Aliens (AuslBG)⁵³:

- Within the meaning of the AuslBG an alien is a person who is no national of Austria.

Definitions according to the Act on Asylum (AsylG)⁵⁴:

- **asylum seeker:** an alien, from the time of filing an application for asylum until the non-appealable conclusion or termination of the pertinent procedures;
- **status of rightful asylum:** the permanent right of entry into and residence in Austria that is granted to aliens according to the provisions of the 2005 Act on Asylum;
- **status of entitlement to subsidiary protection:** the temporary right, which may be extended, of entry into and residence in Austria that is granted to aliens according to the provisions of the 2005 Act on Asylum.

In this report, the term ‘people with a background of immigration’ relates to person whose parents (both mother and father) were born in a foreign country. This group may further be divided into first-generation immigrants (persons born outside Austria themselves) and second-generation immigrants (children of immigrant parents but who were themselves born in Austria).⁵⁵

0.10.2. ASYLUM SEEKERS

The rights of asylum seekers are laid down in separate legal instruments and differ from those of other third-country nationals in many respects. The Act on Asylum includes regulations relating to the right of residence and to procedures and defines the conditions under which the status of asylum seeker or entitlement to subsidiary protection is to be granted or withdrawn. In recent years, the provisions of asylum law and alien law have been amended several times, which has not resulted in relevant improvements of the legal position of those concerned but rather reflects a general spirit of suspicion against people who seek protection.

In the period directly after their entry into Austria, asylum seekers are protected against being sent back to a neighbouring country or deported to their country of origin. Before the asylum procedure proper, in which it is decided whether the reasons for fleeing will entitle a person to asylum, an admissibility procedure takes place in order to verify if Austria is



responsible for examining the asylum application or if the authorities of another member state of the EU are competent according to the Dublin II Regulation⁵⁶, which is binding under European law. According to the Dublin II Regulation, family reunification shall have priority over any other competence criteria. Spouses and unmarried children under age are entitled to family reunification if the reunifier has been allowed to reside as a refugee in the member state in question (Article 7). If families have been separated during their flight and family members have applied for asylum in different member states, family reunification may only take place before the application has been the subject of a first decision regarding the substance (Article 8). In any other case, family reunification is possible only on the basis of the Humanitarian Clause of Article 15, which is not binding for the EU member states. For all forms of family reunification, the consent of the persons concerned is required.

When the question of competence of the EU member states involved is examined (consultation procedure), asylum seekers are not admitted as parties and their right to inspect files is restricted. The Dublin Regulation is based on the assumption that all EU member states apply the same minimum standards in asylum procedures and the same criteria for taking charge of applicants, so that asylum seekers are equally protected against deportation in any member state. Therefore, it should not make a difference whether a refugee is granted asylum or subsidiary protection in Austria or in Greece. NGOs have criticised this system as an 'asylum lottery'. In fact, there are considerable differences in the individual EU member states regarding recognition rates of refugees from one and the same country, and also regarding possibilities and willingness of member states to provide adequate social assistance, medical and psychosocial care during the asylum process and to take measures that facilitate the integration of asylum seekers.

During the admissibility procedure, a refugee's stay in Austria is no more than tolerated, and asylum seekers are referred to a Federal Care Centre. Austria has three First Reception Points run by the Federal Asylum Office, which serve as care centres. Asylum seekers must not leave the centres before their first interview has taken place, during which they are photographed and fingerprinted. Asylum seekers must not leave the district of the First Reception Point for a period of up to 20 days, or for a shorter time if a decision upon admissibility to asylum procedures has been taken at an earlier time. As of 2010, this geographical restriction will be extended to the entire period of the admissibility procedure before the Federal Asylum Office, which may take several months. An exception to the statutory obligation to stay in the district is possible on grounds of medical treatment or care or in order to meet statutory duties or to appear before an authority. An asylum seeker who has experienced violence commits a punishable act if she crosses the district border when she runs away from her violent partner or when she turns to a specialised counselling and care centre outside the district.

During the admissibility procedure, detention pending deportation or a 'more lenient measure', may be imposed by the Alien Police. The 2009 amendment to the Alien Act has introduced additional reasons to the four reasons that justify detention pending deportation according to Section 76(2) of the Alien Police Act⁵⁷: for instance, also a violation of the geographical restrictions or of obligations to contact the authorities may justify detention pending deportation: an asylum seeker experiencing violence may thus be detained if she leaves the district in order to save her life or to get help at a women's counselling centre. Especially in the case of asylum seekers who have become victims of violence or torture, detention pending deportation involves a risk of retraumatisation. On principle, asylum seekers should never be detained pending deportation.

As an alternative to detention, also a 'more lenient measure' may be imposed, which includes the refugee's obligation to contact the authorities regularly (Section 77 of the Alien Police Act). From the point of view of European law, the conditions of such measures do not constitute an adequate form of accommodation and care, however. Under the EU Reception Directive, the detention of asylum seekers is not prohibited, and restrictions of the minimum standards regarding material conditions for reception are deemed justified in such a case, but in an obligatory accommodation

to which asylum seekers are referred in the context of a more lenient measure, they would be entitled to the same benefits as in a basic support accommodation. Under Austrian national laws, however, they are not entitled to such benefits. A frequent, highly questionable practice of the Alien Police is to detain a part of the family pending deportation, combined with a more lenient measure for the rest of the family. A separation of family members typically results in retraumatisation.

Provisional right of residence

After the decision on admissibility of the asylum procedure, asylum seekers have the right to stay in Austria until a final decision has been taken. During the asylum procedure, all family members may present their reasons for fleeing. Under Section 20 of the Act on Asylum⁵⁸, victims of a violation of their sexual self-determination have the right to be interviewed by an official representative of the same sex, unless this is explicitly refused. However, no such regulations regarding interpreters exist for these cases.

All members of the family have same status of protection. If one family member is granted asylum, this status also holds for their spouse or children under age. The same applies to subsidiary protection: this status is granted if deportation to the country of origin would be a danger to life and limb. The status of asylum includes an unlimited right of residence, while subsidiary protection is always granted for a period of one year.

Basic support: Poverty by law

In 2004, the Federal and Provincial Governments agreed on a basic system of support for asylum seekers and aliens who cannot be deported (Basic Support Agreement under Section 15a of the Federal Constitutional Act⁵⁹), and federal and provincial laws that permit the implementation of the Agreement were adopted. The Basic Support Agreement defines target groups (Article 2) and support benefits (Articles 6, 7, and 10). In the case of asylum seekers who are detained pending deportations, their entitlement to these benefits is suspended for the duration of detention (Art. 2, Para. 2). As the imposition of a more lenient measure is deemed equivalent to detention, also asylum seekers living under the conditions of a more lenient measure are excluded from the basic support benefits. Asylum seekers convicted because of a felony that may be a reason for refusal of asylum may also be denied basic support. Other reasons for exclusion are filing a new application for asylum after refusal of the first application; lack of cooperation in the asylum procedure with regard to proof of identity or of need for support (Section 3 of the Federal Basic Support Act of 2005). Also eviction orders or persistent danger to public order because of non-compliance with house rules may result in a reduction or withdrawal of basic support (Section 2 Para 3 of the Federal Basic Support Act).

Apart from asylum seekers at the stage before a final decision on asylum has been taken, the target group also includes aliens who cannot be deported and persons entitled to subsidiary protection. People who have been granted asylum are also entitled to basic support during the first four months after the decision on their status. According to the EU Directive on Status, people entitled to protection should have access to the same social benefits as nationals. In the case of people entitled to subsidiary protection, however, these benefits may be limited to core benefits. As a rule, persons of refugee status or people entitled to subsidiary protection who live in a private home are granted a benefit in addition to welfare assistance. If they do not have a flat of their own and if they continue to live in an accommodation provided by the government, they only obtain the basic support benefits.

The providers responsible for managing government-organised accommodation as well as the staff of these centres have repeatedly reported violent attacks against women and point to the staff's insufficient resources to respond to situations of violence. Because there is a lack of expert knowhow in the field of preventing and combating violence against women, asylum seekers experiencing violence and their children often do not get adequate help. It would be a



considerable improvement of the situation of women affected by violence as well as of the providers of accommodation if training programmes held by experts from the women's shelters, the intervention centres and the violence prevention centres were made available to the staff of those providers. Adopting clear positions and asserting that violence will never be tolerated would be an important step to protect women and their children against violence, and a clear signal to the perpetrators. Moreover, good solutions are also needed for asylum seekers who have committed violence and have often been traumatised themselves. If the police is called to intervene in cases of violence against women and children, under the present conditions the perpetrators risk the loss of basic support and consequently they have to leave the accommodation without being able to find a support structure where they may get assistance, although this is essential especially for psychologically unstable people. Still, the Austrian laws, under which eviction orders and temporary injunctions may be issued, have to be applied also in accommodation centres for refugees.

The staff in counselling centres such as those of Caritas, Diakonie or Volkshilfe provide assistance to asylum seekers who live in government-organised accommodation centres, but they lack the resources to identify and assess the situation of women experiencing violence and to deliver adequate support services. A promising approach in this field is to increase the budgets for care services to asylum seekers, combined with special training programmes to prevent violence against women also for the staff of those counselling centres.

For many asylum seekers, women's shelters are their only chance to live without violence for some time. It goes without saying that Austria's shelters always admit asylum seekers, although the situation has become more difficult in recent years as not all providers of funding take over the costs of the stay of an asylum seeker suffering violence.

The protection centre for asylum seekers at Hollabrunn is a good example in this respect. It is a specialised shelter oriented towards asylum seekers and their children who have experienced sexual or physical violence before or while fleeing. At first, this centre was run by the association SOS Menschenrechte⁶⁰. More than two years ago, a separate association was established that has since then been in charge of the projects in Lower Austria: the association Menschen-leben.⁶¹

Providers of government-organised housing for refugees get 17 euros per day for board and lodging for one person, an amount which has never been adjusted for inflation in spite of strong rises in energy costs. The asylum seekers receive 40 euros of monthly pocket money for personal expenses. Other benefits include a clothing benefit of 150 euros a year as well as 200 euros a year for school utensils, and costs of transport to school are borne by the authorities. Asylum seekers who receive basic support also have health insurance. In the case of unaccompanied minors who seek asylum, the providers of board and lodging receive a higher daily amount, and the minors themselves are entitled to 200 German language lessons. In addition, the Provinces cover the costs of training courses where unaccompanied minors may complete lower secondary school.

The benefits for asylum seekers who (want to) live in private flats are so small that it is hardly possible for them to move to private dwellings. Single persons are granted a maximum of 110 euros per month for rent, and families get a maximum of 220 euros. For living expenses, a monthly amount of 180 euros per adult is granted. In the case of children, this sum is 80 euros a month. These amounts are considerably below the level of welfare assistance; and the normal family benefits, e.g., child benefit, are significantly higher as well. In other words, basic support means poverty by law. Moreover, under such conditions it is impossible for asylum seekers affected by violence and their children to leave the place where they are experiencing violence.

People obtaining basic support who have any kind of income are obliged to contribute to expenses, and as a rule, a sum of 100 euros per months is deductible. If a person has an income, the criteria for need for support may no longer be met

and consequently, they may lose the entire basic support. If subsequently, basic supply is granted again, part of the income earned in the previous months has to be used as a contribution to expenses, even if this income is no longer available.

Work

Asylum seekers are not excluded from access to the labour market by law. Three months after applying for asylum, they may either find a job or they may work in a self-employed capacity. However, it is hardly possible actually to obtain a work permit. A decree by the former Ministry of Economic Affairs and Labour restricts these work permits to seasonal work. Therefore many asylum seekers are forced to work in precarious jobs in the tourism industry. Employers are aware of this legal situation and the dependent status of their workers, and as a consequence many women face exploitation. Women experiencing violence cannot be expected to cope with such stressful working conditions, let alone sex work or prostitution, which is the only way for many asylum seekers to earn money to secure their own and their children's subsistence.

As asylum seekers are not part of the labour market, during the asylum procedure they cannot take part in qualification courses organised by the Public Employment Service. As asylum procedures often extend over several years, this typically leads to a dramatic dequalification. Minor asylum seekers over 15, i.e., the age when compulsory school attendance ends, are not allowed to undergo vocational training. For work as a trainee, a work permit is required. Work in the non-profit sector would be a legal alternative, but jobs in this field are hardly available.

An insecure status of residence, lack of job options and of German language courses are factors that are detrimental to integration and frequently they also affect a person's psychological health. The staff of the two organisations specialising in the treatment of extremely traumatised people, i.e., the Hemayat counselling centre for survivors of war and torture⁶² and the Aspis research and counselling centre for victims of violence⁶³, have underlined that during this stage of insecurity therapy will not be effective for refugees experiencing violence.

0.10.3. OLDER WOMEN

This is an inhomogeneous group that cannot exactly be specified. At all events, it includes those women experiencing violence who have entered the second half of their biological life span. Many of them have lived in violent relationships for years or decades and entirely depend on their partners economically. Many of them earn small retirement pensions, if at all, and/or they depend on social benefits. They may perform care duties for their partners or need care themselves. Many of them have never had paid work, some of them for a short period only, or with interruptions. Frequently they are socially isolated and for the majority of them it is impossible to start an independent life free of violence. Access to information and assistance is difficult to obtain, and only few of these women actually have the courage to turn to a women's shelter⁶⁴. But there is one thing they have in common: they have suffered physical and psychological injuries and harm to their health; often their economic and financial situation is unstable, and thus they are at risk of poverty.

0.10.4. WOMEN WITH DISABILITIES⁶⁵

Again, no exact definition can be given, not least because so far no valid definition has been found at international level to delimitate the concept of disability, which itself is a controversial term.⁶⁶ For orientation, the International Classification of Functioning, Disability and Health (ICF)⁶⁷ of the World Health Organization may be considered, however. In the opinion of the authors of this report, an essential point of ICD is that on principle, classifications (according to body functions and structure [impairments], domains of activity [limitations] and of participation [restrictions]) should never be made without the consent and the cooperation of the person concerned nor should this be used for 'labelling' people. Furthermore, it should



not be used for restricting the rights or abilities that a person has but whenever possible, individual choices and participation opportunities should be enhanced. Another interesting aspect is that environmental factors are included, e.g., need for assistance or medicines, as well as personal factors such as gender, age and ethnicity. Thus, many of the problems are already addressed that will also be also discussed in this report as they relate to poverty.

The ICF of the WHO is a compromise between medical and social models of disability. According to the medical model, disability is a personal problem and restrictions in social participation thus are a consequence of disability. In the social model it is considered to be a problem of environments, which restrict people. According to the ICF, disability may result from both barriers in one's environment and from physical impairment. However, justified criticism has been voiced that it is always people without disabilities who are taken as the standard for physical functioning as well as social participation.

Because of accessibility deficits in buildings and as special needs are not taken into account as a standard of planning, people with special needs continue to be marginalised, and this particularly applies to women and girls with disabilities. In our society, which is organised along gender hierarchies, they are disadvantaged in several respects: because of their gender and because of their special needs. For instance, young men with disabilities are often encouraged more proactively to practice sports or get occupational training. Women with disabilities rank last in the labour market, and in addition, they are more often affected by (sexual) violence.

Women with disabilities (as well as men with disabilities) are no homogeneous group, therefore no clear definition of this term can be given. What is essential with regard to women with disabilities is always to bear in mind their specific situation in life (age, origin, sexuality, kind and degree of disability). And it has to be taken into account how women with disabilities see themselves and their situation.

0.10.5. SINGLE MOTHERS

According to Statistics Austria, 295 700 single parents were registered in 2008⁶⁸. This figure refers to a parent who lives in the same household with at least one child, independent of the age of the persons concerned. For instance, this also includes a household of a father aged 70 and his 40 year-old daughter, provided they share a flat.

In a press release ÖPA, Austria's Single Parents Platform, gave a figure that is much smaller (and thus more realistic): 177 100 single parents with children up to age 27. This figure is also better oriented towards the specific challenges that people in this at-risk group are facing. As long as young people are undergoing education and training, their parents have to maintain them, in that period they are entitled to child benefit, and during that time, single parents have to take over many different responsibilities.⁶⁹

According to ÖPA, the share of single mothers in the total of single parents is 88%, which confirms that this is a living situation that is almost exclusively female. And it confirms once more that women's ways of living in fact go hand in hand with financial disadvantages.

Endnotes

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1. HEALTH

1.1. HEALTH AND POVERTY

Health is one of the most essential indicators for capabilities and perspectives.⁷⁰ Apart from a person's financial situation, health is most decisive with regard to what potentials and opportunities may actually be realised. This does not mean that people who are rich will necessarily be healthy. But one may conclude that people who are poor and ill have to fight on two fronts at once: for financial survival and for the restoration of health.

A study carried out in Germany has meanwhile established the causal relationship between poverty and health. In a survey (with a return rate of 35.5%) among 666 overindebted people aged between 18 and 79, and 51% of them women, almost 80% of respondents said that they were suffering from at least one disease, and most frequently, psychological disorders as well as joint and spine problems were indicated. One out of three said that a disease, an accident or addiction was the main reason for their overindebtedness. Only 21% said that their disease was not related to their debt situation. In other words, almost 80% regarded their poor financial situation as a possible reason for falling ill.⁷¹

The effects that poverty risk factors have are particularly obvious with regard to women's health. Women still earn much less than men even when they do the same work, and many have part-time jobs that usually do not secure subsistence. In addition women, because of care duties for children and other family duties, have to manage multiple responsibilities and have to reconcile job, household and family duties, which increases their stress. Single mothers often fear that they might lose their jobs when they stay away from work or take care leave too often. All these factors are detrimental to a person's physical and psychological well-being, and have long-term effects. At the same time, the existing health-care system hardly takes into account the specific problems and needs of women. Women who, in addition, have experienced violence in their relationship are facing acute and chronic health consequences, and often chronic diseases, which enormously increases the risk of poverty.

1.2. INTERACTIONS BETWEEN HEALTH, POVERTY AND VIOLENCE AGAINST WOMEN

The Regional Office for Europe of the World Health Organization (WHO), in its framework paper on violence against women, states that combating violence against women must be given more priority.⁷² Acknowledging the fact that domestic violence and rape are problems of public health is a prerequisite for being able to combat violence against women.

According to the WHO, gender-sensitive approaches to health policy show both that certain symptoms affect only men or only women and that health problems of men and women have different causes and effects. A better, gender-sensitive understanding of causes of diseases is a prerequisite for developing more effective measures to improve women's health.

For Austria no specific studies on violence against women and health are available, but in Germany a representative study on the situation in life, the safety and health of women was drawn up.⁷³ In addition to the extent of violence against women, also health consequences and the role of the health-care system were researched in this context. The study shows that one out of four women aged between 16 and 85 who have lived in an intimate relationship have repeatedly experienced physical and/or sexual violence committed by their male (ex-)partners. One out of three women surveyed indicated that they had suffered physical and/or sexual violence between 10 times and more than 40 times. 55% of women experiencing physical violence and 44% of those affected by sexual violence suffered physical injuries. More than one out of three women (37%) who had physical injuries obtained medical treatment. The study confirms that physical and sexual violence are closely linked to psychological violence, and that violence increases in the course of the relationship in terms of both frequency and severity. Depending on the form of violence (psychological, physical or sexual violence), between 56% and 83% of the women concerned indicated psychological consequences of various types.



Women and children experiencing violence thus have very high health risks. The health problems that these women are facing lead to a precarious situation in life, which massively increases their poverty risk. Many women experiencing violence are burned, battered, pushed, kicked, pulled by their hair, and beaten and hurt with objects. As a result, they sustain bruises, cuts, lacerations, burns, fractures, choking injuries, hearing and visual impairment, etc. Often, the violence to which they are exposed is so massive that it leads to permanent damage or disabilities, or it may even be fatal. Women affected by male violence are often also forced to quit their jobs.

Still, violence has not only physical effects but may also result in cognitive problems (such as confusion, disorientation, concentration problems, blocked thought processes, massive feelings of guilt) as well as psychological and emotional symptoms such as shock, fear or helplessness. Moreover, also long-term effects are likely to occur, e.g., post-traumatic stress symptoms (nervousness, anxiety, sleeping problems, etc.), depression, lack of self-confidence, eating disorders, self-harm, suicide risks, addiction, etc.⁷⁴

Sexual violence, i.e., sexual acts to which a woman is forced, includes forced vaginal, oral or anal penetration or other sexual acts or sexual behaviour, forcing her to watch pornography, as well as marital rape or date rape. Sexual violence against women continues to be an issue surrounded by a massive taboo. At the same time, the effects on health that sexual violence has are especially grave and will affect victims for the rest of their lives. These consequences include injuries of the genitals as well as other physical injuries, chronic problems such as (lower) abdominal pain, intestinal problems and cardiac dysrhythmia; or complex, traumatic and post-traumatic stress symptoms; unwanted pregnancy, nervousness, sleeping disorders, etc. The range of symptoms is wide, and most women suffer from several conditions simultaneously.

The health effects of violence massively restrict women in their way of living. Apart from the pain suffered, they have to undergo lengthy and uncomfortable medical treatment, which entails high costs, e.g., for care, treatment or medicines, and takes up much time. This means that women have to accept decisions made by others, and in addition to their health problems, they have to cope with many other stress factors as well. They have to spend additional time and efforts to carry out, coordinate and organise the unpaid care duties that women are traditionally expected to perform. This in turn affects those who depend on these care duties: children, older people, people with disabilities, etc.

The multiple stress and problems that result from negative effects on health often prevent women from finding paid work and thus from earning their own incomes. When sick leave is needed repeatedly, this often leads to tensions at work, and it continues to be a frequent reason for losing one's job. In addition, for women affected by violence, because of negative effects on health and psychological stability, it is often harder to cope with stress at work, which again increases the risk of being fired. When a woman or single mother loses her job for this reason it is usually very difficult to find employment elsewhere. The violence they have experienced may lead to trauma and reduce self-confidence, which is often associated with a loss of perspective.

The consequences that violence has on health and physical well-being, such as unwanted pregnancy, to name just one, restrict both the time resources of women and also their mobility choices as well as their self-determination. In this way perpetrators reach their end: demonstrating power and increasing the dependence of a woman as well as their control over as many spheres of the woman's life as possible. This makes it even more difficult for survivors of violence to end the relationship with the perpetrator, and it prevents them from maintaining social contacts, which would be a vital support for women who want to leave violent partners, however. In addition, networks and social contacts are essential prerequisites for finding adequate work in the labour market of our time. In many enterprises and organisations the knowhow on domestic violence, the dynamics of violence and its consequences is insufficient. This problem could

be tackled by organising training programmes and information events on this theme, addressing senior personnel, staff representatives and personnel managers.

Women survivors of violence and their children need support in many different ways, and the health-care system plays a key role in this respect: these women need immediate, efficient medical help because they can no longer cope with the acute and long-term consequences of violence. Physicians and other health-care staff or midwives often are the first people to whom women experiencing violence will turn. Many health-care staff play a key role with regard to identifying violence, responding to this issue and also making available assistance for further steps to be taken as well as preventing further violence.

If workers in the health-care sector lack adequate knowhow on the extent and forms in which violence manifests itself in gender relationships and also on the role of violence in the development of health problems, this will entail considerable costs for both the women and children affected and for society. If the actual causes of symptoms are not identified correctly, patients will not get adequate treatment, and complaints may become chronic. If the primary cause of symptoms is not discovered, secondary diseases may develop as well. Medication or surgery based on a faulty diagnosis are costly not only for the women concerned. The psychosocial cost incurred when women do not get help at all is equally high.⁷⁵ Therefore it would be an urgent matter to integrate in the education and training of physicians and care staff the theme of violence against women and children.⁷⁶

It is obvious that women affected by violence also tend to be poor and have an elevated poverty risk: as a result of health problems caused by violence, women have to spend additional money, and their potential for living independent lives is reduced as well. Eventually, the fact that they have to spend much time and effort, for instance, for performing unpaid duties, reduces their opportunities to earn their own incomes.

1.3. THE SITUATION OF IMMIGRANTS AFFECTED BY VIOLENCE

The data of the aforementioned study conducted in Germany were analysed a second time in the context of a study on health, violence and immigration⁷⁷, which revealed that violence committed by partners, and thus greater health problems for the women affected, were especially often found among ethnic Turks.⁷⁸ The study also points to the difficult general situation of immigrant women. 'The poor health of part of immigrant women in Germany primarily seems to be related to their difficult social situation, characterised by significantly lower levels of education and training as well as income, and their reduced, and less secure, occupational as well as social integration, and often, lack of close social relationships based on confidence, which applies to a considerable part of immigrant women, especially ethnic Turks.'⁷⁹

To sum up, inadequate housing and poor nutrition, combined with dangerous, underpaid jobs, often result in (chronic) diseases, which subsequently results in poverty. According to a report by Caritas⁸⁰ the results of the German study to large extents also apply to Austria: problems of communication and integration as well as high-risk work lead to enormous stress and pressure, which brings about very specific types of symptoms. However, many immigrants do not have unrestricted access to health care. In Austria, people who have no health insurance and who are not entitled to welfare assistance are in fact excluded from health-care services. The regulations regarding eligibility for welfare assistance differ according to province⁸¹, but in every province it is particularly difficult for immigrants to obtain these benefits. In Vienna, welfare assistance is granted to immigrants only if they have lived in Austria for at least five years and have a permanent title of residence. Therefore, access to health insurance is a problem of key relevance for all women affected by violence, and in the case of immigrants, having no health insurance is in fact disastrous.



