

Implementation report on the recommendations of the Committee of the Parties of 30 January 2018

Council of Europe Convention on Preventing and Combating Violence against
Women and Domestic Violence

Legal notice

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Federal Chancellery, Division III for Women and Equality Minoritenplatz 3, 1010 Vienna, Austria

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Recommendation 1

Ensure that **all of the provisions of the Convention** are fully implemented **with regard to all women**, including women with disabilities, asylum-seeking women and women with insecure residence status (paragraph 5)

Further improvements in the prevention of and the protection from violence against women have been a high political priority in the past few years. This is also reflected in the current government programme for 2020 to 2024 in which the best possible implementation of the Istanbul Convention is expressly defined as a goal.

The measures put in place in Austria since 2017, the year in which the GREVIO report was prepared and on the basis of which the Committee of the Parties issued the recommendations subject to this report, are listed in greater detail under the corresponding recommendations. However, the desired streamlining of the report made it necessary to summarise the measures taken throughout Austria in many points.

In addition to that, specific measures adopted in response to the COVID-19 restrictions are listed in the Annex.

Gender equality and women's rights, in particular also protection against violence, are not, however, merely a domestic policy goal, but rather also a traditional focus of Austrian foreign, security and development policy.

The Istanbul Convention is also valued as a key instrument for improving the protection against violence on an international level. Corresponding to its priorities, Austria intensively campaigned for the EU ratification of the Istanbul Convention during its EU Presidency and continues to do so. Furthermore, Austria actively contributes to issues of violence protection at the international Commission on the Status of Women as well as within the framework of its membership in the UN Human Rights Council 2019-2021.

General note: Due to changes in the assignment of relevant policy areas to single ministries over time, especially the areas of Women and Gender Equality, Family Affairs

and Integration, for the sake of clarity, the report refers to Ministry for Women or Ministry for Family etc. instead of using the current ministry's full name.

Recommendation 2

Ensure that **a set of comprehensive policies** in the fields of **prevention, protection** and **prosecution** exist in relation to **all forms of violence** against women, in particular in relation to **female genital mutilation** and **forced marriage** (paragraph 10)

At this point, the focus is on training and sensitisation, both of the relevant (professional) groups and the wider public as well as on legal measures and improvements in prosecution. For more information on other relevant prevention and protection measures, see in particular recommendations 9 and 10.

Prevention and protection through training and sensitisation: Also in the past few years, comprehensive efforts have been made to train and sensitise specific (professional) groups as an important preventive measure, including the following:

- In light of the special significance of the healthcare sector as the (first) point of contact for women affected by violence, particular attention has been paid in recent years to training healthcare staff and promoting the implementation of training standards on domestic and sexualised violence. A number of universities and universities of applied sciences have already integrated the topic into their curricula (e.g. training of future doctors and psychologists) respectively into training regulations of health care professions. In addition, a "toolbox" commissioned by the Ministry for Health was put online in September 2020 for victim protection groups in federal and state hospitals, providing them with guidelines for action and field-tested support.
- Standardised training courses have been developed to ensure the quality of the psychosocial court assistance. Up to three courses have been offered each year since 2015 and are continuously evaluated. The funding is provided by the justice, family and women's ministries. A regulation is currently being prepared to ensure quality standards and training requirements. It is planned to enter into force in late 2021.
- Comprehensive training measures are being implemented by the police to ensure sensitive treatment of those affected. Police officers continue to receive special training on domestic violence and its gender-specific nature during their basic training. Experts from violence protection centres are involved in the implementation

of this measure. Moreover, the percentage of female police officers has gradually been increased in the past few years and currently stands at around 20%. The government's programme also sets out the goal of ensuring the presence of at least one female police officer specially trained in the field of violence protection being available in each police station as a contact for women.

