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## Introduction

In December 2008, the Council of Europe's Committee of Ministers appointed a group of experts – *CAHVIO – Ad Hoc Committee for preventing and combating violence against women and domestic violence* – to develop a Draft Convention on violence against women.

The approved draft was accepted on 7 April 2011 as the "*Council of Europe Convention on preventing and combating violence against women and domestic violence*", and was signed by 13 member states, including Austria, on 11 May 2011 during a meeting in Istanbul of the Committee of Ministers. This Convention is also known as the "Istanbul Convention". Austria ratified the Istanbul Convention on 14 November 2013 and it came into effect on 1 August 2014.

The Istanbul Convention marked the first time that Europe has defined binding legal norms regarding violence against women and domestic violence. The Convention covers all forms of gender-specific violence against women and facilitates improvement in international standards concerning violence against women. Member states are also encouraged to apply the statutory obligations on domestic violence to men and children.

To monitor the implementation of the Convention in individual states, an international group of independent experts – *Group of experts on action against violence against women and domestic violence (GREVIO)*" – was established, which is undertaking an initial evaluation of all States Parties, based on a very comprehensive survey.

Austria and Monaco are the first two countries to undergo this basic evaluation. This first country report by Austria to the Istanbul Convention was coordinated and prepared by the *National Coordination Centre for Violence Against Women* in the Federal Ministry of Health and Women's Affairs, with the cooperation of ministries, regional governments, and selected civil society institutions.

This report, together with other information sources, forms the basis for the report by the GREVIO committee of experts, and their conclusions about related measures for implementing the Istanbul Convention, which are then dealt with at the parliamentary level in each member state.

Since female trafficking is covered by the *Council of Europe Convention on Action Against Trafficking in Human Beings*, and as Austria is also issuing special implementation reports on this topic, the entire theme of trafficking in women is not presented in this report. We refer in this regard to reports already issued by the *Group of experts on action against trafficking in human beings (GRETA)*.<sup>1</sup>

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<sup>1</sup> <https://www.bmeia.gv.at/europa-aussenpolitik/menschenrechte/schwerpunktthemen/kampf-gegen-menschenhandel/>

# 1 Policy measures and data collection

## 1.1 Strategies and action plans

There were strategies and action plans at both federal and state levels to address various forms of violence during the reporting period. To avoid double reporting, the National Action Plan against Human Trafficking is not examined here; instead, we refer readers to the GRETA Austria Report, as for the topic of human trafficking in general.

### **National Action Plan to Protect Women against Violence 2014 - 2016**

The Austrian federal government approved the “National Action Plan to Protect Women against Violence 2014 – 2016” (NAP)<sup>2</sup> on 26 August 2014, to implement important provisions of the Istanbul Convention.

This action plan was prepared by the inter-ministerial working group, “Protecting women against violence”, under the leadership of the Federal Ministry of Women’s Affairs<sup>3</sup>, working with specialised aid institutions through round-table discussion and an open space meeting. The working group has since been formalised and expanded. Its task is to support the implementation of the NAP by means of structured cooperation and dialogue. An implementation report is scheduled for 2017.

The NAP includes federal government measures only - over sixty in total - and serves above all as an instrument of interministerial cooperation and the use of synergy effects. Separate action plans were approved on the topics of human trafficking and violence in armed conflicts; see the introduction for more information.

### **National strategy for prevention of violence in schools: “Weiße Feder” (“White Feather”) (2014-2016)<sup>4</sup>**

The Federal Ministry of Education commissioned a national strategy for the prevention of violence in schools, focussing on three main aspects, one of which is (sexual) violence against girls and women. The strategy is being implemented through sub-projects in six fields of activity. In the area of (sexual) violence against girls and women the focus is on sex education in schools, preparation of teaching materials, and developing qualifications for a system of psychosocial support.

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<sup>2</sup> The NAP was published in brochure form and is available for download at the Women’s Affairs section.

<sup>3</sup> At that time this was, the Federal Ministry for Education and Women’s Affairs; currently the Federal Ministry of Health and Women’s Affairs.

<sup>4</sup> See [http://www.schulpsychologie.at/fileadmin/upload/persoentlichkeit\\_gemeinschaft/Bilanz\\_NAP\\_Schulische\\_Gewaltpraevention.pdf](http://www.schulpsychologie.at/fileadmin/upload/persoentlichkeit_gemeinschaft/Bilanz_NAP_Schulische_Gewaltpraevention.pdf)

### **Anti-violence strategy of the Salzburg Regional Government**

A “Working group against domestic violence” was set up within the framework of the anti-violence strategy, establishing a network of specialised aid institutions and public service centres. The implementation and outcomes of individual measures are determined by structural, organisational, and financial targets and circumstances.

### **Styria’s Strategy for women and equal opportunity: 2020<sup>5</sup>**

This strategy, which was approved in 2014 by the regional government together with seven regional councils, also includes prevention and protection against violence as one of its six strategic fields of action, with measures at both federal and state levels. The strategy was developed following an exchange of ideas through a total of 21 events involving over 700 people.

### **Vienna action plan against FGM**

This action plan was adopted in 2011 and primarily includes training measures for teachers at all kindergartens in the City of Vienna, for 250 employees in hospital obstetrics departments for dealing with pregnant women affected by FGM, for 60 youth workers, as well as a conference on “Female genital mutilation: from prevention to treatment” in Vienna on 22 May 2014, with 140 participants, including professionals from the fields of gynaecology, paediatrics, nursing, and general medicine.

## **1.2 Financial resources**

No specific funding resources have been allocated to the action plans and strategies identified in Chapter 1.1. and it is impossible to make a statement regarding the extent of budgetary resources actually being dedicated to the field of violence against women; this is due, generally speaking, to Austria’s federal structure, varying distribution of ministerial responsibility, and the fact that measures of various kinds are relevant and could be included.

All we can do is to mention some specific examples. The Federal Ministry of Women’s Affairs, for instance, dedicates slightly more than half its annual budget of 10 million euro to measures for protection against violence, and the majority of this funding is used to finance victim protection facilities. Violence protection centres (*Gewaltschuzzentren* or *GSZ*), for example, are financed together with the Federal Ministry of the Interior, each providing about 3.57 million euro in 2014, and about 3.66 million euro in 2015.

The Federal Ministry of Justice spent about 5.25 million euro in 2014 and 5.75 million in 2015 on court assistance, and the Federal Ministry for Family Affairs allocated 1.06 million euro in 2014 and 1.96 million euro in 2015 to the funding programme for “peaceful coexistence, violence prevention, and integration”.

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<sup>5</sup> See <http://www.verwaltung.steiermark.at/cms/ziel/108305303/DE/> (an English version is also available).

A further example at the state administration level: the state of Salzburg provided 1.5 million euro in financing for the Salzburg women's shelters.

### 1.3 Cooperation with civil society institutions

There is a long tradition in Austria of close cooperation with civil society institutions, at both federal and state levels, in the area of women's rights and especially on the topic of violence against women.

This ranges from core funding by the federal government and states of a broad, nationwide network of institutions working on matters related specifically to women and violence, to close cooperation among experts for further development of protection measures, and cooperation across professional groups on protecting victims on a case-by-case basis.

Cooperation with civil society institutions is supported by the following measures, some of which have an institutional form:

#### Inter-ministerial working group on "Protecting women against violence" (IMAG)

The working group (IMAG), which was mentioned in Chapter 1.1 and is led by the Federal Ministry of Women's Affairs, was expanded in December 2014 to include representatives from the regional governments and civil society.