For an immigrant with insufficient knowledge of German and a low level of education, in addition to the general language barriers, it is also difficult to understand the explanations and instructions of health-care staff. Even when there is a person who translates for her (which, by the way, may even be her violent partner who accompanies her to hospital), this does not solve the entire problem. Often, immigrants are unable or unwilling to turn to the local health and social care institutions because they are afraid of being reported to immigration authorities (e.g., because they have no legal title of residence) or because their cultural background is not adequately taken into account. Frequently, the health-care staff involved is not sufficiently aware of cultural differences to be able to respond appropriately. As a consequence, health problems, and especially psychological problems, of immigrants are often not, or not correctly, diagnosed.

In addition, one must not forget either that living in a foreign country is stressful as such, especially if the change in the place of residence means losing one's social roots, and brings about a feeling of disorientation. Immigrants face complex exclusion mechanisms in many fields, which may result in resentment, resignation, ignorance, and time and again, also additional costs. 'Simple matters' may become complicated affairs that require a lot of time and effort. The stress is particularly great for refugees and asylum seekers who, apart from experience of war (and rape in the case of women), suffer from additional trauma, which they cannot overcome because of lack of treatment options. Furthermore, they also feel fear and anxiety and they experience mechanisms of social exclusion. In fact, moving to another country always means additional stress and a life in insecurity.

1.4. THE SITUATION OF WOMEN WITH DISABILITIES AFFECTED BY VIOLENCE

Women with special needs are discriminated against in two respects: as women and as persons with disabilities. Furthermore, investigating the problem of sexual violence against women with disabilities means entering a particularly difficult area, a taboo within a taboo, as it was called in the first world-wide study⁸² on this theme. For this very reason, one may safely assume that the data and figures obtained so far are but the proverbial tip of the iceberg.⁸³

Women with disabilities are affected by acts of (sexual) violence to a particular extent. They are used to depending on assistance by others and it may often be difficult for them to realise at what point their boundaries have not been respected and violence has been committed. As a result of restrictions in their ability to express themselves, combined with a feeling of shame, these women do not, or cannot, communicate instances of violence. Perpetrators may take advantage of this situation. Women survivors of violence often meet with scepticism on the part of people to whom they talk about violence suffered. Women with special needs are particularly often affected by this phenomenon.

Basically, women with disabilities may experience the same forms of violence as other women, and additional forms as well, therefore their situation has to be regarded as more vulnerable. According to a study carried out in Australia⁸⁴ experiences of violence may overlap and time components are essential as well. One half of the total of 700 women surveyed in the context of the study had experienced three to four forms of violence, and 24% indicated five forms of violence. The study also gives figures broken down by type of violence: 72% of women had suffered emotional abuse, 55% had experience of social abuse, 58% indicated physical violence and 46%, financial abuse. 43% said that they had experienced violence committed by their male partners.

Physical violence against women with disabilities, in addition to inflicting physical pain, also includes denying them medication, treatment or of care. Sexual violence⁸⁵ may take the form that sexual acts are demanded in return for care services. And social violence may mean that victims are forced into a state of dependence. The study from Australia also points out that the fact that services (care, assistance, etc.) are needed would be a good reason for expanding the meaning of the term 'domestic' so as to include care institutions and shared housing.

What also deserves mention in this context is the fact that violence may cause disability, i.e., violence and disability may be interrelated. On the one hand, experience of sexual violence that is not properly treated may lead to psychological problems. On the other hand it is very difficult in the case of patients with special needs to attribute complaints to violence suffered, because, for instance, experience of violence may aggravate certain symptoms.

The factors that increase the risk of violence include:

- intensity and duration of the situation of dependence (the risk of violence grows with dependence);
- helplessness (because of communication problems, overprotective caregivers, lack of information, etc.);
- degree of control by others (this includes the problem that women with disabilities are generally regarded as asexual);
- adjustment (as a consequence, many women with disabilities have not learned to say no; they are used to the fact that their privacy is not respected and protected, and in addition, care institutions often cover up incidents in order to avoid scandals);⁸⁶
- isolation (not only by the immediate social environment but also lack of accessibility and social prejudice);
- lack of awareness of one's own body (because women with disabilities have learned to define themselves primarily by their deficits and are often reduced to objects of study);
- sterilisation⁸⁷ (this is a particularly sensitive area as perpetrators may massively endorse the sterilisation of women with special needs).

Eventually, it is hard for women with special needs affected by violence to get appropriate support: counselling centres for people with special needs are often unable to include gender-related aspects in their counselling work, and women's counselling centres may lack skills and knowhow relevant for women with disabilities. It should also be mentioned here that women's shelters are endeavouring to admit women with special needs in order to protect them from violence, but not all women's shelters in Austria have the equipment needed or the buildings are not adequately accessible. In addition, the majority of shelters lacks the staff needed to provide appropriate care service for clients with disabilities. This also applies to women who need nursing services and for older women.

1.5. THE SITUATION OF OLDER WOMEN AFFECTED BY VIOLENCE

The group of women over 50 is heterogeneous, but these women have one thing in common: they have reached the second half of life and they are confronted with the effects of ageing. Again, as this is a social taboo, and research in this field leaves much to be desired.

According to Austria's report on women's health of 2005⁸⁸, disadvantages are accumulating among certain groups of older people, and as a rule, women face greater disadvantages than men. 'An essential aspect of advanced age and ageing is that it has a gender dimension: the negative effects and consequences of social change, especially those structural changes that are related to old age, are rather found among women and the positive ones, among men,' the report reads, and it continues, 'in sum, the situation in life of older women is determined by more massive limitations than the situation of men, and gender-related disparities that have their roots in earlier stages in life are continued in older age and mostly get increasingly pronounced in very old age. The data obtained on marital status, type of household, housing conditions, level of education, income and wealth, health and need for care show that for women, ageing brings about greater risks with regard to both financial, social and health aspects than for men.'

Older women with experience of violence are definitely disadvantaged. In addition to the general aspects of ageing they also have to bear the consequences of the violence suffered. Even when the trauma they experienced took place a long time ago, the healing process may not yet be complete. In a number of cases, the women concerned will never fully



recover. Many of them have to pay for treatment over a long time or they are indebted because of treatment obtained in the past.

The report also emphasises the importance of having control over one's own life in old age. 'For both women and men, being healthy in old age is not just a question of physical and psychological health, but it is a complex, multidimensional process that, apart from healthy patterns of behaviour and feeling well, also primarily includes independence and control over one's way of living.' Women who have experienced violence, however, are often patronised and isolated by their (former) partners, which massively restricts their independence. Starting to get control over their lives in old age only (e.g., after the separation from a violent partner), obviously is an extraordinary challenge for women whose (former) partners kept them in a state of great isolation.

In a recent study conducted by Germany's Federal Ministry of Family Affairs, Senior Citizens, Women and Youth⁸⁹ the issue of violence and old age has been investigated. One of the facts showing is that while the phenomenon of domestic violence as such is generally going down in old age, at the same time this problem shows in a new form, which is also confirmed by a study from Australia that is cited in the German study: many older women learn only in the last third of their lifetime that domestic violence is regarded as socially unacceptable. In the period in which these women spent their childhood, adolescence and the greatest part of adulthood, living under such conditions was a common phenomenon and part of the value system shared by the majority. This led to a culture of secrecy and acceptance of domestic violence, as well as the feeling that women had to blame themselves when they suffered violence – and the knowledge that a separation would have massive disadvantages. In fact, the latter aspect is true even today: all women interviewed for the survey who had separated from their partners only in old age said that this had brought about financial losses that could not be compensated any more, and some of them consequently also experienced social isolation.⁹⁰ The study also lists situations that increase the risk of marital violence: typical risk factors include poor opportunities of employment and income for women; the traditional view of marriage as a union lasting for life; the role of the man as the breadwinner who makes all relevant decisions and whose wishes women must give priority; the low status of women living separated from their partners; and insufficient support structures for older victims of violence.

The results of studies at national and international levels largely corroborate the assumption that incidents and frequency of violence in the private sphere and in partnerships significantly go down with rising age. Still, violence is also experienced in old and very old age, and affects people who often cannot defend themselves against victimisation or protect themselves against violence as efficiently as younger people. Relationships of older people that are affected by violence also include partnerships in which older women have massively and systematically been oppressed, humiliated and physically attacked over long periods, and it is very difficult to find a way out of a relationship of chronic violence and to get help.⁹¹ It is also mentioned that this area of research is still at its initial stage and that the specifics of the situation of older (women) victims of violence are not yet taken into account to the extent that would be appropriate. What is of special relevance here is to link stakeholders and institutions in the areas of ageing, care and domestic violence/violence in close relationships, in view of the fact that violence between partners may also occur in the context of care delivered at home and that this has specific dynamics, settings and possibilities for action.⁹²

In Austria, this complex theme has recently been studied in the context of the Daphne project Breaking the Taboo. In line with a general trend, the particular problems connected to care services delivered at home are also taken into account. The data of ÖGGP's second report on poverty and wealth in Austria are also of interest here⁹³: in 2006, a total of 334 162 people received federal benefits for paying nursing care, and around two thirds of them were women. Nursing care benefits are granted in order to make available the financial means that are needed to pay for care staff, social service provision and nursing institutions. However, the ÖGGP report unmistakably shows that these public benefits usually

are not enough to cover the actual expenses that have to be paid for assistance and care, therefore the majority of care duties is taken over by relatives, primarily women, and not by professional social care providers or institutions specialising in old-age services.⁹⁴ This increases the poverty risk and may lead to resentment towards those in need of care, cruelty and sometimes open violence. This has also been confirmed in the documentation of the Breaking the Taboo conference. A particular problem in this context is that often interviews with, and general access to, people needing nursing care are possible under certain restrictions only, and in many cases the consent of the caregivers would be needed.⁹⁵ One point is obvious here: it is very helpful when the person in need of care and the giver of care have had a friendly relationship already in the past, i.e., before the stressful period of delivery of care services. If such services are performed merely for financial reasons, this involves a very high risk of violence.⁹⁶

Although research generally tends to neglect the theme of older people experiencing violence, this particularly applies to sexual violence against older women. This gap has, in part, been closed by a study conducted in Germany.⁹⁷ Hardly surprising, it shows that women aged 60 or older are less often registered as victims of violence in police reports than younger women. This difference is particularly pronounced with regard to severe acts of sexual violence. In addition, this problem is less often addressed by women contacting support agencies. However, one should not rush into conclusions because of these facts: the interviews that were held in the context of this study show that sexual violence in close relationships is often committed in combination with physical violence and that only a part of older women, although they want the violence to stop⁹⁸, take steps towards a separation from their partners, and an even smaller share thinks about reporting a violent partner to the police. Obviously, it is especially difficult for older women to speak about sexual violence they have suffered, and for several reasons: on the one hand, older women often are ashamed to raise this subject themselves and they fear that nobody will believe them. Another reason is that with rising age it gets harder for women to go out and seek help (e.g., because of a poor state of health, isolation and lack of an effective social networks). What also plays a relevant role is the common view in this generation there are 'marital duties' that have to be fulfilled and that this may justify sexual violence. Fear of the consequences of separation is another important point. This includes fear of loneliness, financial loss, negative reactions by friends and relatives, loss of one's familiar neighbourhood or uncontrolled violence by the partner. Often, people are just not aware of the fact that, on principle, any woman (at any age) may become a victim of sexual violence, and this further increases the number of unknown cases in this area.

1.6. RECOMMENDATIONS

Poverty is a manifestation of structural violence. It has to be a priority in society to provide the best possible support so that women and children affected by violence, for whom the risk of poverty is particularly great, are able to leave violent relationships. It is in the interest of a modern society and a gender-sensitive health policy to:

- have access to recent studies (prevalence studies on the extent of violence against women, studies on acute and long-term health effects for women and children, the cost incurred for society);
- raise awareness and communicate knowhow to health-care staff and to expand their practical competence. Adequately trained staff are in a better position to identify forms and patterns of violence and its severe acute and long-term consequences, and to positively influence the provision of assistance as well as the prevention of further violence;
- wide-ranging distribution and circulation of the handbook "Health Consequences for Women Affected by Violence. A Handbook for Hospitals and Medical Practices", published by the Federal Ministry for Economics, Families and Youth 2010.
- the implementation of a unified training and further education concept (created by experts in the field of violence and victim protection) for all the involved professions (medical personnel, care workers, social workers, educators, journalists, lawyers, police) in all Austrian Federal States, and long-term financial security for all current national and



local state initiatives. The handbook published by the Federal Ministry for Economics, Families and Youth 2010 “Health Consequences for Women Affected by Violence. A Handbook for Hospitals and Medical Practices” should serve as a basis for the basic training as well as for training and further education in the healthcare sector;

- the topic of “Violence against Women” should be firmly anchored and implemented in the training and further education fields of the whole healthcare, support and care sectors (at national and state levels) and among the above-mentioned professions. All courses and further education opportunities should take into account the special situation and needs of women with disabilities, female migrants and asylum seekers and older women;
- the formulation, communication and implementation of adequate intervention measures with the participation of experts from women’s refuges, advice centres and violence and victim protection facilities in daily practice. For example, this could be for personnel in medical centres dealing with crisis situations, how to talk with those affected, drawing up emergency plans or discussing legal options;
- take adequate intervention measures in everyday work (e.g., responses to situations of crisis, communication skills, emergency plans, legal options): document and preserve traces for use in court proceedings; use and improve cooperation structures with internal (e.g., child protection agencies) and external institutions (e.g., women’s shelters, police authorities, intervention centres and counselling centres for women) as well as established doctors; reflect on one’s own position regarding women affected by violence; implement public relations work taking into account one’s own role as a key actor;
- the establishment of victim protection groups in all Austrian hospitals.
- the comprehensive expansion and long-term financial security of advice centres for victims of sexual violence in Austria.
- the integration of the initiatives in the healthcare sector in an (inter)national “Action Plan against Violence against Women”.
- courses and information events (carried out by experts in the field of violence and victim protection) in companies and workplaces (works councillors, managers and personnel management) concerning the topic of violence against women as well as the potential poverty risks and avoidance of poverty for those affected. (Comparable with the Federal Ministry of Labour, Social Affairs and Consumer Protection financed AÖF-Organisation of Austrian Women’s Refuges- project:”Risk of Poverty-Violence against Women. Further Education for the Workplace and Enterprises”).
- psychotherapy available on the national health insurance scheme.
- short-and long-term accommodation possibilities for women who are mentally ill/ in need of psychiatric treatment and their children. A separation of women from their children can lead to a further traumatising of the mother and the child.
- introduce gender-sensitive approaches in all fields of medicine;

Recommendations targeting children

- improved protection for children and adolescents who are affected by violence and a special legal framework and support opportunities available in all relevant facilities.
- the increase and safeguarding of all social benefits in order to reduce the poverty risks for children (e.g. pre-payment of child support).
- special training for employees in all relevant institutions (e.g. Department for Youth and Family, schools, pedagogical personnel, medical personnel etc.) to effectively prevent serious violence and the long-term health consequences associated with it.
- special offers of support for children and adolescents who have been affected by violence in the family (Violence prevention workshops in schools and at youth clubs, trained social workers and school psychologists).
- particular sensitivity on the part of school doctors in connection with the whole complex topic of violence in the family.
- anchoring the topics of violence in the family and in relationships in the curriculums of schools and kindergartens.

Recommendations targeting immigrants and asylum seekers

- free medical care for ALL female migrants living in Austria without health insurance.
- a separate residency status for female migrants- independent of their husband's status- and not just after five years permanent residency.
- an extension of the ability for women to communicate using their mother-tongue in the healthcare sector (especially among gynaecologists) while encouraging women doctor's to take on the role as trusted interlocutors.
- a sufficient amount of medically and social-pedagogically trained translators (for the most needed languages) in all public hospitals, because when using relatives, acquaintances and husband's as translators the topic of violence is/can often not be mentioned.
- a sensitization of the personnel employed in the healthcare, support and care sector to cultural sensibilities and differences (cultural mediation).
- a comprehensive distribution of information material throughout the healthcare sector relating to violence against women, laws protecting against violence and support centres for victims in all the main languages spoken by female migrants in Austria (Turkish, Bosnian-Serbian-Croatian, English, ...).
- a free or affordable psycho-therapy treatment (if possible in the mother-tongue).
- special care facilities and assistance for women and girls at risk of being forced into marriage.

Recommendations targeting women with special needs

- a barrier-free access to all victim protection facilities, intervention locations/violence protection centres, women's refuges and advice centres etc. (taking into consideration all aspects-spatial, social-at eye-level-and communicative through a simplified use of language).
- the extension of personnel resources with regard to the special needs of women with disabilities in the above-mentioned facilities.
- a specially trained personnel in healthcare facilities, disabled-friendly infrastructure and improved access possibilities.
- a specially tailor-made educational programme regarding the needs of disabled women and girls (sensitization for personal limitations and needs) and violence prevention in all schools and facilities for disabled people.
- self-defence courses designed to meet the needs of women with disabilities.
- PAB (Personal Assistance Budget) and PLB (Personal Direct Payments Budget)

Recommendations targeting older women

- provide open support and assistance services not oriented towards special themes;
- establish outreach approaches in counselling services (for women whose mobility is restricted);
- improved access to information for older women affected by violence (distribution of information materials regarding legal assistance available as well as important addresses in all care facilities, care centres, old-age people's homes, by post etc.)
- increased cooperation and networking of institutions concerned in the field of "domestic violence" with institutions concerned with senior citizens.
- an offer of supervision assistance and professional support for carers (family or hired personnel) of elderly people or in connection with cases of violence against the elderly.
- institutional support for home helpers when suspicion arises concerning violence against women or generally concerning violence in the family.
- measurement of the care allowance in such a way to ensure that people in need of care are independent of assistance from within the family.



MRS SABINE M.: HER ACUTE AND LONG-TERM HEALTH PROBLEMS AS A RESULT OF MASSIVE VIOLENT ATTACKS

Sabine M. is forty-one years old, a trained retail worker and has four children. Her daughter is eight years old; the oldest son is already an adult and her two other sons are ten and five years old. Both her first husband Heinz, the father of her grown-up son, and her second husband Ivo used violence against her. Due to the severity of the attacks against her by her second husband, she ultimately fled to the security of a women's shelter. By this point the situation had become unbearable, and because of the abuse Mrs M. was repeatedly treated in hospital. Her husband repeatedly threatened to kill her if she made a formal complaint to the authorities. In fact, out of fear of the consequences, she even protected him from the police who were seeking him in connection with a crime committed in Macedonia.

The health situation of Mrs M. can only be described as critical as a result of a tumour on the kidney and the abuse that she has suffered. A slipped disc has also meant that she has required several operations to her spinal column. In addition, she has required medical attention for a pulmonary infarction and several thromboses.

Employment History

Mrs Sabine M. was employed for 17 years in the retail trade. She spent thirteen of those years as a saleswoman in a building supplies and tools store. Her salary was 1400 Euros net per month. After the birth of her daughter (2001) her husband forced her to quit her job because of jealousy. Following the birth of her third son, she retrained with the support of the Austrian Employment Service and gained a licence to operate a cafe. Shortly before the opening of the cafe she was diagnosed with a slipped disc and her plan to open a cafe was cancelled. The health insurance company advised her to apply for a disability pension and she receives a pension pre-payment of 800 Euros per month.

Financial Situation

When Sabine M. entered the women's shelter she had debts with her landlord, the electricity company and the district heating company. Additionally, she had a loan to repay. Her husband wasn't working and had no other income which meant that Mrs M. was forced to pay all living costs. At the moment she receives 800 Euros as a pension pre-payment and 542 Euros a month family allowance for her three underage children. As her husband has been incarcerated in the meantime and deported to Macedonia, she receives no child support for her children and she has no opportunity to press charges to force payment. She therefore receives no child support pre-payment from the state.

Mrs M.'s debts were cleared with the assistance of the Social Services Department after an intervention on her behalf by the women's shelter. Mrs M. now receives housing benefit which enabled her to change her accommodation when her rent arrears were cleared. The costs of issuing the contract, the deposit for the flat and a wardrobe and a bunk bed were also met by social services.

Family Law Situation

Mrs Sabine M. has since applied for a divorce from her husband which was issued to him when he was still in Austria in prison. Until now there has been one court date which he has not kept. Mrs M. successfully applied for legal aid to cover her legal fees. She has also applied for sole-custody of the children which she was granted (with an interim obligation and enforceability) by the Department for Youth and Families because of the circumstances whereby the children were repeatedly abused by their father and witnesses to acts of violence against their mother.

Children

The children suffered from nightmares, psychosomatic illnesses and exhibited aggressive behaviour or, respectively, were introverted when they entered the women's shelter. All three children have received therapeutic counselling to help them overcome their experiences. The youngest son is now in kindergarten for which Mrs M. must only pay the breakfast.

Ivo continually threatens Mrs M. by telephone to this day. However, she is now certain that she can call the police if he ever comes near her again.

Endnotes

- ⁷⁰ ÖGPP (2008): 2. Armuts- und Reichtumsbericht. Vienna, p. 119:
http://www.politikberatung.or.at/typo3/fileadmin/02_Studien/5_armut/armutundreichtum2008.pdf (16 Oct. 2009; text in German)
- ⁷¹ Gesundheit Berlin: Dokumentation 14. bundesweiter Kongress Armut und Gesundheit, Berlin 2008:
http://www.gesundheitberlin.de/download/M%FCnster_Eva.pdf (text in German)
- ⁷² See WHO: Addressing violence against women and achieving the Millennium Development Goals 2005:
<http://www.who.int/gender/documents/MDGs&VAWSept05.pdf>
- ⁷³ Bundesministerium für Familie, Senioren, Frauen und Jugend (eds.): Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland. Eine repräsentative Untersuchung zu Gewalt gegen Frauen in Deutschland, Berlin 2004:
<http://www.bmfsfj.de/Kategorien/Publikationen/Publikationen,did=20530.html> (text in German)
- ⁷⁴ See Häusliche Gewalt erkennen und richtig reagieren. Handbuch für Medizin, Pflege und Beratung, Zurich 2007
- ⁷⁵ Bundesministerium für Familie, Senioren, Frauen und Jugend (ed.): Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland. Eine repräsentative Untersuchung zu Gewalt gegen Frauen in Deutschland, Berlin 2004:
<http://www.bmfsfj.de/Kategorien/Publikationen/Publikationen,did=20530.html> (text in German)
- ⁷⁶ In the context of a two-year project (2006/7), women's support agencies of the Platform against Violence in the Family (an initiative of the Austrian Ministry for Women) studied the issue of violence against women and the consequences on women's health, and pointed out the lack of related knowledge in the health-care sector; see final project report: Gewalt an Frauen und die Auswirkungen auf die Gesundheit. Unterstützungsangebote im medizinisch-gesundheitlichen Bereich: http://www.plattformgegengewalt.at/upload/1801_querschnittsbericht.pdf (text in German)
- In 2008, as a response, the ÖBIG Health Institute, on behalf of the Austrian Federal Ministry of Health, Family and Youth (today's Federal Ministry for Economic Affairs, Family and Youth), prepared a manual for physicians and nurses, to which around 60 representatives of the medical sector and victims' protection agencies as well as women's shelters had contributed. This manual is an instrument to aid the work of physicians and nurses in hospitals and also includes form sheets for a uniform documentation of injuries caused by physical and sexual violence. The manual is about to be published, hopefully in cooperation with the Ministry of Health. In 2008 a poster was prepared as well, also by the women's department of the Platform against Violence in the Family, to provide information to health-care staff and help patients in hospitals and doctor's offices.
For downloading the poster go to: www.plattformgegengewalt.at (in German).
- ⁷⁷ Bundesministerium für Familie, Senioren, Frauen und Jugend (ed.): Gesundheit – Gewalt – Migration. Eine vergleichende Sekundäranalyse zur gesundheitlichen und Gewaltsituation von Frauen mit und ohne Migrationshintergrund in Deutschland. Kurzfassung, 2007:
<http://www.bundespruefstelle.de/bmfsfj/generator/BMFSFJ/Service/Publikationen/publikationsliste,did=108722.html> (summarised version, text in German)
- ⁷⁸ Regarding domestic violence as a 'cultural phenomenon' is a questionable position and leads to inadequate responses with regard to the protection of victims, as neither the survivors of violence nor the violence are dealt with appropriately. As a result, violence may be overlooked, or heightened visibility is brought to this issue. Neither approach is helpful for victims. See Thiara R. K.: Building Good Practice in Responses to Black and Minority Ethnic Women Affected by Domestic Violence. In: Federal Chancellery – Federal Minister for Women, Media and Regional Policy (ed.): Ten Years of Austrian Anti-violence Legislation; Vienna 2008, pp.130–140
- ⁷⁹ Bundesministerium für Familie, Senioren, Frauen und Jugend (ed.): Gesundheit – Gewalt – Migration. Eine vergleichende Sekundäranalyse zur gesundheitlichen und Gewaltsituation von Frauen mit und ohne Migrationshintergrund in Deutschland, pp. 19f.
- ⁸⁰ Caritas (2006): Migration, Endstation Armut? Eine Caritas Europa-Studie über Armut und Ausgrenzung von Migranten in Europa. 3. Bericht über Armut in Europa, Brussels
- ⁸¹ The adoption planned for 2010 of the Act on Minimum Financial Security is aimed at improving this situation and will in particular bring about a nation-wide unification of welfare assistance regulations.
- ⁸² Zemp/Pircher (1996): Weil das alles weh tut mit Gewalt. Sexuelle Ausbeutung von Mädchen und Frauen mit Behinderung, Vienna
- ⁸³ See Persephone npo (2008): Violence against women with a disability, Belgium
- ⁸⁴ Cockram J. (2003): Silent Voices: Women with Disabilities and Family and Domestic Violence. Edith Cowan University, Joondalup:
<http://www.wvda.org.au/silent1.htm>
- ⁸⁵ For an excellent definition of the term of social abuse of people with disabilities see Zemp/Pircher (1996) (p. 8)
- ⁸⁶ Bundesministerium für Familie, Senioren, Frauen und Jugend (2007): Einmischen Mitmischen. Informationsbroschüre für behinderte Frauen und Mädchen
- ⁸⁷ For details on the complex problem of sterilisation and abortion see Persephone npo (2008): Violence against women with a disability, Belgium. pp. 16f.
- ⁸⁸ Ludwig Boltzmann Institut für Frauengesundheitsforschung (2005): Österreichischer Frauengesundheitsbericht 2005, pp. 197f:
http://www.bmgfj.gv.at/cms/site/attachments/2/7/3/CH0774/CMS1114154451979/oesterreichischer_frauengesundheitsbericht_2005_langfassung.pdf (20 Oct. 2009, text in German)
- ⁸⁹ Bundesministerium für Familie, Senioren, Frauen und Jugend (2009): „Sicherer Hafen“ oder „gefährvolle Zone“? Kriminalitäts- und Gewalterfahrungen im Leben alter Menschen. Ergebnisse einer multimethodalen Studie zur Gefährdung älterer und pflegebedürftiger Menschen:
http://bmfsfj.de/bmfsfj/generator/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/Kriminalit_C3_A4ts-Gewalterfahrungen-Leben-alter-Menschen-langfassung,property=pdf,bereich=bmfsfj,sprache=de,rwb=true.pdf (text in German)
- ⁹⁰ Ibidem, pp. 44ff.
- ⁹¹ Görgen/Herbst/Kotlenga/Nägele/Rabold (2009): Kriminalitäts- und Gewalterfahrungen im Leben älterer Menschen. Zusammenfassung wesentlicher Ergebnisse einer Studie zu Gefährdung älterer und pflegebedürftiger Menschen, hg. vom Bundesministerium für Familie, Senioren, Frauen und Jugend, Berlin, p. 35:
http://www.bmfsfj.de/bmfsfj/generator/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/Kriminalit_C3_A4ts-und-Gewalterfahrungen-_C3_84Iterer,property=pdf,bereich=bmfsfj,sprache=de,rwb=true.pdf (text in German)
- ⁹² Ibidem
- ⁹³ GPP (2008): 2. Armuts- und Reichtumsbericht. Vienna, p. 64
- ⁹⁴ Ibidem, p. 48
- ⁹⁵ See Barbara Nägele in: Forschungsinstitut des Roten Kreuzes (ed.), 2009: Breaking the Taboo. Gewalt gegen ältere Frauen in der Familie: Erkennen und Handeln. Konferenzdokumentation. Vienna: self-published
- ⁹⁶ Ibidem, p. 6
- ⁹⁷ Görgen/Herbst/Nägele/Newig/Kemmelmeier/Kotlenga/Mild/Pigors/Rabold (2005): „Ich habe gehofft, das wird besser mit den Jahren“: Sexuelle Gewalterfahrungen älterer Frauen. Hannover: Kriminologisches Forschungsinstitut Niedersachsen
- ⁹⁸ This actually applies to the majority of women concerned: most of all, they want the violence to stop, for their own and their children's sake.