- Moreover, numerous further training sessions on various gender-based forms of violence have been carried out for other relevant professional groups in the past few years, including judges, public prosecutors and visitation supervisors. Additional subject-specific training, such as for example on forced marriage for registrars, has been introduced in Tyrol. In addition, the EU project on the development of an EU-wide strategy plan on referral mechanisms in cases of forced marriage for specialized personnel (co-financed by the Ministry for Health, among others) was supported.
- Furthermore, lectures on FGM were held in Vienna and specific brochures issued (in cooperation with the Vienna Medical Association). The topic of gender-based violence is also addressed in basic training for public servants (e.g. in the Ministry for Education and its subordinate departments). In order to prevent gender-based violence, the topic is also covered in depth in school. Following an edict by the Ministry for Education in 2018 "Reflexive Gender Education and Equality", schools are explicitly required to address the issue of gender equality, focusing in particular on violence and sexism in all its facets (specifically including FGM and forced marriage). In addition to providing specific further training for teachers, Handouts and materials, numerous gender-sensitive, violence prevention workshops were held for pupils. Furthermore, the Ministry for External Affairs, which coordinates the operational repatriation of victims subjected to abduction and forced marriage from abroad, also contributes for instance to trainings organized by the Municipal School Board of Vienna.

Although the available budgetary funds are primarily used for measures that have a direct impact on victims of gender-based violence, a number of measures were also put in place to sensitise the wider public:

- Every year, numerous events relating to the topic of violence against women are organised both at federal and provincial level as well as by the Austrian embassies and representative authorities abroad as part of the "16 Days Against Violence" campaign. Among others, an increasing number of various institutions participated in the "Orange the World" campaign, including a broad social media presence of the federal government referring to #orangetheworld in 2020. A two-day summit on the

prevention of violence against women was held at the launch of the 16 Days Against Violence involving Austrian specialists in the field of violence.

Furthermore, special sensitisation measures have been implemented on the following topics at both a federal and provincial level (for more information on special sensitisation measures relating to COVID-19 see the Annex):

- On harmful traditional practices: the Federal Ministry for Integration and the Austrian Integration Fund jointly offer specific counselling formats and courses for women and men from migrant communities (especially including women and men with a refugee background). Other measures inter alia include the sensitisation of the authorities and the development of a guideline for relevant professional groups. For instance, a symposium on FGM took place in Vorarlberg.
- Combatting sexualized and gender-based violence, especially FGM, is also enshrined in the three-year program of the Austrian Development Policy 2019-2021. In this context, in 2018 and 2019 EUR 6.5 million were allocated to the fight against FGM, benefitting especially women and girls in the Sahel and the Horn of Africa.
- On the special risks of date rape drugs: for example the Ministry for Women and the Ministry for the Interior carried out a joint information offensive (particularly using social media channels) in July 2019; sensitisation workshops were conducted in Vorarlberg, alongside other activities.
- On cyber violence: in spring 2020, the Women's Office of the Upper Austrian provincial government launched an online sensitisation campaign on this topic

Legal measures and improvement in prosecution: In the past few years, numerous legal measures have been implemented to improve protection against gender-based violence and to increase the rights of victims. The amendment to the Penal Code of 2017, which entered into force on 1 September 2017, explicitly anchored sexual integrity and self-determination as a legally protected, defensible right in criminal law (Section 3 paragraph 1 Penal Code), increased the level of penalty for certain forms of sexual harassment and created new qualifications of offences (Section 218, paragraph 2a and 2b Penal Code and Section 212 paragraph 3 Penal Code). In light of the further implementation of the Istanbul Convention, a "Task Force on Criminal Law to Better Protect Women and Children" (comprising 120 experts from relevant Ministries and subject specific institutions led by the secretary of state in the Federal Ministry for the Interior was set up in March 2018. Based on the results, numerous legal adjustments were developed and passed on 25 September 2019 as the "Violence Protection Act 2019". Due to the extent of

recent legal developments, the report concentrates on those of particular relevance. Unless otherwise stated, they entered into force in January 2020:

- Extension of protection orders in cases of domestic violence: a mobile restraining order of 100 metres around the person at risk was additionally created (Section 38a and Section 84 Security Police Act) and the implementation of protection and mobile restraining orders is supported by significantly increased penalties for failure to comply.
- Introduction of compulsory counselling for perpetrators in the second half of 2021: recipients of a protection and mobile restraining order must attend compulsory counselling at least once at a so called counseling center for violence prevention (Section 38a paragraph 8 and Section 25 paragraph 4 Security Police Act).
- Establishment of case conferences for high-risk cases: legal determination for security authorities to call case conferences; can also be suggested by other bodies if necessary (Section 22 paragraph 2 Security Police Act)
- Victims of violence (including high-risk victims, victims of forced marriage) can change their name free of charge (Section 2 paragraph 1 no. 10a Name Change Act) and have their social security number changed (Section 460d paragraph 3 General Social Security Act)
- Adjustments and clarifications relating to interim injunctions: expansion to protection against derogatory publications on social networks (Section 382g Enforcement Regulation); the expansion of the competences of child and youth welfare to apply for an interim injunction for the protection of privacy (stalking) if the legal representative does not take the necessary steps (Section 382g Enforcement Regulation; Section 211 paragraph 2 of the General Civil Code); better cooperation of authorities by requiring the family court to be notified when an interim injunction for general protection against violence is issued - if one of the parties (i.e., the party at risk or the party causing the risk) is a minor.
- Expansion of the aggravating circumstances: inter alia for crimes committed by adults against minors or crimes against close persons perceptibly for them as well as in the case of abuse of a position of authority (Section 33 paragraph 2 Penal Code).
- Female genital mutilation was already punishable (and it was not possible to give consent). A separate crime was created and it was clarified that it constitutes a bodily injury with serious, permanent consequences (Section 85 paragraph 1 no. 2a Penal Code). In addition to this, an obligation was created which requires healthcare facilities to report cases in which the circumstances show that a newborn girl is at risk of genital mutilation (Section 37 paragraph 1a Federal Child and Youth Welfare Act).

- Increases in the penalties for crimes against sexual integrity: in general for repeat offenders (Section 39 Penal Code); in the case of the crime of rape, a general exclusion of the conditional leniency was made (Section 43 paragraph 3 Penal Code) with a simultaneous increase in the minimum penalty from one to two years' imprisonment (Section 201 paragraph 1 Penal Code); in the case of continued violence against a minor or a person defenceless as a result of frailty, disease or a mental disability, the penalty range was increased from between six months and five years to between one and ten years in prison (Section 107b paragraph 3a Penal Code); moreover the reporting obligation for doctors was extended to include cases of rape but at the same time exceptions were created to protect the interests of victims (Section 54 paragraph 4 and paragraph 5 Doctors Act).
- Extension of victims' rights: clarification and equal treatment of victims and witnesses with regard to the right to apply for a lenient hearing in the sense of Section 165 paragraph 3 Code of Criminal Procedure (Section 165 paragraph 4, Section 66a and Section 250 paragraph 3 Code of Criminal Procedure) and the requirement that particularly vulnerable victims are provided with interpreting services by a person of the same gender during interrogations in preliminary proceedings and in the main hearing (Section 66a paragraph 2 no. 1a Code of Criminal Procedure).
- Extension of claims according to the Victims of Crime Act: in addition to an extension of the application deadlines, improved access to services for victims who are European Union citizens has been created.
- On 1st of January 2021, a federal law to combat hate on the internet became effective. It includes, inter alia, refined criminal law regulations (in particular on violation of the right to the personal image, hate postings and cyberbullying) and criminal procedural law regulations (for the effective prosecution of hate crimes and for victim protection) as well as adjustments relating to media law. In particular, a new criminal offense increases the protection of the right to the personal image against unauthorized visual recordings (e.g. "upskirting"; section 120a of the Criminal Code) and psychosocial and legal assistance was expanded to certain victim groups, such as victims of online hate speech and underage witnesses of violence in their social environment (new Section 66b of the Code of Criminal Procedure).

Recommendation 3

Develop a **long-term plan/strategy** giving due importance to all forms of violence covered by the Convention and based on consistent and on-going funding to allow for sustainable and comprehensive actions (paragraph 18)

For more information, see also the comments on recommendations 2, 6 and 7.

In its 2020-2024 government programme, the federal government has set out extensive measures in the field of violence prevention and victim protection. These include, among others:

- Consideration of further legal protective measures against (gender-based) violence, in particular upskirting, online violence and forced marriage
- the expansion of victim protection-oriented work with offenders and violence prevention programmes
- the expansion of violence protection facilities
- measures to facilitate the integration of women to protect them against any violence, including harmful traditional practices
- measures to prevent sexual violence (in sport)
- sensitisation campaigns

With regard to implementation measures already taken, see in particular recommendations 2 and Annex (upskirting, cyber violence, violence prevention, sensitisation measures) as well as recommendations 4, 5, 9 and 10 (budget increase and expansion of violence protection facilities, protection against harmful traditional practices).

