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VIOLENT CRIME IN AUSTRIA

Abstract: Violent crime is a complex phenomenon that recurrently engages the public, politicians and the media. The aim of this paper is to give an impression of the situation of violent crime in Austria and contribute to the objectification of the discussion. Due to the various different forms of violence, a key issue is the definition of violence. For the purpose of this paper intentional homicide, intentional bodily injury, robbery, rape and sexual assault are subsumed as violent crime. The total number of violent crimes in Austria amounted to roughly 43.000, making up 8% of all crimes reported to the police in 2010. In comparison, 6.400 people were convicted for violent offences in Austria in 2010, making up 17% of all convicted persons. Observing violent crime in Austria from 2002 to 2010, one can see that the number of offenders suspected increased by 9% and the number of persons convicted increased by 8%, while the total number of convicted persons in fact decreased by 7%. Especially an increase of persons found guilty of robbery seems to be responsible for the rise of persons convicted of violent crimes. Despite the lack of regular victim surveys in Austria, data can be found that suggests that not the actual amount of incidents has increased to such an extent, but the likelihood that an incident is reported to the police. Irrespective of whether violent crime has increased over the years, it has become evident that the key in fighting violence is prevention at an early stage. Thus, two prevention programs (*Faustlos* and *WiSK*) running in Austria will be presented.

Keywords: Violent crime, Austria, Statistics, Prevention.

1. INTRODUCTION

Violent crime has always been a topic of great interest to the public as well as to politicians. The media is also attracted to this issue, mostly claiming that criminality increases dramatically. Usually a certain incident, such as a murder, comes into focus triggering a call for new laws and higher punishments. This article aims to give an impression of the situation concerning violent crime in Austria and to contribute to the objectification of the discussion.

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Starting with a definition of violence for the purpose of this article, recent laws concerning violence will be discussed. After a short comparison of violent crime in the European context, the focus of this paper will lie on presenting data on both detected and – as far as possible – undetected violent crime in Austria, from 1975 to 2010 in an overview and for the year 2010 in detail. Finally this article will illustrate prevention strategies which are pursued to fight violent crime in Austria.

2. DEFINING VIOLENCE

Violence is a complex phenomenon for which a concluding definition is difficult to give, especially because different kinds of violence can be distinguished. Violence can occur individually or structurally, emerging from a person or from structural conditions. Physical violence differs from psychological violence; both of them can vary profoundly in their intensity. Violence can emerge from action, but one can also claim that it can emerge from a failure to act, like neglecting one's duty to care for another person. Finally, the target of the aggression can be a human being as well as an object. Thus, depending on the definition the amount and type of occurring violence varies. Despite these difficulties, different definitions of violence exist.

In its World Report on Violence and Health, the WHO defined violence as follows: „The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.“¹ This definition includes several aspects, such as maldevelopment and deprivation, which are too wide for the understanding of violence in this article.

The Austrian penal code (Strafgesetzbuch – StGB²) uses the term violence in several of its articles, but there is no legal definition of the meaning itself. Two different ways of defining violence are commonly used: violence as the use of physical force³ and violence as impact onto a body⁴. Combining these two approaches, Hochmayr and Schmoller give a definition of violence as „a not insignificant use of physical force or any other destructive means against a person or an object.“⁵ Since this definition includes violence against objects it is also too broad for the purposes of this paper.

Within this article a definition of violence that is orientated on certain crimes, namely intentional homicide (§§ 75-79 StGB), intentional bodily injury (§§ 83-87 StGB), robbery (§§ 142-143 StGB), rape (§ 201 StGB) and sexual assault (§ 202 StGB) will be used. Following the Austrian penal code intentional homicide includes murder (§ 75 StGB), manslaughter (§ 76 StGB), killing on request (§ 77 StGB), participation in suicide (§ 78 StGB) and killing a child after birth (§ 79 StGB). Bodily injury includes injury (§ 83 StGB), aggravated bodily harm (§ 84 StGB), injury with

1 http://www.who.int/violence_injury_prevention/violence/world_report/en/summary_en.pdf, last visit 30.1.2012.

2 BGBl I 1974/60 idF BGBl I 2011/130.

3 OGH 15 Os 4/02.

4 *Schwaighofer* in WK2 § 105 Rz 17ff.

5 G. Hochmayr, K.Schmoller /2003/: Die Definition der Gewalt im Strafrecht, *ÖJZ*, n°36.

long-term consequences (§ 85 StGB), injury with deadly outcome (§ 86 StGB) and intentional aggravated bodily harm (§ 87 StGB). Robbery includes robbery (§ 142 StGB) and aggravated robbery (§ 143 StGB). Whenever the term violent crime is used in this article, all these types of crimes are included.

3. RECENT LAWS CONCERNING VIOLENCE

When studying the development of violent crimes, changes in the law have to be considered. Since the adoption of the penal code in 1975 several amendments concerning the afore mentioned violent crimes have been made. Apart from those amendments, two protection laws against domestic violence, which have had a great impact, have been adopted.