2. EDUCATION AND TRAINING

2.1. EDUCATION/TRAINING AND POVERTY

Any thorough study of the theme of poverty will inevitably lead to the theme of education and training. Although a high level of education is no guarantee for a life in wealth, a person's education, combined with other factors such as work, health and social environment, may strongly influence their risk of poverty: lack of education and training means smaller chances of getting a job and earning a regular income. The level of education and training, apart from income levels, also determines one's job opportunities and the corresponding chances of advancement and upward mobility. Higher education means better prospects for qualified, adequately paid jobs. This has been confirmed by a study conducted by the Austrian Institute of Economic Research (WIFO). 'Regarding the essential role that education and (further) training play for economic success, social cohesion and personal aspects, education should be firmly established as a key concept in people's life cycles, starting with pre-school education, followed by primary education and education and training in subsequent (working) life stages. In the economic situation of today, which is characterised by insecurity, achieving and maintaining adequate qualification levels of workers are as important as investments in pre-school and school education that reduce social selection and ensure vertical and horizontal mobility in the educational system.'⁹⁹

A large number of people continue to face social barriers that exclude them from obtaining a level of education in line with their skills and abilities. The reason for this is that in Austria's system of education it is in fact hardly possible for children from social classes in risk of poverty to have access to higher education. A study drawn up at the University of Vienna shows that poverty situations are inherited, because the spiral of poverty is continued: 'low education levels of parents will increase the risk of poverty, which in turn means lower education levels for their children, who in future will also face an elevated poverty risk, as will the children of these children.'¹⁰⁰

Having a higher level of education improves one's self-esteem, it changes the way in which people perceive themselves (also with regard to gender aspects) and opens new career options and opportunities. In 1993, Austria's adoption of the Federal Act on Equal Treatment at Federal Level underlined the principle of women's access to equal education, equality of girls and boys and need for special promotion of women. In 2004 the Third Gender Mainstreaming Decision of the Council of Ministers established the prerequisites for a targeted implementation of gender mainstreaming at federal level, which includes an intensification of practical gender mainstreaming strategies. Although the education levels of Austria's female population have risen in the past 50 years, in practice, women's participation in education is limited to a very small range of schools attended and study courses chosen.¹⁰¹ This reflects the influence of traditional (patriarchal) views of the roles of and jobs for women in our society. It prevents women from realising their personal capabilities and practical opportunities of using them, and definitely reduces the equality of opportunities for women and men. Women are manoeuvred into typical women's jobs, where pay is low, chances of advancement are poor and working conditions are unfavourable. In addition, there still are groups of women, e.g., immigrants, women with special needs or older women, for whom access to school education and occupational training is massively restricted.

2.2. INTERACTIONS BETWEEN EDUCATION AND TRAINING, POVERTY AND VIOLENCE AGAINST WOMEN

Violence against women is a manifestation, in the severest form, of the social inequality of men and women. Denying girls and women access to knowledge, and restricting their qualification opportunities, are common practices that have weakened the position of women in our society over many centuries. This has led to a situation of dependence that continues to work in a discriminatory manner against many women, and often women with a background of immigration: 39% of women living in Austria's women's shelters have completed compulsory school only, and around 8% have not attended school at all¹⁰². For instance, in Salzburg's women's shelter, one out of five women turning to the shelter have



completed lower secondary school. However, almost 25% of women living in the shelter have not completed vocational training. This especially applies to women with a background of immigration.¹⁰³

Social violence ranges from control of contacts to others to forbidding women to obtain education and training. In many cases, women are allowed access to education but the type of education or training is chosen by others. Often, the schools or courses attended and the knowhow taught there are strictly controlled as well. It has repeatedly been noticed that women are accompanied to class by their partners. This prevents individual, free learning. Independence of thought and reflection enhances people's self-confidence and is one of the key prerequisites for many types of work, in particular in managerial positions, where responsibility and decision-making are required. Many women, because of the violence suffered and the consequent belittling by their partners, have very little self-confidence and do not think they are capable of acquiring (further) qualification.

Social control makes it difficult for women to use education and training opportunities and to build their own networks. Social contacts to other participants in study courses help grasp and reflect upon what has been taught, develop team skills and encourage an informal exchange of opinion at several levels, e.g., regarding job options. Because of the social control they are facing, women affected by violence often do not find employment or have to work in low-wage jobs. This in turn massively increases their risk of poverty.

Freedom of expression and of personal development are basic prerequisites for living a life free of poverty. Many women affected by violence, as well as their children, are simply denied this right. They have very little time and small financial means, and they suffer from the health-related and social effects of violence, which in turn excludes them from access to education and training. This social exclusion as such is a manifestation of poverty. In addition, the capabilities and opportunities of these women have massively been reduced, they are thus disadvantaged in the labour market and face a very high risk of poverty. Low levels of education and occupational qualification also reduce their personal perspectives and increase dependence on the perpetrator, which makes it harder to get out of a violent relationship.

2.3. THE SITUATION OF IMMIGRANTS AFFECTED BY VIOLENCE

The qualification levels of immigrants of foreign nationality are significantly lower than among Austrians: more than half of them have only completed compulsory school, and among third-country nationals this share is as high as two out of three. Within the group of immigrants, great differences show, however: 77% of male Turks and 89% of women of Turkish nationality have attended only compulsory school, which considerably affects their earning opportunities. The group of immigrants with the highest qualification is Germans: one out of four men and one out of seven women have university degrees. Immigrants from the other countries of origin are found between these two groups, with immigrants from former Yugoslavia ranking more closely to the group of ethnic Turks.¹⁰⁴

Dequalification and no recognition of acquired professional skills

An interesting fact in this context is that Austria, as of January 2003, has restricted new immigration of third-country nationals, to highly qualified persons, on a basis of quotas. Still, also immigrants with high levels of education have great problems finding adequate jobs. A typical reason is difficulties regarding the formal recognition of their graduation levels, which prevents them from working in Austria's labour market in the profession for which they are qualified, or at least delays this step. Many university graduates have to seek employment in sectors outside their original field of qualification, and eventually work as cleaners, supermarket shelf stackers or shop assistants. This, however, means dequalification, and the longer women have to do unskilled work to earn a living the more difficult it gets to find employment in the job formerly held or for which they have acquired qualification, with negative long-term consequences:

*'All people of foreign nationality are disadvantaged in the labour market: university graduates, people having completed upper secondary school or a traineeship alike. This applies to both recent immigrants and people who have lived in Austria since infancy and have attended school here, according to a study based on census data drawn up by sociologist August Gächter. In sum, 38% of foreign nationals in Austria with high qualification levels work below their potentials, and regarding third-country nationals, e.g., workers from Turkey or former Yugoslavia, almost one out of two (47%). [...] After dequalification has taken place, full job advancement is out of the question. A dequalification in one's first employment will not be overcome in later working life. Consequently much of the available labour market potential is not used in Austria, Gächter states. Austria would have qualified immigrants but does not take notice of them in the majority of cases. [...] The level of education and training of non-Austrian nationals is not recorded [by the Public Employment Service; note by the authors], and nobody actually cares, Gächter says. The unemployment statistics only show that a person has worked as a cleaner but not that the cleaner in question actually is a university graduate.'*¹⁰⁵

Unfortunately, the range of available qualification courses specifically targeting women with a background of immigration is not very wide, and most of all, the criteria for eligibility are difficult to meet. However, qualification courses should explicitly be oriented towards the needs of the target group. Insufficient knowledge of German need not be an obstacle to eventual qualification, as participation in a qualification course as such will consolidate German language skills. The further training programmes in the field of health care are a case in point: here, the criteria for admission are focused on social and personal skills. Command of German is no key prerequisite. Access to further training in other areas, e.g. technology or administration, is often prevented by a lack of language skills or financial resources.

Work in unstable low-wage jobs

For immigrant women experiencing violence, it is particularly hard to raise their levels of education and acquire job skills. In addition to the difficult conditions that immigrant women are facing in general, as a consequence of structural violence, these women are struggling with extreme stress resulting from physical, psychological, sexual, economic and social violence. Many women with a background of immigration are not allowed to train for a profession or they have to marry before their training is completed and have to quit. Women often are not allowed to take part in German language or computer courses. They are prevented from learning German and getting familiar with new information and communication technologies in order to keep them dependent on their husbands and away from contacts outside the family. Many women also cannot afford the costs of German language courses because their husbands refuse to pay for them. Therefore, even immigrant women who have acquired excellent training in their home countries frequently cannot find adequate work in Austria and have to work in low-wage jobs, if they have jobs at all. What this actually means is also illustrated in the aforementioned report by Caritas: according to data of the year 2000, immigrants, on average, earn 17% less than nationals. However, low wages are not the only factor that indicates poor working conditions, as the number of accidents at work underlines: the share of immigrants in the total number of people sustaining accidents at work is 17.9%, but their share in the entire working population is only 10.5%. The Caritas report concludes that there has to be a causal connection between illicit work and the legal framework: illicit work is found especially in those countries where immigrants' access to the labour market is subject to many restrictions.¹⁰⁶

Traineeship is prohibited

Austria is among those EU member states where all children, independent of their nationality, are granted basic education, which means that school enrolment is open to immigrant children also if they have no legal title of residence. However, as soon as they reach the age of 15, which marks the end of compulsory school attendance, they are excluded from government-administered schools. In addition a number of inhabitants of Austria (i.e., people who are no EU or EEA nationals) are not allowed to start traineeship because this is regarded as gainful employment under the Act on Employment of Aliens.



Insufficient educational integration of immigrant children

Research has also shown that the share of school drop-outs is above average among immigrants. According to Caritas, four out of five immigrant children leave school at the mid secondary stage – if they succeed in getting thus far, because in Austria, as well as in many other EU countries, children are overrepresented in ‘special’ schools for children with special educational needs. Also in Austria’s special schools, the share of immigrant children is higher than the share of Austrian nationals. Caritas gives the following figures for the school year 2001/2: the percentage of students of non-Austrian nationality in the total of Austrian school types was 9.2%, but in special schools, it was an alarming 20.6%.¹⁰⁷ And according to the WIFO study mentioned above, in the school year 2007/8 the share of immigrant children was as high as 27.2%. The educational deficits among immigrants are attributed to several factors:

Not only are poor educational structures registered among people of the first wave of immigration (first generation): insufficient educational integration is also found among immigrant children who were born in Austria, and young immigrants who have settled in Austria in the context of family reunification. This already starts at pre-school age and is continued in comparatively large shares of students in special schools (27.2% in the school year 2007/8), followed by high unemployment rates among young people, and in particular it shows at the point of transition from school to traineeship. This trend is further intensified by other factors: for instance, families often want young people to start working life as soon as possible, often in unqualified jobs, in order to secure the family income. In addition, precarious housing conditions frequently make it difficult for young people to study. Eventually the lack of information structures through which the range of available education and training options in Austria can be communicated is another barrier to educational integration.¹⁰⁸

2.4. THE SITUATION OF WOMEN WITH DISABILITIES AFFECTED BY VIOLENCE

A study conducted in 2007 on women with special needs and disabilities in Salzburg’s labour market¹⁰⁹ shows that disabilities or special needs, combined with female gender, may increase the risk of poverty. Recent data of the EU-SILC survey¹¹⁰ also confirm that one out of four people with a risk of poverty in Austria live in households where at least one person has significant physical disabilities.

Women with disabilities are typically expected to remain in poorly paid jobs (e.g. as unskilled workers in production or in the social sector); they face dequalification, have no opportunities to realise career options based on university studies (due to lack of accessibility of Austrian universities), or depend on very small sums earned through social welfare or low retirement pensions. In sum, this means that many women live in poverty, or near the poverty line, and often depend on partners, parents or institutions for people with special needs.

For children with special needs there is no free choice of schools, because their options are very limited or even non-existent. In many cases, they would have to travel to another town to reach the school in question, which requires high levels of mobility. Frequently, the change from compulsory school to vocational training is very difficult and stressful, and very many children with special needs are denied the right to vocational training, or they are not asked at all which type of training they would like to obtain, and what their interests and capabilities actually are. As they cannot perform a few types of work due to their disabilities, or need longer time to carry out certain tasks, it is very hard for women with disabilities and special needs to be accepted as trainees.¹¹¹ As a consequence they are financially dependent on their parents or partners for many years. The situation is particularly difficult for women with mental disabilities and chronic diseases.

Dropping out of school and unstable, short-term forms of employment as a consequence of sexual violence

Violence plays an essential role in the lives of women with disabilities and special needs. Sexual violence experienced during childhood and as young adults is a frequent cause of psychological disorders of the girls and women affected. Their biographies are often characterised by dropping out of school or traineeship as well as unstable or short-term jobs. Because many of these women do not have a chance of earning an income that is sufficient for subsistence, they tend to stay in violent relationships for a very long time. In addition, the need for care or assistance by their partners prevents many women from leaving the perpetrator.¹¹²

2.5. THE SITUATION OF OLDER WOMEN AFFECTED BY VIOLENCE

Compared to younger women and men of the same age, older women are disadvantaged in many fields. According to the European Conference on Equal Opportunities for Older Women in Politics and Society held in Brussels in February 2001, these disadvantages are primarily found with regard to education and increased risk of poverty because of lower incomes during working life.¹¹³ Unfortunately, no detailed studies on this subject are available.

Because of insufficient opportunities for further training and the trend to exclude older workers from employment the conclusion may be drawn that (at present) retraining programmes for older people are not sensible from the perspective of labour policies.

As far as older women affected by violence are concerned, this is all the more regrettable because their (re-)integration in the labour market would only be possible if adequate training were available – provided that the women's state of health actually permits such a step. As a result, the perspectives for older women are very limited: many of them have not been employed over long periods, therefore they cannot simply retire as their insurance period is too short, and the chances to earn a higher income are not good even if they receive further training and re-enter the labour market. This makes it all the more difficult to leave a violent partner.

2.6. RECOMMENDATIONS

In view of the problems and disadvantages that women affected by violence and their children are facing, the following recommendations have been derived:

- cost-free education for all children living in Austria, in order to ensure equal educational opportunities;
- unlimited access to university for all students;
- cost-free kindergartens in order to ensure equal educational opportunities for all children, in particular children of immigrant families;
- expansion of personnel resources in kindergartens in order to improve the potential early development of children, above all in their social competence and linguistic development and to counter disadvantages they may face;
- smaller class sizes or class-splitting in the key subjects; more teaching staff to assist the development of children in school, which would give children from all social classes access to a better education;
- the comprehensive school model should be introduced throughout Austria to counter the risks of neglect that can particularly affect children of single parents and immigrants. In addition, the comprehensive school system reduces the multiple burdens faced by women and older children (mostly girls).
- development of measures to aid the development and integration of children from an immigrant background based on the approach of building-upon available skills and potential;



- implementation of the topic Violence in the Family/Violence Against Women in the curriculum at kindergartens and schools. Development of lesson materials relating to the topic of violence in the family with the aid of female experts from the field of violence and victim protection;
- gender sensitive teaching focal point for boys and girls in order to break down traditional role models which will assist women in entering different professions and thus enable them to put aside conservative relationship and family values (father as bread winner, etc.);
- permanent monitoring of the key qualifications required by new career branches and the further development of educational options from a gender sensitive viewpoint;
- increased consideration for “female exceptionalism”-i.e. the demand for “typical female competencies” (without wishing to generalize), in order to improve the chances of gaining employment;
- introduction of all-day schooling, this would make it easier for women (and parents in general, but especially single mothers) to reconcile childcare duties and employment;
- more support of children within schools so that children from all social classes may obtain higher education. All-day schooling should become the standard form of education in all schools of Austria;
- schools, not only parents, should be in charge of supporting and assisting children. Expensive private lessons for students are unaffordable for women, especially single mothers;
- expansion of women and gender studies at all Austrian universities. Increased research activities into the topic of violence against women on a comparable pan-European level and taking into account the extra suffering encountered by such groups as women with disabilities, single mothers, immigrants and women from immigrant backgrounds;
- an increase in cooperation between women’s organisations and universities;
- anchoring the topic of violence against women in the training programmes of specialist personnel in the fields of social welfare, health, law, security and education, as well as in the media. The removal of taboos regarding the subject of violence against women and children is a key element in prevention and it is well known that prevention is cheaper than treatment;
- training and information events in companies and workplaces (works councillors, managers and personnel managers) carried out by female experts from women’s shelters, women’s advice centres, victim and violence protection centres on the topic of violence against women and the potential poverty risks and ways to avoid them for those affected. (Comparable with the AÖF project mentioned in the chapter on health);

Recommendations Targeting Women and Girls from Immigrant Backgrounds

- women specific, needs-oriented qualification measures for female immigrants and women with an immigrant background. Language abilities need not automatically exclude someone from participation in these qualification measures. Successful models for this already exist in the care sector;
- easier and affordable access to (further) training programmes for all women;
- cost-free German language courses for immigrant women;
- easing of recognition of foreign school leaving certificates, traineeship certificates and university degrees;
- sustainable qualification programmes for women with disabilities and for older women.

Recommendations Targeting Women and Girls With Special Needs

- special training-tailored towards the needs of the women and girls-(sensitivity training regarding limitations and needs) and violence prevention in all schools and facilities for people with disabilities;
- self-protection courses for disabled women;
- better and more frequent integration of children and adolescents with special development requirements or special needs in the regular school system in order to counter social isolation and to develop an adequate interaction with people with special needs;

- a choice of specific measures/ programme planning: to increase the career chances of women with disabilities measures should already be implemented in advance, above all at school and with parents and family members;
- more varied training and further education options for women with disabilities;
- a speedy implementation of the Disabled Equality Act in all public or publically sponsored educational institutions
- barrier-free access to higher education. In order to guarantee the access to higher education for women with disabilities, buildings should be wheelchair-friendly and useable for blind people, as well as the institutions having to provide sign language interpreters and providing course materials in Braille

Recommendations Targeting Older Women

- special and needs oriented qualification measures for older women

Endnotes

- ⁹⁹ Bock-Schappelwein/Falk (2009): Die Bedeutung von Bildung im Spannungsfeld zwischen Staat, Markt und Gesellschaft. Studie im Auftrag des Bundesministeriums für Unterricht, Kunst und Kultur
- ¹⁰⁰ Holczmann/Kührer (2009): Arm als Kind – arm für immer? In: Tentschert/Vana: In Armut aufwachsen. Empirische Befunde zu Armutslagen von Kindern und Jugendlichen in Österreich. Institut für Soziologie der Universität Wien, pp. 103–112
- ¹⁰¹ See Landler (2008): Die Qualifikationsstruktur der österreichischen Bevölkerung im Wandel. Analyse und Computersimulation des Schulsystems und der Qualifikationsstruktur der Bevölkerung 1971–2025. Verlag der Österreichischen Akademie der Wissenschaften: in 2003, a share of 45% in young Austrian women of the respective age group passed upper secondary school leaving exams, compared to 33% of male Austrians of the same age group. In 2001, the share of female university graduates in the mean of the corresponding age group was 12.6%.
- ¹⁰² See 2008 statistics of Austria's women's shelters: <http://www.aof.at/aktuell/AOFStatistik2008.pdf> (text in German)
- ¹⁰³ Internal estimate
- ¹⁰⁴ Fassmann/Reeger/Sari: Migrantinnenbericht 2007, pp. 23ff.
- ¹⁰⁵ http://www.armutskonferenz.at/armutskonferenz_news_dequalifizierung_migranten_060111.htm (18 Oct. 2009; text in German)
- ¹⁰⁶ Caritas (2006): Migration, Endstation Armut? Eine Caritas Europa-Studie über Armut und Ausgrenzung von Migranten in Europa. 3. Bericht über Armut in Europa, Brussels, pp. 32ff.
- ¹⁰⁷ Ibidem
- ¹⁰⁸ Bock-Schappelwein/Falk (2009): Die Bedeutung von Bildung im Spannungsfeld zwischen Staat, Markt und Gesellschaft, p. 11
- ¹⁰⁹ Buchinger/Gschwandtner (2007): Frauen mit Behinderungen und Beeinträchtigungen am Salzburger Arbeitsmarkt. Eine qualitative Studie. Salzburg
- ¹¹⁰ Statistik Austria (2009): Einkommen, Armut und Lebensbedingungen. Ergebnisse aus EU-SILC 2007
- ¹¹¹ Buchinger/Gschwandtner (2007): Frauen mit Behinderungen und Beeinträchtigungen am Salzburger Arbeitsmarkt, p. 50
- ¹¹² Ibidem, p. 48
- ¹¹³ For the English text of the conference resolution go to: http://www.sophia-net.org/english/resolution_e.htm (10 Nov. 2009)
- ¹¹⁴ As of 1 September 2009, children aged 5 may attend kindergarten on a half-day basis free of cost in the entire country. As of next year, attendance will be compulsory for all 5-year olds. A number of provinces even provide better conditions as those stipulated in the corresponding Agreement under Section 15a of the Constitutional Act between the Federal Government and the Provinces: in Upper Austria, Styria and Carinthia half-day and full-day kindergarten attendance is cost-free for all children older than two and a half years.



3.1. INCOME AND POVERTY

Even though the concept of poverty must not be reduced to income poverty, income levels are in fact related to the resulting standard of living and the capabilities and perspectives open to a person. According to the EU definition, persons affected by income poverty have an income that is below the threshold of 60% of the national median income. In Austria, income poverty means that those concerned have to live on less than 893 euros per month (12 times a year). For many people in this income group, buying new clothes, eating meat or fish, inviting friends or relatives, buying medication or heating their homes is a luxury they can hardly afford.