Along with relevant ministries (Women, Justice, Interior, Family and Youth, Labour and Social Affairs, Education, Health, and Foreign Affairs), the IMAG now includes representatives from all nine federal states as well as ten central civil society institutions (Domestic Abuse Intervention Centre<sup>6</sup>, the Austrian Federal Association of Violence protection centres (GSZ)<sup>7</sup>, the umbrella association "Austrian Autonomous Women's Shelter Network"<sup>8</sup>, the umbrella association "Union of Austrian Shelters for Women"<sup>9</sup>, the Federal Association of Autonomous Women's Emergency Call Services<sup>10</sup>, the Network of the Austrian Counselling Centres for Women and Girls<sup>11</sup>, Orient Express<sup>12</sup>, the Platform against Domestic Violence<sup>13</sup> for the areas of violence against women and gender-specific work with boys and men, as well as the Austrian Frauenring).

The IMAG has also set up two subsidiary working groups: "Victim-oriented work with offenders" and "Education of professional groups, especially in health services" - also comprising representatives from government offices and civil society institutions.

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<sup>6</sup> <http://www.interventionsstelle-wien.at/>

<sup>7</sup> <http://www.gewaltschutzzentrum.at/>

<sup>8</sup> <http://www.aodef.at/>

<sup>9</sup> <http://www.frauenhaeuser-zoef.at/>

<sup>10</sup> <http://www.frauennotrufe.at/cms/>

<sup>11</sup> <http://www.frauenberatung-kassandra.at/>

<sup>12</sup> <http://www.orientexpress-wien.com/>

<sup>13</sup> <https://www.bmfj.gv.at/familie/gewalt/plattform-gegen-Gewalt-in-Familie.html>

### **Dialogue according to the (Federal) Equal Treatment Act**

Under § 62 a of the Equal Treatment Act (*Gleichbehandlungsgesetz – GIBG*)<sup>14</sup> and § 20 d of the federal Equal Treatment Act (B-GIBG)<sup>15</sup>, a dialogue with non-governmental organisations must be held at least once a year. The aim of this dialogue process is to combat discrimination as defined in these federal laws and to uphold the principle of equal treatment.

### **Annual conference of Counselling centres for women and girls**

The Federal Minister for Women's Affairs invites about 130 funded counselling centres for women and girls to a conference at least once a year. In 2015, the conference saw the introduction of a project on the topic of "violence against women with disabilities" and the national action plan entitled "Protecting Women against Violence".

### **Regular networking and cooperation among experts**

Furthermore, there are regular networking meetings, open space events, round tables on specific topics, conferences, and media relations activities that invite participation from civil society institutions at the federal and state level. For example, an open space event with the Minister for Women's Affairs was held in June 2014 to gather suggestions and input for the National Action Plan to Protect Women against Violence 2014 - 2016 (*NAP* - mentioned in Chapter 1.1), or round table discussions on domestic violence in the context of the "16 days against violence" event in Styria in 2015.

### **Cooperation in individual cases**

There is also regular cooperation between government offices (police, state prosecution service, children's and youth welfare organisations, etc.) and aid institutions in specific cases.

See also Chapter 5.1.

## **1.4 Coordination-body under Article 10**

Two agencies have been established within the Federal Ministry of Women's Affairs to implement Article 10 of the "Council of Europe convention on preventing and combating violence against women" (Istanbul Convention).

### **Inter-ministerial working group on "Protecting women against violence" (IMAG)**

The IMAG is led by the director of the unit for "Violence against Women and Women-Specific Legislation" (a lawyer with several years' expertise in this field), supported by a manager. For more information see Chapter 1.1.

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<sup>14</sup> <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003395>

<sup>15</sup> <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008858>

## National Coordination Office “Violence against Women”

The National Coordination Office “Violence against Women” is led by the deputy director of the unit “Violence against Women and Women-Specific Legislation” (a lawyer with several years’ expertise in this field), supported by a manager. The director of the coordination office was in the past also tasked with the national coordination of the Austrian position in the negotiation of the Istanbul Convention. The negotiations were led by the Federal Ministry of Justice.

The coordination office has its own email address for organisational matters ([contact@coordination-vaw.gv.at](mailto:contact@coordination-vaw.gv.at)). Its website ([www.coordination-vaw.gv.at](http://www.coordination-vaw.gv.at)) is currently in preparation.

One of the first tasks for the coordination office was to coordinate the GREVIO state report. An important future priority will be the collection of existing data.

Neither the IMAG nor the Coordination Office has been assigned a specific budget.

## 1.5 Data collection

### Police

The Department for Crime Statistics at the Austrian Criminal Intelligence Service collects all police reports and classifies them according to the crimes as defined in the criminal code. These reports record gender, age, and certain categories of relationships between victims and offenders, as well as a geographic location down to the district level.

These data are published each year in the police crime statistics<sup>16</sup>, which are publicly accessible and available online. See also the annex “*Police Crime Statistics 2014 and 2015*”.

### Judicial system

Data on the accused and their victims, including gender, age, and nationality, as well as the alleged crimes, are collected during criminal proceedings. Crimes examined are those that are brought to court and adjudicated, including the offence which determines the extent of punishment (*strafsatzbestimmendes Delikt*).

It is also possible to identify circumstances or factors that are interesting in terms of legal policy, such as offences committed within families (*FAM-Kennung*), or child abuse, by applying special crime identification codes or additional entries in the electronic register.

Sentencing data are communicated via an electronic interface to a criminal register maintained by the Federal Ministry of the Interior.

Most of the data mentioned are collected in police stations and transferred to the state prosecution service in a structured digital format.

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<sup>16</sup> [http://www.bmi.gv.at/cms/bmi\\_service/start.aspx](http://www.bmi.gv.at/cms/bmi_service/start.aspx)

## Health sector

Data is collected by the health services in the course of medical diagnoses and treatment in hospital inpatient and outpatient departments. This includes details of age, gender, and location of residence (under a pseudonym since 2015 so that it can be tracked anonymously in the health system)<sup>17</sup>, but no additional socioeconomic information. “Causes” or “triggering factors” - such as the use of violence – cannot be derived from either the diagnosis or the treatment.

## Equal treatment acts at federal and state level

Statutory reporting as required by equality laws (for the private sector and federal and state government bodies) presents complaints and rulings according to the type of discrimination incident (e.g. sexual harassment). These reports are accessible to the public.<sup>18</sup> Outcomes of individual cases are also published in anonymised form.

## Specialised support facilities

- *Violence protection centres (Gewaltschutzzentren, GSZ)*<sup>19,20</sup>: Violence protection centres are statutory support facilities for victims of domestic violence and stalking, which are funded jointly by the Federal Ministry of the Interior and the Federal Ministry of Women’s Affairs. Centres are contractually obliged to collect comprehensive data. Data analyses are published in the annual reports of the GSZ; see also the annex “GSZ Statistics 2014 and 2015”. Some of the survey data is not published.
- *Women’s shelters*: There are two umbrella organisations for women’s shelters: the “Austrian Autonomous Women’s Shelter Network”<sup>21</sup> and the “Union of Austrian Shelters for Women”<sup>22</sup>, which produce statistics for the women’s shelters within their respective organisations.<sup>23</sup> The number of women and children receiving support is recorded, for example. See also Chapter 3.4.
- *Specialised counselling centres for women affected by sexual violence (emergency helplines)*: The specialised counselling centres record the number of cases and client contacts, with detailed information such as duration, frequency, main topics, etc. The Federal Association of Autonomous Women’s Helplines of Austria (BAFÖ)<sup>24</sup> also produces statistics for comparing the number of charges and convictions for certain sex crimes, and publishes these statistics on its website.
- *The City of Vienna’s 24-hour Women’s Emergency Helpline*<sup>25</sup>: This service records comprehensive data on advice given by telephone, in person, and via email (including sociological data such as income and previous convictions of the offender).

<sup>17</sup> These data are published on the homepage of the Federal Ministry of Health, in the health statistics of Statistics Austria (hospital discharge statistics), and in international health databases (Eurostat, WHO, OECD).