Regarding the clauses earlier used to define violent crimes, the level of the penalty for injury (§ 83 StGB) was raised from a maximum of six month to a maximum of 12 month⁶, regarding aggravated bodily harm (§ 84 StGB) an additional sub-clause was added⁷ and aggravated robbery (§ 143 StGB) was amended to include members of criminal organisations⁸. However, the most extensive changes since 1975 were made in the articles regulating sexual offences. In the amendment from 1989, §§ 201 to 204 of the Austrian penal code were modernised and compiled into two articles, rape and sexual assault⁹. In 1998, the limitation periods for sexual offences were expanded and the offences regarding sexual child abuse were broadened¹⁰. Three years later in 2001, the punishment for rape resulting in death was increased¹¹. Finally, in 2004 all sexual offences were reviewed and linguistically adapted. Additionally, the differences with regards to the severity of force used during a rape were abolished as well as the privileges in terms of punishment for committing sexual assault in marriage or life partnership¹².

Apart from the amendments in the Austrian penal code a major development was the action plan concerning domestic violence agreed upon by the Austrian government in 1994. This commitment resulted in the passing of two protection laws against domestic violence, the first one in 1997 and the second in 2007. The idea behind the protection law is that not the victim of domestic violence should be obliged to leave the home after a violent incident but the offender. With the first protection law¹³ victims of domestic violence received the possibility to have the offender expelled from their mutual home. The measure is immediately executed by the police without the necessity of consulting a judge first. This immediate measure can be extended, if the victim applies for an interim injunction at the court. Fur-

6 BGBl 1996/762.

7 BGBl 1987/605.

8 BGBl 1987/605, BGBl I 2002/134.

9 BGBl 1989/242 und 243

10 BGBl I 1998/153.

11 BGBl 2001/134.

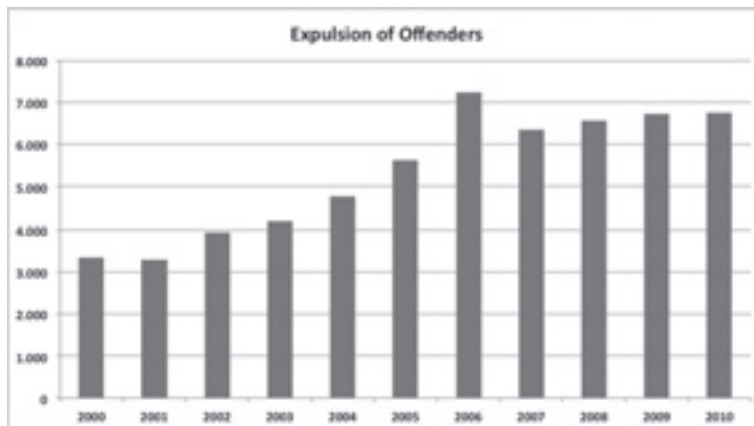
12 BGBl 2004/15.

13 Bundesgesetz zum Schutz vor Gewalt in der Familie „Gewaltschutzgesetz“, BGBl 1996/759.

thermore, the police is obliged to inform one of the so called intervention agencies about the incident, who will then contact the victim and offer support concerning psychological and legal matters in the following proceedings.

With the second protection law against domestic violence¹⁴ the period in which the offender is not allowed to return to the mutual home was extended from ten days to two weeks and if the victim applies for an interim injunction in the meantime it can be extended up to four weeks. The interim injunctions were also modified, differentiating between two different kinds. The first one refers to victims who share a home with the offender; here the duration for the injunction can be up to six months long. For the second one, being a general protection against violence, a mutual home is not a requirement. Thus, the court can now order that the offender has to avoid certain places or contact with the victim at all. This prohibition can last up to a year.

The following diagram shows how many offenders were expelled by the police in the years 2000 until 2010. Although the number has increased almost continuously, apart from a peak in 2006, it can be assumed that it was not the absolute number of incidents that has increased but the willingness to report a violation¹⁵.



In 2006 another measure was implemented to support victims of violence. Institutions were created to support the victims before, during and after the trial (*Prozessbegleitung*)¹⁶. Lawyers and psychologists provide free legal and social support not only during the criminal proceedings, but also during any civil proceeding, for example if the victim claims damages. The number of people who make use of this possibility increases constantly, from 2.223 people in 2006 to 3.483 in 2010¹⁷.

14 Zweites Gewaltschutzgesetz, BGBl I 2009/40.

15 *Wiener Interventionsstelle gegen Gewalt in der Familie*, Tätigkeitsbericht 2008, p 55; Tätigkeitsbericht 2009, p 62.

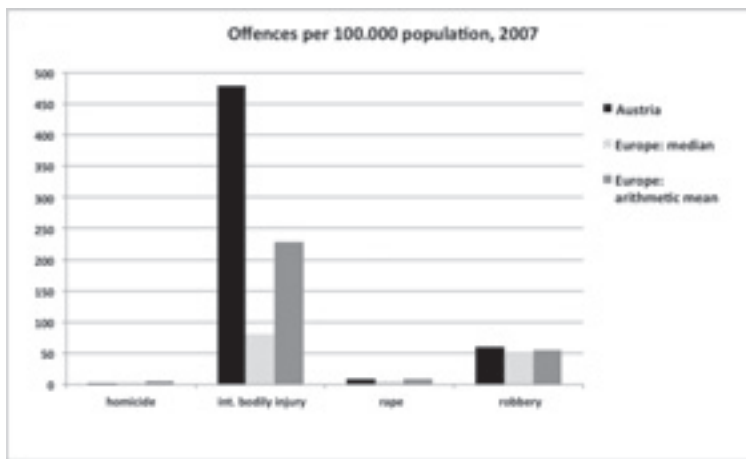
16 § 66 StPO, BGBl 1975/631 idF BGBl I 2011/103.