In addition, further action is planned to implement the Istanbul Convention, including the continued sensitization of key professional groups. Sustainable and comprehensive solutions are primarily achieved through continuous dialogue between violence protection facilities and public institutions. Dialogue is not merely carried out on an ad hoc basis (see the Criminal Law Task Force mentioned in recommendation 2), but also as a result of structured dialogue among long-term, subject-specific working groups.

This structured dialogue also exists in the provinces. For example, in Styria round table discussions on topics such as “children affected by domestic violence”, “economic violence” and “digital violence in the context of domestic violence” were held in cooperation with experts and regional networks were created.

Recommendation 4

Expand significantly **the budget** allocated to the Federal Ministry for Women for its work in the area of preventing and combating violence against women (paragraph 22)

For more information, see recommendations 3 and 9 a), b), c) and g).

In 2020, the budget of the Federal Ministry for Women was increased substantially (for the first time in 10 years) by 20% from EUR 10.15 million to EUR 12.15 million. Around half of the total budget is set aside for the implementation of measures relating to violence against women.

The additional funds were used to increase the budget of all of the government-funded women's counselling services by around 12% (including the sexual violence advice centres). Funds totalling EUR 1.25 million were provided to promote violence-specific projects.

In addition to this, the Austrian Integration Fund, which is also in the field of competence of the Ministry for Women and Integration, provided a total of EUR 3 million specifically for projects aiming to prevent violence based on cultural traditions and to protect those affected in 2019 and 2020 (for more information, see recommendation 9 c).

Budgets were increased in the provinces (in some cases substantially) as well. The women's budget in Burgenland was increased by around 30% since 2018, enabling women's counselling services to receive an additional 33% in funding in 2019. There have also been gradual increases in other provinces such as Styria and Carinthia in the past few years.

For the year 2021, a further increase in the budget of EUR 2.5 million has been achieved. Thus the total budget amounts to EUR 14.65 million and reflects an increase of 43% from 2019 to 2021.

Recommendation 5

Provide the **legal basis** necessary to ensure adequate and consistent **funding** to the various specialist **support service providers** (paragraph 26)

Violence protection facilities generally cover a specific region and the respective province is (due to their competence for social welfare measures) responsible for the funding. The majority receive annual grants. Depending on the institution, funds are generally provided by the respective province and additional grants are provided by the Ministry for Women (in some cases with multi-year framework agreements), other relevant ministries, the Public Employment Service, the unions etc.

The violence protection centres¹ fall under the remit of the federal government and have their own legal basis in Section 25 paragraph 3 Security Police Act. Following a public tender in 2013, they were commissioned for an unlimited period (for more information on this see the first State Report, page 32). The respective contract provides for adjustments based on inflation and case numbers. This has led to an increase from EUR 7.32 million in 2015 to EUR 8.52 million in 2020.

Due to its national focus, the women's helpline 0800 / 222 555 has been funded by the federal level since 1991 (specifically by the Federal Ministry for Women), on the basis of a framework funding agreement. The funding was increased from around EUR 318,000 in 2017 to around EUR 356,000 in 2020 (including a one-time increase of EUR 20,000 for online counselling as part of the measures to combat the Corona pandemic and its effects).

¹ In Vienna it is called the "Interventionsstelle gegen Gewalt in der Familie" and in Vorarlberg "ifs Gewaltschutzstelle".

Recommendation 6

Assign the role of **coordinating body** to one or more fully institutionalised government entities, to equip these with clear mandates, powers and competences that are widely communicated, allocate the necessary **human and financial resources** to these entities and **set up separate bodies** for, on the one hand, the co-ordination and implementation of policies and measures, and for their monitoring and evaluation, on the other hand in order to ensure objectivity in the evaluation of policies (paragraph 37)

The Austrian coordinating body continues to be run by the Ministry for Women. In 2019, the human resources in the relevant specialist department and therefore also in the coordinating body were able to be increased. Additionally, the inter-ministerial working group “Protection of Women against Violence” was integrated into the national coordinating body and is therefore even more closely linked to it.