<sup>18</sup> [http://www.bmgf.gv.at/home/Frauen\\_Gleichstellung/Gleichbehandlung/Gleichbehandlungsberichte/Gleichbehandlungsberichte\\_des\\_Bundes](http://www.bmgf.gv.at/home/Frauen_Gleichstellung/Gleichbehandlung/Gleichbehandlungsberichte/Gleichbehandlungsberichte_des_Bundes)  
[http://www.bmgf.gv.at/home/Frauen\\_Gleichstellung/Gleichbehandlung/Gleichbehandlungsberichte/Gleichbehandlungsberichte\\_fuer\\_die\\_Privatwirtschaft](http://www.bmgf.gv.at/home/Frauen_Gleichstellung/Gleichbehandlung/Gleichbehandlungsberichte/Gleichbehandlungsberichte_fuer_die_Privatwirtschaft)

<sup>19</sup> The Vienna centre is called the “Domestic Abuse Intervention Centre”.

<sup>20</sup> <http://www.gewaltschutzzentrum.at/>

<sup>21</sup> <http://www.a oef.at/>

<sup>22</sup> <http://www.frauenhaeuser-zoef.at/>

<sup>23</sup> The creation of joint ZÖF statistics is currently ongoing.

<sup>24</sup> <http://www.frauennotrufe.at/cms/>

<sup>25</sup> <https://www.wien.gv.at/menschen/frauen/beratung/frauennotruf/>

- *Orient Express*<sup>26</sup>, a counselling centre and emergency accommodation for women and girls affected by forced marriage: Collected data (age, location of residence, country of origin, citizenship, etc.) are analysed and published in an annual activity report.
- *Counselling services for women and girls*: All counselling centres for women and girls which receive funding from the Federal Ministry of Women's Affairs provide assistance according to a holistic concept which also includes advice for those affected by violence. In a standardised activity report published each year<sup>27</sup>, data is collected on 14 topics of consultation. The topic of "violence" was raised in about 14% of all counselling sessions in 2014, thereby ranking second behind the topic of "relationships."

The following relevant core data are gathered: number of counselling sessions and clients, demographic data (age, country of origin, visa status), family status, housing conditions, and the number, gender and age of children, and whether they live in the same household; professional status and income, potential care needs in a family context, type of issue with precise details, referral to other counselling centres, etc.

Collected data are analysed in the annual reports, as required by the respective funding body.<sup>28</sup> Published extracts of the survey data are usually available on the counselling centre's website.

- *Data on work with offenders in domestic violence cases*: publicly funded counselling services and men's centres are organised under the Working Platform of Men's Counselling Centres and Men's Centres in Austria (AMÖ)<sup>29</sup> or the Umbrella Association of Men's Centres in Austria (DMÖ)<sup>30</sup> and offer services which include working with offenders. These offices collect client-related data such as gender, age, professional status, district, frequency of contact, type of violence, etc., although there is currently no standardised procedure. The collected data are evaluated in the annual reports submitted to the funding office. Published extracts of the survey data are usually available on the counselling centres' websites.<sup>31</sup> Data from individual NGOs are not aggregated at the national level.
- *Data on reconciliation in domestic violence cases*: *Neustart*<sup>32</sup> is active throughout Austria in the field of social work related to the justice system, support with probation and release from custody, as well as victim support and protection. If cases of partner violence are referred in the course of the reconciliation process, data on female victims of domestic violence are extracted from the legal documents.
- *Data from accompanied visits*: Upon request or ex officio, a court can mandate a chaperone for visits<sup>33</sup> between the child and the separated parent if the child's welfare requires it. For low-income parents, this is supported by the Federal Ministry of Social Affairs<sup>34</sup> through providers which offer chaperone services. These organisations are required to collate the following information: number of instances of endangerment by violence / by sexual abuse /

<sup>26</sup> [http://www.orientexpress-wien.com/de/wir\\_fuer\\_frauen/notwohnung/](http://www.orientexpress-wien.com/de/wir_fuer_frauen/notwohnung/)

<sup>27</sup> [http://www.bmgf.gv.at/home/Frauen\\_Gleichstellung/Services\\_Anlaufstellen/Frauenprojektfoerderungen/#f7](http://www.bmgf.gv.at/home/Frauen_Gleichstellung/Services_Anlaufstellen/Frauenprojektfoerderungen/#f7)

<sup>28</sup> Counselling centres for women and girls that receive funding from the Federal Ministry of Women's Affairs must submit a standardised annual report ([http://www.bmgf.gv.at/home/Frauen\\_Gleichstellung/Services\\_Anlaufstellen/Frauenprojektfoerderungen/#f7](http://www.bmgf.gv.at/home/Frauen_Gleichstellung/Services_Anlaufstellen/Frauenprojektfoerderungen/#f7)).

<sup>29</sup> <http://www.maenner.at/start.asp?ID=31>

<sup>30</sup> [http://dmoe-info.at/ueber\\_uns/dachverband](http://dmoe-info.at/ueber_uns/dachverband)

<sup>31</sup> For example: <http://www.vmg-steiermark.at/de/verein/taetigkeitsberichte>

<sup>32</sup> [http://www.neustart.at/at/de/ueber\\_uns/unser\\_verein.php](http://www.neustart.at/at/de/ueber_uns/unser_verein.php)

<sup>33</sup> § 111 Austrian Act on non-contentious proceedings (*Außerstreitgesetz* - AußStrG)

<sup>34</sup> [https://www.sozialministerium.at/site/Soziales\\_und\\_KonsumentInnen/Soziale\\_Themen/Soziale\\_Sicherheit/Besuchsbegleitung/](https://www.sozialministerium.at/site/Soziales_und_KonsumentInnen/Soziale_Themen/Soziale_Sicherheit/Besuchsbegleitung/)



by substance abuse / by mental illness, and the number of suspected instances of endangerment by violence / by sexual abuse, and the number of violent incidents between the parents.

## 1.6 Research

In the 2011-2015 reporting period, the following research projects were conducted and completed with public (co-)financing:

- *Protection from violence for the elderly. Survey of experts on opportunities and obstacles in the implementation of legal regulations in Austria (2015)*<sup>35</sup>;
- *High-risk victims. Homicides in relationships. Convictions 2008-2010 (2011)*<sup>36</sup>: Complete survey of convictions in relationship crimes involving (attempted) murder or manslaughter from 2008 to 2010, with an analysis of risk factors;
- *Sexual violence against domestic workers* (Daphne III, "Increasing the capacity of domestic workers of different origins to respond to sexual violence through community-based interventions" (2013 and 2014)<sup>37</sup>: survey of current status, identification of appropriate measures, and recommendations to policymakers;
- *Restorative justice (RJ) in cases of domestic violence. Best practice examples between increasing mutual understanding and awareness of specific protection needs* (2013 to 2016)<sup>38</sup>: Survey of experience applying various approaches to reconciliation in cases of partner violence and illustration of conditions under which an RJ approach is possible and sensible in the context of partner violence, "Practitioners Guide" for RJ for partner violence (in English), Austrian guidelines for state attorneys and judges in cases of reconciliation;
- *SNAP - Special Needs and Protection* (Daphne III, 2014 – Oct. 2016)<sup>39</sup>: Investigation of which measures are effective for which especially endangered victim groups (including older women, women with disabilities or with mental health problems), where distinctions must be made, and how they can be adapted to the needs of victims;
- *Access to specialised victim support services for women with disabilities who have experienced violence* (2013 to 2015)<sup>40</sup>: Presentation of specific advice services, obstacles for general advice services, and recommendations;
- *Qualitative study, "Psychological violence against women"* (2013): central statements were published<sup>41</sup>: Survey of 55 residents of women's shelters about their personal experiences of psychological violence;
- *IMPACT Evaluation of European Offender Programmes* (Daphne III, 2013/14)<sup>42</sup>, *Review of current knowledge on the evaluation of work with offenders in Europe and the development of new opportunities and available materials*;