17 Sicherheitsbericht 2008, p 490; Sicherheitsbericht 2010, Bericht über die Tätigkeit der Strafjustiz, p 145.

4. REPORTED CRIMES

4.1. European Comparison

Comparing statistics of different countries is always a challenging task. The European Sourcebook of Crime and Criminal Justice Statistics covering the years 2003-2007 in its fourth edition provides a solid basis for this endeavour.¹⁸ Despite the difficulties and reservations in collecting correct data and comparing data from different countries, this chapter will begin with presenting the numbers of selected violent offences per 100.000 population for 2007. The aim is not to provide accurate numbers in each case but to present a rough picture and the placement of Austria within Europe.

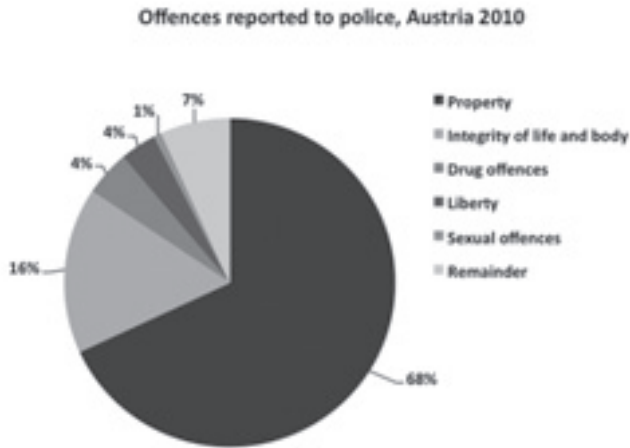


The above figure compares the number of specific violent offences per 100.000 population in Austria and the European median respectively arithmetic mean. Whereas Austria is located below the average or does not deviate very much from the mean value concerning homicide, rape and robbery the ratio for intentional bodily injury considerably exceeds the European average. This is at least partly due to the fact that in Austria any damage to health and not only physical injury is sufficient to be included in the definition of bodily injury.

4.2. Police statistics

Before going into detail on violent crimes, the next diagram illustrates the distribution of all crimes in Austria reported to the police in 2010. These amounted to about 540.000. Therefore the number of all offences per 100.000 population was about 6.400.

¹⁸ http://europeansourcebook.org/ob285_full.pdf, last visit 25.3.2012.



The figure shows that nearly 70% of all crimes registered by the police are offences against property, mainly theft, followed by 87.000 offences against the physical integrity of persons covering all types of homicide and assault. But one should keep in mind that about half of these offences are traffic accidents resulting in negligent injuries.

According to the above mentioned definition violent crime comprises four groups of offences, firstly all intentional homicides, secondly all intentional bodily injuries, thirdly robberies and fourthly rape and other sexual assaults. The number of offences for intentional homicides was 179 in 2010, thereunder 113 attempts of murder. For all intentional bodily injuries the police listed about 38.000 offences in 2010. More than 90% of these were minor bodily injuries. About 3.800 robberies were reported and 1.200 rapes and other sexual assaults were registered by the police in 2010. All groups added the total number of violent crime in Austria in 2010 amounted to about 43.000. These make up 8% of all crimes recorded by the police. Note that roughly 80% of these offences were minor bodily injuries and that violence against objects is excluded.¹⁹

The total number of suspected offenders in Austria in 2010 was slightly more than 230.000. Related to the resident population the number of all offenders per 100.000 was about 2.900. In the same year the police recorded less than 40.000 offenders suspected of violent crimes thus, the percentage of violent offenders was 16%. The great majority (86%) of them were male with the highest ratio (96%) within sexual violent offenders. The percentage of violent offenders without Austrian citizenship amounted to 26% compared to 29% regarding all suspected offenders. In detail, the percentage of foreign offenders suspected of robbery, rape, and other sexual assaults was above average whereas the ratio of foreign offenders suspected of homicide and intentional bodily injury was under average.

¹⁹ If violence against objects would be included the percentage of violent crimes would rise to 22% in 2010.

4.3. Conviction statistics

In 2010 the number of judicial convictions in Austria was about 38.000. Compared to all inhabitants the number of convictions per 100.000 population was 459.²⁰ In about 6.400 cases (17% of the total number) people were convicted for violent offences according to the earlier elaborated definition. Thus, the quotient nearly equals the proportion of violent offenders. However, different conviction rates can be observed. Whereas the number of persons convicted of robbery related to offenders suspected of robbery was 40%, the proportion amounted to only 15% concerning intentional bodily injury and violent sexual offences.²¹ These low numbers can on the one hand be explained by the use of diversion in cases of less severe bodily injuries and on the other hand the difficulty of substantiating the accusation in cases of sexual offences.

In Austria the statistics on reconvictions provide information about a particular kind of recidivism. Persons who are convicted or released from prison in a certain year are tracked for a period of up to 5 years. If they are reconvicted within this period they are counted within these statistics.²² The overall reconviction rate in Austria within the period 2006 to 2010 was 38%, while 12% were reconvicted because of committing the same offence again. Concerning violent offences the highest reconviction rate with 50% is for persons convicted for robbery, whereas the reconviction rate for violent sexual offences is 26%. The reconviction rates for the same offence are 5% concerning robbery and 3% concerning violent sexual offences.