Traditional gender roles, unequal conditions in the labour market and unequal access to resources make it very difficult especially for women to have paid work at all. Unemployment continues to be one of the greatest poverty risks. This is paralleled by a phenomenon that has been known in the USA as of the 1970s already and that is now increasingly often found also in Europe: people who do have jobs but whose household income is still below the poverty risk line, i.e., working poor. In the past, gainful employment used to be regarded as a protection against poverty but meanwhile as many as 7% of workers have incomes that are no longer sufficient to cover their expenses. In 2006 a total of 131 000 men and 100 000 women were in danger of poverty in spite of having jobs.¹¹⁵

Full-time employment during the whole year is getting less and less common, while 'untypical' or precarious forms of employment have increased since the mid 1990s: marginal employment, work without fixed employment, freelance work, temp work and part-time work. From 1994 to 2006, marginal employment rose by 86%.¹¹⁶ The share of women in people with unstable jobs is 60%¹¹⁷, which has very negative consequences for the poverty risk of women. This is also confirmed by Karin Heitzmann, poverty researcher at the Vienna University of Economics. 'A disproportionate share of women work in so-called untypical forms of employment and low-wage sectors,' she states. The services sector, which has continuously grown and where the majority of workers is women, gives a clear picture of how the labour market is divided.

Many women regard part-time work as a temporary arrangement rather than a desired form of employment. Precarious jobs are primarily held by women between 20 and 39 years, among them a rising number of highly qualified women with good levels of education. In addition to the fact that employed women in Austria earn an average of less than 60% of gross earnings of men¹¹⁸, working fewer hours also means reduced chances of advancement and a lower income. Low wages in turn result in lower unemployment benefits and lower retirement pensions.

The reasons for the lower wages of women are lower initial incomes as well as the fact that many women do not find work at the level for which they would be qualified, i.e., they face dequalification disproportionately often. In addition to lower wages and unfavourable working conditions, the work biographies of women are typically characterised by interruptions while they are raising children. This results in life-long income disadvantages, which eventually affects retirement pension levels.

Due to their lower incomes, women are more strongly affected than men by elevations in taxes, copayment rates and reforms of retirement pension schemes. They consequently lose a much higher share in wages than people with higher incomes.

3.2. INTERACTIONS BETWEEN INCOME, POVERTY AND VIOLENCE AGAINST WOMEN

Many women experiencing violence face particularly great problems with regard to paid work, because their violent partners forbid them to continue to go to work or to seek employment. A highly negative point here is that many women still follow the conservative principle the male breadwinner, or have to adapt to this principle in the case of relationships where patriarchal views predominate, which is frequent in families where violence is committed. A division of duties in marriage in the form that husbands earn the main part of the family income and wives supplement the budget is still found quite frequently. On the one hand, this is a result of traditional role models, which is unmistakably confirmed by the gender statistics¹¹⁹ that Statistics Austria drew up on behalf of the Austrian Federal Chancellery in 2007: in a survey conducted in 2002¹²⁰, 59 100 women out of a total of 659 500 women who had no employed work said that the reason for this¹²¹ was that their husbands or families did not want them to get a job. This is a fairly high share of 13.4%.

On the other hand, there are also women whose husbands force them to earn money to support the family, in addition to the household and caregiving duties they perform. This may mean that women are forced by their husbands to do sex work. And there are studies showing that an unstable financial situation may have a highly negative effect on violent tendencies in the household.¹²² In many cases it is the men alone who decide how the income earned by their wives or partners is used, and they also have control over child benefit, which degrades women to the ones who have to ask: for money to buy food or clothing or other purchases for themselves or their children, and often they have to 'be good' to get it. In this way, the husbands' financial superiority is openly demonstrated.

Because of the enormous strain on health that experience of violence brings about (see chapter on health), these women run a higher risk of losing their jobs anyway, and in addition, this is further aggravated by the fact that the public is not sufficiently aware of the issue of domestic violence, which is a further burden that these women have to cope with: for instance, employers and colleagues may interpret it as a personal deficit when a woman affected by violence is not concentrated or her performance goes down. Or her (former) partner may deliberately try to discredit his (ex-)partner at work, e.g., by phone calls to her boss or e-mails to her colleagues. In order to protect themselves and their children from the perpetrator, many women are forced to move away from their home town or they have to terminate their employment for safety reasons because their (former) partners have repeatedly come and deliberately harassed them, especially at work.

Another very negative development is that for several years women's shelters have hardly been able, and allowed, to admit women from other provinces. The provincial governments, i.e. the providers of funding for the shelters, no longer take over the costs for these women, despite the fact that the annual number of women concerned is very small. Approximately 5% of women living in the shelters have to, or want to, flee to another province, and for a good reason, typically because their situation is dangerous.

3.3. THE SITUATION OF IMMIGRANTS AFFECTED BY VIOLENCE

Services addressing women with a background of immigration, in addition to the complex legal situation, should also take into account typical gender-related problems. It is a fact that the majority of clients has very little money. As a rule, this massively restricts clients and limits their freedom to make decisions for themselves. Most clients completely depend on their husbands both financially and legally.



Immigrant women who seek adequate employment have to overcome an extraordinary number of obstacles. They are doubly disadvantaged in the labour market: as women and as immigrants. The situation is further aggravated for immigrant women who live in a violent relationship as they also suffer from the effects of violence. Many immigrants, and particularly asylum seekers, have no work permit. Refugees have no access to the labour market at all as long as their application for asylum is pending. As a result, immigrant women and women seeking asylum are frequently driven to complete dependence on their partners and husbands. The laws do not allow them to work and thus they are often forced to work illegally, under very poor working conditions and earning very low incomes.

Immigrants who do have employment mostly work in the low wage sector (hotels and restaurants, as cleaners, in the textile industry or in households), where working conditions are especially bad in many cases: inadequate protection by labour rights and social rights, discrimination, low wages, qualification is not recognised, working times are hard to reconcile with family life, etc. Many of these jobs are not permanent, the pay is low, work is subject to seasonal fluctuations, and it is difficult to perform family duties in addition to the job: for instance, many cleaners have to work split shifts with long breaks in between, and in the health-care sector night-time work and shift work are typical. The consequence of this is frequent changes of job and an increased risk of unemployment. Immigrant women take over jobs that tend to be refused by both Austrian women and men of non-Austrian nationality. In this way, many of them experience dequalification, which again reduces their chances of better paid employment and better working conditions.¹²³

Many immigrants have low education and training levels, and there are women who are illiterate and thus hardly have a chance at all to learn German. Insufficient command of German definitely is a competitive drawback for immigrants, however. There are but few qualification programmes that specifically target immigrant women. In addition, social and personal skills of immigrants, e.g., regarding counselling and consulting services, still are not adequately taken into account in the labour market.

The employment rate for women is significantly higher among immigrants¹²⁴ than among women of Austrian nationality. This increase in women's employment has a number of different causes: the majority of immigrants does not seek work voluntarily but for financial reasons. Rising costs of living and the necessity to extend their title of residence, which includes the requirement to prove a certain monthly income, are typical reasons why the employment rate for women is going up. Furthermore, a rising number of women aim at obtaining social insurance protection for themselves, if through part-time work. The reason for the fairly high unemployment rate is that it is more difficult for third-country nationals to enter the labour market due to legal restrictions, because their qualifications tend to be lower and thus they are the first in line to lose their jobs as a consequence of rationalisation.

3.4. THE SITUATION OF WOMEN WITH DISABILITIES AFFECTED BY VIOLENCE

In Austria no data are available that give a comprehensive picture of the inclusion in and exclusion from the labour market of men and women with disabilities. This aspect can only be approached by individual surveys and analyses, e.g. the 2002 sample census study¹²⁵, in which the employment rate of women and men with physical disabilities as well as long-term health impairments were investigated.

Apart from pronounced differences compared to the employment status of people without disabilities, also marked gender-related discrepancies showed: on the one hand, people with special needs are more strongly affected by unemployment and life outside the labour market than people without disabilities (see also chapter on education). Many employers are not aware yet of the special qualifications that women with disabilities may have and what they are able to perform. They tend to regard them as needy, unproductive people who rely on charity.

On the other hand, the group of people with disabilities is characterised by considerable gender-related differences. Almost 60% of women with special needs do not have employed work – compared to 42% of men with disabilities who were in this situation in 2002.¹²⁶ Having no employment means earning no income of one's own, which increases the dependence on caregivers and care institutions of women with disabilities. The less they are able to control their own lives, the higher the risk of poverty and violence will be.

Integration in the labour market of women with disabilities is not promoted with the same commitment as in the case of men, or it is not regarded as a matter of course to the same degree. It shows that girls tend to be overprotected and encouraged to stay within the family setting to a higher degree, while boys are rather brought up along the lines of integration and independence, and they are more often motivated to obtain further training. At the same time, overprotectiveness increases the risk for women with special needs to become victims of violence and abuse. They are used to be grateful for assistance by others, and it is hard for these women to say no. The situation of overprotection increases their feeling of being helpless and may aggravate their isolation.

In Austria, medium-sized and large enterprises with a staff of 25 or more would be obliged by law to employ people with disabilities.¹²⁷ However, many employers prefer to pay the compensation tax that is due if this obligation is not met rather than hire people with special needs. In practice, women with disabilities also tend to be disadvantaged with regard to participation in and effects of qualification programmes. Many women concerned describe the counselling services rendered (at the Public Employment Service and other institutions) as insufficient and demotivating. In the context of counselling, women are often expected to be satisfied with 'little' and to continue to be oriented towards typical women's occupations rather than positions requiring higher qualifications.

Qualification and occupation programmes addressing women are often exclusively focused on very few, and highly traditional, sectors such as households and laundries. Women should rather be able to choose from a much wider range of sectors, as their personal experience may also be different and concern various fields (participation in qualification programmes run by the Public Employment Service, gainful employment, joblessness, receiving welfare assistance, therapy). It is by no means recognised to an adequate extent that these women may have special skills as experts in projects for people with disabilities and other projects.

Women often have not completed the insurance period required for being entitled to training grants or similar financial support to a sufficient amount. The occupations that are offered in vocational support centres are rarely in line with their wishes; they tend to be oriented towards men and are hardly opened to women, nor are women encouraged to join in. On the one hand, this consolidates traditional occupational roles and expectations and on the other, the impression is communicated that such services have primarily been established for the target group of men anyway.

As a rule, when programmes and plans are drawn up, the problem situations that typically arise in 'female' life contexts are not considered to the degree that would be necessary, as for instance, with regard to meeting the obvious demand for programmes that focus on girls and their social environment at the stage of transition from school to work. In many cases, typical barriers and obstacles that prevent girls from participating tend to be overlooked, and necessary complementing interventions are neglected, e.g., awareness-raising in enterprises.

To sum up: the lower employment rate for women with disabilities is connected with the additional problem that access to the labour market is generally much harder for women. Specific prejudices against women are further increased when women have disabilities. Approaches to counteract this trend are scarce.



3.5. THE SITUATION OF OLDER WOMEN AFFECTED BY VIOLENCE

The job perspectives are not encouraging at all for women who have separated from violent partners at an advanced age: often, this is due to a lack of qualification, reduced self-esteem and/or long interruptions in working life. Moreover, older women are confronted with particularly hard and discriminating conditions in the labour market. This has hardly changed even though a number of EU initiatives have been started, e.g., the Lisbon Strategy 2000–2010, which includes the goal to increase the employment rate, and especially that of older workers.¹²⁸ Still, the expected success has not yet shown: the trend to make older workers retire early has continued.

In 2007 the Institute for Work, Skills and Training (IAQ) investigated the situation in Germany, where the general conditions are similar to Austria. Gerhard Bosch, head of the IAQ, drew the following conclusion. 'Most countries of the EU try to extend the employment period of workers by raising the retirement age and abolishing early retirement. This is a typically male perspective: measures solely oriented towards age factors will but mildly increase the employment rate of women over 50 [...]. While other countries, such as Sweden and Denmark, which focus on an early labour-market integration of women, will easily meet the 2010 EU target to keep in employment at least half of the population aged between 55 and 64 years, we will lag behind.' For Bosch, the key to success would be to encourage the integration of women in the labour market at an early stage.¹²⁹ Meanwhile, the situation has even worsened for older workers as a result of the economic crisis, which has also been confirmed by an OECD study.¹³⁰ According to Bosch, the effects on employment rates of people over 55 will be felt in the medium run only, which leads to the conclusion that older women (of working age) will continue to face an elevated risk of poverty also in future.

Apart from these women, one must not forget those older women who are disadvantaged because their retirement pensions are small, due to small insurable earnings on the one hand and interruptions typical of women's working lives. An analysis by Statistics Austria¹³¹ reveals that the income differences between genders are even higher at retirement age than during working life: in 2004, the average retirement pensions of women were 56% of men's pensions. Hence, it is not surprising that three out of four people with poverty risks at retirement age are women, and 50% of them women who live alone. More than one fourth of this group have monthly incomes of less than 912 euros. At present, Austria has a total of 428 000 women with their own retirement pensions who live alone. According to these statistics, one out of four of these women are living in deprivation. 289 000 of women who live alone in Austria have no pensions of their own, and 65% of them are at risk of poverty. This underlines that for many older women the step out of a relationship will directly lead to poverty.

3.6. RECOMMENDATIONS

As shown many times in the report, work and income inequality in Austria is particularly prevalent and we therefore recommend the following measures in order to improve poverty and violence prevention:

- Gequal pay for equal work; close the income gap between women and men in all industries, in both private business and the public sector;
- salary transparency in all companies and in public administration;
- introduction of a quota system for women as well as setting equal opportunities targets (women with disabilities, immigrants, older women, single-mothers etc.);
- appropriate financial minimum security; introduce a guaranteed minimum income for all on a statutory basis and with uniform nationwide standards;
- a reform of the social assistance system: independent adjudication rules, qualified personnel and multi-profession teams

and independent advice and legal protection centres for applicants which would have the ability to appeal decisions and carry the costs;

- training and information events in companies and workplaces (works councillors, managers and personnel managers) carried out by female experts from women's refuges, women's advice centres, victim and violence protection centres on the topic of violence against women and the potential poverty risks and ways to avoid them for those affected. (AÖF "Poverty Risks- Violence against Women". Further education offers for companies and workplaces");
- increased consideration of "women's distinctions"-i.e. the encouragement of "female specific competencies" (without using sweeping generalizations) to increase career chances;
- reform welfare assistance procedures;
- fair taxation of property and income from property;
- a minimum net wage of 1 100 euros;
- expand childcare to provide a nationwide network of cost-free kindergarten places with more personnel in order to improve the compatibility of family and career for women;
- ensure enough free kindergarten and crèche places for children under three;
- statutory guarantee of the right to return to full-time work after maternity leave;
- legal entitlement to emergency social assistance (i.e., benefit for long-term unemployment), independent of the partner's income;
- secure independent subsistence and adequate retirement pensions for retired people;
- ensure long-term financing for women's shelters and advice centres which guarantees the financial cover for all women and their children who suffer from violence (women from other Austrian federal states, immigrants, asylum seekers, women with disabilities etc.);
- monitoring; evaluation; research: gender differentiated surveys and monitoring should be implemented at all levels and gender mainstreaming should be a requirement.

Recommendations targeting women with a migrant background

- Immediate full access to the job market (and not after five years!). If you have the right to live in Austria then you should have the right to work here from the start;
- Women specific needs oriented qualification measures for immigrants and women from immigrant backgrounds; language ability should not automatically be a reason for exclusion from qualification measures. Successful models for this can be found in the care sector;
- Consideration and recognition of the special skills and qualifications that women from immigrant backgrounds bring with them (linguistic, cultural, social competence etc.);
- Expansion of advice centres geared towards the needs of immigrants and the provision of these centres with long-term financial security.

Recommendations targeting women with special needs

- Participation: statutory right to participation in support groups and membership organisations of women with disabilities, in order to give input when labour market policy programmes, rehabilitation agreements and training guidelines are drawn up;
- planning of services, interventions and programmes: in order to improve the job opportunities of women with disabilities, promotion and support should start at an early stage and integrate social environments, in particular schools, parents and relatives;
- specific support at the transition from school to the labour market, in cooperation with parents and teachers, so that especially girls are encouraged to start further training or enter the labour market;
- take efforts to widen the range of realistic job offers for women/girls (and also men/boys), paralleled by public relations activities targeting the business sector, social partners and project organisers;



- continual review of necessary key qualifications for new types of profession and advancement of training programmes on a gender-sensitive basis;
- personal assistance services;
- define participation quotas of women as well as equality targets;
- widen the range of occupations to choose from, as an integral part of vocational orientation measures as well as occupational reintegration measures and critically review the gender-related division of labour;
- draw up specific strategies for individual counselling to overcome gender-related barriers and to be able in this way to develop and widen job perspectives;
- take more account of 'typical female aspects', i.e., promote competences that are specifically found in women (while avoiding gender stereotypes) in order to enhance job opportunities;

Recommendations targeting older women

- recognition of the experience and qualifications of older women. The integration of these valuable abilities into everyday life and the wider world of work;
- excellent training opportunities with good qualifications for girls, equal chances in the job market and equal pay for equal work are important prevention measures to reduce the poverty and violence risks to older women.

FRAU ALMA Z.: VIOLENT PARTNER, JOB LOSS FOLLOWING REPEATED ATTACKS AT HER WORKPLACE AND CONTINUOUS THREATS DESPITE SEPARATION

Frau Alma Z. is 35-years old and has lived with her husband Ivan for 15 years and has two daughters by him. Following her marriage she lived in her husband Ivan's home town in a house given to them by Mrs Z.'s parents. Mrs Z. comes from a middle-class background and has completed a vocational education. She resided until the time of her marriage in a large city, is communicative and creative. In her husband's small local community she did not feel particularly happy, which was exacerbated by the passive role of wife and housewife that she was more and more forced into? Marital problems existed from the outset when Ivan forbade her any contact with her family, because they are of different nationalities and Ivan's parents did not approve of the marriage. Alma protested repeatedly against the ban on contact which led to Ivan initially threatening her and subsequently to attacks and abuse. He also beat her during her pregnancies.

When the patriarchal circumstances in the small community became intolerable she decided to emigrate to Austria with the aid of her sister. She hoped that she would find new opportunities there for herself and her children. She also hoped to shake-off Ivan's domineering and violent behaviour in the atmosphere of a large city.

After arriving in Austria, Alma first received the right of residency and then a work permit. She found a job and an apartment for herself. Her husband joined her some time later as a result of a family reunion. He was also awarded the right of residency but was excluded from the job market. Alma had to support the family alone. Ivan worked illegally in order to improve the family income.

Despite having a vocational training Alma was forced to work in unskilled jobs in the catering sector. She had difficulty accepting this situation, but the financial security of the family and thus their right to stay in Austria had priority. When she realised that a better knowledge of German would improve her job chances, Alma looked for a German course.

Ivan had trouble dealing with his wife's independence and reacted with increasing aggression towards his wife and daughters. Following every meeting with a friend or with her sister there was a fierce argument. Ivan became increasingly jealous and controlling. Alma defended herself against his authoritarian behaviour as best she could. Nevertheless, she had to stop attending the German course.

She treasured the social contact because the conversations with her friends and her sister enabled her to deal with the increasingly difficult living and work situations she was confronted with. The low income and poor command of German only made the situation worse. Alma became increasingly exhausted through the terrifying existential worries and the constant conflict with Ivan.

As she did not wish to return to her country of origin, she proposed that she and Ivan should separate and get divorced. Her husband, surprisingly, readily agreed and they agreed to a mutually-acceptable divorce. However, a few days later Ivan withdrew his agreement to the divorce without telling his wife. As a result his behaviour became more and more aggressive.

When Ivan was violent again, one of the daughters informed the police who removed Ivan from the family home. Alma placed a lot of value on a mutually agreeable solution to their problems and she relented once again. Ivan was remorseful for a short time, but quickly returns to form which leads to violent episodes and further police intervention. A restraining order was issued on the initiative of the Intervention Centre/Violence Protection Centre and a case was brought against Ivan. Finally the divorce became final. Ivan ignored the court orders and threatened and harassed her continually. He stalked her at her home and her workplace, using abusive language and spitting at her, which also occurred in front of her colleagues. There were repeated physical attacks.

Alma came under increasing pressure from her employer, who accused her of causing a loss of income due to the behaviour of her ex-husband. He demanded that she should remove Ivan from the workplace without resort to the police. She was threatened with a termination of employment should her ex reappear at her workplace. Fearful for her job she avoided contacting the police despite her ex-husband's violent behaviour. Mrs Z. tried to change flats and her job in order to get away from her ex-husband. Before she could do this she was fired and an affordable apartment became more and more a remote goal because of her low income.

Mrs Z. still hopes that her husband will finally accept the separation. In the meantime the situation has worsened. The case against her ex-husband has still not been concluded and alongside her precarious financial situation Mrs Z. is constantly confronted with the threats from her husband.

Ivan now has permanent residency and a work permit. He refuses to pay child support, arguing that Alma's official complaints have left him with court costs which he has to pay.

Endnotes

¹¹⁵ ÖGPP (2008): 2. Armuts- und Reichtumsbericht für Österreich, p. 120

¹¹⁶ Ibidem, p. 18

¹¹⁷ Ibidem, p. 121

¹¹⁸ Ibidem, p. 20

¹¹⁹ Statistik Austria (2007): Frauen und Männer in Österreich. Statistische Analysen zu geschlechtsspezifischen Unterschieden. Vienna, p. 85

¹²⁰ Unfortunately, no more recent data are available.

¹²¹ Multiple answers were possible.

¹²² See UN (2006): World Report on Violence against Children, p. 68

¹²³ See Caritas (2006): Migration, Endstation Armut? Eine Caritas Europa-Studie über Armut und Ausgrenzung von Migranten in Europa. 3. Bericht über Armut in Europa, Brussels

¹²⁴ Ibidem, p. 23

¹²⁵ Klapfer (2003): Körperlich Beeinträchtigte und Erwerbstätigkeit. In: Statistische Nachrichten 4/2003.

¹²⁶ Ibidem

¹²⁷ Bundesrecht: Gesamte Rechtsvorschrift für Behinderteneinstellungsgesetz, Fassung vom 25.10.2009
<http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008253> (text in German)

¹²⁸ AGE – the European Older People's Platform: Promoting the Employment of Older Workers in the EU. AGE Statement for the 2007 European Year of Equal Opportunities for All: http://www.age-platform.org/EN/IMG/Leaflet_Employment_EN.pdf (11 Nov. 2009)

¹²⁹ IAQ zum demografischen Wandel auf dem Arbeitsmarkt: Ältere Frauen sollen mehr und länger arbeiten. Press release of 25 January 2007 of the University of Duisburg-Essen: http://www.uni-due.de/home/fb/presse/presse_allg/presse_25.01.2007_29420.shtml (text in German)

¹³⁰ AGE: AGE's reaction to the Commission's proposals in the Joint Employment Report 2008:

http://www.age-platform.org/EN/IMG/pdf_AGE_letter_to_EMCO_Final.pdf

¹³¹ Statistik Austria (2007): Frauen und Männer in Österreich. Statistische Analysen zu geschlechtsspezifischen Unterschieden. Vienna

¹³² Statistik Austria (2009): Einkommen, Armut und Lebensbedingungen. Ergebnisse aus EU-SILC 2007, p. 72

4. INADEQUATE SOCIAL BENEFITS



4.1. INADEQUATE SOCIAL BENEFITS AND POVERTY

Social benefits are crucial for avoiding poverty, and a prerequisite for bringing about social justice in a society. 'Without social benefits, 43% of Austria's population would have incomes below the poverty risk line according to the EUROSTAT definition. Social benefits reduce the share of people at risk of poverty by more than two thirds, to 12%. Regarding the population exclusive of retired people, social benefits lower the risk of poverty from 30% to 11%.¹³³

Social benefits, without doubt, are highly effective instruments to combat poverty, but as they are often focused on employed work or because of specific criteria for eligibility, they are unequally distributed and the situation of dependence between men and women is increased, to the disadvantage of women. Women are in an unfavourable position in the fields of employment and income (see chapter on income), which is an essential cause of poverty among women and also reduces the social benefits to which they are entitled: low wages mean low social benefits. The levels of unemployment benefit and retirement pensions that women receive in Austria are considerably below those of men. As far as unemployment benefit and emergency benefit (i.e., benefit for long-term unemployment) are concerned, a further negative aspect is that no minimum limits that secure subsistence have been defined.

Disadvantages for women also result from the fact that Austria's social policies have traditionally focused on families. Entitlement to and levels of social benefits such as emergency benefit and welfare assistance are linked to the income of the family. In other words, emergency benefit is only granted if the household is in a situation of 'social emergency'. If the partner has an income of only 1 100 euros this is still regarded as enough to prevent eligibility for this type of benefit. Many women who live in a situation of poverty have no jobs and no incomes of their own, and financially depend on their partners. Because social benefits are based on the family income, they are not entitled to emergency benefit. The available figures clearly underline this point: 85% of people who are excluded from emergency benefit are women. In 2007, emergency benefit was not granted, or no longer granted, in a total of 14 889 cases in Austria. This concerned 12 717 women and 2 172 men.¹³⁴

As a last resort, women whose wages or family incomes are not sufficient to secure subsistence and who are not, or no longer, entitled to unemployment benefit or emergency benefit may apply for welfare assistance to have a minimum of financial protection. In Austria, the provinces are in charge of granting welfare assistance in order to provide some income to those who have not been granted support on the basis of other instruments of the welfare system. The statistics show a rising trend regarding people in Austria who need welfare assistance: from 1996 to 2006, the number of recipients of welfare assistance in a household doubled from 64 002 to 131 318.