<sup>35</sup> [https://www.sozialministerium.at/cms/site/attachments/9/9/1/CH3434/CMS1451924208875/soziale-themen\\_seniorinnenpolitik\\_gewaltschutz\\_gesetze.pdf](https://www.sozialministerium.at/cms/site/attachments/9/9/1/CH3434/CMS1451924208875/soziale-themen_seniorinnenpolitik_gewaltschutz_gesetze.pdf)

<sup>36</sup> [http://www.ikf.ac.at/pdf/High-Risk\\_Victims\\_Endbericht\\_20120206.pdf](http://www.ikf.ac.at/pdf/High-Risk_Victims_Endbericht_20120206.pdf)

<sup>37</sup> [http://www.ikf.ac.at/pro\\_DOMWORK.htm](http://www.ikf.ac.at/pro_DOMWORK.htm)

<sup>38</sup> [http://www.ikf.ac.at/proj\\_Restorative\\_Justice.htm](http://www.ikf.ac.at/proj_Restorative_Justice.htm)

<sup>39</sup> [http://www.ikf.ac.at/pdf/Endfassung\\_2014.pdf](http://www.ikf.ac.at/pdf/Endfassung_2014.pdf) (Annual report 2014, p. 10 f.) and [http://www.ikf.ac.at/pdf/TB\\_2015.pdf](http://www.ikf.ac.at/pdf/TB_2015.pdf) (Annual report 2015, p. 9f.)

<sup>40</sup> <http://bim.lbg.ac.at/de/zugang-frauen-behinderungen-zu-opferschutzeinrichtungen-gewalterfahrungen>

<sup>41</sup> <http://www.frauengesundheit-wien.at/frauengesundheit/gewalt.html>

## 1.7 Prevalence studies

Two relevant prevalence studies were conducted in recent years; based on sample groups of similar size and age range.

Although the second, newer study was commissioned by the EU Commission and not directly by an Austrian public body, it still seems important to discuss it here.

It is evident that the different questions and interview techniques in the two studies produced different results, and that these results cannot be compared without further elaboration. Both studies however show very clearly that the most dangerous place for women in Austria is their own home!

### Prevalence study on “Violence in intimate social environments“ (2011)<sup>43</sup>

Key points: Financing from the Family Affairs Federal Ministry: Survey of 1,292 women and 1,042 men aged 16 to 60 regarding four different kinds of violence: physical violence, sexual violence, sexual harassment, and psychological abuse. Main results:

- About two-thirds of all women and men surveyed have experienced physical attacks (including “pushing”), about every eleventh woman experienced severe violence (beating), and every seventh man; women experienced physical violence more frequently within a partnership, while for men this is more common in the public sphere;
- About one-third of the surveyed women have experienced sexual violence, and about every tenth surveyed man; women most frequently experienced sexual violence in a partnership, while for men this is more frequently among friends or acquaintances;
- About three-quarters of the surveyed women have experienced sexual harassment, and about a quarter of the surveyed men; for both groups this is most common in a public environment, with the second greatest frequency occurring in the context of working life and education;
- Both women and men in the survey group experienced psychological abuse most frequently in the context of working life and education; the second greatest frequency of psychological abuse occurred for women in partnerships and for men in a public environment;
- One in four women were affected by all four forms of violence; but only one man in twenty.”

### Violence against women: an EU-wide survey (2014)<sup>44</sup>

Key points: EU financed, survey of 42,000 women between 18 and 74 years of age in 28 member states about their experience of physical, sexual, and psychological violence, sexual harassment, stalking, and forms of violence in connection with new media (e.g. cyberstalking),

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<sup>42</sup> <http://www.impact.work-with-perpetrators.eu/index.php?id=13>

<sup>43</sup> <http://www.bmwf.w.gv.at/Presse/AktuellePresseMeldungen/Documents/Gewaltpr%C3%A4valenz-Studie%202011-Executive%20Summary.pdf>

<sup>44</sup> <http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report> und <http://fra.europa.eu/de/publication/2014/gewalt-gegen-frauen-eine-eu-weite-erhebung-ergebnisse-auf-einen-blick>

as well as their experiences in seeking help.<sup>45</sup> In Austria, 1,500 women were interviewed. Key results for Austria:

- 20% of women have experienced physical and/or sexual violence since the age of 15;
- 17% of women have experienced physical violence since the age of 15, 12% from their partner, 10% (also) from other people;
- 9% of women have experienced severe sexual violence since the age of 15, 6% from a partner, 4% (also) from other people;
- 29% of the worst acts of violence occurred in the home;
- 35% of women affected by violence have never spoken to anyone about it, only 4% reported the incident to the police, and less than 1% of women sought legal aid or consulted with a victim protection organisation;

## 2 Prevention

### 2.1 Raising awareness

Numerous awareness-raising campaigns were supported with public funds during the reporting period, at both federal and state levels. Due to the number of these measures, only a few can be mentioned here, by way of examples. For further information on these activities, please see the links in the footnotes.

#### Campaigns

- *GewaltFreiLeben (Living Free of Violence)* (2014-2015): This far-reaching campaign was financed by the EU and the Federal Ministry of Women's Affairs. Essential content: further publicity for the women's helpline (posters, flyers, video and radio advertising), public information about violence against women and possible support options (information events and creation of information materials), third-party support for implementation of an anti-violence project (multiplier effect, 136 partners gained), as well as workshops with five specific target groups, for whom information material was also produced: managers in the health care sector; professional groups involved in high-risk cases; migrants; young people; journalists.
- *K.O. Tropfen Informationsoffensive (Date rape drug information campaign)*<sup>46</sup> (2014, 2015): This information campaign was initiated by the Federal Ministry of Women's Affairs in June 2012 and intensified later with the Federal Ministry of the Interior: press advertising, posters,

<sup>45</sup> Reference was also made to the European Union lesbian, gay, bisexual and transgender survey (2013): [http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance\\_en.pdf](http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance_en.pdf) and <http://fra.europa.eu/DVS/DVT/lgbt.php>

<sup>46</sup> [http://www.bmgf.gv.at/home/KO\\_Tropfen](http://www.bmgf.gv.at/home/KO_Tropfen)

free postcards, more information at the Federal Ministry of Women's Affairs website, distribution of free postcards at youth events by prevention officers.

- *16 Tage gegen Gewalt (16 Days Against Violence)* (2014, 2015): In connection with the International Day for the Elimination of Violence against Women, numerous publicly funded informational events and activities took place, at both federal<sup>47</sup> and state<sup>48</sup> levels, in close cooperation with civil society institutions.
- *"One Billion Rising" campaign*<sup>49</sup> (14 February 2014 and 2015): Public (co-)financed events at multiple locations.
- *Meine Hände gegen Gewalt Teil 2 ("My hands against violence, Part 2")* (2014) *poster campaign*: part of 16 Days against Violence by White Ribbon Austria, commissioned by the Federal Ministry of Social Affairs. The poster campaign focussed on a positive, violence-free image of "masculinity" with migrant role models.
- *Kunst gegen Gewalt an Frauen (Art versus Violence against Women) art competition* (2014): Financed by the Federal Ministry of the Interior; content: invitation to schoolchildren, university students, and artists to design postcards on the topic of violence against women; selected works were printed as free postcards, with a brief informational text, and distributed at public places.
- *"Gewalt macht krank" ("Violence makes you ill!")*<sup>50</sup> (2015): Financed by the City of Vienna; content: Poster campaign among all general physicians and gynaecologists in Vienna, as well as all relevant hospital departments, "Checklist for violence against women"<sup>51</sup> for health care staff at Vienna hospitals and regular multiplier training sessions for female employees of the Vienna Hospitals Association.
- *"Dabei sein heißt beteiligt sein - aber sicher!" ("Being there means being involved – and staying safe!")*<sup>52</sup> (2015): Financed by the City of Vienna; information and workshops on the subject of civil courage in the face of violence (particularly against women) in public places.
- *Campaigns on sexual violence* in reference to a demand (which has since been met) for an amendment in the laws on sexual offences: including the publicly sponsored campaign, "ein Nein muss genügen" ("One no is enough")<sup>53</sup> (2015); online petition<sup>54</sup>; „Freiwillig ist anders“ ("A yes is something else").
- *"betrifft:rollenbilder" ("subject:role models")*<sup>55</sup> (2014 – 2015): Co-financed by the state of Vorarlberg; raising awareness about role models through various measures such as cinema advertising, and the "roles:parcour" travelling exhibition.