4.4. Crime trend

The next figure provides an insight into the trend of violent offences reported to the police from 1975 to 2010:



20 Referring only to inhabitants of the age of criminal responsibility (14 years or older) the number per 100.000 population amounted to 533.

21 The conviction rate for all offences was 16% in 2010.

22 Due to the fact that only a minority of perpetrators is registered and a minority of them will be legally convicted „reconviction“ is not to be confused with „recidivism“.

The y-axis on the right side of the diagram shows the number of offences for intentional bodily injury, the ordinate on the left side shows the number of all other subgroups. The total number of all violent crimes subject to our definition increased by nearly 50% from about 30.000 in 1975 to more than 43.000 in 2010. Observing the curves in more detail we can see a striking increase of robberies (+361%) and an increase of bodily injuries (+37%) as well as of violent sexual offences (+52%). In contrast, the line for homicides is very stable between 100 and 200 cases per year without notable fluctuations for the whole period.

When comparing the development of suspected and convicted persons from 2002²³ to 2010 one can see that the number of offenders suspected of violent offences rose by 9% compared to a similar increase of 8% concerning persons convicted for violent offences. This is remarkable because the total number of convicted persons decreased by 7% since 2002. Going into detail regarding the increase in convictions for violent offences, one can see that this is due to the increase of persons convicted for robbery (+75%). On the other hand the number of offenders suspected of robbery „only“ rose by 34%. The huge increase in conviction rates in comparison to the increase in suspected offenders may be due to a change in the attitudes of prosecutors and judges believing that less tolerance means less crime.

4.5. *Victims*

Observing crime nearly always implies speaking about the number of crimes and perpetrators. The victims of crime are far less frequently considered. Notwithstanding the importance of this angle, this chapter concludes with some data on victims of violent crime.

In 2010 the police recorded 45.500 victims of violent crime in Austria compared to nearly 39.000 perpetrators. 35% of all victims of violent crimes were female whereas the percentage of female offenders of violent crimes only came up to 14%. As is widely known the number of reported female victims of violent sexual offences is much higher and amounted to 95% in 2010.

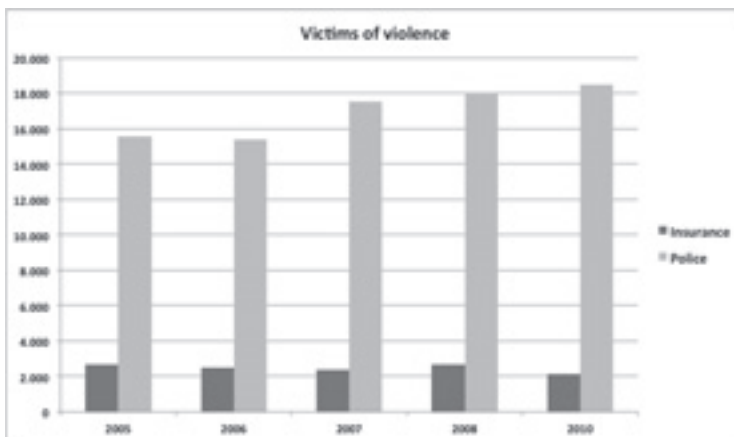
For a couple of years the police has been publishing information on the kind of relationship between offender and victim as far as known in a specific case. Overall 43% of all violent crimes in 2010 in Austria displayed no relationship between offender and victim. However, differences can be observed depending on the type of crime. Whereas the percentage of cases without any relationship between offender and victim was 79% concerning robbery, the proportion amounted to only 15% in cases of violent sexual offences. On the contrary, in 85% of rapes and other sexual assaults the offender was a family member or acquainted with the victim. This sad result shows that the most dangerous place for females becoming the victims of a violent sexual attack is their own home and not the „dark places“ outside.

23 In 2002 there was a change in statistical registration of suspects thus, observations have to start with this year.

5. UNREPORTED CRIMES

The afore mentioned data concerning violent crimes in Austria only provides information about crimes registered by the police. It can be presumed that the actual amount of crimes is higher than the number of reported crimes.²⁴ Although this is a well-known fact, there are no frequent studies about these unknown incidents in Austria. However, there are a few possibilities to shed light into the dark. For instance, the Austrian Workers' Compensation Board (AUVA) yearly reports how many pupils and students were reported as victims of brawls and violence, which can be compared to the number of bodily injuries reported to the police where people up to 25 years were victims.

The following graph shows that the number of incidents reported to the police has increased almost constantly whereas the incidents reported to the insurance have stayed almost at the same level. This strengthens the assumption that not the actual amount of incidents has increased, but the likelihood that an incident is reported to the police.