The coordinating body is responsible for carrying out the following key tasks:

- promoting the implementation of the obligations arising from the Istanbul Convention that are still outstanding. This includes exchange of expertise across provinces and disciplines, development of necessary measures and support for the implementation of these within the framework of the inter-ministerial working group “Protection of Women against Violence”. The relevant ministries, all provinces and key NGOs are included in this working group.
- preparing subject-specific information and data for the public; a separate website has been set up.
- coordinating state reports on the implementation of the Istanbul Convention and international exchange of expertise

The provinces have also started to set up coordinating bodies for the implementation of the Istanbul Convention - for example, the federal province of Salzburg has set up a coordinating body within its women’s division.

The monitoring and evaluation of measures is guaranteed through feedback from practice, i.e. direct contact with and feedback from violence protection facilities and through studies; among other things:

- Investigation “The Right to a Violence-Free Childhood: 1977-2014-2019” 2019; funding from the Federal Ministry for Family
- Evaluation of the “victim protection-oriented work with offenders using the example of the Vienna model” 2018; funding from the Federal Ministry for Women
- Evaluation “Sexual crimes” 2018: investigation of the filing of criminal charges under criminal law for suspected rape or sexual coercion; funding from the Federal Ministry for Women
- Evaluation “EinSatz” 2018: investigation of how children and adolescents affected by violence react when the police intervene; funding from the FFG - Österreichische Forschungsförderungsgesellschaft mbH
- Evaluation of the work of victim protection groups in Viennese hospitals: study “Victim Protection Work in Hospital. Focus Group Survey on the Responsibilities and Challenges of Victim Protection Groups in Hospitals in Vienna” 2017; funding from the city of Vienna and based on this the report “The Work of Victim Protection Groups in Viennese Hospitals” together with Viennese victim protection groups, 2018

Recommendation 7

Take measures to **monitor the prevalence** of the forms of violence against women not previously assessed, **in particular forced marriage and female genital mutilation** (paragraph 40)

Numerous measures have been put in place to record the prevalence of various gender-based forms of violence since 2017. The following studies have been carried out or are still in the implementation phase:

- EU prevalence study on gender-based violence 2020/2021: Austria was involved in the preliminary test and is currently conducting the prevalence inquiry (running from February 2020 to December 2021); both studies are co-financed by the EU and are implemented by Statistics Austria.
- EIGE study “Estimation of the number of girls at risk of female genital mutilation in the EU” 2020/2021; funded by the EIGE with specialist support from the Ministry for Women and the Ministry for Integration
- Study on “Violence by Sons and Daughters against their Parents” 2019: protection orders against sons and daughters who were violent towards their mother or father were investigated for the first time (in Vorarlberg and Burgenland); gender-based patterns were also investigated; funded by the Federal Ministry for Women
- Study “Experience and Prevention of Violence against People with Disabilities” 2019 in facilities for persons with disabilities, in psychosocial facilities and in preventive custody; funded by the Federal Ministry for Social Affairs
- Analysis of all femicides between January 2018 and January 2019 including the preparation of policy recommendations by a screening group established by the Federal Ministry for the Interior; publication of the report in November 2019
- Study “Cyber Violence against Women and Girls in Austria” 2018 with investigations on the prevalence of different expressions of cyber violence by age groups and the handling and consequences of this form of violence; funded by the Federal Ministry for Digital and Economic Affairs (among others)
- Study “Forced Marriage - Tradition and Gender-Based Violence against Women in Austria” 2018; funding from the city of Vienna (among others); carried out by Dr Monika Potkanski-Palka

The reporting obligation on the part of healthcare facilities established by the Violence Protection Act 2019 and the simultaneous creation of a separate criminal offence of female genital mutilation (see recommendation 2) not only raises awareness, but also increases the opportunities to record the prevalence.

Recommendation 8

Develop **data categories** for use by the **law enforcement agencies** and the **criminal justice sector** on the type of **relationship of the perpetrator to the victim** that would allow the nature of their relationship to be more specifically documented and to ensure that these and any other data categories in use are **harmonised** across the various sectors (paragraphs 45 and 49)

Regarding the comprehensive data collection by relevant institutions already carried out, please refer to the 1st State Report in chapter 1.5. data collection.

The possibility to harmonise data collection across institutions (including violence protection facilities) is limited by restrictions on human and budgetary resources and by different priorities in the purposes of data collection.