<sup>47</sup> [http://www.bmgf.gv.at/home/Frauen\\_Gleichstellung/Gewalt\\_gegen\\_Frauen/Initiativen/16\\_Tage\\_gegen\\_Gewalt](http://www.bmgf.gv.at/home/Frauen_Gleichstellung/Gewalt_gegen_Frauen/Initiativen/16_Tage_gegen_Gewalt)

<sup>48</sup> For example: <http://www.gewaltfrei-stmk.at/>

<sup>49</sup> <https://1billionrising.at/>

<sup>50</sup> <https://www.wien.gv.at/menschen/frauen/stichwort/gewalt/kampagnen/gewalt-macht-krank.html>;

<https://www.wien.gv.at/rk/msg/2015/07/29002.html>;

<sup>51</sup> <https://www.wien.gv.at/menschen/frauen/beratung/frauennotruf/checkliste-gewalt.html>

<sup>52</sup> <https://www.wien.gv.at/menschen/frauen/stichwort/gewalt/zivilcourage/index.html>

<sup>53</sup> [https://www.stadt-salzburg.at/pdf/vergewaltigung\\_verurteilen\\_-\\_ein\\_nein\\_muss\\_genuege.pdf](https://www.stadt-salzburg.at/pdf/vergewaltigung_verurteilen_-_ein_nein_muss_genuege.pdf)

<sup>54</sup> <https://www.openpetition.eu/at/petition/online/vergewaltigung-verurteilen-ein-nein-muss-genuegen-straftrecht-in-oesterreich-verbessern>

<sup>55</sup> <http://www.rollenbilder.org/>

## Websites

There are comprehensive websites focused on violence (against women) at both the federal<sup>56</sup> and state<sup>57</sup> level, with reference to existing aid institutions, informational materials, legal regulations, etc., which are constantly updated. Some information is also available in multiple languages.

The aid institutions identified in Chapter 3.4 also offer publicly financed, comprehensive information on their websites.

## Brochures and folders

Ministries and state government departments have produced numerous topic-specific brochures and folders that can be viewed on the respective institution's website, and can typically also be ordered free of charge. The following brochures are examples:

- *Frauen haben Rechte (Women have rights)* (2015)<sup>58</sup>; this brochure provides a very comprehensive overview of the rights and options for support of women affected by violence, and includes an extensive list of addresses
- *Tradition und Gewalt an Frauen – Zwangsheirat (Tradition and violence against women – Forced marriage)* (2015)<sup>59</sup>; this brochure provides information about the relevant laws and support options
- *Tradition und Gewalt an Frauen - Weibliche Genitalverstümmelung (Tradition and violence against women – Female genital mutilation)* (2015)<sup>60</sup>; this brochure provides information about the relevant laws and support options
- *Null Toleranz gegenüber Gewalt an Frauen! (Zero tolerance of violence against women!)* (2015)<sup>61</sup>, folder by the Carinthian Regional Government
- *Sicherheitstipps für Frauen und Mädchen (Safety tips for women and girls)* (2015)<sup>62</sup> from the Tyrolean Regional Government
- *Folder Prozessbegleitung (Court assistance Folder)* (2015)<sup>63</sup> in various languages, available throughout Austria in all judicial offices and police stations, victim support centres, child and youth welfare organisations, and from lawyers specialising in youth justice

The aid institutions identified in Chapter 3.4 also offer comprehensive - publicly funded - material on their websites, some of them in multiple languages.

## Conferences

There were numerous conferences on specific topics at federal and state levels during the reporting period, including:

<sup>56</sup> For example: [http://www.bmgf.gv.at/home/Frauen\\_Gleichstellung/Gewalt\\_gegen\\_Frauen](http://www.bmgf.gv.at/home/Frauen_Gleichstellung/Gewalt_gegen_Frauen), [www.justiz.gv.at/prozessbegleitung](http://www.justiz.gv.at/prozessbegleitung); <http://www.gewaltinfo.at/>

<sup>57</sup> For example: [www.gewaltfrei-tirol.at](http://www.gewaltfrei-tirol.at)

<sup>58</sup> <http://www.bmgf.gv.at/cms/home/attachments/8/4/1/CH1553/CMS1465464123695/frauenhabenrechte2015.pdf>

<sup>59</sup> [http://www.bmgf.gv.at/cms/home/attachments/8/7/6/CH1555/CMS1467715582467/fin\\_web\\_tradition\\_und\\_gewalt\\_zwangsheirat\\_stand\\_20.11.2015.pdf](http://www.bmgf.gv.at/cms/home/attachments/8/7/6/CH1555/CMS1467715582467/fin_web_tradition_und_gewalt_zwangsheirat_stand_20.11.2015.pdf)

<sup>60</sup> [http://www.bmgf.gv.at/cms/home/attachments/8/7/6/CH1555/CMS1467715582467/fin\\_web\\_tradition\\_und\\_gewalt\\_weibliche\\_genitalverstuemmelung.pdf](http://www.bmgf.gv.at/cms/home/attachments/8/7/6/CH1555/CMS1467715582467/fin_web_tradition_und_gewalt_weibliche_genitalverstuemmelung.pdf)

<sup>61</sup> [http://www.frauen.ktn.gv.at/290504\\_DE-Service-Download%3a\\_Antraege\\_und\\_Infomaterial](http://www.frauen.ktn.gv.at/290504_DE-Service-Download%3a_Antraege_und_Infomaterial)

<sup>62</sup> [https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/frauen/downloads/Sicherheitstipps\\_fuer\\_Frauen\\_und\\_Maedchen\\_Okt-2015.pdf](https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/frauen/downloads/Sicherheitstipps_fuer_Frauen_und_Maedchen_Okt-2015.pdf)

<sup>63</sup> [https://www.justiz.gv.at/web2013/home/buergerservice/prozessbegleitung/informationsfolder\\_prozessbegleitung~2c948485371225d601397bee5b620df3.de.html](https://www.justiz.gv.at/web2013/home/buergerservice/prozessbegleitung/informationsfolder_prozessbegleitung~2c948485371225d601397bee5b620df3.de.html)

- *WAVE Conference: "Future perspectives on preventing violence against women and their children"*, Vienna, 16-19 November 2014
- *Conference: "Kicking Images. The visual politics of sexualised violence"*, Linz, 6-8 May 2015
- *Information day, MARAC – Multi-agency cooperation to protect victims against violence in high-risk cases*, funded through the *GewaltFreiLeben* (Living Free of Violence) campaign, Vienna, 8 June 2015
- *Conference: "Violence makes you ill – Early detection and intervention"*, by invitation from the City of Vienna, 17 September 2015, participants primarily from health care professions
- *Symposium: "Victim-oriented work with offenders"*, by invitation from the Federal Ministry of the Interior and the Federal Ministry of Women's Affairs, Vienna, 5 October 2015
- *"Damaged souls" – Connections between domestic violence and mental illness*, organised by the Union of Austrian Women's Shelters (ZÖF), Vienna, 26 November 2015

### Other measures

From the side of publicly funded aid organisations, there are numerous efforts underway throughout Austria that seek to raise awareness of this topic, particularly in rural areas, and to publicise support services; for example, through women's groups, women's festivals, brunches, meetings, readings, and much more.