Because of Austria's federalist structure of administration, the criteria for welfare assistance are different in the individual provinces. This applies to both eligibility limits and welfare assistance laws, and as a result, different regulations also apply with regard to immigrants' entitlement to welfare assistance. In recent years, a harmonisation and reform of the welfare assistance regulations has been discussed in negotiations between the Federal and Provincial Governments, but in spite of repeated announcements it is not yet foreseeable when the new form of benefit, i.e., the guaranteed minimum income, will be implemented. Moreover, a number of serious deficits in the present system have not been repaired in the current minimum income bill either: for instance, it would be necessary, also and especially in the interest of combating poverty among women, to cover the actual cost of housing, to a level that secures subsistence, and adjustment for inflation at regular intervals would be needed. Regulations for the standards and entitlement to benefits would also be needed for assistance to cover extraordinary needs, and benefits under this title should be available to all people established in Austria.

What would be especially urgent is a reform of welfare assistance execution: a nationwide study conducted by the Austrian Anti-poverty Network in 2007¹³⁵ revealed massive deficits and shortcomings in this field. In many cases, people entitled to assistance are not granted what they would have a right to obtain, or they receive assistance only once, and the fact that people have to wait for weeks or months for an appointment at the social welfare department is against the principle of immediate help. Furthermore, support for special situations is hardly ever granted. The report on poverty and welfare also points out that both unemployment benefit and emergency benefit, on average, are below the poverty line in Austria at federal as well as provincial levels.¹³⁶

For many people, having to turn to the social welfare department is a humiliating experience that makes them feel ashamed. Having to rely on welfare assistance is indeed stigmatising, which is also reflected in the fact that many people who would be entitled to welfare assistance do not even claim it. Studies in this field estimate a non-take-up rate of 40% to 50%.¹³⁷

Apart from increasing, and improving access to, welfare assistance payments, a reform of execution would also be needed. Furthermore, in order to ensure that women actually take up the social benefits to which they would be entitled, it would be important that social organisations and counselling centres (women's counselling centres, debt counselling centres as well as social counselling agencies) expand the range of services specifically aimed at women.

Apart from a minimum of financial security, a comprehensive network of social services (e.g., childcare and health-care services) and an adequate infrastructure (public means of transport, social housing, education and training, etc.) is also needed. In order to improve interventions at national, regional and local levels aimed at combating poverty, representatives of population groups affected by poverty should take part in planning, implementation and evaluation processes for social policy measures.

4.2. INTERACTIONS BETWEEN INADEQUATE SOCIAL BENEFITS, POVERTY AND VIOLENCE AGAINST WOMEN

Family-based benefits lead to, and further increase, dependence on partners of many women who have no jobs and no financial means of their own. If benefits are not granted on the basis of an individual's situation, this particularly affects women experiencing violence. Often, men control all financial means and use this to put women under pressure (see chapter on income). Or income received from social benefits for childcare, etc., over which women should have control, is spent by men, and not necessarily to the benefit of the family.

It cannot yet be assessed whether the guaranteed minimum income, which is under discussion at present, will improve the situation or not. It is a fact, however, that it will not be individual-based either. What is a great problem for women affected by violence is that the bill does not include legal guarantees regarding benefits for covering housing costs (see chapter on housing) and extraordinary needs. In addition, no concrete plans to improve execution and statutory guarantees exist.

Apart from financial benefits, also access to social infrastructure of good quality is essential to avoid and combat poverty. In this context, social housing, health-care services and access to education as well as public means of transport, counselling services and not least childcare services are of vital importance, and particularly for women experiencing violence. Childcare services are an important help for women and single mothers, not only because childcare is provided, but also as this increases their control over their lives, permits employment and is essential for establishing contacts to others. Regarding sufficient number of childcare places Austria is lagging very far



behind. To meet the EU Barcelona targets of 2002, by 2010 childcare should be provided to 33% of children under age three. Austria's current share is 14%.¹³⁸

Austria's social welfare system combines central and decentralised elements. Many social protection regulations that are relevant for protection against violence fall under the competence of provincial or local governments, e.g., parts of the health-care system, housing matters, a large part of social services, childcare services or welfare assistance. This means that no uniform nationwide structure exists. Therefore, women affected by violence and their children are not entitled to the same support measures in all regions. The women's shelters of Austria primarily rely on public funds, and provision of finance for the shelters has increasingly become a provincial competence. The financial situation of the women's shelters continues to be very unstable in a number of provinces (e.g., Lower Austria, Styria and the Tyrol): the sums provided do not cover the actual costs incurred, and so far funding is not secure everywhere, and as a result, shelters have to struggle to get the money they need year after year.

In order to provide professional services of equal quality to all women living in the shelters, a long-term form of funding is imperative. For instance, statutory regulations for women's shelters could be included in an act on welfare assistance of nationwide application, with provisions that ensure harmonisation (similar to the regulations in Upper Austria), or in an act on guaranteed minimum income, or the funding of women's shelters could be based on open-end agreements, derived from the Act on Protection Against Violence (similar to the intervention centres and violence prevention centres). But funding of women's shelters could also be regulated differently if quality standards could adequately be ensured in this way.

These diverse regulations also make it hard for organisations supporting women to safeguard effective protection and assistance. In situations of great danger it is an important safety measure that women move to another place. But when a woman turns to a shelter in another province, frequently problems arise, because the costs of accommodation can only be taken over for women whose place of residence is in the same province.

4.3. THE SITUATION OF IMMIGRANTS AFFECTED BY VIOLENCE

Immigrants are disadvantaged because, contrary to the public opinion, they pay more taxes than they get back by redistribution of income in form of social benefits. In spite of having the same duties, they do not have the same rights with regard to access to social welfare (child benefit, childcare allowance, welfare assistance, social housing, labour market, etc.). This is also confirmed by the second report on poverty and wealth.¹³⁹

In Austria, only persons who have a permit of settlement are entitled to benefits such as child benefit and childcare allowance. Permits of settlement are only issued, however, if the person in question has an income of at least 772.40 euros a month; see chapter on the Act on Settlement and Residence). And as mentioned above, in Vienna eligibility for welfare assistance is linked to unlimited residence. In other words, only immigrants who have lived in Austria for several years are entitled to the same welfare benefits as Austrian nationals. Regrettably, this fact is hardly made clear in the public discussion.

4.4. THE SITUATION OF WOMEN WITH DISABILITIES AFFECTED BY VIOLENCE

Leading a self-determined life is a fundamental right of people with special needs. Ensuring that they have adequate financial resources is an essential step on the road to equality of people with disabilities, as laid down in the prohibition of discrimination of Section 7(1) of Austria's Federal Constitutional Act.

The budget items earmarked for social welfare and retirement pensions are extremely small, and consequently many women with disabilities have to live in poverty or near the poverty line, and they often depend on their partners or parents, or institutions for people with special needs.

The fact that eligibility for social benefits is not based on the individual's situation is a disadvantage also for people with disabilities, particularly women with special needs experiencing violence. Granting benefits on the basis of individual needs is an essential prerequisite for realising care services over which women with special needs have control themselves. This principle is pursued in the personal assistant approach. *'This includes any form of personal assistance that makes it possible for people with disabilities (clients) to lead independent lives and to have control over their lives. A central point in this regard is that clients may decide themselves who provides assistance (choose assistants themselves), when (at any time, i.e., 24 hours a day), where (at home, for errands, during holidays), and which kind of service is delivered. Apart from medical services, personal assistance may comprise almost all areas of life.'*¹⁴⁰ Being able to decide over assistance services enhances the self-reliance of women with disabilities and plays an important role for protecting women against violence.

People with disabilities cannot turn to a number of victims' protection agencies as well as assistance and counselling centres and also some of the women's shelters, because the buildings where they are located are inadequate with regard to accessibility. In this way they are also excluded from relevant information, e.g., on social benefits to which they are entitled. Furthermore, women with disabilities also face non-physical barriers, for instance with regard to the public relations work of counselling centres, when an overly complicated language is used in information booklets or on websites. Frequently the accessibility of websites is restricted because of lack of available funds. As also women with hearing disabilities face restrictions regarding access to information, the Austrian Autonomous Women's Shelter Association cooperated with the WITAF association of people with hearing disabilities in order to prepare an information booklet for this target group.¹⁴¹

4.5. THE SITUATION OF OLDER WOMEN AFFECTED BY VIOLENCE

As already mentioned, many people are reluctant to turn to a social welfare department to ask for help. The decision to do so greatly depends on the question whether it is possible to apply for assistance in an anonymous way (in rural areas the phenomenon of hidden poverty is found more often than in cities), and whether the money granted will have to be paid back, which is the case in the majority of provinces, and which is a frequent reason for non-take-up. Vienna and Salzburg are the only provinces where benefits do not have to be paid back, thus the share of people applying for welfare assistance is highest there.¹⁴²

Currently no conclusive studies on the phenomenon of hidden poverty are available, but older people are often mentioned in this context. It is in fact assumed that with rising age people will most likely be increasingly reluctant to apply for benefits because older people probably feel more ashamed when they have to rely on public help, or they want to prevent authorities from taking recourse against their children.¹⁴³

Another problem is the level of supplementary pension payments that are granted to people whose retirement pension obtained through pension insurance is not high enough: the eligibility limit for 2007 defined by Parliament was 726 euros for persons living alone. This sum is below the poverty risk line of 2004, thus the group of people who get supplementary pension payments still have to be regarded as at risk of poverty.¹⁴⁴



4.6. RECOMMENDATIONS

- appropriate guaranteed minimum income above the poverty line that includes coverage of housing costs and extraordinary needs (assistance in special situations in life), with eligibility criteria based on individual incomes, with eligibility also for all immigrants settling in Austria and asylum seekers;
- reform execution of welfare assistance procedures: separate regulations for procedures; qualified staff and multiprofessional teams, independent counselling and legal consulting centres for people entitled to benefits, which are also in a position to appeal decisions and take over the costs incurred;
- efficient immediate assistance that is indeed granted immediately;
- expansion of adequate social service provision for women in rural areas;
- increased information availability and advice concerning debt and debt avoidance for women;
- increased support for debt advice centres for women who are victims of violence;
- secure long-term funding of women's shelters in all provinces, based on statutory regulations;
- an all-round offer and consideration of the specific needs of women victims of violence and their children, especially those groups which suffer from multiple discrimination such as immigrants, single mothers, disabled women and older women when dealing with social agencies (childcare, health provision, educational and qualification measures, etc.) and infrastructure (public housing agencies, public transport etc.);
- participation and good governance: draw up effective national and European plans of action to combat poverty that includes defined targets, a strategic orientation and a comprehensive set of measures to be taken;
- coordination with national budgets, integration of the third sector and self-organisation of people who have experienced poverty. This requires paying attention to the situation of women victims of violence and their children, a group rarely considered in this context.

Recommendations targeting women with special needs

- barrier-free accessibility to all public agencies, counselling centres, etc.
- barrier-free accessibility to all advice centres for women victims of violence. New media play an important role here. Women's shelters and advice centres and victim and violence protection centres require the necessary resources to provide barrier-free access to information on the internet.
- social benefits that allow some form of self-determination: PAB and PLB;
- statutory guarantee of the right to financial resources needed for leading a self-determined life (personal assistance), based on an agreement under Article 15a of the Federal Constitutional Act modelled after the regulations for provision for long-term care, which ensures that the necessary funds are made available;
- benefits at a level that cover actual needs for every person who needs such benefits, independent of age, income, property and type of disability; there is no sensible reason that would justify the present situation of diverse regulations for entitlement to benefits granted by the provinces to pay for personal assistants or other forms of assistance;
- conformity to the UN Convention on the Rights of Persons with Disabilities, which also includes the provision that the state Party of Austria ensure that persons with disabilities have access to community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community.

Recommendations targeting immigrants

- appropriate guaranteed minimum income for all immigrants;
- provision of information materials in all relevant languages;
- expansion of adequate social services: access to affordable accommodation and therapy.

Recommendations targeting older women

- improved social benefits, pensions and adjustment payments in order to assist women to be more independent or support them in their attempts to free themselves from abusive husbands or other family members;
- pro-active advice to enable older women to apply for social benefits and thus increase the uptake by this group which will benefit them (economic violence).

MRS RENATE N.: A LONG-TERM VIOLENT RELATIONSHIP, HEALTH AND EXISTENTIAL CONSEQUENCES

Mrs Renate N. is fifty-six years old and an Austrian citizen. She has been married for 32 years and has two grown children.

Mrs N. has a primary and secondary school education but has no vocational training. Before her children were born she was employed as an unskilled worker and since then she has been a housewife.

Shortly after her marriage her husband displayed ever-increasingly violent tendencies. He consumed large amounts of alcohol, became more and more aggressive and hit his wife. The couple lived in a flat in the home of Mr. N's mother. The mother also used violence against Mrs. Renate N. When she was unable to stand the situation any more, Mrs N. moved to Germany to a female friend. However, unable to find a job, she moved back to her husband.

Mr N. is a trained bricklayer. He is, however, unemployed for periods of months at a time. Due to his age (61) he now finds no employment whatsoever and receives a low unemployment benefit. Recently the family has been subsisting on money from Mr. N's mother who is entitled to a relatively high widow's pension. However, this dependence has enabled the mother to boss her daughter-in-law around and bully her. Mr N. is also unable to defend himself against his mother and drank more and more alcohol, releasing his frustrations on his wife. Mrs N. has become psychologically ill due to this situation and has suffered from depression for years. In addition, Mrs.N. had a slipped disc a few years ago and has suffered from severe pain ever since.

After Mr.N. had physically abused his wife once again, involving a bloody lip and several haematomas, Mrs N. decided to move into the women's shelter.

At the moment Mrs N. has no income whatsoever. She has no chance of finding employment because of her health problems, her age and her non-participation in the job market for the past thirty years. She is now dependent on being awarded social assistance. Her husband has been sued for spousal support payments. However, as he is currently unemployed and will probably never work again in his profession as a bricklayer due to his age, Mrs N. only has a right to the sum of 200 Euros per month. In order to afford an apartment and to be able to live, she will be dependent on payments from the social assistance agencies.

As Mrs. N. has insufficient contribution years to qualify for a pension and she will always be dependent on the granting of social assistance.



Endnotes

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- ¹³⁴ Committee report: http://www.parlament.gv.at/PG/DE/XXIV/I/I_00251/fnameorig_162551.html (31 Aug. 2009; text in German)
- ¹³⁵ Krammer/Kargl/Schenk/Abedi (2008): Sozialhilfevollzug in Österreich, see also: http://www.armut.at/armutskonferenz_news_studie_sozialhilfevollzug_0108.htm (text in German)
- ¹³⁶ ÖGPP (2008): 2. Armuts- und Reichtumsbericht für Österreich, p. 42
- ¹³⁷ Fuchs: Social Assistance – no, thanks? Empirical Analysis of Non-Take-Up in Austria 2003, EUROMOD Working Paper No. EM4/07
- ¹³⁸ Statistics Austria: Knapp 3.000 Fünfjährige derzeit nicht in Kindergärten betreut: http://www.statistik.at/web_de/dynamic/statistiken/bildung_und_kultur/formales_bildungswesen/kindertagesheime_kinderbetreuung/036675 (22 Oct. 2009; text in German)
- ¹³⁹ ÖGPP (2008): 2. Armuts- und Reichtumsbericht für Österreich, p. 131
- ¹⁴⁰ http://www.persoeliche-assistenz.net/pa_auftragg_was.htm (20 Oct. 2009; text in German)
- ¹⁴¹ Schrei gegen Gewalt. Eine Informationsbroschüre für gehörlose Frauen, Herausgegeben vom Verein Autonome Österreichische Frauenhäuser und dem Gehörlosenverein WitaF, 2003.
- ¹⁴² ÖGPP (2008): 2. Armuts- und Reichtumsbericht für Österreich, p. 57
- ¹⁴³ Becker/Hauser (2003): Nicht-Inanspruchnahme zustehender Sozialhilfeleistungen (Dunkelzifferstudie). Endbericht zur Studie im Auftrag des Bundesministeriums für Gesundheit und Soziale Sicherung, Frankfurt a. M.; see also 7th conference on poverty: http://www.armut.at/armutskonferenz_news_sozialewaffe_7armkonf.htm (20 Oct. 2009; text in German)
- ¹⁴⁴ ÖGPP (2008): 2. Armuts- und Reichtumsbericht für Österreich, p. 44



5. HOUSING

5.1. HOUSING AND POVERTY

The place of living is of key importance as an environment in which humans' situation in life develops, and an essential indicator for quality of life. This applies to both the neighbourhood and the home itself, its standard (e.g., hot and cold water, heating system, kitchen) and how many people live there. If housing conditions are bad, these deficits often have a number of negative effects: e.g., social exclusion because people are ashamed to invite friends and relatives; or health risks because of mould or noise. Moreover, earning a low income over many years will affect the housing situation: if a person never has enough money they cannot replace shabby furniture and cannot have repairs done.

Possible coping strategies include moving to affordable flats or neighbourhoods (which of course also involves expenses) or accepting overcrowded conditions, which will lead to lack of space, under which especially children tend to suffer. In the context of the 2007 EU-SILC study¹⁴⁵ the level of housing costs in Austria was also investigated. It showed that households at risk of poverty face disproportionate costs: while households spend an average of 18% of the household income on housing, this share is as high as 38% in the case of households at risk of poverty. In urban areas (Vienna and other cities with more than 100 000 inhabitants) the income share spent on housing is especially high in this group, amounting to an average of 43% of the household income. In towns that have between 10 000 and 100 000 inhabitants and rural municipalities of less than 10 000 inhabitants, the corresponding income share is smaller (16%), but equally pronounced differences depending on available income nevertheless show: households with an income below the poverty risk line spend 35% of their income on housing, compared to 14% among households that have no risk of poverty. One must not forget either that while housing is less expensive in rural areas, it is hardly possible not to have a car there, which involves additional costs (purchase, insurance, petrol, repairs, etc.).

People who live alone and have no retirement pension, especially women, face extraordinarily high costs of living, which the survey also confirms: women in single-person households spend an average of as much as one third of their income (33%) on housing, compared to 28% in the case of men living alone. In households with several persons without children, housing costs amount to less than one fifth of the household income, also in larger cities. The group that has to spend the highest share is single-parent households, namely 31%, which is almost twice the percentage spent by households with several adults and children (16%). In larger cities, the share of housing costs in the income of single-parent households is 34%, i.e., five percentage points higher than in smaller towns.¹⁴⁶

As a consequence of this extraordinary financial burden, which is often linked to other risk factors such as addiction problems, indebtedness or long-term unemployment, a number of people can no longer afford the cost of housing and become homeless. According to the definition by the United Nations, in this report homelessness is understood in a comprehensive sense¹⁴⁷ and includes:

- acute homelessness;
- temporary homelessness: living in a shelter provided by social institutions (emergency sleeping facilities, group homes, assisted housing) temporarily or for a limited time;
- impending homelessness (danger of losing one's home/termination of lease);
- potential homelessness: e.g., unaffordable home as the rent is too high in relation to one's income;
- hidden homelessness: e.g., moving in with relatives, friends or acquaintances for some time;
- intolerable housing conditions: e.g., overcrowded flat, no heating, dark rooms, no bathroom/toilet, humidity, mould, noise, vermin, increased air or environmental pollution, vandalism and high crime rates.

It is difficult to assess the number of people, especially women, affected by homelessness. The majority of studies only surveys those groups of persons who turn to Homelessness Assistance or use other services provided to homeless people. However, as people affected by homelessness often turn to several service-providing agencies simultaneously, double counts



cannot be excluded. For this reason, the figures given only relate to men and women living in emergency sleeping facilities. In 2006, more than 1 149 people lived in emergency shelters, and 489, i.e., almost half of them, were women.¹⁴⁸

Female homelessness is invisible and this also reflects women's higher vulnerability to poverty. The fact that data communicated by agencies providing services for the homeless are not collected according to a unified nationwide system, and gender differences are inadequately depicted, points to a lack of awareness of the problem of poverty among women. Homeless women are not as easily to discern in the street as homeless men and they are also invisible in the available data.

This especially applies to the phenomenon of hidden homelessness, which is common among women without a home and which illustrates the close links between violence and poverty. The homelessness of many women is concealed, they live under precarious conditions and in violent relationships. As violence in relationships continues to be surrounded by taboo, and as they do not see better alternatives, women often pursue what studies inappropriately refer to as 'individual coping strategies'. This is a euphemism that glosses over the fates of women who put up with exploitation and violence in order to escape homelessness at least for a short time. For fear of stigmatisation they do not talk about their situation, however.

Women affected by homelessness are not covered by statistics nor does the assistance system for the homeless reach them. Many women avoid mixed-gender facilities for homeless people because of men's dominance there. 'Services for the homeless are mostly used by men and as a result, they are strongly oriented towards their needs.' *The respective centres lack rooms that meet the demands of women, and strategies focusing on women: 'where women are accepted and protected unconditionally, where their dignity is respected and their biography is recognised.'*¹⁴⁹ In Vienna, a centre especially for homeless women was established several years ago: FrauenWohnZimmer [women's living room] run by Caritas.¹⁵⁰

5.2. INTERACTIONS BETWEEN HOUSING, POVERTY AND VIOLENCE AGAINST WOMEN

Domestic violence obviously is a major cause of homelessness among women. The number of women and children concerned is also reflected in the statistics of Austria's women's shelters: in 2008 alone, a total of 3 220 women and their children (1 600 women and 1 620 children) lived in one of the 26 shelters that exist in Austria. In 2006, the shelters provided secure accommodation for 3 154 people (1 599 women and 1 544 children).¹⁵¹ If one compares these figures to the official statistics on homeless people in Austria (see above) one gets an idea of the large number of women in precarious housing situations who are not registered. The figures also confirm that women's shelters contribute to the support of homeless women to an essential extent, and thus to combating and preventing poverty among women and children. This aspect has not received due attention in the public discussion so far.

The number of eviction or barring orders also illustrates another aspect: under Austria's Violence Prevention Act that has been in force since 1997, a total of 6 566 perpetrators were evicted from their homes in 2008 (and 7 235 in 2006)¹⁵², which made it considerably easier to help women in acute phases of danger. Before, these women had no other choice but to flee from their homes themselves. It should also be mentioned that this does not just shift the problem to another area: men against whom eviction orders are issued are not facing homelessness: when they have to leave the home, they are informed in detail about affordable accommodation options.

For many women experiencing violence, the only way to protect their own lives and the lives of their children is to leave their own homes or the homes shared with their partners immediately and to put up with a homeless life. Often, the time they have to flee is very short and they cannot take with them but the most essential belongings. Moving out of the home in order to escape violence forces women to leave behind not only their entire material possessions but also their homes, their friends and acquaintances, their jobs, the lives they were used to live and often even financial and

social security which was connected to their partners. In other words: getting out of a violent relationship enormously increases women's risk of poverty.

In many cases, women's shelters are the only safe place where women may go and thus the only chance for them and their children to escape the danger in which they have lived. In this difficult situation, these courageous women deserve every possible support. In Austria, a total of 748 places in women's shelters are available. An additional 86 family places will have to be established in order to meet the recommendation by the European Parliament regarding the number of places in shelters (834)¹⁵³, and it is of key importance that a sufficient number of places in shelters are established all over the country, in both urban and rural areas.

The plan to leave one's home has to be prepared thoroughly in many cases: support agencies and counselling centres specifically oriented towards women experiencing violence are not available in all parts of Austria. The risk of poverty and also the risk of violence increases particularly for women who cannot turn to these centres. In this context, the lack of women's assistance services in rural areas has to be pointed out, which results in great gaps in the support structures for women living there.

Staying in a women's shelter is but an interim solution for women affected by violence. The most important goal of the work of women's shelters is to support women in every possible respect so that they and their children may live independent lives, without poverty and free from violence. After the stay in the shelter many women cannot return to their former homes. Therefore it is a major challenge for them and their children to find new, safe places to live. Women affected by violence meet many obstacles especially in this context.

Many of these women cannot afford the rent, agent's commissions and deposit payments for a new flat. In addition, moving house involves high investments: it is necessary to buy furniture, kitchen utensils, clothes, and baby and child paraphernalia, but in most cases there is not enough money for this. Therefore it is important to make available to women affected by violence and their children affordable, secure homes, but not all provinces regard this as a priority matter. Furthermore, pronounced differences between urban and rural areas show. To illustrate this the situation in Salzburg and in Vienna will be described in more detail.

5.2.1. THE GENERAL SITUATION IN VIENNA

Compared to rest of Austria, clients of women's shelters in Vienna may choose from a wider range of housing options when they cannot return to their former homes after the stay in the shelter.

Women who are in a position to live independently after the time spent in the shelter, who hardly need further support and for whose children the question of custody has been settled, may apply for an emergency flat provided by the City of Vienna. These flats are also available to immigrants with a consolidated residence status.

If the courts have not yet decided who will be granted custody or if many proceedings have not yet been concluded, or when a woman needs more psychosocial assistance, she may move to one of 43 flats for the transition stage which are provided by the women's shelters of Vienna. After the stay in the shelter, women may live in these flats for up to one year, with the possibility of extension if necessary, where they continue to be assisted by the support team of Vienna's women's shelters.

If women need further assistance because they are facing manifold problems or because they are very young they may move to accommodation for mother and child or an assisted housing facility of the City of Vienna. They have to



turn to the Homeless Assistance counselling centre of the Vienna Social Fund, where accommodation that meets their needs is arranged in accordance with the provisions of Vienna's Welfare Assistance Act and the support guidelines of the Vienna Social Fund. Immigrants must have a valid residence title in order to be eligible for accommodation. A few years ago the council flats owned by the City of Vienna were opened also to immigrants with non-Austrian nationality.