Concerning the question of changes in crime reporting Taling and Morris conducted a study in 2010 in Britain. They compared statements of victims given in 1991 and 2007/08. The following results were found: Generally, the percentage of all reported crimes has declined. Separated by the type of the crime the study found that crimes against property are now less likely to be reported, whereas the percentage of reported violent crimes has increased. Another interesting result is that there have been changes concerning the likelihood of reporting a crime within the family. In 1991 23% of the cases of domestic violence were reported, in 2007/08 the percentage rose to 40%. The same trend can be seen concerning the category 'acquaintance', the percentage increased from 29% in 1991 to 48% in 2007/08. The percentages of reported crimes in the categories 'mugging' and 'stranger' on the other hand stayed the same or decreased slightly.²⁵

24 Schwind /2011/: *Kriminologie*, 37.

25 R.Tarling, K. Morris /2010/: Reporting crime to the police, *British Journal of Criminology*, n° 30, 474.

The situation seems to be different in Switzerland. Haymos et al. for example showed that a different attitude in reporting crimes is not the reason for changes in the criminal statistics. Instead they are due to changes in the profile of the victims, the offenders or the offences.²⁶

5.1. Survey on the prevalence of violence against women and men

In 2011 the Austrian Institute for Family Studies, supported by the Federal Ministry of Economy, Family and Youth, carried out a representative study on the prevalence of domestic violence and violence in the close social environment²⁷. In total 1.292 women and 1.042 men participated in the survey which was conducted partly by a face-to-face setting and partly by an online-questionnaire. The participants were between 16 and 60 years old. Concerning the content, the survey was divided into three parts that referred to different periods of time: the experience of violence in the whole lifetime of the participants, experiences within the last three years and experiences they made during their childhood up to their 16th birthday. Furthermore, the survey differentiated between psychological violence, physical violence, sexual harassment and sexual violence. The questions considered experienced violence, committed violence, whether the experience had been threatening, the surroundings and the consequences of the incident.

In total only 7.4% of the questioned women and 14.7% of the men did not have any experience concerning violence. The data shows that violence against children²⁸ has decreased considerably in the last decades. In the group of the 50- to 60-year-olds, eight out of ten women and almost nine out of ten men experienced physical violence in their childhood. In comparison, 55% of the men and women in the group of the 16- to 20-year-olds reported physical violence in their childhood. Thus, the percentage has decreased by approximately 30%. Concerning sexual violence, the percentage of incidents was reduced by 50%. While almost no difference was found between men and women with regards to psychological and physical violence, twice as many women than men became victims of sexual violence.

The following data refers to experiences the respondents made in their adult life concerning the years 1966 until 2010:

5.1.1. Psychological violence²⁹

Psychological violence was experienced by the biggest group of respondents. 85.6% of the women and 78.4% of the men report at least one incident of psychological violence in their life. Some of the items concerning this field were „I was regularly insulted, intimidated or aggressively screamed at“, „I was mocked in a harming way, devaluated or humiliated“, as well as items concerning being black-

26 S. Haymoz, N.Markwalder, S. Lucia, M. Killias /2008/: *Kriminalitätsentwicklung in der Schweiz: Alles nur halb so schlimm? Tendenzen anhand der verfügbaren Indikatoren seit 20 Jahren*, in: *Crimiscope*, n°37–38.

27 Österreichisches Institut für Familienforschung (ÖIF) /2011/: *Gewalt in der Familie und im nahen sozialen Umfeld*.

28 Children were defined as boys and girls up to the age of 16.

29 ÖIF, *op. cit.*, 82.

mailed or psychologically terrorized. Simultaneously data was collected about the threatening impact the experience had on the victims. Generally women experienced the attacks as more threatening than men. Both men and women had most of these experiences at work, followed by their partnership for women and by public places for men. Asked about the offenders of psychological violence in the last three years, women reported mostly their former partner, followed by a familiar female person, who is neither part of the family nor a friend. In contrast, men reported that the imposed violence mostly came from a familiar male person, followed by an unfamiliar male person.

5.1.2. *Physical violence*³⁰

56.8% of the women and 61.4% of the men reported that they had experienced physical violence in their adult life. Therefore, it is the only kind of violence that men experienced more often than women. The items asked about different kinds of physical violence, starting from „I was wilfully pushed away“, going to „I was beaten up or smashed“ or „I was threatened with a weapon, for example a knife or a gun“. These incidents were experienced as threatening from 29.6% of the women and 27.9% of the men. Hence, although men experience more physical violence, the incidents are less threatening to them. They were confronted with the violent behaviour mainly in public places (33%), whereas women experienced more violence in their relationship (29.1%) or their family (25.2%). The ex-partner or the current partner are also the most common offenders against women. Men experience physical violence primarily from an unfamiliar male person or a familiar male person who is neither part of the family nor a friend.

5.1.3. *Sexual harassment*³¹

The items that asked about the experienced sexual harassment concerned ways of behaviour that were sexually offending, but the victim was not physically touched by the offender. For example: „Somebody came too close to me and I found it intrusive“, „Somebody talked to me in a way that I found sexually harassing“ or „Somebody tried to touch or kiss me“. In total 74.2% of the women and 27.2% of the men had made such an experience, whereof 29.7% of the women and 5.6% of the men experienced this as threatening. Both men and women were mainly exposed to sexual harassment in public places. Also the type of offenders were similar; men were primarily troubled by an unfamiliar female person, followed by a familiar female person who is neither part of the family nor a friend. Women experienced the most harassment from an unfamiliar male person followed by a familiar male person who is neither part of the family nor a friend.

5.1.4. *Sexual violence*³²

Sexual violence involved items starting from „Somebody touched or stroked me intimately, although I said or showed that I do not want it“ going to „Somebody penetrated me with a penis or something else against my will“. 29.5% of the women

30 ÖIF, *op. cit.*, 90.

