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THE ROLE OF THE AUSTRIAN POLICE IN COMBATING DOMESTIC VIOLENCE

Most of Austria's major cities are secured by the Federal Police, and the Federal Constitution prohibits the establishment of municipal police in a city with a Federal Police authority. Municipal police agencies are mostly found in medium-sized or smaller towns and villages. Each municipal police service has between 1 and 45 employees and varies in organization, equipment, competencies, and availability. The enforcement of local ordinances and other policies of local self-government are under the enforcement jurisdiction of the municipal police. Thirty-seven municipalities in 6 Provinces currently have municipal police services. Large municipal police forces perform duties 24 hours a day 7 days a week. Under the Federal Constitution, only larger municipal police agencies with the status of a corps are authorized to exercise the full range of possible police competencies. A modern municipal police agency works closely with the Austrian Federal Ministry of the Interior and the Federal Police on a variety of matters. New municipal officers and supervisors receive the same basic training as officers of the Federal Police. Although the number of municipal police forces has gradually declined over the last decades, they still constitute an important pillar of law enforcement in Austria. With shrinking budgets, rising costs, and an increasing workload, however, even some of the larger municipal departments are having difficulty in maintaining a full-time service. The continuation of municipal police departments, especially the smaller ones, will be a significant challenge in the coming years. [1, c. 1].

The Austrian police are one of the key state institutions dedicated to protecting citizens' rights and maintaining law and order. Their work is based on principles of professionalism, respect for human rights, and ensuring safety in society. One of the most important aspects of the Austrian police's work is combating domestic violence, as this issue affects various social groups and requires a comprehensive approach to resolution. Thanks to strict legislative standards and collaboration with other organizations, the Austrian police effectively fulfill their mission in addressing domestic violence within families. [2, c. 23].

Austria has a developed legislative framework regarding domestic violence, aimed at protecting victims' rights and deterring potential aggressors. Key legal mechanisms include issuing protective orders that prohibit the abuser from approaching the victim or remaining in the shared home. These laws are designed to allow the police to respond quickly and

provide necessary assistance to victims. Legislation also requires the police to maintain contact with shelters and social services, ensuring comprehensive support.

The Austrian police regularly conduct training for their officers to prepare them for working with victims of violence. These training sessions help officers understand the psychological aspects of domestic violence, communicate effectively with victims, and ensure their safety. Additionally, the police collaborate with shelters, victim support centers, and other governmental and non-governmental organizations. Working together with these institutions helps provide holistic support to victims, offering not only legal assistance but also psychological and social protection. [1 c. 7].

In the fight against domestic violence, the Austrian police utilize modern technologies, such as mobile applications for quick contact with law enforcement, automatic tracking systems for protective orders, and electronic bracelets to monitor the aggressor's location. These innovations reduce the recurrence of violence and improve law enforcement effectiveness. Cooperation with the EU also allows Austria to adopt new approaches and methods in combating domestic violence, sharing experiences with law enforcement agencies from other countries. [5, c. 31].

As part of the prevalence study by Kapella et al. (2011), the extent to which different age groups were affected by violence in childhood was also surveyed, which is of particular interest with regard to effects of these experiences later in life. The results clearly show the changes in society over the last few decades. [4, c. 102].

"The age-specific analysis shows that the older generation experienced violence significantly more often in their childhood than younger people. This is particularly evident in the case of physical acts of violence. Social developments in recent decades led to corporal punishment of children becoming less tolerated, both socially and legally. For example, while eight out of ten women and almost nine out of ten men aged 51 to 60 were exposed to physical violence in their childhood (men: 86.3%; women 80.8%), around 55% of both men and women aged 16 to 20 today report experiencing physical violence. The proportion of those physically abused in childhood has therefore fallen by around 25 to 30 percentage points between the oldest and youngest age groups" [6, c. 12].

The study, which was completed in 2021, analysed a representative sample of files from public prosecutors' offices and courts throughout Austria from the year 2019. Proceedings for murder, (grievous) bodily harm, (grievous) coercion, dangerous threats, continued use of violence, rape and sexual assault were included. Not only was the judicial outcome of the proceedings recorded, but also additional data such as socio-economic characteristics of the victim and suspect/perpetrator, relationship status, history of violence, victim testimony and the use of court assistance [4, c. 115].

In 32% of the cases included in the study, the age of the victims was between 18 and 30 years. Older age groups were less strongly represented: In 27% of the proceedings, victims were between 31 and 40 years old, in 25% between 41 and 50 and in only 15% over 50. The sample included two cases with underage victims of partner violence (16 and 17 years old), and six women were over 71 years old. Overall, the average age was 38 years. [1, c. 20].

Along with the Second Protection Against Violence Act, the criminal offense "persistent perpetration of violence" (*fortgesetzte Gewaltausübung*) was introduced. It allows the courts to examine acts of violence (e.g., serious threats, maltreatments and physical violence) that took place over a longer period – as they regularly do in cases of domestic abuse – in their entirety and provide for more severe punishment. The law stipulates imprisonment for up to three years. Cases of aggravating circumstances are subject to (much) higher penalties, e.g., sexual violence, persistent violence against children (up to 14 years old), frail persons or disabled persons and/or especially long durations or severe consequences of the violent acts. If the endangering person violates an interim injunction "Protection against violence in apartments" he will be fined up to 500 euro for committing a regulatory offence. The same regulations apply if the endangering person violates an order to keep away from specified areas, to avoid an encounter with the endangered person and/or violates an order to refrain from getting into personal contact with that person or to stalk it. In case of persistent violation he can also be arrested [3, c. 30].

Combating domestic violence is a priority for the Austrian police, as evidenced by the presence of specialized units, training programs, modern technologies, and support for international cooperation. Through coordinated work with social services, shelters, and non-governmental organizations, the police provide effective protection for victims of domestic violence. The further development of support programs and policies is crucial for ensuring the safety of all Austrian citizens, creating a secure society, and preventing the recurrence of violence in the future [6, c. 3]

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SOME ISSUES OF CONDUCTING A SPECIAL PRE-TRIAL INVESTIGATION UNDER MARTIAL LAW

In order to ensure the effective investigation of criminal offenses in cases where full participation of the suspect in the criminal proceedings is impossible for the reasons provided by law, a new form of pre-trial investigation was introduced – a special pre-trial investigation (in absentia).

The special pre-trial investigation procedure was introduced into the national legislation by the Law of Ukraine "On Amendments to the Criminal and Criminal Procedure Codes of Ukraine regarding the inevitability of punishment for certain crimes against the foundations of national security, public safety and corruption crimes" dated October 7, 2014 [1]. The further transformation of the "in absentia" procedure took place thanks to the adoption of a number of Laws of Ukraine, the provisions of which significantly expanded the possibilities for its implementation.

We support the position of scientist O.V. Sachka that, when introducing this type of criminal proceedings, Ukraine, first of all, took into account the difficult political conditions inside the country, the ineffectiveness of the existing institutions of extradition and other forms of legal assistance in interstate relations, the presence of a proven practice of its application in European countries and the existing precedent practice of the ECHR [2].

Special pre-trial investigation is an important tool for ensuring consistent and effective investigation of criminal offenses committed under martial law. This makes it possible to prosecute guilty persons, even if they are in the temporarily occupied territory or their whereabouts are unknown.

A special pre-trial investigation is a special type of investigation that takes place in criminal proceedings as a result of a decision by the investigating judge regarding a person who is suspected of committing a criminal act and in respect of whom an authorized body has made a decision on his/her transfer for the purpose of exchange as a prisoner of war and on the condition implementation of such an exchange [3].