5.2.2. THE GENERAL SITUATION IN SALZBURG

In Salzburg, the situation in the housing market has been difficult for many years. Waiting times for urban council flats are long because the number of available flats is much too small. Moreover, not all women meet the criteria for eligibility, such as three years of uninterrupted residence in the city of Salzburg, or three years of employment. Especially women who have little money have often lived in the peripheral districts already before the separation, where flats are available at lower costs.

In the towns of rural Salzburg council flats are also available only to women who have already lived in the town in question for several years. However, especially women affected by violence are often forced to leave their former home towns. Furthermore, the majority of flats is owned by non-profit housing enterprises that prefer letting flats to women with secure and higher incomes. Many women survivors of violence have no employment (and may have been forced into unemployment) or work in low-wage industries, which makes it impossible for them to save enough money to pay rent expenses. If they decide to move to a new flat in the context of a separation, they frequently depend on the social welfare departments to take over rent expenses such as agent's commissions and deposit payments. Moreover, it is difficult to find landlords who are willing to cooperate with the social welfare departments, and in addition hardly any flats are available that do not exceed the maximum rent per square metre defined by the social welfare department.

For many women, moving out of their homes also means starting life as a single parent. Leaving the familiar neighbourhood and social sphere brings about a number of additional challenges, especially regarding childcare. Even though the counsellors at the women's shelters help mothers find new schools or kindergartens, the change is not easy for the children, and it is a great financial and emotional burden for the women. Also when women and their children do not have to leave their homes because eviction and barring orders under the Violence Protection Act have been issued against the perpetrator, their financial means are frequently insufficient to be able to afford the flat. Moving to another, less expensive flat always involves enormous expenses.

5.3. THE SITUATION OF IMMIGRANTS AFFECTED BY VIOLENCE

Because of racist discrimination, getting accommodation is especially difficult for immigrant women affected by violence. There are hardly any house owners who are willing to let flats to immigrants, in particular immigrants with children. The experience of the staff of women's shelters shows that, for instance, in Salzburg it is almost impossible to find a flat for a woman of African origin.

Immigrants are also discriminated against in government regulations: for instance, the eligibility criteria of the City of Salzburg Housing Department include a 20% immigrant quota, so that only one out of five flats may be let to families of non-Austrian nationality: this considerably reduces the chances that immigrants have of renting an affordable council flat. Moreover, immigrants experiencing violence do not have equal access to certain social benefits in the field of housing in Salzburg: those who earn slightly more than the welfare assistance limit do not get financial support by the Social Welfare Department to be able to pay rent expenses. As a result, many women can only afford substandard flats.

The situation of asylum seekers affected by violence is even worse: many women live in accommodation centres for asylum seekers or inns, often in remote areas. They frequently face acts of (sexual) violence by men there. Separate quarters for women are rare, and thus many women seeking asylum do not get any protection from perpetrators. Even when the staff of accommodation centres is aware of the situation of violence, they often do not know how to react. Eviction orders against perpetrators are hardly ever issued. Insufficient training and lack of experience regarding responses to violence against women and children has fatal consequences for the women who live in such accommodation centres, however. It is absolutely necessary to take clear positions against violence and solve problems of violence in line with the needs of asylum seekers.

5.4. THE SITUATION OF WOMEN WITH DISABILITIES AFFECTED BY VIOLENCE

For people with disabilities it is generally difficult to find an affordable home that meets their special needs. Often, expensive adaptation measures are necessary to make flats accessible and to integrate all equipment that is needed for ensuring the greatest possible extent of independent living. For these reasons, it is often impossible for women with disabilities who have experienced violence to leave a flat especially adapted to meet their needs.

In order to help women with disabilities end a violent relationship it is of key importance that women's counselling centres and women's shelters are granted adequate financial resources so that also the needs of women with disabilities affected by violence may be met. Apart from ensuring accessibility of the building, women's shelters must also be appropriately equipped (e.g., with special toilets and bathrooms, beds, remote controls for technical equipment etc.) to be able to admit women with disabilities, and qualified staff is needed for service provision.

Accessibility is found in a very small share of council flats only (mostly in new buildings). This further reduces the number of affordable flats for women with physical disabilities. Women with special needs who live in mixed-gender shared housing and 'secure flats' need special protection against violent acts by men living in the same home. However, not all agencies providing services to people with disabilities have clear positions and policies regarding violence. Issuing eviction orders by the police against violent men would be possible also in homes for people with disabilities but it is a very rare occurrence.

For women with psychological problems or chronic diseases it is often impossible to earn an income, or their income is small. Therefore they are frequently unable to pay the rent any longer, then they are given notice and consequently become homeless. After long stays in hospital and therapy centres they often lose their jobs and thus no longer have incomes that are sufficient to guarantee subsistence. As a result it is impossible for them to find a home through the free housing market.

5.5. THE SITUATION OF OLDER WOMEN AFFECTED BY VIOLENCE

For older people a change of housing is always challenging. Leaving one's familiar surroundings and having to integrate in a new neighbourhood does not get easier with rising age. In addition, housing is an issue that older people cannot consider independent of the issues of money and care demands, which especially applies to women experiencing violence: many of them, as a result of abuse over a long time, suffer from chronic health problems (both physical and psychological in nature), they frequently lack the financial means needed for moving to another flat (agent's commissions, deposit payments, buying furniture, repair work, etc.) and have no reliable social network. Older women, as they have lived in isolation and dependence over many years, may not be in a position to fend for themselves or they may need nursing services.



The existing institutions and services for survivors of domestic violence are not always oriented towards the needs of older women, however. For instance, as a rule women's shelters are not appropriately equipped to meet the demands of older women or women with disabilities, and they do not always have staff that is able to provide the special services that these women would require. For this reason, older women frequently have to seek refuge elsewhere, mostly in nursing homes, which in turn often are inadequately equipped to provide services for victims of violence.

5.6. RECOMMENDATIONS

Non-existent or unaffordable flats are a common reason that women victims of violence and their children often have to return to their partners. We therefore demand the following improvements:

- Increase the number of affordable council/social housing and flats (new buildings, change in eligibility criteria, etc.);
- provide housing oriented towards special target groups, and which is affordable and available at short notice (subsidised residential building projects alone are not enough);
- increase public financial support (especially welfare assistance) in line with actual cost increases;
- raise the number of affordable homes that meet criteria of accessibility;
- close gaps in the system of emergency housing provision (separate flats for women, young people, people with mental diseases; housing for the stage following assisted housing; social care networks, etc.), primarily with regard to quality aspects;
- employment and housing policy intervention as the situation in the housing market will be further aggravated due to the current economic crisis;
- provide individual, flexible and innovative forms of housing for older women, women with disabilities and immigrants;
- take clear positions regarding violence against women in accommodation centres for asylum seekers and institutions for people with disabilities (group homes for people with special needs, shared housing, etc.);
- clear measures against violent housemates;
- organise training programmes on violence against women and their children, addressing managers of accommodation centres for asylum seekers and inns.

Endnotes

¹⁴⁵ Statistik Austria: EU-SILC 2007: Ein-Eltern-Haushalte, alleinlebende Frauen und armutsgefährdete Haushalte sind besonders stark durch Wohnkosten belastet: http://www.statistik.at/web_de/dynamic/statistiken/soziales/armut_und_soziale_eingliederung/036628 (20 Oct. 2009; text in German).

For statistics in English see http://www.statistik.at/web_en/press/036629 (13 Nov. 2009)

¹⁴⁶ Ibidem

¹⁴⁷ Eitel/Schoibl (1999): Grundlagenerhebung zur Wohnungslosensituation in Österreich, Wohnungslosenhilfe unter besonderer Berücksichtigung der Situation von Familien und Jugendlichen, Edited by BAWO - Bundesarbeitsgemeinschaft Wohnungslosenhilfe; on behalf of BMFWA, BMfUJF, BMAS, 1999: pp. 13ff.

¹⁴⁸ Schoibl/Schoibl/Ginner/Witek/Sedlak (2009): Wohnungslosigkeit und Wohnungslosenhilfe in Österreich Wohnungslosenerhebung 2006-2007-2008, p. 9.

¹⁴⁹ See: Frauenarbeitskreis Bawo – Bundesarbeitsgemeinschaft für Wohnungslosenhilfe:

<http://www.bawo.at/de/content/wohnungslosigkeit/frauen/frauen-arbeitskreis.html> (1 Sept. 2009; text in German)

¹⁵⁰ See www.caritas-wien.at (website in German)

¹⁵¹ 2006 statistics of the Austrian Autonomous Women's Shelters: <http://www.aoeff.at> (website in German)

¹⁵² 2006 and 2008 statistics of the Austrian Autonomous Women's Shelters: <http://www.aoeff.at> (website in German)

¹⁵³ See AÖF (2008): Qualitätsbroschüre, Vienna

6. SEPARATION | DIVORCE

6.1. SEPARATION | DIVORCE AND POVERTY

In addition to unemployment, occupations that do not secure subsistence (which are especially frequent in traditional women's jobs), disease and low educational levels, also separation or divorce is a typical poverty trap. If a couple is divorced, a complex series of interactions is triggered, in which several of the above factors may be combined. It is primarily women who face this increased risk of poverty after a divorce, which is confirmed by a study of 2003 conducted in Germany.¹⁵⁴ At present, no studies in this field are available for Austria. Conclusions as to the situation in Austria are deemed admissible, however, because the two countries are similar with regard to legal system and socio-economic framework as well as family policies.

According to the study, after a divorce women face negative economic consequences especially often, and thus more frequently than men. This, not least, is due to the fact that after the separation in the majority of cases women, take care of at least one child under age who lives in the same household, provided that children were born to the couple. The study revealed that around one out of four of these women did not get any maintenance payments by their former husbands.

In addition the study confirmed that after separation women were affected by poverty significantly more often than men: while the poverty share among women had almost doubled one year after the separation, the poverty share among men changed only insignificantly, and what is even worse: while five years after the separation, the poverty rate among men went down again, no such improvement showed for women. Single mothers and women divorced after a long period of marriage were found to be the most vulnerable groups, especially when they did not receive maintenance payments.

The study also provides information on risk factors: the reason that is named first and foremost is inadequate security of women through employed income. If women's experience of working life is limited, it is difficult to (re-)enter the labour market, which is a step that women may have to attempt after separation, however. Those women who do not succeed in finding employment after separation depend on government assistance and regular maintenance payments to extraordinary degrees.

The authors of the study also state that especially indebtedness is a major problem, as debts made in the context of matrimonial life are divided if in doubt. In Austria, the partner's liability for joint loans does not end with divorce. Even when a husband, in the context of divorce proceedings, accepts the obligation to pay back the loan as he is the principal debtor, in case of his insolvency his former wife can be made liable as guarantor and thus is obliged to pay.

In spite of bank guidelines for joint loans and credit assessment requirements, loan agreements are still made that are co-signed also by wives who have no or low incomes but still stand surety. In many cases they sign under pressure by their husbands or they are not aware of the long-term consequences this may have. If such a fact is provable the woman concerned may apply for a release from the debt or reduction of the loan sum to be paid back, on the basis of the right to mitigation. However, many women concerned do not know that such an option exists.

Another point worth mentioning is that 41% of women moved, or had to move, to a new flat, compared to only 31% of men. The authors of the study see a direct relationship between this higher mobility and the limited incomes of women. In this context also the children, who have to leave their familiar home and neighbourhood, deserve specific attention.¹⁵⁵



6.2. INTERACTIONS BETWEEN SEPARATION/DIVORCE, POVERTY AND VIOLENCE AGAINST WOMEN

In many cases, women who suffer violence by their partners are unable for a very long time to leave the violent relationship. One reason is great fear that when they are on their own it will not be possible for them to secure the financial subsistence of themselves and their children alone. Experience shows that such fears are justified, because separation from a violent partner provably increases the risk of poverty.

The legal counselling services at the women's shelters and many other counselling centres for women affected by violence encounter the manifold problems and obstacles that women have to overcome when they want to leave their violent partners. Often, the women's partners have forbidden them to maintain contacts to relatives or acquaintances. Because of the resulting social isolation, many women do not know where they may get help and information. Sometimes, especially in rural areas, the small number of existing counselling centres and support agencies are located at too far a distance to be available for these women. Most of all immigrants, and particularly immigrants who speak very little German, hardly have the possibility to obtain information on separation/divorce and its consequences.

As a result of men's predominance (and lack of awareness) in court authorities, women affected by violence frequently cannot enforce their rights to a satisfactory extent. As their personal integrity has already been violated and disrespected they do not have much power to stand up against disadvantages. Many women who have endured violent relationships for many years have suffered massive trauma. In examinations by judges it is often incorrectly assumed that they do not tell the truth or that they are exaggerating. As a result, the husbands are regarded as more credible, and motions by women are often refused.

For women it is a very stressful situation to have to sit opposite the perpetrators again before court and to be reminded of what they have suffered. Therefore they want the divorce proceedings to be over as soon as possible and may thus hastily accept a divorce by consent rather than insisting on rights and claims to which they would legally be entitled. This is a problem not least because courts cannot grant a woman more than she has asked for herself and because maintenance claims are subject to a limitation period of three years.

Regarding maintenance, as a rule the parent who does not live in the same household with the child or children is obliged to provide child maintenance. According to a survey on child maintenance conducted by Austria's Single Parent Platform (ÖPA) in 2003¹⁵⁶, 17% of children get neither maintenance nor advance payments of maintenance after a divorce, however, for various reasons: the parent entitled to provide maintenance may be unable to pay because of disease or unemployment or because he lives abroad. When the child's father has died before he has been entitled to retirement pension payments the child does not get maintenance either. Other children only get the family allowance that is paid in addition to the unemployment benefit earned by the parent obliged to provide maintenance, i.e. 30 euros a month.

Another reason why many women who have separated from their violent partners have to wait for a long time until they obtain maintenance for the children born to the couple is that fathers have repeatedly appealed from the corresponding court decisions. When they do not, or not regularly, pay maintenance after the amount to be provided has been fixed, the women face massive financial difficulties. It may take many months until they have legally enforced maintenance payments by means of collection, or have been granted advance payments by the state, and during this time, the women have to make ends meet alone. The situation is especially precarious for immigrants (except nationals of the EU or Turkey) because they are not entitled to advance maintenance payments by the state. On 23 June 2009, in the context of family laws reforms, the Act on Advance Maintenance Payments was also amended and improved in some aspects: as of January 2010, advance maintenance payments by the state may already be granted when decisions on

provisional maintenance payments are made. This aims at ensuring that children will no longer have to wait for months before they get maintenance.

Regarding custody it should be mentioned that as of 1 July 2001 the principle of joint custody has generally been applied. Before this time, after divorce or annulment of marriage, one parent, in most cases the mother, had been awarded sole custody of the couple's children. Fathers rarely fought for award of custody. Under the current regulation, joint custody of both parents is maintained also after divorce or separation. The parents only have to agree where the child will primarily live. In the case of partnerships of unmarried couples with children where joint custody was applied for, joint custody will continue to be in force also after the separation.

After a divorce or separation it is only possible for a parent to be awarded sole custody:

- if the parents do not agree on the primary place of residence of the child. Then the court decides who shall be the custodial parent;
- if the court finds that the welfare of the child is not ensured or if a parent applies for award of sole custody for this reason;
- if the parents agree on sole custody and the guardianship court approves of this agreement;
- if one parent applies for revocation of joint custody and for award of sole custody, and if the court, after attempts to achieve an agreement by consent have failed, rules on sole custody.

Custody includes care and parenting duties as well as the education of the child, administration of the child's property and legal representation of the child. In the case of joint custody, each parent may individually make decisions in these four areas; the parents do not have to decide jointly on these points. Decisions on contact times should on principle be made by consent. In the case of joint custody, the parent in whose household the child does not live has the right to see the child at any time, however. Children older than 14 (i.e., under age but having capacity to act) have the right to refuse contact to a parent. In addition, they are legally entitled to personal contact (visiting rights) with the parent in whose household they do not primarily live.¹⁵⁷

Agreements by common consent cannot be made with a perpetrator. In such a case, the spiral of violence would continue also after the divorce. Violent partners often start custody proceedings after a separation, although they have hardly taken care of their children so far. Their actual motive is to continue to have power and control over their partner who now lives a life of her own, and to discredit her as a bad mother. These proceedings often take much time because it is the men who have the financial means to afford custody proceedings and most of them are represented by lawyers. The majority of women concerned cannot afford legal counsel, and in such proceedings it is not possible to be represented by a court-appointed counsel free of cost as it is not necessary under procedural law to have a lawyer. Therefore, women are often disadvantaged in the proceedings and urged to agree to settlements without the opportunity to think through all aspects.

Since 1 June 2009, psychosocial court assistance has been available also for civil law matters such as divorce proceedings and uncontested proceedings (e.g., custody decisions), but this form of court assistance is possible only if criminal proceedings have been instituted before. Regrettably, the plan to grant also legal court assistance, which was to be implemented in the context of the second package of anti-violence laws, has fallen prey to governmental budget cuts. In civil proceedings, court assistance is granted up to 800 euros only, or 1 200 euros if the woman in question is represented by a court-appointed counsel.

Custody proceedings involve massive psychological stress also for the children concerned, because are struggling with conflicts of loyalty. Moreover, they often have to give statements before the court or undergo repeated examinations



as expert opinions are drawn up. Many mothers do not want their children to endure this and consequently agree to settlements although they are not sure at all whether the terms of the settlement will adequately protect their children.

6.3. THE SITUATION OF IMMIGRANTS AFFECTED BY VIOLENCE

Women of non-Austrian nationality are divorced considerably less often than Austrians.¹⁵⁸ This is primarily due to the fact that women often depend on their husbands with regard to their residence status and consequently their financial situation is precarious (see chapter on the Act on Settlement and Residence). This is paralleled by barriers of language and culture that prevent them from obtaining the assistance and information they would need at the separation stage. Immigrant women often resign to their fate and comply with the wishes of their families, also because for them (and for their families) a separation would be a violation of a taboo. In addition, immigrant women often live in Austria on the basis of a family visa that is linked to their marriage. A divorce would be tantamount to losing the right to stay in the country.

The report on immigrants shows that marriages between Austrian men and women from foreign countries, mostly Asia, have increased in number. The wedding ceremony typically takes place in the bride's home country, and the ideas that the women, most of whom are very young, have of their future are not realistic at all. After arriving in their new home country, they often realise that the relationship does not develop in the way they would have expected. Frequently language problems and isolation because of lacking social networks further add to their difficulties. If the marriage does not work out, these women are in a very difficult situation: if they return to their home countries they would have to admit that they have made the wrong decision. Staying in Austria is not always possible, however, for financial and for legal reasons, as their residence status of such a woman depends on her husband.

The situation of immigrants (with the exception of nationals of the EU and of Turkey) is precarious also because they are not entitled to advance payments of maintenance in the case of divorce (see chapter on the Act on Settlement and Residence).

6.4. THE SITUATION OF OLDER WOMEN AFFECTED BY VIOLENCE

2008 saw a total of 19 701 divorces in Austria, and one out of 10 couples had been married for 25 years or more at that time. According to the study of Germany mentioned above, women who leave their partners late in life face an increased risk of poverty. Women experiencing violence are especially vulnerable, for a number of reasons, and in particular when they have no income of their own, do not earn retirement pensions and have no savings. In such a situation they entirely depend on public social benefits and maintenance payments. Many of them have no professional qualification at all because their husbands did not want them to go to work, or their working life is characterised by interruptions because they have taken over childcare duties, or their pensions are very small because of many years of part-time work. In any case, (re-)integration in the labour market is extraordinarily difficult. Frequently, their situation is further aggravated because they also suffer from psychological problems or chronic diseases resulting from violence by their partners endured over many years.

A study carried out in Germany¹⁵⁹ reveals another important fact: older women, in spite of their precarious economic situation, tend to hesitate to apply for social benefits. The possible reasons that the authors name include feelings of shame and fear to lose social prestige. The authors also underline that sufficient, reliable maintenance payments would considerably improve the economic situation of these women.

Therefore it is hardly surprising that almost three out of four vulnerable people at retirement age are women, and half of them live alone. 30% of all women at retirement age have to be regarded as poor because of their bad financial situation.¹⁶⁰ Taking the step out of a violent relationship, which may have lasted over many years, has thus proved to involve a high risk of poverty.

6.5. THE SITUATION OF SINGLE MOTHERS AND THEIR CHILDREN

As has already been described in more detail, the financial situation of single mothers, in addition to the general stress of separation, gets enormously hard if maintenance payments fail to arrive. For this very reason, the Act on Advance Maintenance Payments was amended in the context of the reform of family laws in order to avoid unnecessary waiting times. However, another new regulation has brought about massive problems for single mothers: advance maintenance payments, different to child benefit, generally end on the 18th birthday of the child in question, i.e., as soon as a child is of full age. Young people who obtain further training are no longer entitled to advance maintenance payments. Another relevant point in this context is that there are men who, after the separation, have held back the child benefit that was paid out although the children are living with their mothers, which is an additional financial difficulty for the women.

The regulations concerning childcare allowance include a tricky provision: women who receive childcare allowance may suddenly become poor after separation or after divorcing their partners. Especially if she has decided in favour of the long-term option of childcare allowance payments (436 euros a month) a single mother will automatically end up living in poverty. Lack of protection against dismissal is an additional risk: during parental leave, women who receive childcare allowance are protected against dismissal until the child is two years old. In other words, when they want to return to their jobs only after 2.5 years, they may be given notice. Of course, it is desirable that women may go back to work as soon as possible, but nevertheless, regulations are needed that prevent them from losing their jobs after a longer time of maternity leave.

An insufficient number of childcare places for all age groups, especially for children under three, is another factor that makes it very difficult for single mothers and mothers who want to leave their partners to reconcile work and childcare duties. Childcare allowance was introduced seven years ago and since then the corresponding provisions have been amended several times, but adjustment for inflation has never been included. Until recently, only couples were entitled to childcare allowance throughout the maximum admissible period, and have had to choose between three types. The coalition parties agreed on a new regulation taking effect as of 2010, which links childcare allowance to income and under which also single mothers have better access to childcare allowance. Single parents, especially women in a situation of acute difficulty, may take up childcare allowance for an additional two-month period. This applies to all types of childcare allowance. Situations of acute difficulty include, for instance, the death, severe illness or imprisonment of the partner, but also in cases in which women have suffered domestic violence and home exclusion orders have been issued against the partner.¹⁶¹ 27 000 recipients out of a total of 164 000 people who received childcare allowance in May 2009 were single parents.¹⁶²

Joint custody is another problem when a family is affected by violence: even in cases where a partner has committed violence against his wife and the children in the time of marriage, joint custody is not withdrawn after a divorce. Victims' protection organisation regard this regulation as a dramatic deterioration in the situation of women and children concerned: they are continue to be confronted with the perpetrator again and again, also after the divorce, and cannot free themselves of the threat this poses. This may be a renewed danger for both the women and the children.



Therefore the counselling centres urgently recommend that women who have suffered abuse during marriage should always point to the violence committed by their husbands, if possible already before and during divorce proceedings, and also talk about the danger this poses for their children. Even when the couple plan to have a divorce by common consent, in such cases the woman may turn to court to apply for sole custody in order to prevent the violent parent from being awarded custody.

Eventually, the issue of uncontested proceedings also deserves mention. This is a procedure aimed at finding solutions for private law claims that arise with regard to divorce, custody, inheritance, etc. On 1 July 2009 a new Act on Court Fees entered into force, which provides that a fee amounting to 220 euros has to be paid for each application for uncontested proceedings that is filed with a court. This also applies to changes in agreements concerning visiting rights, but applications for custody are exempt from fees. Applications for maintenance payment have been liable to fees also before, and the amounts that were formerly charged have now been index-linked. These additional fees and increases in fees generally are a great problem for single parents but especially for women affected by violence, because violent partners often do not adhere to visiting agreements and continue to demand changes in existing arrangements.

All these factors have extremely negative effects on the poverty risk of single parents and their children. According to Statistics Austria¹⁶³, in 2007 a total of 338 000 people in Austria lived in single-parent households. 32% of them were at risk of poverty. Estimates by the Austrian Institute of Economic Research¹⁶⁴ also show that women with children and single parents are particularly disadvantaged. In order to achieve the same level of wealth as single-person households, single mothers would have to earn an income that is higher by 33%, which corresponds to 520 euros. If she has two children, she needs an additional 64%. However, women with children, on average, earn 540 euros less than women without children who have a similar level of qualification, and their chances in the labour market generally are less favourable. A separation from the partner thus almost automatically reduces their wealth levels.

Children need support and assistance from the very start, and their perception of the world is oriented towards the capabilities and perspectives of the adults with whom they live. The conditions for the development of children are less favourable if they grow up in households at risk of poverty. This applies to both school and training as well as social integration. These disadvantages directly affect the children's well-being and result in emotional, social and psychological distress. Often, material poverty is not the only form in which the want that these children are facing manifests itself. They may also experience symptoms of poverty of time and of relationship at home¹⁶⁵, when parents do not have enough time for their children because they are struggling with their own problems, which is a typical situation at the time of separation and divorce. The children are then left alone with their fears and often they are forced to 'be adults' too early in their lives. For children who have been affected by violence at home, the situation is further aggravated, and they suffer from multiple stress: their material and immaterial needs are not met, they experience social exclusion, health problems, a change of home and of school, conflicts between their parents that may involve violence, among other difficulties, adding up to a burden with which children and young people can hardly cope.