The recommended, more precise documentation of the relationship between the perpetrator and the victim both by law enforcement agencies and the criminal justice sector requires extensive resources to implement and subsequently to constantly update the data. These resources have not yet been allocated. The replacement of the data collection that is needed in the long term will, however, result in the harmonisation of the statistics from law enforcement agencies and the justice sector and will lead to improvements in these areas too.

The Federal Equal Treatment Commission and the Equal Treatment Commission for the Private Sector have been collecting validated data in cases of sexual harassment on the gender of the victims, the gender of the harassing person and the relationship between them since 2017. Moreover, the results of the expert opinions are surveyed.

The coordinating body (see also recommendation 6) has been editing the available data with a focus on violence against women and making it accessible to the general public since 2018.

Recommendation 9

Ensure that in view of the disparity in terms of levels of **service provision** for the different forms of violence covered by the Convention, all specialist support services meet the demands of victims, **irrespective of the form of violence they experienced** or the particular **realities** and compounding difficulties they face. In particular, the Committee of the Parties recommends the Government of Austria to:

a.) **aim at a comprehensive strategy for service provision** by conducting a needs assessment on the number, types and geographical location of services required by victims of all the different forms of violence;

In 2018, the Federal Ministry for Women carried out a national needs assessment of places in women's shelters. Ultimately, the assessment revealed that due to the different regional circumstances, the creation of regional concepts is needed. Several federal provinces have carried out more detailed surveys. At a regional level, these led to a specific increase in the number of spaces in women's shelters, with 12 additional spaces created in Tyrol in 2019 and a further increase is planned in other federal provinces, including Vienna and Upper Austria. The availability of temporary homes has been improved at a regional level, for example in Lower Austria and Vorarlberg.

In addition, as part of a package of measures adopted in November 2020, the analysis and further optimization of cooperation between the counseling institutions and the police is planned.

On 1st of January 2021, a two-year pilot phase started for the admission of high-risk victims to women shelters across different provinces.

For more information on violence protection centres funded by the federal level in cases of domestic violence and stalking see recommendation 5; for more information on women's sexual violence counselling services see recommendation 10 and for more information on facilities for victims of forced marriage and female genital mutilation see point c.).

In order to improve the counselling services for victims of cyber violence in the existing violence protection facilities, training documents have been developed and numerous training sessions and a train the trainer workshop have been carried out (for more information please also refer to the study mentioned in recommendation 7 “Cyber Violence against Women and Girls in Austria”, the results of which were used as the basis). Moreover, the first Austria-wide contact point for those affected by cyber violence has been set up by the organisation ZARA in 2017 and offers specific support. In addition to the federal government’s “Hass-im-Netz-Paket” (“Hate on the Internet Combatting Act”, see recommendation 2), a package of measures passed in November 2020 includes a decision to improve counselling expertise on cyber violence by providing appropriate training.

b.) ensure that **sexual violence** (including rape) **counselling services are available in each of the nine provinces;**

See recommendation 10.

c.) set up **more specialist support services for victims of forced marriage and female genital mutilation;**

The existing protection facilities for those affected by forced marriage were expanded in early 2019 by a temporary home, funded by the city of Vienna, in which up to 15 victims can be housed. Like the sheltered housing, financed by the Ministry for the Interior and the Ministry for Women, it is operated by the counselling service Orient Express and is available to affected girls and young women across Austria. A package of measures passed in November 2020 includes the expansion of the existing counselling services in Vienna (Orient Express) and the establishment of a new counselling service in western Austria to increase the support specifically available to those affected by forced marriage.

For more information on the general budget increase for violence protection facilities that are already being funded, see recommendation 4.

In 2019 and 2020, national calls for funding focusing on projects to fight harmful traditional practices were put out for tender. In 2019, the call for bids amounted to EUR 1

million (for more information, see the [list of ÖIF -Austrian Integration Fund -projects funded in 2019](#)), and in 2020 it totalled EUR 2 million (for more information, see the [list of ÖIF projects funded in 2020](#)). The projects selected include both counselling and support (including quality assurance) as well as preventative measures. Furthermore, in 2017, a coordinating body against abduction and forced marriage run by the counselling service Orient Express and funded by public means was introduced. It networks and coordinates across the country in the case of abduction (both abduction for marriage and abduction as a “punishment”) and in the case of repatriation to Austria.

d.) set up adequate support services, including shelter accommodation, for women **victims of domestic violence with mental health issues, intellectual or physical disabilities that require medical care or support;**

In general, the women and violence-specific counselling services are available to all affected women and girls, including those with disabilities. In addition, there are also a number of specific counselling services. For more information on the increase in the budget for these facilities in 2020 see recommendation 4. In order to improve actual access, measures were primarily taken to ensure ICT accessibility and to guarantee physical access. For example, the Women’s Shelter in Tyrol was moved to a new building with additional places in 2019 and is now accessible.