31 ÖIF, *op. cit.*, 96.

32 ÖIF, *op. cit.*, 105.

and 8.8% of the men declared to have experienced sexual violence. In deference to the seriousness of sexual violence it was not asked whether the respondents had experienced it as threatening. To women sexual violence happened equally frequent within their relationship, in public places and within their circle of friends, whereas men were mostly offended within their circle of friends, in public places or at work. Offenders to women were mainly a familiar male person who is neither part of the family nor a friend, followed by an unfamiliar male person and a friend. Men were mostly offended by a female friend, an unfamiliar female person and a familiar female person. Serious sexual violence, defined by the item „Somebody penetrated me with a penis or something else against my will“, had happened in total to 91 women (7%) and 14 men (1.3%).

The authors of the survey also asked about the consequences the incidents had on the victims. Consequences were split into psychological, physical and long-term consequences. Nine out of ten women and eight out of ten men reported psychological consequences after a violent incident. Two third of the men and women who experience physical violence report at least one physical consequence. Concerning sexual violence, 38.5% of the women and 19.4% of the men spoke of physical injuries. Long-term consequences, such as divorce from their spouses, occur mostly after psychological violence, 66.3% of the women and 56.1% of the men report about this kind of consequences. In addition, especially women also reported that they suffered from a combination of various consequences after a violent incident.

The survey also included information about whether the respondents themselves had been offenders in their life concerning psychological and physical violence and sexual harassment. Only those participants who reported that they endured sexual violence were asked about their delinquency in this field, thus the results here are not representative for Austria. Concerning psychological and physical violence, the results are more or less consistent with the results from the first part of the survey. It has to be noted however, that in the questions about experienced violence men were more often named as offenders. Concerning sexual harassment, the results look differently: only 9.2% of the men and 2% of the women admit to have committed sexual harassment, compared to 74.2% of the women and 27.2% of the men who had suffered from it.

Last but not least, it was asked how people had responded to the violent incidents. Options like „I called the police“, „I made use of medical help“ or „I went to see a therapist“ could be chosen. Unfortunately the report does not show whether the actions were taken cumulatively or alternatively. Due to this absence of information, it is still not known how many incidents remain unreported.

6. PREVENTION

As we have seen, violence is a complex phenomenon. It is influenced by individual matters as well as by social and situational conditions and fighting violence is a difficult task. Although it is often claimed that more severe punishment is the key to reduce violent incidents, it is scientifically proven that repressive measures alone

do not have an impact on the amount of occurring violence³³. The basic attitude of a society towards violence, refusing it to be a way to gain or maintain power, is far more important. Crucially important is prevention, which should already start at an early age, teaching children social and communicational skills and showing them other ways to solve their problems.

There is a broad consensus in Austria regarding prevention as an important aspect in fighting violence. In 2008 the association *Weißer Feder* (white feather) was founded, a national union of stakeholders from politics, school administration, psychologists, scientists and other professions. Their goal is to use the current knowledge about violence and prevention and join together their forces in order to find better ways to banish violence sustainably from classrooms.

Several prevention programs have been established which are scientifically founded and are already applied in various institutions. Two of these prevention programs will be presented here.

6.1. *Faustlos*³⁴

The violence-prevention curriculum *Faustlos* (without fists) was developed by the German psychologists Schick and Cierpka. The program is based on the American „Second Step“ approach³⁵. *Faustlos* is applicable in Kindergarten as well as at elementary and high school, although the modules differ depending on the developmental differences at the age ranges.

Based on theories of developmental psychology and scientific findings, *Faustlos* pursues three goals: firstly, encouraging the ability to empathize in order to help the children understand the emotions of their counterpart and to react in a suitable way, secondly, learning to control their impulses by achieving the ability to find solutions and by training social skills and thirdly, learning to manage the feelings of anger and rage by reducing stress through relaxation techniques.

In Kindergarten the modules last for a year, in elementary school for three years. They are held by the usual teachers of the children, who are instructed in a one-day course at the Heidelberger Präventionszentrum in Germany. Special materials are provided including a handbook, detailed instructions, pictures and two dolls.

Over the years several evaluation studies have been conducted, documenting that *Faustlos* increases the social skills of the participants. The children gained competences in identifying the feelings of others, finding solutions for problems and had a greater repertoire of behaviour patterns in conflict situations³⁶. However, to be able to prove long lasting effects further long-term evaluations are needed.

33 C.Grafl /2007/: Freiheitsstrafe als ultima ratio? Gedanken zur Effizienz von strengen Strafen, *Juristische Ausbildung & Praxisvorbereitung*, n°30, 196.

34 A.Schick, M.Cierpka, *Faustlos* /2005/: Förderung sozialer und emotionaler Kompetenzen in Grundschule und Kindergarten, *Psychotherapie, Psychosomatik, Medizinische Psychologie*, n° 55(11), 462.

35 K.S.Frey, M.K.Hirschstein, B.Guzzo /2000/: Preventing aggression by promoting social competence, *Journal of Emotional and Behavioral Disorders*, n°8(2), 102.

36 A.Schick, M.Cierpka /2004/: *Evaluation des Faustlos-Curriculums für den Kindergarten*, Schriftenreihe der Landesstiftung Baden-Württemberg.