6.6. RECOMMENDATIONS

- increase the staff of, and provide secure finance for, women's counselling centres and women's shelters where women affected by violence may get legal assistance regarding separation and divorce;
- training and information events for legal personnel on the topic of violence against women as well as about the risks of poverty and measures to reduce these risks which will be carried out by female experts in the field of violence and victim protection
- increase the staff of, and provide secure finance for counselling centres where immigrant women affected by violence

- may get legal counselling in their mother tongues or where a qualified interpreter is available;
- provide obligatory legal counselling of women before divorce and custody proceedings;
- since 2006 every victim has the right to free legal court assistance. In addition, permit the necessary financial backing from the Austrian Federation for all organisations offering these services to ensure that all women can receive this right and that no one is rejected.
- permit legal court assistance also for civil law proceedings and uncontested proceedings;
- permit court-appointed lawyers free of cost for clients also in custody proceedings;
- grant advance payments of maintenance already when applications for maintenance payment are filed, for all single mothers independent of their nationality;
- grant advance payments of maintenance up to the age of 27 of children (undergoing training);
- adjust childcare allowance for inflation (index linking);
- ensure equal treatment of children of single parents;
- extension of comprehensive free childcare with qualified personnel-also for children under 3-with additional staff in order to allow women the chance to combine career and family;
- single parents, the same as couples, should be entitled to childcare allowance over the full period for each type of childcare allowance option;
- qualification programmes for women to facilitate re-entry in the labour market;
- take steps against indebtedness, e.g., by more restrictive granting of loans by banks, legal provisions against indebtedness (no garnishing or attachment of income by commercial creditors, which has already been introduced in a number of EU states), better information and prevention activities;
- an interesting approach is mentioned in the German study: establish an institutional information point that is also in charge of handling payments.
- provide low-cost transitional homes for women after their stay in women's shelters, not only in Vienna but in all provinces, for women affected by violence and their children;

Recommendations targeting women with special needs, immigrants and older women

- legally guarantee a basic right to maintenance payments at the time of application for single mothers irrespective of nationality;
- affordable housing for women affected by violence, irrespective of whether they are immigrants, single mothers, women with disabilities or older women;
- increase in personnel and financial security for advice centres in which immigrant victims of violence can receive legal advice in their mother tongue or through the use of trained interpreters;
- production and comprehensive distribution of information materials on the topic of violence against women, legal recourse and available assistance in all main foreign languages spoken in Austria (Turkish, Bosnian-Croatian-Serbian, English);
- individual right of residency independent of the husband's status.

Endnotes

¹⁵⁴ Andreß/Borgloh/Güllner/Wilking (2003): Wenn aus Liebe rote Zahlen werden. Über die wirtschaftlichen Folgen von Trennung und Scheidung. Wiesbaden. This research project, which extended over several years, was carried out on behalf of Germany's Federal Ministry of Family Affairs.

¹⁵⁵ Andreß/Borgloh/Güllner/Wilking (2003): Wenn aus Liebe rote Zahlen werden. Über die wirtschaftlichen Folgen von Trennung und Scheidung. Wiesbaden.

¹⁵⁶ See press release by Austria's Single Parent Platform (ÖPA) of 23 Sept. 2009:

http://www.alleinerziehende.org/index.php?option=com_content&task=view&id=187&Itemid=40 (22 Oct. 2009; text in German)

¹⁵⁷ See www.aeof.at (website in German)

¹⁵⁸ Fassmann/Reeger/Sari (2008): Migrantinnenbericht 2007. Wien, Bundeskanzleramt - BM für Frauen, Medien und Öffentlicher Dienst

¹⁵⁹ Andreß/Borgloh/Güllner/Wilking (2003): Wenn aus Liebe rote Zahlen werden. Über die wirtschaftlichen Folgen von Trennung und Scheidung. Wiesbaden.

¹⁶⁰ Statistik Austria (2009): Einkommen, Armut und Lebensbedingungen. Ergebnisse aus EU-SILC 2007, p. 72

¹⁶¹ <http://www.bmwfg.at/Familie/FinanzielleUnterstuetzungen/Kinderbetreuungsgeld> (15 Feb. 2010), text in German

¹⁶² ÖPA press release of 3 July 2009: http://www.alleinerziehende.org/index.php?option=com_content&task=view&id=188&Itemid=40 (22 Oct. 2008; text in German)

¹⁶³ Statistik Austria, EU-SILC 2007, p.71

¹⁶⁴ Guger /Buchegger /Lutz/Mayrhuber/Wüger (2003): Schätzung der direkten und indirekten Kinderkosten. Studie des Österreichischen Instituts für Wirtschaftsforschung im Auftrag des Bundesministeriums für Soziale Sicherheit, Generationen und Konsumentenschutz, Vienna

¹⁶⁵ Baumgartner/Markusch (2000): Armut von Kindern in Österreich – Empirische Befunde und Möglichkeiten der Armutsbeseitigung, Karl-Franzens-Universität Graz



7.1. IMMIGRATION AND POVERTY

Immigrants face manifold barriers in the areas of employment, housing, health care, education and participation in public life that are due to both their statutory situation and bureaucracy. This results in social exclusion and consequently often also to exploitation. Although this problem is a well-known fact, it should be pointed out in this context that hardly any studies are available on this theme, and specific research would be needed, especially at European level.

Immigration is an issue that no country can ignore. Immigration has become a reality, and often a sad one, for millions of people all over the world. The problems associated with this issue are well known and are often expressed with xenophobic attitudes that generate a lot of media attention. The challenge we have to meet today can only be to bring about a paradigm shift: although the working population is known to decline and immigration can help tackle this problem, openness towards immigration is an approach that policy-makers hardly consider worth pursuing. Each of the large number of amendments to immigration laws seems to have added further barriers that significantly increase the poverty risks of immigrants.

This is also pointed out in the aforementioned study on poverty and exclusion of immigrants in Europe conducted by Caritas Europe,¹⁶⁶ which investigated the situation of immigrants in five areas: employment, housing, health care, education and participation in public life. The conclusion drawn is hardly surprising: immigrants usually are in a less favourable position than nationals. In other words, each of the five areas mentioned hides numerous poverty traps in which immigrants, and especially immigrant women, may be caught. If one of these traps closes this will have negative effects also on the other areas. As the study aptly puts it, there is a domino effect of poverty; and what is worse: this effect spreads not only horizontally but also vertically, i.e., over generations.

At present, 191 million people all over the world are immigrants, and almost half of them, i.e., 95 millions, are women. In social and political discussions they tend to be ignored, however, although they are struggling with grave problems at many levels. The main problem undoubtedly is that many European countries, and also Austria, distinguish between the right of residence and the right to work, as a result of which immigrants often work in untypical and thus precarious types of employment. This in turn considerably weakens the position of immigrants and makes them vulnerable to discrimination and exploitation. Moreover, immigrants often come from societies and families where the position of women is completely different from their role in Europe or Austria. This results in a situation of conflict for these women that they have to manage. They face problems regarding employment, housing and health care, communication is difficult because of language problems, they are confronted with dequalification, have low levels of education and have lost their familiar social environment. These factors form part of a complex mechanism of exclusion and eventually drive immigrant women into poverty and prevent them from living independently and having control over their lives. The Caritas report thus refers to poverty as a multidimensional and multifactor problem. Women with a background of immigration have the lowest rank in social hierarchy.

7.2. INTERACTIONS BETWEEN IMMIGRATION, POVERTY AND VIOLENCE AGAINST WOMEN

Apart from the Act on Asylum and the Alien Police Act (expulsion after negative decisions on applications for residence), the provisions of the Act on Settlement and Residence (NAG) play an essential role regarding immigration and residence. The NAG regulates questions of granting, refusal and withdrawal of residence titles to aliens who want to stay, or are staying, in Austria for more than six months, and also questions of documentation of existing rights of residence and settlement. This is generally regarded as a difficult matter. As the corresponding provisions

have repeatedly been amended, the resulting procedures are complex and impossible to understand for non-experts. Often stakeholders are not sure any longer what the present legal situation is and what steps can actually be taken at the current point in time.

The lives of immigrants in Austria are massively influenced by the provisions of alien law. The purpose and duration of their stay in Austria are decisive for being granted access to the labour market, for entitlement to social benefits and for the security or insecurity of their status of residence. This massively increases the risk of poverty for this group of people. The latest comprehensive amendment to Austria's alien laws has been in force since 1 January 2006 and has brought about fundamental changes in the statutory framework relevant for immigrants. The far-reaching legal changes of 2006 are the consequence of a number of European directives. The most important aspects concern a reorientation in procedures, lack of transitional provisions as well as stricter regulations for material prerequisites for granting residence titles. A positive approach of the amendment is better access to the labour market for relatives who enter Austria on grounds of family reunification.

Austria's supreme court criticised that the amendment to the NAG that entered into force in 2006 did not include regulations for filing applications for residence permits for humanitarian reasons and that titles for humanitarian reasons were issued *ex officio*. In other words, humanitarian permits depended on the authorities' discretion. In June 2008 Austria's Constitutional Court ruled that the individual concerned must have the right to file the corresponding application, and consequently the provisions were modified and entered into force in April 2009. As of 1 January 2010, another amendment to the NAG will take effect, as a result of supreme court rulings, European law and in consideration of recent decisions of the European Court of Justice.

The provisions of alien law affect women more strongly than men and exacerbate the situation of women with a background of immigration who are affected by violence. It is still impossible for them under alien law to live an independent life under their own control during the first few years of settlement in Austria. For immigrants who experience domestic violence it is extraordinarily hard to separate from the perpetrator. The main problem for victims of domestic violence is that they legally depend on their husbands with regard to residence and access to the labour market. Even in cases of family reunification women do not get an independent residence title for five years and they have to wait for one year before they have legal access to the labour market. The shorter they have stayed in Austria, the more massive their dependence on their husbands.

7.3. FAMILY REUNIFICATION

In Austria, immigration is almost exclusively based on family reunification. Under the new amendment to the Act on Settlement and Residence (NAG), the right to family reunification has been restricted drastically. The new provisions include a definite deterioration of the situation of third-country nationals with Austrian relatives. The reason of this discrimination against Austrians and their relatives is that a distinction is now made between Austrians and EEA nationals who have made use of their right to free movement and those who did not do this.¹⁶⁷ Under Austrian law, the right to settlement and residence of relatives depends not only on the question whether the persons concerned are relatives of EEA nationals and Austrian nationals or relatives of third-country nationals but also on whether an EEA national has made use of their right to free movement. Regarding the group of Austrians who have not made use of their right of free movement, family reunification is limited to the nuclear family. The age limit for children is 18 years, and corresponding residence titles extend over shorter periods, and different income limits apply regarding minimum means of subsistence that are required (income limits according to the General Social Security Act).



The amendments to the NAG that became effective as of 1 January 2010 include a redefinition of the term relative. In order to protect victims of prearranged (child) marriage or forced marriage, the age limit for entering Austria was raised to from 18 to 21 years for spouses of third-country nationals settled in Austria and of Austrian nationals. Measures aimed at preventing forced marriages of girls are of great relevance for women's policy and thus welcome, but this regulation is no appropriate instrument to meet this goal. It is a hardship for and discrimination against all spouses who are younger than 21, independent of whether they were forced to marry or not. The general assumption should be that they married voluntarily. It is not justified to cast suspicion on all people who marry at a young age. On the other hand, forced marriage still cannot be excluded as long as it takes place among people older than 21. The new regulation only delays entry into Austria. As a consequence, women who were married against their will are bound to their husbands for an even longer time.

In Austria, the greatest part of immigration takes place in the context of family reunification. The purpose of the stay in Austria on which a residence title is based as well as its duration depends on the permit of settlement of the reunifier who lives in Austria. The reunifier has to meet the following criteria for family reunification: evidence of accommodation in accordance with local custom, evidence of health insurance that covers all risks, absence of reasons preventing a positive settlement of the matter and evidence of sufficient income (income limits according to the General Social Security Act). In most cases the reunifiers are men. The reason for this is that, as a result of discrimination in the area of education and training as well as in the labour market (see chapters on education/training and income) it is almost impossible for immigrant women to meet the income criteria for family reunification, i.e., monthly net earnings from work in Austria of at least 1 158.08 euros for reunification with an adult (the husband) and an additional 80.95 euros for each child (1 293.03 euros of net income). The new regulations that entered into force on 1 January 2010 regarding income required for family reunification¹⁶⁸ make it even more difficult for immigrants to live in Austria with their families.

According to the Austrian Ministry of the Interior, in the case of first applications, child benefits must not be added to the family income – only childcare allowance may be regarded as part of the monthly income. In first applications, the allowance paid in addition to childcare allowance must not be added to the family income either because this is a loan. Even if a woman has chosen the shortest type of childcare allowance payments her income remains below the required limit of 1 239.03 euros. Another obstacle for immigrants resulting from the amended regulations is that rent payments are also taken into account for income calculations. If, according to the provisions that have entered into force, rent is added to the income limit (reduced by a deductible amount), a woman who has to pay a rent of 400 euros a month must prove a monthly disposable income of 1 392 euros so that her husband may come to Austria in the context of family reunification. The regulations for family reunification often work to the disadvantage of immigrant women.

The majority of people who come to Austria on grounds of family reunification is women. By 1 October 2009, 5 747 first settlement permits had been issued to women in 2009, and 4 754 to men, which amounts to a total of 10 501 first settlement permits.¹⁶⁹ Those entering Austria have to rely on obtaining from the reunifier the documents that are necessary for filing the corresponding application. This step makes it very clear to women that they depend on their husbands with regard to their right to stay in Austria. It is a lever that men tending to violence have repeatedly used against their wives and as a result, women immigrating to Austria as family members and who are suffering violence are often afraid to call the police and take action against their husbands.

As it is primarily women who follow their husbands to Austria, immigrant women are more strongly affected by the regulations for family reunification. There is one exception regarding forced marriage, however: in this context, a rising number of immigrant women of the second generation are married to young men living in their countries of origin so that these men may have a chance of leading better lives in a wealthy country such as Austria.

7.4. DEPENDENCE ON THE REUNIFIER WITH REGARD TO RESIDENCE AND LABOUR LAWS

The Act on Settlement and Residence again does not include what has been demanded for many years: independent residence titles for all women who come to Austria. As a rule, the right of settlement of the wife entering the country in the context of family reunification depends on the right of settlement of her husband for a period of five years. If the reunifier loses his residence title during the first five years, under the present legislation also his relatives will lose their right to stay in Austria. They may then only file first applications, with all the consequences this has. In cases that deserve special consideration the competent authority, in order to avoid hardship, may grant a residence permit for humanitarian reasons. Under the NAG, the state of dependence on a spouse has been extended to five years while it had been four years under the former Alien Act of 1997.

The NAG includes partial improvements for immigrant victims of domestic violence who have been granted settlement permits, i.e., the provisions of Section 27(4) of the NAG relating to women affected by violence: in the following cases an immigrant's right of settlement is upheld even when the five-year period has not yet expired: in the event of death of the husband, if an interim injunction according to Section 382b of the Act on Enforcement Procedures has been issued against him and if a divorce has been caused primarily through fault on the part of the other spouse.

Under the amendment that entered into force on 1 January 2010 this approach is pursued further, as also victims of forced marriage are included in these regulations (Section 30a of the NAG).¹⁷⁰ Family members affected by violence are granted an independent right of settlement as well as the corresponding settlement permit if, after the requirements for family reunifications can no longer be met, they meet the general requirements for granting a title of residence (i.e., health insurance, sufficient income, accommodation, etc.; see below). Under the new provisions, the clause regarding derived purpose of residence during the first five years will no longer apply.

While Section 27 of the NAG is a step in the right direction, it still has to be underlined that the current legal situation does not adequately take into account the conditions under which immigrants are living, which enormously increases the poverty risks for immigrants affected by violence:

(1) The NAG brings about some improvements for immigrants experiencing domestic violence. However, what is still lacking is the introduction of independent residence rights that are not linked to partners. This has been a long-standing demand voiced by women's support organisations. Only if specific requirements are met, women may be granted independent residence titles under Section 27 of the NAG.¹⁷¹ This does not apply, however, if the husband in question is an Austrian or EEA national who has the right of free movement.

(2) Laws have little effect if those concerned have not been informed on their rights. Insufficient knowledge of German and the problem that women legally depend on the reunifier are essential barriers for immigrant women that prevent access to information relevant for them. In addition, the reunifiers know more about the legal situation and cultural standards of the country of residence because they have lived in Austria for a longer time. Violent men use this advantage to intimidate women by giving incorrect information. *'If you turn to the police you will be deported immediately.'* Particularly in rural regions, lack of trustworthy centres specialising in services for immigrants, has to be criticised as a massive deficit. Immigrant women are also far more reluctant to call the police. On the one hand, they fear that the officers will not understand them because of language problems, and on the other, the term police is associated with alien police and thus with fear of deportation, prohibition of stay in Austria or loss of the residence title. As a result of these barriers, immigrants affected by violence are less likely to apply for interim injunctions. Interim injunctions, eviction and barring orders, i.e. instruments that are generally regarded as most effective protection measures for women affected by violence, turn out to be a further poverty trap for immigrant women who are not entitled to social benefits (see chapter on inadequate social benefits). Many women with a background of immigration



do not have the necessary financial means to afford a flat for themselves. This is a reason why immigrant women frequently stay in violent relationships. Often, their only alternative is to go to a women's shelter.

Because of insufficient information, many women incorrectly assume that the right to work, which is granted to people entering the country on the basis of family reunification after one year of residence, also includes a residence title for themselves independent of their husbands. This is not the case, however, a fact many immigrant women are drastically made aware of in divorce proceedings.

(3) The problem of fault-based divorce as a requirement to prevent women from losing a settlement permit that depends on the unifier was raised as a point of debate in the context of the Decree on Maximum Excess of Federal Quotas (BHZÜV). This provision was subsequently modified, because immigrants are divorced according to the laws of their home countries, which are often based on the principle of broken marriage and no distinction is made between at-fault divorce and divorce by common consent. Another frequent problem in divorce proceedings is that many marriages are dissolved on a non-consent basis but in the final decision the husband is not specified as the spouse more at fault. Almost nine out of ten divorces in Austria are divorces by consent. Divorce proceedings are extremely stressful for women affected by violence and their children, therefore many women want the proceedings to be over as soon as possible and agree to a divorce by consent without careful consideration (see chapter on separation/divorce). Moreover, a contested divorce may be drawn out over many years, which creates a situation of insecurity and is psychologically trying for immigrant women affected by violence, and thus brings about health risks, but it also enormously increases the risk regarding safety and poverty of these women. Experience has shown that it is precisely the stage of separation or divorce in which acts of violence are especially frequent. Ms Tamar Citak of the Domestic Abuse Intervention Centre Vienna reported at the WAVE conference of 2009 that the majority of murders of immigrant women are committed at that very stage. The women concerned therefore tend to prefer separation to contested divorce proceedings, as this involves less conflict.

When fault of the spouse is to be claimed, women need a lawyer to represent them. This is impossible for many immigrant women affected by violence because they financially depend on their husbands and they are not free to turn to counselling centres for immigrants. One cannot tell in advance if a woman in such a situation will succeed in obtaining a divorce on grounds of predominant fault by the husband and may thus invoke Section 27(3) of the NAG. In the case of a divorce by consent or a divorce in which the husband is not held at fault, an immigrant woman affected by violence will lose her right to stay in Austria. Women suffering domestic violence continue to be the ones who risk the loss of their residence titles, or not being granted a residence title at all, when they report their husbands to the police or want to divorce them. Taking steps towards separation or divorce without obtaining detailed legal counselling beforehand is not advisable. Therefore we urgently recommend that decision makers modify the legal provisions regarding residence status in line with the divorce clause of the BHZÜV.

(4) Taking into account the above comments, it is obvious that the situation of immigrants affected by violence will definitely be worse when the amendment to the NAG will enter into force on 1 January 2010: under the new NAG, in order to be entitled to the rights granted under Section 27(4) of the NAG, the family member in question has to provide information on the relevant circumstances to the authorities competent for settlement matters within one month. In addition immigrants, as their status is linked to the one of their spouses, depend not only on their husbands as persons but also on the status of marriage. Only married persons are granted access to the labour market and a legal residence title.

7.5. SUFFICIENT INCOME TO ENSURE SUBSISTENCE

In practice, the most important requirement for being granted a residence title is to provide evidence of an income that is sufficient to ensure subsistence. In the entire country, the limit for eligibility for supplementary pension payments is used as a basis for decisions in this regard (Section 293 of General Social Security Act). In 2009, an immigrant who applied for a residence title had to prove a disposable monthly income of 772.40 euros plus 80.95 euros per child. Apart from the fact that Austria shows an east/west divide regarding incomes and a person's income level thus depends on the province where they live, this requirement is one of the greatest barriers, in particular for women. It is a problem for women with a background of immigration (especially single mothers) because the majority of them, due to discrimination in the labour market (see chapter on income), is unable to earn this sum, and they are more often confronted with unemployment, dequalification, part-time work and precarious jobs.

Another problem is that under alien law it is difficult or impossible for family members entering the country on the basis of family reunification, i.e., mostly women, to have legal access to the labour market. Although the alien law regulations of 2005 include steps towards a harmonisation of the right of settlement and right of work for third-country nationals, relatives coming to Austria on grounds of family reunification have to wait for one year before they are granted the same access to the labour market as the reunifier. After one year, they obtain a settlement permit for unlimited time, which includes free access to the labour market. In a consequent harmonisation of rights of residence and rights of work, work permits and certificates of exemption (i.e., unrestricted work permits) may generally be granted only when the alien in question is staying in Austria not only temporarily. In other words: no permanent access to the labour market is possible without permanent settlement, and vice versa.

This regulation is especially hard for women in violent relationships: according to the amendment of 1 April 2009, it is also possible to grant residence permits for humanitarian reasons to women without settlement permits and third-country nationals staying in Austria, in cases that deserve special consideration, i.e., because of their need for special protection (Section 69a of the NAG), even if they do not meet the general requirements for a residence title, and even if reasons for refusal of a residence title have been found, except cases of prohibition of stay in Austria. Need for special protection applies: (a) in order to ensure criminal prosecution of acts punishable by court or to enforce civil law claims connected to such punishable acts, especially with regard to witnesses or victims of trafficking in human beings or cross-border trafficking of prostitutes; or (b) if the third-country national who is illegally staying on Austrian territory or has no settlement permit has become a victim of domestic violence, an interim injunction according to Section 382b of the Act on Enforcement Procedures has been, or could have been, issued, and if the third-party national in question can show to the satisfaction of the competent authorities that granting a residence permit is necessary to protect them from further domestic violence.¹⁷²

For group (a) this regulation involves following problem: applications have to be denied as inadmissible if criminal proceedings have not been started or if no claims under civil law have been asserted. This again ignores a demand that the Intervention Centre for Women Affected by Trafficking has made for many years: not only witnesses in criminal proceedings and women affected by trafficking who bring civil law suits against traffickers should be granted residence titles but any victim, independent of the question whether she is able to, or wants to, give a statement before the court. Many victims do not know the men behind the scenes. And one has to bear in mind that giving a statement may be extremely dangerous for victims and their relatives. The women concerned should first have the opportunity to stabilise after this time of extreme trauma and decide afterwards whether they want to give a statement before the court or not. By 1 October 2009, 12 women had been granted first residence permits in 2009 according to the criterion of need for special protection (Section 69a(1) Subpara. 2 of the NAG).¹⁷³



The problem for group (b) is that applications have to be denied as inadmissible if no interim injunction according to Section 382b of the Act on Enforcement Procedures has been issued or if such an injunction could not have been issued. By 1 October 2009, only two women had been granted first residence permits in 2009 according to the criterion of need for special protection (Section 69a(1) Subpara. 3 of the NAG).¹⁷⁴

Third-country nationals may obtain a unlimited permits of settlement independent of quotas if they meet the integration agreement and have held residence permits under Section 69a of the NAG for at least 12 months, and if the requirements for Section 69a-permits continue to be met. Meeting the requirements of Section 69a is not obligatory if the third-country national in question has held a residence permit based on Section 69a in the past three years.

In addition, residence titles granted according to Section 69a of the NAG are a minimal protection for immigrants, as, for instance, access to the labour market is denied at the same time. In most cases, victims of domestic violence are granted residence permits for humanitarian reasons by the competent authorities but subsequently they do not meet the requirements for obtaining work permits or certificates of exemption because they have no settlement permit. A positive point is that people who have held a residence permit for humanitarian reasons for a period of 12 months will be granted a settlement permit, under which access to the labour market is possible. It would be desirable that women affected by violence immediately be granted settlement permits and not just the restrictive title of a residence permit for humanitarian reasons.

For victims of violence, the current situation is especially hard. The only option that this group has is to be granted a work permit according to the Decree on Maximum Excess of Federal Quotas (BHZÜV) but this is no enforceable right. An immigrant affected by violence must find an employer who is ready to apply for a work permit on her behalf. In practice, it is almost impossible to meet this requirement and it is an extremely difficult undertaking for women who face multiple discrimination.

Spouses and children of old and new EU nationals (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia), independent of their nationality, are only granted freedom of movement for workers, and thus access to the labour market, if they share a place of residence with a new 'EU national' who has freedom of movement. This provision is a problem especially for women affected by violence: if a woman of Croatian nationality leaves the home she has shared with her husband who is a Slovak national (and has a EU freedom of movement certificate) and moves to a women's shelter, she is denied access to the labour market.