There are, however, limits in the capacity to care for people with special medical needs.

The following strategies aim to raise awareness of the challenges faced by this target group:

- The NAP on Disability 2012-2021 provides for raising public awareness on the topic of violence against women and girls with disabilities and facilitating access to support facilities for those affected
- The current Action Plan on Women’s Health includes action for sensitising institutions (particularly counselling services) to female-specific aspects of disability
- A conference held in late 2019 on “women with disabilities” showed that there was further need for action with a focus on violence and violence prevention. The importance of this topic was highlighted by the participation of the Federal Chancellor and the Minister for Women at the time.

The healthcare sector also plays a particular role in the possible identification and support of those affected. For more information on the training of healthcare professionals, see recommendation 2. To counteract the risk of carers committing acts of (sexual) violence against those with disabilities, the Protection Against Violence Act 2019 made it possible for specific care facilities to obtain criminal record information and special information on sexual offenders and prohibitions on activities. Moreover, a new “criminal record certificate for nursing and care work” has been introduced.

For more information on the thematically relevant study “Experience and Prevention of Violence against People with Disabilities” from 2019, see recommendation 7.

e.) ensure that **domestic violence victims with a history of substance abuse** receive access to adequate support services, including accommodation;

Reference may essentially be made to the relevant statements in Austria’s response to the GREVIO report.

f.) remove funding requirements and other bureaucratic obstacles that prevent **access** to services and shelters for **asylum-seeking women and undocumented women** and to ensure the same **for recognised refugees and those with subsidiary protection**;

The wide range of violence prevention facilities across the country is available to all women, thus also to all asylum seekers, undocumented women, recognised refugees and those with subsidiary protection.

There are only some regional differences in terms of access to women’s shelters in this regard. Recognised refugees are treated equally to Austrian citizens and therefore generally have access to women’s shelters. The rules on asylum seekers and those with subsidiary protection, however, vary from province to province. If a woman is not able to access a women’s shelter, female-specific facilities for asylum seekers are generally available and cooperate with women's shelters.

Where possible, violence protection facilities offer mother-tongue counselling or request an interpreter. For more information on the improvement in access to interpreting services in criminal proceedings according to the Protection Against Violence Act 2019, see recommendation 2.

The various measures to promote rapid integration and empowerment and to encourage women with a migrant background to learn the local language also make it easier for them to actually access the support services. In addition to the comprehensive training offers by the Austrian Integration Fund (ÖIF) as mentioned in recommendation 2, the ÖIF also offers a broad range of counselling and courses for women with a migration and especially a refugee background. In addition, e.g. a project in Vienna supports single parent mothers from EU and third countries affected by homelessness, and a project in Styria empowers girls and women with a refugee or migrant background.

g.) ensure **financial and human resources** are available to enable the above
(paragraph 107)

For more on this, see the information on points a.) to f.).

Recommendation 10

Ensure more is done to demonstrate a **sensitive approach** towards **victims** who report rapes and other forms of **sexual violence**, for example by setting up rape crisis or sexual violence **referral centres in all nine provinces** staffed by specially trained professionals (paragraph 157)

The Ministry for Women intensively pursued efforts to further improve the counselling services available to those affected by sexual violence. In a first step, an Austrian-wide concept was created, and in a second step service facilities were created in those provinces in which there had not previously been a specific counselling service. In order to maintain quality standards, support was offered across provinces during the implementation phase. Some details are as follows:

- Development of an Austrian-wide concept and support for the establishment of specialist counselling services including assurance of quality standards; funding from the Federal Ministry for Women (funding of around EUR 110,000; implementation between November 2017 and December 2020)
- Establishment of the new specialist counselling services for those affected by sexual violence in Burgenland, Carinthia, Lower Austria and Vorarlberg in the second half of 2019, with total funding of around EUR 144,000 by the end of 2020 as well as securing their sustainable existence. In addition, subsidies were provided by the provinces..