## 2.2 Education

A comprehensive overview of the teaching materials used in this wide-ranging field is not possible, but some can be mentioned as examples:

### Kindergarten

The administration of kindergartens in Austria currently falls within the remit of the states, apart from the training of kindergarten teachers; so there is no nationally standardised curriculum content.

The *Standards for curriculum quality assurance in gender-sensitive education*<sup>64</sup> were developed for elementary education and care providers in the City of Vienna; the *"Education Box" (2015)*<sup>65</sup> was also updated in 2015 and contains suggestions, examples, and teaching methods for integrating gender sensitivity into practical work.

Tyrol also published a brochure entitled, *Geschlechtersensible Pädagogik in elementaren Bildungseinrichtungen. Leitfaden für die praktische Arbeit (Gender-sensitive pedagogy in elementary educational institutions. Guidelines for practical work)*<sup>66</sup> in 2015.

<sup>64</sup> <https://www.wien.gv.at/bildung/kindergarten/pdf/standards-gendersensible-paedagogik.pdf>

<sup>65</sup> <https://www.wien.gv.at/menschen/frauen/stichwort/bildung/educationbox/>

<sup>66</sup> [https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/frauen/girlsday/downloads/downloads\\_2016/Geschlechtersensible\\_Paedagogik\\_in\\_elementaren\\_Bildungseinrichtungen.pdf](https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/frauen/girlsday/downloads/downloads_2016/Geschlechtersensible_Paedagogik_in_elementaren_Bildungseinrichtungen.pdf)

## Schools

The curriculum for primary and secondary school education is a federal matter and the responsibility of the Federal Ministry of Education.<sup>67</sup> This means that school types and the curriculum are uniform across Austria, with the exception of pilot school projects. The framework of school autonomy (where schools are self-administered) however allows a certain amount of latitude in curriculum design. School inspection is a federal matter, except where religious education is concerned.

All curricula include education on equality between women and men as a fundamental principle, and all teachers must comply with this requirement. This also includes education on non-violent interaction.

The following support services for classroom teaching provide a few examples:

- *Teaching packs for schools, with didactic and methodological tips for the classroom*<sup>68</sup>: The Federal Ministry of Education provides these materials, for topics such as women's rights, human rights, violence against women and children, gender, equality, and gender equality, school-based work with boys, and gender-specific violence against children and young people with disabilities.
- *Online dossier of topics on "violence against women and girls"*<sup>69</sup>: On its "Civic Education for Schools" website, the Federal Ministry of Education provides information on the National Action Plan to Protect Women against Violence, suggested organisations and contacts, as well as recommended materials, films, and workshops to support dealing with this subject in the classroom.
- *Professional development through the Federal Ministry of Education's National Strategy for Preventing Violence in Schools*<sup>70</sup>: Thematic focus in 2014: "Professional conduct in cases of domestic abuse - successful cooperation between schools, psychosocial support systems, and public institutions"; thematic focus in 2015: "Professional conduct in cases of (cyber)bullying, radicalisation, and (sexual) violence against girls and women – successful cooperation between schools, psychosocial support systems, and public institutions"; target group: school psychologists, counsellors, school doctors, school social workers, and youth coaches.
- *"Gewalt am Kind erkennen und helfen" ("Recognising violence against children, and how to help")*: this brochure was produced by the Federal Ministry of Family Affairs, providing guidelines for educators.
- As part of an inter-regional project "Gender & Schools", the state of Vorarlberg developed a teaching pack entitled, *"Mach es gleich" ("Equality – (let's get it) right now")*<sup>71</sup>, with teaching and learning materials on gender and school (including a gender quiz), for pupils aged 12 or more.

<sup>67</sup> Primary and secondary education however are state matters, which leads to the fact that federal schools and state schools have different service laws. Nevertheless, the Federal Ministry of Education takes on important tasks, such as teacher training and school maintenance.

<sup>68</sup> <https://www.bmb.gv.at/schulen/unterricht/ba/gewaltpraevention.html>

<sup>69</sup> <https://www.schule.at/portale/politische-bildung/themen/detail/-92486e48a1.html>; Informational material about forced marriage was also produced in 2016 <https://www.schule.at/portale/politische-bildung/detail/-3fe6223180.html>

<sup>70</sup> <http://www.schulpsychologie.at/gewaltpraevention/>

<sup>71</sup> [https://www.vorarlberg.at/pdf/machesgleich\\_-mappe.pdf](https://www.vorarlberg.at/pdf/machesgleich_-mappe.pdf)

- *Workshops for pupils:* There is a wide range of violence prevention workshops for schools, some of which receive funding from the public sector. The “Living Free of Violence” campaign has trained peer educators who have held more than 170 violence prevention workshops in schools and youth organisations, using their own teaching materials. Several specialised aid organisations also offer violence prevention workshops and have their own teaching materials.

### Tertiary education institutions<sup>72</sup>

See also Chapter 2.3.

“*One in five*”<sup>73</sup> *lecture series:* With support from various ministries, the City of Vienna, and other sponsors, the lecture series “One in five” has now been presented six times (including 2014 and 2015). This interdisciplinary lecture series on the subject of violence against women is aimed at university students in different subjects (e.g., medicine, psychology, international development, history).

### Adult education and specific services for migrants

Adult education services cater for many different ages and target groups – including migrants – and a range of educational services which is too broad to describe here.<sup>74</sup> The topics of violence in general and violence against women have low priority here.

We would like to highlight the following two programmes specifically designed for migrants, as this is currently of particular significance:

- *“Sprache, Bildung und Soziales” – Schulung für muslimische Frauen als Multiplikatorinnen (“Language, education, and social affairs” – Training for Muslim women as peer educators)*<sup>75</sup>: financed by the Federal Ministry of Foreign Affairs; these courses include a module on the prevention of violence and addiction, mediation and conflict resolution strategies. They are offered throughout Austria and taught by trainers from the Austrian Integration Fund (ÖIF);
- *Orientation and values courses* for refugees and their dependents: Financed by the Federal Ministry of Foreign Affairs; these courses are held throughout Austria by trainers from the Austrian Integration Fund (ÖIF) and also include the topic of equal treatment of men and women, as well as non-violence; the accompanying teaching materials, “My life in Austria,” have been translated into the most prevalent refugee languages (Arabic and Farsi/Dari), as well as English;

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<sup>72</sup> Tertiary education systems in Austria include universities, universities of applied sciences, and colleges of education. The universities and universities of applied sciences fall within the remit of the Federal Ministry of Science; the colleges of education are within the Federal Ministry of Education.

<sup>73</sup> <http://www.a oef.at/index.php/aktuelle/ringvorlesung-eine-von-fuenf>

<sup>74</sup> e.g. <http://erwachsenenbildung.at/aktuell/>

<sup>75</sup> <http://www.integrationsfonds.at/themen/kurse/schulungen-fuer-muslimische-frauen/>



## 2.3 Vocational training

Basic training and further education establishments are in principle responsible for selecting their own teaching materials.

These training providers must, however, comply with the appropriate educational specifications. There are already relevant specifications in place for core professional groups such as medical staff, judges, public prosecutors and police officers.

Numerous efforts are also being made, particularly in the health services, to integrate the issue of violence into the training curriculum and to establish uniform education standards and programmes for certain support services, such as court assistance.

The core (educational) measures are presented below:

### Judicial system

The four-year training programme for judges and public prosecutors provides for special seminars on dealing with victims in criminal proceedings and on the topic of (sexual) violence against children, along with a mandatory two-week placement in a violence protection centre or other social institution. Judges' examinations also require knowledge of collaboration between judicial and executive bodies and victim support organisations, as well as violence prevention and the Protection Against Violence Act (*Gewaltschutzrecht*).