Faustlos is used in Germany, Switzerland and Austria. In Austria, the program is mainly implemented in elementary schools. Supported by the Austrian Federal Ministry for Education, Arts and Culture 1.070 elementary schools have participated in the project in 2010³⁷. In Vienna, *Faustlos* is also applied by the municipal Kindergartens³⁸.

*WiSK – Das Wiener Soziale Kompetenztraining*³⁹

WiSK, the Viennese Social Competence Training, was developed by Atria, Strohmeier and Spiel from the Faculty of Psychology at the University of Vienna. The main goals of the program are reducing aggressive behaviour and increasing the social skills of the children. *WiSK* is a whole school policy approach, providing measures for the school including setting up a special team of teachers, parents and the headmaster, the classes, individual pupils and parents. It is applicable for pupils of the ages 10 to 16.

The measures of the program are based on three principles. First, the rights and duties: Together with the pupils behaviour patterns are discussed, determining which are socially acceptable and which are not. The compliance of these rules has to be strictly observed. Second, participation and taking responsibility: Not only the offender and the victim should be included in the process, but the whole class and the teacher shall participate actively in the training. Apart from the offender, everybody else is responsible if there is an escalation of a conflict. The third principle is enriching the repertoire of behaviour patterns. The pupils shall reflect over their own behaviour in conflict situations and shall gain new competences to deal with such a situation. These competences are then tested in role-plays.

In every class 13 lectures, divided in three phases are held. In the beginning the pupils reflect together with the trainer about aggression and possible reactions to it. They work actively on material the trainer provides. In the second phase, pupils and trainer give each other mutual feedback about the program so far and they decide together upon the action taken in the third phase. At this stage, the pupils take over the lessons and construct them after their own conceptions.

It was proven in evaluations⁴⁰ that through *WiSK* the aggressive behaviour of the children and young adults can be reduced and social skills can be expanded. The pupils show more constructive and less destructive behaviour after the training.

In the school year 2011/12, *WiSK* was applied in 29 schools in Austria⁴¹. Until 2013 the program shall be implemented in schools all over the country⁴².

37 <http://www.bmukk.gv.at/ministerium/vp/2011/20111125.xml>, last visit 7.3.2012.

38 www.wien.gv.at/bildung/kindergarten/abteilung/schwerpunkte.html, last visit 19.1.2012.

39 http://ppcms.univie.ac.at/fileadmin/usermounts/strohmd9/Projektbericht_Generalisierung_des_WiSK-Soziale_Kompetenz.pdf, last visit 7.3.2012.

40 M.Gollwitzer, K.Eisenbach, M.Atria, D.Strohmeier /2006/: Evaluation of Aggression-Reducing Effects of the „Viennese Social Competence Training“, *Swiss Journal of Psychology*, n°65(2), 125.

41 <http://www.gemeinsam-gegen-gewalt.at/resources/files/512/wisk-schulen-2011-12.pdf>, last visit 7.3.2012.

42 <http://www.bmukk.gv.at/ministerium/vp/2009/20091125.xml>, last visit 8.3.2012.

7. CONCLUSION

A crucial point for assessing the amount and the trend of violent crime is the definition of violence. The more facts we consider as „violence“ the more we increase the number of violent crimes. Therefore, interpreting the extent of violent crimes and comparing international data correctly requires a precise knowledge of what we are speaking about including the meaning and the changes of statutory provisions.

Violence, defined roughly as physical violence against a person, accounted for about 8% of all reported crimes in Austria in 2010. In this year 16% of all offenders were suspected of violent crimes, and 17% of all verdicts concerned persons convicted for violent offences. Within a European context violent crimes in Austria are situated around the average except for intentional bodily injury that exceeds the arithmetic mean considerably.

Within the last 35 years the number of violent offences in Austria reported to the police increased by nearly 50%. To assess the number of unreported violent incidents, regular surveys of a representative group of people are needed. Until today these regular nationwide surveys are missing in Austria. By comparing the number of reported crimes in Austria with national insurance-data as well as international studies there are strong indications that the actual amount of violent incidents has increased to a lesser extent than the likelihood that an incident is reported to the police. In 2011 an Austrian representative study on the prevalence of domestic violence and violence in the close social environment showed that violence against children has decreased considerably in the last decades, too.

Violence is a complex phenomenon influenced by individual as well as social and situational conditions. Consequently, the reasons for violent crime are multifaceted. Innumerable studies refer to a number of different variables that on the one hand enhance violent behaviour such as aggressive education and on the other hand inhibit violent behaviour such as being part of a well functioning social network.

Although the public opinion ever so frequently calls for more severe punishment in cases of violent offences⁴³, repressive measures are not the key to reduce violent incidents. On the contrary, prevention is of much greater importance. Preventive support should start at an early age, reducing aggressive behaviour and increasing the social skills of children by teaching social and communicational skills and displaying other non-violent ways to solve their problems. Programs like *Faustlos* or *WiSK* are used in Kindergarten, elementary schools, and high schools in Austria and aim at achieving these goals.

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43 This is especially true after spectacular individual cases are extensively referred to in mass media.