This provision does not apply to binational marriages between third-country nationals and new EEA nationals. In addition to sharing a place of residence, they have to wait for one year before they are granted access to the labour market. For instance, a Bulgarian woman who, in the context of family reunification, moves to Austria to live with her Serbian husband who has settled here and has an unlimited settlement permit cannot apply for an EU freedom of movement certificate before the end of a one-year period. Although she is an EEA national and regarded as equal to third-country nationals she has to wait for one year. Here residence and work rights are derived from her husband's titles.

The Association Agreement only applies to nationals of Turkey: under the Agreement establishing an Association between the European Economic Community and Turkey of 29 December 1964, nationals of Turkey and their relatives, if they meet certain requirements, are granted a direct right of access to the regular labour market in one of the member states. This agreement does not apply to binational couples either.

For single parents who are granted childcare allowance (Type 1)¹⁷⁵ it is a massive practical problem to meet the prerequisite of a sufficient income to ensure subsistence, which is needed to be granted a settlement permit. They are forced to earn money in addition to the childcare allowance they get so as to reach the income limit according to the General Social Security Act that is required for an extension of their residence title. For single mothers with a background of immigration who are affected by violence it is particularly hard to find work (see above).

Another obstacle for single immigrant mothers is that under the NAG maintenance payments by the child's (violent) father, which are important for meeting the income limit according to the General Social Security Act, are only taken into account if he actually pays. Furthermore, only the amount that the mother eventually receives is considered for calculating her income. In other words: in order to prove a sufficient income it is not enough to be legally entitled to maintenance payments but what is relevant is the actual amount received and whether maintenance is actually paid or not. As a consequence, the right of residence of immigrant women and their children also depends on the fathers' willingness to meet their obligation to pay maintenance. This regulation primarily affects women and does not take into account their actual situation. It would be useful to modify the corresponding provisions so that in future, it could be sufficient proof of an adequate income when court proceedings to enforce maintenance claims have been initiated. Another point worth mentioning is that at present advance payments of maintenance by the government are only granted to children who are Austrian nationals.

Only when women have the perspective of an independent right of residence and right to work can their situation of dependence be ended, so that they consequently have more options to lead independent lives under their own control.

7.6. HEALTH INSURANCE

A further prerequisite for being granted a residence title independent of one's spouse is to furnish proof of health insurance, which may be obtained either through employment, by means of contribution-free coinsurance of relatives (spouses and persons keeping house) or by active payment of insurance contributions. It has repeatedly been pointed out in this report that it is very difficult for immigrants affected by violence to obtain health insurance through employment. The option of coinsurance with another person, in most cases the (violent) husband, may cause problems for women affected by violence: it increases immigrant women's dependence on husbands, and experience has shown that husbands often make use of this situation to make life difficult for their wives. It has repeatedly been registered that husbands cancel their wives' insurance policies without their knowledge. A number of important regulations in this field have already been adopted: for instance, spouses may cancel the insurance policy of a coinsured person only after the marriage has been dissolved. However, there have been several instances of husbands who obtained a divorce in another country, without informing their wives who lived in Austria. In such cases, the women concerned will only notice that they have no health insurance when they consult a doctor or go to hospital. As of 1 January 2009, monthly contributions of 341.92 euros have to be paid. This amount may be reduced upon separate application for reduction of assessment basis and if corroborating evidence is submitted (e.g., tax assessment, pay slip, savings passbooks, evidence of maintenance payments, etc.), if such a reduction is deemed justified in view of the applicant's economic situation.



7.7. EVIDENCE OF ACCOMMODATION

Experience of the staff of women's shelters shows that it is more difficult for immigrants, especially women with children, to get access to the housing market (see chapter on housing), and for immigrants who want to escape from a violent relationship this is a vicious circle: they have to submit evidence of an adequate accommodation in order to obtain a residence title. For instance, if a woman leaves the women's shelter and moves to an accommodation for mother and child run by a support agency, she does not meet the criteria for being granted an unlimited residence title (long-term residence status – EC) because accommodation provided by an agency is not based on a legal title (tenancy agreement).

In Vienna, immigrants are eligible for housing allowance and as of January 2006, after five years of permanent settlement, they are also granted access to social housing if they live in a flat in a privately owned house. This undoubtedly is a step in the right direction, but one must not forget that the situation in the first five years after coming to Austria is especially precarious. In addition, many immigrants live in socially disadvantaged neighbourhoods, which is very negative for social inclusion.

7.8. EXTENSION PROCEDURES

Another massive deterioration under the NAG is the change in extension procedures. Applications for an extension of residence title have to be filed, at the latest, when the former title expires, or the application will be regarded as a first application, with all consequences this entails. Apart from the fact that such a provision is inappropriate in any case, women experiencing violence are in an exceptional state both physically and psychologically and they are often unable to file applications for extension of title in time. Furthermore, in a number of cases it has not been possible for women to take with them all the necessary documents when they moved out of their homes, so they are in the possession of the perpetrator. If the required documents cannot be presented when the application is filed, this leads to massive problems, however.

As a result, procedures are often greatly delayed, which in turn means a high risk of poverty for women affected by violence, as this also affects their entitlement to social benefits: all social benefits (childcare allowance, child benefit, provincial nursing care benefit) are linked to the residence title and expire when the term of the residence title expires. Extension procedures often take very long. As a consequence, women lose their entitlement to social benefits and thus their financial basis. The long duration of procedures is also a reason why immigrants lose their jobs. Employers threaten to give notice if a worker's residence title is insecure. During the phase of extension procedures people would have legal access to the labour market, but in practice many enterprises are doubtful because of the complex, obscure legal situation and thus give jobs to immigrants only after they have been granted a definite residence title.

7.9. RECOMMENDATIONS

This chapter clearly shows that in the current legal framework immigrants affected by violence are particularly vulnerable to structural violence and thus poverty. Therefore the following recommendations are made:

- grant women a residence status independent of their husbands;
- permit access to the labour market immediately: refusal of work permits is an obstacle to integration. People who are allowed to stay in Austria should also be legally allowed to work, at the earliest possible time. In addition, exclusion from the legal labour market also creates a market for illicit work;
- adjust and reduce income rates necessary to receive residency status for female immigrants and their children;

- adjust statutory regulations to the actual situation in the life of immigrants; culpability in divorce proceedings and a restraining order are necessary to prove that the relationship was marred by violence in order to keep residency status. Another complication is the reporting deadline required by the immigration act in paragraph 27 (4) as well as changes to that act regarding extensions. These can also be regarded as a further complication for female immigrants.
- integrate immigrant organisations in the preparation of bills;
- refugee and immigration policies should no longer be linked to security policies;
- receiving welfare assistance should not lead to disadvantages regarding extension of residence title;
- permit access to council/social housing all over Austria for women affected by violence, as well as housing benefits; furthermore, affordable homes for all women are needed;
- promote research at European level into discrimination against immigrants;
- gather gender-related data, taking into account the specific needs of immigrants;
- expansion of and secure funding of immigrants' agencies;
- free mother-tongue legal advice for female immigrants and free legal representation;
- the legal requirements concerning residency should be adjusted to include inclusion of a new criteria "divorced" to the Austrian law relating to skilled migrants;
- pursue open immigration policies stressing the advantages: both the United Nations and the European Union have analysed that by 2010, the industrialised countries will face an increased demand for immigration;
- therefore immigration programmes targeting immigrants with low qualification levels and especially women should be implemented.





BRANKA V.: MIGRANT, PHYSICAL AND PSYCHOLOGICAL VIOLENCE OVER THE COURSE OF MANY YEARS, LOSS OF INDEPENDENT ASSETS AND EXISTENTIAL CONSEQUENCES

Mrs Branka V. is 59 years old and came to Austria 35 years ago from the former Yugoslavia. Branka belongs to the so-called guest worker generation that was encouraged to come to Austria in the 1970's by industrial enterprises from Yugoslavia and Turkey. Her three children were raised in Yugoslavia by her parents-in-law. Mrs V.'s son still lives there with his family, while both daughters left when they reached the age of majority and also came to Austria. One daughter started her own family and moved out of the parental home while the other lived with her parents until her tragic death.

Mrs V. married a man chosen by her father at the age of 15. She tells us that "Then it was so, and it would never have entered my mind to contradict my father's decision." Her husband, who was ten years older, was also an authoritarian man who from the start made all decisions affecting the family, insisting that other family members obeyed his commands. This was also the reason why the decision was made to move to Austria without the children. Mrs V. suffered terribly from this decision and longed to see her children who she was allowed to visit twice a year.

Branka worked, in addition to her job in a factory, as a concierge, which entitled her to a tied flat. She financed a new house in her homeland and a flat in Vienna with a mortgage. Due to an operation on her abdomen nine years ago she lost her job in the factory. However, her husband showed no sympathy and abused her verbally and made her responsible for the loss of income. Branka told of continual physical and psychological violence throughout her marriage. The attacks were "bearable" before the operation. Afterwards they increased in intensity and severity. On three occasions she was hospitalized after such attacks. She also reported terrible sexual attacks. During such attacks her husband gagged her to avoid her cries being heard. He would threaten to kill her or do something to their children or grandchildren if she explained in hospital where her injuries had come from. Jovan was also violent towards his children. All family members are scared of him.

The threats against the children stopped Branka from notifying the police. Poor German and a lack of knowledge of the legal system also hindered her from seeking assistance. The death of one of her daughters also affected her adversely.

When Mrs V. was seriously injured by her husband during a trip back to her country of origin, she sued for divorce. She fled to Austria and pressed charges. She was put in connection with an intervention centre/ violence protection centre and has been assisted in her mother tongue ever since. A charge of grievous bodily harm and endangerment has been levelled at her husband. To date the police have recorded no further infringements on his part.

Mrs V. lives in constant fear and is convinced that her husband will kill her at the first opportunity, should their paths cross again. She agreed to a mutually-agreed divorce in her homeland which denied her any rights to communal property in order to avoid any confrontation with her ex-husband. Especially painful for her is that she cannot visit her former homeland as her ex-husband resides there. She would like to visit her daughter's grave and her son's family. Mrs V. lives a very isolated life in Austria and only has close contact to her daughter.

At the moment Branka is living from a very limited income. She suffers physically and psychologically from the results of her abuse and has since been referred to an advice centre for women immigrants and now receives professional support. She still lives in her concierge apartment. However, all applications for financial assistance have been denied so far.

Endnotes

- ¹⁶⁶ Caritas (2006): Migration, Endstation Armut? Eine Caritas Europa-Studie über Armut und Ausgrenzung von Migranten in Europa. 3. Bericht über Armut in Europa, Brussels
- ¹⁶⁷ The Treaty to the European Union grants 'the right of citizens of the Union and their family members to move and reside freely [...] within the territory of the Member States'. Only if a person has made use of this right in another country of the EEA, i.e., if a 'fact of cross-border freedom of movement' has been established, they have made use of their right to free movement within the meaning of the NAG: see <http://www.rechtsfreund.at/news/index.php?/archives/181-Niederlassung-fuer-Angehoerige-von-OEsterreichern.html>. (05 Nov. 2009; text in German)
- ¹⁶⁸ An alien's stay in Austria must not involve expenses for government agencies.
- ¹⁶⁹ Bundesministerium für Inneres (2009), Fremdenstatistik 2009: http://www.bmi.gv.at/cms/BMI_Niederlassung/statistiken/files/2009/Fremde_Monatsstatistik_September_2009.pdf (5. Nov. 2009; text in German)
- ¹⁷⁰ Section 30a of the NAG: The objective of this provision is to contribute to stopping forced marriage. According to the notes on this Section, such a marriage cannot be regarded as an admissible reason for granting residence rights under the NAG. In a reference to Section 69a and Subpara. 1 of Section 27(3) of the NAG it is specified that victims of forced marriage shall be among the cases that deserve special consideration.
- ¹⁷¹ See Bundesrecht: Gesamte Rechtsvorschrift für Niederlassungs- und Aufenthaltsgesetz (Fremdenrechtspaket 2005), Fassung vom 18.11.2009: Section 27(4) of the NAG: cases that deserve special consideration within the meaning of Para. 3, Subpara. 3 in particular apply when the dependent has become a victim of violence in the family and an interim injunction according to Section 382b of the Act on Enforcement Procedures has been issued against the reunifier or if the withdrawal of the permit of settlement of the reunifier has been the consequence of a measure by the Alien Police which was taken on grounds of a final conviction of the reunifier because he deliberately committed an offence punishable by court. <http://ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004242> (text in German)
- ¹⁷² Applications can be filed ex officio or granted if deemed well-founded. In the case of group (a) a residence permit extending over at least six months has to be granted, and the competent authorities have to decide on the application within six weeks. Regarding group (b), a residence permit for at least 12 months has to be granted.
- ¹⁷³ Bundesministerium für Inneres, Fremdenstatistik September 2009: http://www.bmi.gv.at/cms/BMI_Niederlassung/statistiken/files/2009/Fremde_Monatsstatistik_September_2009.pdf (5 Nov. 2009; text in German)
- ¹⁷⁴ Ibidem
- ¹⁷⁵ Parents whose children were born after 30 September 2009, as of 1 January 2010 may choose among five types of childcare allowance. Type 1 is 436 euros a month. For a detailed description of the individual types please visit <http://www.arbeiterkammer.at/online/kindergeld-5-modelle-zur-wahl-50747.html?mode=711&STARTJAHR=2008> (20 Nov. 2009; text in German)
Type 1: 14.53 euros per day = 436 euros per month; Type 2: 20.80 euros per day = 624 euros per month; Type 3: 26.60 per day = 798 per month.



PREVENTION OF POVERTY IN VIENNA'S WOMEN'S SHELTERS

The first women's shelter was opened in 1978 in Vienna. At present, a total of 30 women's shelters and associated services exist in Austria. Because of the wide range of services they deliver, the women's shelters play a most essential role for preventing and combating poverty. To illustrate their importance, we will present the four women's shelters of Vienna and their counselling centres in more detail.

The activities and services on which the Women's Shelters Association focuses follow a comprehensive approach that essentially contributes to preventing and combating poverty. Ending a violent relationship involves a high risk of poverty: the women concerned may lose their homes, their jobs, their residence permits, their social relationships; they may face indebtedness, health problems, trauma, inability to work because they cannot cope with stress – to name just a few examples that show the vulnerability of women in the context of violence and poverty. As we support the women to find solutions to these problems, we help the government save money.

The following description of services delivered by the women's shelters of Vienna gives an overview of the way in which poverty prevention is proactively prevented.

Temporary housing for abused women and their children

Any woman, independent of her cultural origin, age or religion, may turn to the women's shelters. This also applies to women who have no income, so that all women affected by violence may find a safe place to live. If women and their children have to leave their home because of incidents of violence and if eviction and barring orders are no sufficient protection, they may be admitted to a women's shelter. Without this option, these women would have nowhere to live, and some of them could not even turn to a centre for the homeless, or they would have to continue to stay with the perpetrator and would thus suffer further violence. Especially in rural regions many women still face the problem of insufficient support services.

Information and counselling

The women concerned obtain all information that they need in their specific situation and they get counselling with regard to their options and their rights. Many women could not afford to consult with a lawyer. The shelter's staff and the woman herself jointly develop a perspective for leaving the violent relationship and discuss the steps and the support needed in order to lead an independent life. Empowerment and mobilisation of one's own as well as external resources and awareness of their own competencies are essential factors in this process. The counsellors who provide these services are highly qualified professionals. The long-term goal of our assistance is to secure the subsistence of the woman concerned and her children. The range of available services also includes legal consultation in the counselling centre of the Women's Shelters Association.

Psychosocial assistance and therapy

Crisis intervention and stabilisation, followed by strengthening the women's self-confidence and self-esteem, are steps that help them regain control over everyday life. Without this assistance, a number of women would not be in a position to go to work and to provide for themselves and their children. Many women suffer from physical and psychological consequences of violence which has often been endured over many years. They need support and encouragement during the first phase of their stay in the shelter so that they may stabilise and then, step by step, take control of their lives again and care for their children. Whenever necessary, we organise contacts to crisis intervention centres, psychological services or therapists.

At the women's shelters, psychosocial assistance is also available for the children. This is of special relevance because interventions in due time make it possible to break the spiral of violence. Children experiencing violence need support to prevent them from becoming perpetrators or victims themselves later in life (apart from the incredible suffering that may thus be avoided, also the costs incurred are enormous if help is not available at an early stage: costs of hospital treatment, court proceedings, therapy and stays in prison, to name but a few).

Health care services

Many women admitted to the shelter are in a very bad state of health. Often, they do not even know whether they (still) have health insurance. In this case, the first step is to help the women (re)register with an insurance fund. Women without health insurance who needed ambulance services or had to stay in hospital are confronted with costs that they are unable to pay themselves. We use money from donations to help these women as far as possible. And we also encourage them to consult physicians in order to obtain treatment and thus prevent the development of chronic diseases as a consequence of violence.

Contacts to public authorities and courts

Providing information on, preparation for and accompanying women to, public authorities and to court are extremely important because many women do not feel in a position to file applications and assert claims by themselves. They are afraid of their former partners, they are not familiar with bureaucratic procedures or remember negative experience made in such contexts, and as a result they do not take up to what they would be entitled, in particular if this involves claims against their former partner. Authorities and courts have often been insensitive to the specific dynamics and effects of domestic violence, and therefore women frequently want the proceedings to be over as quickly as possible and give up everything without considering the massive social consequences and social deterioration this may involve. Women who do not speak German well enough may not be able to voice their concerns appropriately. Therefore it is important to accompany women to the police for filing reports or assisting them in negotiations, etc.

Secure subsistence

Information on entitlement to social benefits such as unemployment benefit, welfare assistance, housing assistance, child benefit, rent allowance, social benefit cards, etc. is of great importance in order to make ends meet in a time without, or with small, incomes. Experience has shown that many women do not know which benefits they may take up. At present, immigrant women experiencing violence who have stayed in Austria but for a short time virtually do not get any financial support. Transitional support would be important for all women abused by men, however, so that they may find the courage to take the step out of the violent relationship. The private donations that the women's shelters get make it possible to provide some financial support immediately when women are in a situation of emergency.

Residence titles

Information on, and securing of, a woman's right to stay in Austria is a priority matter. We cooperate with the competent authorities and service providers, e.g. the Counselling Centre for Migrants of Vienna's Municipal Department 35 as well as counselling centres for refugees and asylum seekers, in order to obtain information on the status of residence of the woman concerned and to attempt to secure her right to stay in the country. Only then is it possible for the woman concerned to get access to the labour market and to take further steps towards ensuring her subsistence. If a woman wants to divorce her husband she needs consulting to find out whether a divorce might lead to the loss of her residence permit. There are still women for whom a divorce is impossible and who have to return to their violent partners because they cannot go back to their country of origin. Therefore it would be of utmost importance to grant women residence titles independent of their husbands.



Services for non-German native speakers and women with insufficient knowledge of German

In order to understand a woman's situation and her concerns in all relevant details, interpreters are assigned to be present during the counselling. This is a way to avoid misunderstandings and also mistakes caused by language barriers. It is a priority for us to help women find German language courses as fast as possible, at the level of their current command of German, so that they may soon meet the requirements for access to the labour market and to be in a better position to manage everyday life. Women who do not speak German will hardly be able to find jobs and they are vulnerable to discrimination and exploitation. We intensively cooperate with a number of organisations and institutes to find cost-free or low-cost German language courses, also for mothers who have to look after their children.

Employment and qualification

We help women find employment and take part in adequate qualification programmes. This applies to women who have not obtained any training so far as well as women who cannot find work in their field of qualification, and also for women reentering the labour market after a period without employment. Our close cooperation with the Vienna Employment Promotion Fund (WAFF) ensures that women are supported with regard to all questions regarding employment: programmes such as NOVA (for maternity returners) and FRECH (Chances for Women) provide information, counselling and financial support for further training. Another important aspect is to obtain official recognition of professional skills acquired in the country of origin so that women may return to the labour market as soon as possible. The pressure to find work is extraordinarily high for immigrants as they have to furnish proof of a sufficient income in order to be granted an extension of their residence permits. Therefore it is a central demand that access to the labour market is made easier for immigrant women affected by violence.

Debt counselling

Many women who have lived in violent relationships have high debts. Often, these debts have not been caused by the women themselves but rather because they had co-signed loan agreements and stood surety, because of overdrawn joint bank accounts or fines imposed on the perpetrator, among other reasons. We obtain information on debt reduction measures (including contacts to banks and other relevant actors, negotiating instalments, etc.) and provide legal counselling regarding debt distribution in the context of divorce proceedings (taking over loan payments, etc.) or if necessary referral of clients to debt counselling services.

Contacts to other support centres

Contacts to other service providers are established already during the stay in the women's shelter, so that the women get an overview of centres where they can get help. Assisted by their counsellors they establish first contacts to these centres and thus may overcome feelings of awkwardness about such a step. If necessary, the women may later use this network they have built so that any interventions can thus be started more quickly and more efficiently.

Long-term assistance (up to six months and also longer if necessary)

Victims of violence often suffer from post-traumatic stress disorders and long-term health consequences. A short stay in a women's shelter would not be enough to stabilise them and to restore their ability to lead independent lives. It is only possible for a woman to develop long-term perspectives for a life of her own if she has a secure place and enough time. Intensive medium-term support and assistance are prerequisites for being able to begin a life free of violence, independent and under one's own control after the stay in the women's shelter. If these conditions cannot

be met, measures taken will not be effective, and it will only be possible to reduce the symptoms of the problem for a while without combating the cause. Therefore, women's shelters need secure, adequate funding in order to be able to concentrate all their energy on the women and children in need of assistance. In addition, counselling centres are an important complementary service to help women embark on the way out of violence, which may be a long one, with all setbacks and difficulties this involves.

Finding a new home

Depending on the women's individual situation, we help them find a new place to live for the time after the stay in the shelter if they cannot return to the matrimonial home. If necessary, we refer women to a mother-and-child accommodation or to other homes for very young or single mothers, and the housing services of the City of Vienna are further important options. The Women's Shelters Association of Vienna has established very good cooperation structures with the City of Vienna. Unfortunately, in the other provinces it is not possible for women experiencing violence to apply for an emergency flat, but this would be an essential resource for the women concerned. Access to affordable housing is an important issue in the context of prevention of violence, but especially in rural regions this is a great challenge. Another relevant aspect is prevention of notice of eviction. If a woman is in danger of losing the matrimonial flat while she is staying in the women's shelter because her ex-partner who still lives there does not pay the rent any longer, we contact the owner of the flat in order to ensure that the woman can continue to live there.

Long-term assistance at the counselling centre

Women survivors of violence who only need counselling but no place in the shelter may turn to our counselling centre to get support free of cost. Also women who have lived in the shelter and who need very complex forms of support are referred to the counselling centre after their stay in the shelter so that they may get long-term assistance and support. Proceedings may go on for a very long time, therefore it is important to assist the women concerned as they need much stamina and energy in order to see it all through. Proceedings that take very long are a frequent reason for women not to enforce claims any longer as they want everything to be over as soon as possible, and they do not consider what great disadvantages this may have: they may lose maintenance payments, widow's pensions, alimony, etc., which may lead them to the poverty line and beyond. The counselling centre also offers cost-free psychosocial and legal court assistance so that women who have become victims of violence have a sensitive assistant who is present during proceedings and helps them assert their rights.

Public relations work

By means of targeted public relations work, we have been able to address many women experiencing violence and to make our services known. Another important aspect of our public relations work is awareness-raising in professions to which women and children experiencing violence often have contact. Sponsoring plays an essential role in this context. Without this form of support, our Association could not pursue such an intensive form of PR activities. What deserves special mention is the Association's emergency fund that is maintained on the basis of donations and from which women and their children may be supported in situations of financial emergency. The money in the emergency fund is used for paying German language courses, outstanding rent, hospital treatment costs, clothing and school utensils for the children, purchases that are necessary for moving to a new flat, etc. Every woman who manages to turn to the shelter have also stepped out of her isolation. Even when she decides to go back to her violent partner/husband, during her stay in the shelter she has had access to important information and support which she may use whenever she might need it in the future.



Housing for the transition stage

As of 2006 the Women's Shelters Association of Vienna has run a special housing model that consists of a transition house and several transition flats, which are available to women who no longer need the intensive protection of the shelter but cannot turn to another housing organisation and are not entitled to an emergency flat or a council flat of the City of Vienna. Apart from having a place to live, the women are also supported by social workers, but not as intensively as in the shelter, and they are helped to regain independence, step by step. After moving out of the shelter, court proceedings (divorce, custody, maintenance, criminal proceedings, etc.) have not been completed in many cases. During the time in the transition flat women continue to be supported with regard to these proceedings. The requirement for admission to a transition flat is that the woman concerned has an income and that she is in no situation of acute danger caused by the perpetrator. The number of flats is continually growing. At present, 43 places are available. Another increase to 50 has been planned by 2010. As a rule, the flats are available for one year, and in specific cases this period may be extended. Practice has shown that the transitional housing model is an important complement to the women's shelter. If this option did not exist, a number of women and their children would have no alternative but to turn to organisations for the homeless, and some immigrant women would not be admitted there either.

The services described illustrate in which way the everyday work of the women's shelter proactively contributes to the prevention of poverty. Even if it does not seem so at first sight, in sum the services are an important support package that prevents poverty and makes it possible for women experiencing violence to take part in society and working life.

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Wiener Interventionsstelle gegen Gewalt in der Familie:

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