### Police

Police officers receive special training on the topic of domestic violence as part of their basic training. Trainee police officers receive instruction and awareness training on this issue as part of a 3-day interdisciplinary seminar with the collaboration of experts from violence protection centres.

### Health professionals

There are already wide-ranging efforts in place here to incorporate the topic of (domestic) violence into the curriculum for the various medical and healthcare professions, and to develop standards for dealing with victims of violence, and offenders, including how to document evidence of violence.

Examples of existing mandatory requirements in basic training:

- The Federal Ministry of Health<sup>76</sup> requirements for doctors' training includes a stipulation that this should include learning to recognise particular characteristics of patients affected by human trafficking and/or psychological abuse and/or physical violence, particularly children, women and people with disabilities.

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<sup>76</sup> § 4 of the Ordinance on Training for Doctor of Medicines (*Ärztinnen-/Ärzte-Ausbildungsordnung*) 2015

- The Vienna Hospital Association (KAV) provides for specific topics such as safety and prevention, identifying violence, violent tendencies, abuse and violence, protecting victims, de-escalation, crisis intervention, etc. in the basic training for its senior healthcare professionals and assistants. Since 2015 medical employees in training have had access to several interdisciplinary events each year on the topic "Violence makes you ill", with courses on victim protection also offered in the Association's hospitals to familiarise staff with the relevant processes and procedures.

There have also been local training measures in place, for instance as part of the "Signal" project on behalf of the state of Vorarlberg and the Institute for Social Services (ifs), at the School for Social Service Professions, the Health and Healthcare School in Feldkirch and at the Psychiatric Health and Healthcare School in Rankweil, on the topic of violence and support options for people affected by violence.

A separate working group has been set up as part of the NAP "Protecting women against violence" which seeks to integrate the topic of "identifying and preventing violence against women" into the curricula for the health and healthcare professions.

As part of the project "Domestic and sexualised violence: focus on women and affected children - standards for the curricula for the healthcare professions" a proposal for context-specific standards - based on existing training concepts - is being developed for the end of 2016, together with an outline of the parties within the Austrian healthcare system/health policy area who will be responsible for implementation.

### **Teaching staff**

Training for teaching staff was revised in 2015, and now includes a focus on conveying inclusive, intercultural and gender-related skills. The Salzburg University of Education has established a new professorship for the topic of "gender-neutral education".

## **2.4 Professional development**

There is no data available on the issue of how many people undergo advanced professional development and training on the topic of violence against women. However, the following observations should give an idea of the diversity of training options available, with some specific examples.

Relevant training courses are usually offered by experts in protection against violence, and - depending on the actual target audience - are generally implemented in cooperation with experts from the executive authority, the judicial system and/or the health sector.

Training opportunities are principally in the form of seminars, workshops and professional lectures. Specific topics range from legal issues, or causes and effects of (sexual) violence, to concrete options for intervention, restorative justice and work with offenders, focussed on victim protection. Target audiences include employees of the police force, judicial system, women's centres, healthcare and social services, probation service, trade unions/social partnerships and employment services, as well as teachers, members of works councils and employee representatives.

The content and time frame are determined by the specific needs of participants. Training programmes are generally funded by employers or using funds from public authorities.

### **Judicial system**

In the judicial system, although continuing education is one of the professional obligations specified by the Judicial and Public Prosecution Service Act, there are no mandatory training programmes in place. In 2014 eight seminars took place on "equal treatment/violence/protection of victims"; for 2015 there is no information available yet. The relevant topic areas are also covered in seminars with "more general" titles (criminal law, family law, etc.).

### **Employees at women's centres**

There are ongoing training opportunities for this group, e.g. in 2014 a three-day seminar on "Psychosocial priorities and mental health" (psychosoziale Schwerpunkte und Psychohygiene) and a two-day legal seminar were funded by the Federal Ministry of Women's Affairs, for 25 participants in each case, and in 2015 a seven-day seminar series on court assistance with 26 participants as well as a two-day networking meeting with 17 participants.

### **Health care**

There are numerous professional development courses for members of the medical and healthcare professions, including on the topic of "violence", although no national overview can be provided.

Two examples are presented here:

- As part of the "Living Free of Violence" campaign, 21 workshops were held for healthcare professionals and middle management, reaching around 400 employees. The workshops were hosted by employees of the Vienna Domestic Abuse Intervention Centre as well as employees from forensic medicine and the child and victim protection groups from the relevant hospitals. An essential principle for these workshops was that in-house hospital experts should present both the lectures and the hospitals' internal policies.
- In 2015 the Vienna Programme for Women's Health included an interdisciplinary training series "Violence makes you ill", run in collaboration with the Vienna Hospital Association, for clinical staff. This is also being continued in 2016. Participants gave highly positive feedback and were also asked to state the extent to which they work with patients affected by violence: according to this survey the participants dealt with 25 cases of physical violence, 20 cases of sexual violence and 29 cases of psychological abuse on average every year.
- Victim support groups were set up in all Vienna clinics with gynaecological or emergency departments. Their job is to identify violence at an early stage and to raise awareness among employees. A Vienna-wide forum was set up in 2013 under the aegis of the City of Vienna's 24-hour Women's Emergency Helpline and the Office for Women's Health and Health Targets, to link these victim support groups and this continued through the reporting period. Its aim is to promote standardised processes for dealing with patients affected by violence as well as to link institutions providing protection against violence.

In order to identify signs of violence as well as to document these for court purposes and to support intervention which is sensitive to victims, several guideline documents have been developed for medical and healthcare professionals<sup>77</sup>, the most recent of which, titled "Acting together to combat violence against women and domestic violence"<sup>78</sup> is part of the "Living Free of Violence" campaign.

The MedPol project initiated as part of the "Alliance against violence" is also worth mentioning in this context: this has been run since 2010 by the Federal Ministry of the Interior working together with the medical profession. The focus is on increased collaboration between the health services and police to identify injuries caused by violence and the development of standardised procedures to strengthen staff confidence in dealing with these issues.

A brief user-friendly check-list was also created for victims of violence<sup>79</sup> as part of this project which facilitates the provision of evidence in criminal proceedings. Improved distribution and use of this check-list is also an action under the NAP "Protecting women against violence".

## Teachers

The following are listed as examples of a large number of professional development courses:

- Courses on gender-based violence and preventing violence were held for teachers and peer educators as part of the Aktionstage Politische Bildung 2015 (Political education action days 2015).
- Courses on "Sexuality and the internet" were offered for school psychologists in cooperation with saferinternet.at.

## Court assistance

Mandatory standardised training for court assistants was agreed between the relevant ministries (Federal Ministry of Justice, Family and Women's Affairs) as part of the NAP "Protecting women against violence". The inter-ministerial working group (IMAG) "Court assistance" led by the Justice Federal Ministry subsequently developed a curriculum for psychosocial support with the involvement of outside experts - with specialised strands for the three groups of victims "women", "children" and "victims of situational violence". A maximum of 27 participants are admitted for the general training, and a maximum of 12 for the specific training.

An administrative agreement between these ministries governs the content and scope of the training along with its overall conditions and cost allocation. A single course costs around 8,000 euro.

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<sup>77</sup> For instance the "Leitfaden zur gesundheitlichen Versorgung gewaltbetroffener Frauen" ("Guideline on healthcare for women affected by violence") (<http://www.goeg.at/de/BerichtDetail/Gesundheitliche-Versorgung-gewaltbetroffener-Frauen.html>) and the "Interventionsprogramm gegen häusliche Gewalt" ("Intervention programme against domestic violence") ([http://www.ifs.at/fileadmin/user\\_upload/Dokumente/Interventionsstelle/Signal-Leitfaden-Krankenhaus.pdf](http://www.ifs.at/fileadmin/user_upload/Dokumente/Interventionsstelle/Signal-Leitfaden-Krankenhaus.pdf)).