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NASILNIČKI KRIMINALITET U AUSTRIJI

REZIME

Problem nasilničkog kriminaliteta je oduvek privlačio pažnju različitih subjekata. Cilj ovog članka je predstavljanje registrovanog, i u meri u kojoj je to moguće, neotkrivenog nasilničkog kriminaliteta u Austriji u periodu od 1975-2010. godine pri čemu će biti izneti i detaljni podaci za 2010. godinu. Nasilje predstavlja složen fenomen. Moguće je razlikovati psihičko i fizičko, individualno i strukturalno nasilje, nasilje koje je usmereno ka čoveku i ka predmetima i na kraju nasilje kao rezultat činjenja a po nekima i kao posledicu propuštanja. U radu će pod pojmom nasilničkog kriminaliteta biti obuhvaćena tačno određena krivična dela iz Krivičnog zakonika Austrije koja su razvrstana u četiri grupe: sva umišljajna lišenja života, umišljajne telesne povrede, razbojništvo i silovanje zajedno sa drugim krivičnim delima protiv polne slobode. U krivičnom zakonodavstvu Austrije je poslednjih decenija došlo do brojnih promena u pogledu nabrojanih dela a usvojeni su i novi zakoni kojima se reguliše nasilje u porodici kao jedan oblik nasilničkog kriminaliteta. Tokom 2006. godine usvojena je i mera kojom su određene institucije postale nadležne da pružaju pomoć i podršku žrtvama pre, tokom i posle sudskog postupka.

U pogledu registrovanog kriminaliteta, prvo je dat uporedni pregled statističkih podataka za određena dela nasilničkog kriminaliteta. Komparacijom stope kriminaliteta za 2007. godinu omogućeno je sagledavanje pozicije Austrije u odnosu na ostale evropske države. Što

se tiče ubistva, razbojništva i silovanja, stopa kriminaliteta ne odstupa u značajnijoj meri, dok sa druge strane podaci o umišljajno nanetoj telesnoj povredi daleko prevazilaze taj prosek. Navedena situacija može se objasniti širokom zakonskom definicijom ovog krivičnog dela za čije je postojanje dovoljan bilo koji oblik oštećenja zdravlja a ne isključivo fizička povreda.

Za 2010. godinu prvo su navedeni podaci iz policijskih evidencija po napred navedenim grupama krivičnih dela. Zaključeno je da ukupan broj nasilnih dela čini oko 8% svih dela koja su prijavljena policiji u 2010. godini. U pogledu karakteristika učinilaca, u najvećem broju slučajeva radilo se o licima muškog pola. Takođe je zanimljivo primetiti da je udeo stranaca u vršenju razbojništva, silovanja kao i drugih dela protiv polne slobode iznad prosečnog dok je situacija obratna kod ubistava i telesnih povreda. Posle policijskih evidencija, izneti su podaci o broju presuđenih dela. U okviru njih navedeni su i podaci o recidivizmu u pogledu nasilničkog kriminaliteta pri čemu se može zaključiti da je najveći procenat povrata zabeležen kod razbojništva i iznosi 50% dok je kod dela protiv polne slobode 26%.

U radu se potom prikazuje trend nasilničkog kriminaliteta za period 1975-2010. godine. Može se zapaziti upadljiv porast svih krivičnih dela obuhvaćenih pojmom nasilničkog kriminaliteta u ovom članku, sa otprilike 30 000 u 1975. godini na 43 000 u 2010. godini. Što se detaljnijeg prikaza tiče, najveći procenat zabeležen je kod razbojništva (361%), potom kod telesnih povreda (37%) kao i kod dela protiv polne slobode (52%). Za razliku od navedenih dela, trend ubistva je tokom posmatranog perioda ostao stabilan. Ukazano je i na podatke istraživanja o nasilju u porodici koje je sproveo Institut za porodične studije. Podaci su prikupljeni od ukupno 1292 žena i 1042 muškarca putem intervjua. Rezultati pokazuju da je nasilje prema deci značajno opalo poslednjih decenija (za otprilike 30%). Sa druge strane, najveći broj ispitanika bio je žrtva psihičkog oblika nasilja (oko 85,6%), dok je udeo viktimizovanih žena fizičkim nasiljem oko 56,8% a muškaraca oko 61,4%. Što se tiče seksualnog nasilja, žene su bile viktimizovane u 29,5% a muškarci u 8,8% slučajeva.

Na kraju je ukazano na načine kojima se može uticati na prevenciju ovog složenog fenomena. Do sada je u Austriji osmišljeno nekoliko preventivnih programa koji se primenjuju u različitim institucijama. Jedan od njih je i program *Faustlos* koji se zasniva na saznanjima razvojne psihologije i primenljiv je kako u vrtićima, tako i u osnovnim i srednjim školama. Programom je potrebno ostvariti nekoliko ciljeva: pomaganje deci da postanu svesna emocija kod svojih vršnjaka, podučavanje kako da pronađu rešenje problema i naposljetku da nauče kako da kontrolišu agresiju.

Nasilje je složen oblik kriminaliteta i uslovljen mnoštvom faktora. Iako je javnosti svojstveno kontinuirano zahtevanje represivnog odgovora na sve forme nasilja, akcenat u njegovom suzbijanju treba ipak da bude na sredstvima prevencije, pri čemu sa njima treba početi od ranog uzrasta.

Ključne reči: nasilnički kriminalitet, Austrija, statistika, prevencija.