Thus, the recommendation of creating a specific facility in each province has been implemented successfully. In Carinthia, the Association for the Legal Protection of Women (which is funded by its Women's Division) is able to cover the legal costs in cases of sexual violence. For more information on efforts to provide training and sensitisation, see recommendation 2. In this context, the toolbox “Starter Kit for Victim Protection Groups” (mentioned in recommendation 2) is of particular relevance. Furthermore, the Protection Against Violence Act 2019 introduced stricter penalties for crimes against sexual integrity. For more information, see recommendation 2. Furthermore, training sessions for health care workers on the early detection of domestic and sexual violence were conducted in Vienna.

A project on organised, sexualised ritual violence that will run until the end of 2021, aims to increase awareness of this special form of sexual violence and establish sources of support for women and girls affected and their reference systems.

Recommendation 11

Introduce exceptions to the use of **diversionary measures in domestic violence and stalking cases** set out in the Criminal Procedural Code of Austria in order to offer effective criminal justice for all acts of violence against women (paragraph 162)

Reference is made to Austria's response to the "draft GREVIO report", pages 29 and 30 of August 2017. In addition, the following is noted:

- In principle, the interests of the victim must be taken into consideration and promoted to the greatest possible extent in any diversionary measure. In addition, the victim has the right to consult a trusted person.
- If full damage compensation has not yet been paid or it appears to be appropriate to protect the victim's interests, the victim shall be given the opportunity to state its opinion before withdrawing from the prosecution (Section 206, paragraph 1 Code of Criminal Procedure).
- According to Section 206 paragraph 2 Code of Criminal Procedure, the victim must be informed if the accused declares that he or she is willing to remedy the damage caused by the act or otherwise to contribute to compensation for the consequences of the act. The same applies if the accused takes on an obligation which directly affects the interests of the damaged party.

Annex

COVID-19 measures

In ongoing dialogue with violence protection facilities, the Austrian government has compiled a comprehensive package of measures to ensure that women affected by violence still have access to protection and support services even during the period of COVID-related restrictions.

The following COVID-related measures have inter alia been implemented:

- Several press conferences have been held by the Minister for Women, the Minister for Family, the Minister for Justice and the Minister for the Interior to raise awareness of the increased risk of domestic violence during lockdown and the support that is still available. The counselling services were advertised via information flyers distributed by retail chains and police stations as well as by information campaigns in daily newspapers and digital media. The information campaign was continued during the second lockdown among other things by providing the violence protection flyers in supermarkets, pharmacies and medical practices. A comprehensive overview of the existing counseling services is also provided on the homepage of the Ministry for Women (in German and 13 foreign languages).
- Women's shelters remained open during lockdown, counselling services mainly relied on telephone and online counselling, and even the "Help Chat" - the online service provided by the women's helpline against violence - was temporarily expanded with a onetime COVID-19-related funding. In addition to this, new counselling services such as one-on-one counselling via video call/video chat have been installed. After lockdown, face-to-face counselling became possible again, but online counselling services continued to be in demand. Victim protection facilities and police are working closely with health authorities to ensure the necessary protection (and in particular restraining orders) even in cases of suspected infection.
- An analysis of domestic violence during the first lockdown was carried out on behalf of the Ministry for the Interior.
- The submission of interim injunctions was simplified to avoid the need for these to be submitted in person.

- The newly-created telephone counselling provided by the Men's Counselling Service (available across Austria) for men who are at risk of becoming violent due to increased stress factors was advertised in the media.
- In June 2020, the national committee "No Hate Speech Austria" issued recommendations to federal and provincial governments on the topic of "Combating hate speech in the time of COVID-19".
- Additional short-term measures were as well set at the provincial level
- The Austrian Development Cooperation (OEZA) is currently supporting several humanitarian initiatives in the context of the COVID-19 pandemic that include components related to gender-based violence. In addition, ongoing funding in the area of gender-based violence has partially been adapted to the context of the COVID-19 pandemic.

Measures to support reconciliation of work and care responsibilities and to ease the financial burden have also been implemented – including inter alia easier access to advance maintenance payments by the federal level.

Federal Chancellery

Ballhausplatz 2, 1010 Vienna, Austria

+43 1 531 15-0

gewaltpraevention@bka.gv.at

bundeskanzleramt.gv.at