<sup>78</sup> <http://www.gewaltfreileben.at/de/material/infopackage>

<sup>79</sup> <http://www.aerztekammer.at/documents/10431/25873/Dokumentationsbogen.pdf/51614771-a6ff-4fcf-907b-87ec3e76efc5?version=1.0&t=1379428990000>

The first course began in October 2015 with 13 employees from women's institutions taking part, 7 from the area of court assistance for children and young adults and 5 from court assistance for victims of situational violence and court assistance for men.

Binding standards to be complied with when implementing court assistance - based on existing standards - are being worked out as part of a next step. The Austrian Act Amending the Law of Criminal Procedure (*Strafprozessrechtsänderungsgesetz*) 2016, which has been in force since 1 June 2016, authorizes the Federal Ministry of Justice to issue statutory instruments in consultation with the Ministries of Family and Women's Affairs.

Also a curriculum for lawyers who offer court assistance was developed as part of the efforts to implement the NAP "Protecting women against violence".

### **Supervised visitation<sup>80</sup>**

Since November 2015 the Federal Ministry of Social Affairs has held training courses based on a specific curriculum for visitation supervisors with the aim of raising awareness and ensuring appropriate intervention in (suspected) cases of domestic violence and sexual abuse. So far there have been three courses, each with 18 participants.

## **2.5 Working with offenders - domestic violence**

Men's counselling centres, men's centres<sup>81</sup> and the Neustart association use a variety of approaches to work with violent men.

Extensive efforts have been made in recent years to establish nationwide programmes for working with offenders which focus on victim protection.

### **Federal working group "Victim protection-oriented work with offenders" (BAG)**

A core element of this initiative was the setting up of the federal working group in 2012 which includes men's counselling centres (focussing on victim protection), the Neustart association and victim protection centres. The group's activities are funded jointly by the Ministries of Social and Women's Affairs (7,000 euro each in 2014 and 2015). Key achievements so far include:

- mapping the existing national programmes for working with offenders including methodical approach, whether victim protection is the priority or not
- approval of a cooperation agreement between the Neustart association and victim protection facilities (violence protection centres, women's shelters) in cases where work with offenders is linked to criminal proceedings
- development of standards for victim protection-oriented work with offenders (although these have not yet been completed)

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<sup>80</sup> [https://www.sozialministerium.at/site/Soziales\\_und\\_KonsumentInnen/Soziale\\_Themen/Soziale\\_Sicherheit/Besuchsbegleitung/](https://www.sozialministerium.at/site/Soziales_und_KonsumentInnen/Soziale_Themen/Soziale_Sicherheit/Besuchsbegleitung/)

<sup>81</sup> [klartext@ifs.at](mailto:klartext@ifs.at) ; [www.maennerberatung-ooe.at](http://www.maennerberatung-ooe.at) ; [maennerberatung@caritas-kaernten.at](mailto:maennerberatung@caritas-kaernten.at) ; [gewaltberatung@eisenstadt.caritas.at](mailto:gewaltberatung@eisenstadt.caritas.at) ; [www.beziehungleben.at](http://www.beziehungleben.at) ; [www.mannsbilder.at](http://www.mannsbilder.at) ; <http://www.maennerwelten.at/> ; <http://www.maennerbuero-salzburg.co.at/>

## Working group on "Federal implementation of victim protection-oriented work with offenders "

In 2015 the IMAG "Protecting women against violence" set up the working group on "Federal implementation of victim protection-oriented work with offenders", whose principal aim is to ensure nationwide implementation of such programmes in accordance with mandatory standards.

### Direct dialogue with threatening individuals

" Gefährderansprachen" (direct dialogue with threatening individuals) <sup>82</sup> can be provided as a direct police intervention by specially trained police officers, who make the offender aware of their actions and their (legal) consequences, particularly in the event of any further crime. This aims to encourage offenders not to commit any further crimes and to seek professional assistance of their own accord (e.g. therapy).

### Victim protection-oriented work with offenders

The training programme for victim protection is structured around three elements: offender training by a men's counselling centre or the Neustart association, the support programme for (ex-) partners through a violence protection centre<sup>83</sup> or women's shelter, and cooperation between both types of establishments, as well as their links to other elements of the intervention system. Work on gender socialization and violence in sexual relationships is included in the intervention strategies of victim protection-oriented work with offenders.

#### *Men's counselling centres*

The "oldest" programme for victim protection-oriented work with offenders was established in 1999 by the Men's Counselling Centre Vienna together with the Domestic Abuse Intervention Centre Vienna (IST Vienna). Around one-third of participants in the anti-violence programme by the Men's Counselling Centre Vienna are referred through the judicial system (diversion programmes, suspended sentences with compulsory anti-violence training, parole, requirement from the guardianship court).

The costs of the IST Vienna are funded as part of the mandate from the Ministries of the Interior and Women's Affairs (see Chapter 3.4). The costs for the Men's Counselling Centre Vienna are funded by the Ministries of the Interior, Justice (10,000 euro each in 2014 and 2015), Family and Social Affairs, although this funding is not guaranteed for the long term.

The Association for Men's and Gender Issues Graz<sup>84</sup> supports between 50-60 men each year, with around 20 of these in long-term intervention programmes. Anti-violence group training is held in Graz with around 10-15 participants each year taking part over a long period. In Styrian regions training is also held on an individual basis, with around 5-10 long-term participants each year.

<sup>82</sup> § 49 b of the Security Police Act (*Sicherheitspolizeigesetz* - SPG)

<sup>83</sup> The Vienna centre is called the "Domestic Abuse Intervention Centre" and in Vorarlberg the ifs Centre for Protection against Violence (*ifs Gewaltschutzstelle*).

<sup>84</sup> <http://www.google.at/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&sqj=2&ved=0ahUKEwiK24OC47bNAhUBVxoKHfLOAEgQFqgbMAA&url=http%3A%2F%2Fwww.vmg-steiermark.at%2F&usq=AFQjCNE4RSr9jvMqwbeBYZ7EM8vdX6Sa0Q&bvm=bv.124817099.d.d2s>

The "Man"agement Association for violence prevention (Verein Man(n)agement - Verein zur Gewaltprävention (MVG) in Klagenfurt also carries out victim protection-oriented work with offenders.

### *Neustart*

The Neustart association offers victim protection-oriented work with offenders on behalf of the Federal Ministry of Justice, in connection with criminal proceedings. Clients are referred to Neustart partly through judicial orders (probation, electronically monitored house arrest) and partly on a voluntary basis (help for ex-prisoners). Cooperation with victim support organisations is based on the agreement already mentioned between Neustart and victim support organisations (violence protection centres and women's shelters).

## **2.6 Work with offenders – sexual violence**

### **Neustart**

Sex offenders are subject to mandatory care supervision by the Neustart organisation. On average there are around 600 sex offenders under supervision.

### **Men's counselling centres**

Several men's counselling centres in Austria also work with sex offenders, such as the Association for Men and Gender Issues Graz, which supervises self-referring clients as well as those referred by another body.

## **2.7 Involvement of the private sector and the (new) media**

The following are examples from this extensive sphere of activity during the report period:

### **Private sector**

- The "Living Free of Violence" campaign: the campaign has won the support of more than 130 project partners (social organisations, companies from a wide range of sectors, and individuals) who initiated private actions. Project support was provided as needed, for instance through information materials, the "Silent Witnesses" exhibition and through information days and seminars.

### (New) media

- *Development of guidelines for journalists on "responsible reporting for a life free from violence"*<sup>85</sup> as part of the "Living Free of Violence" campaign: interactive PDF with recommendations and publication of the guidelines, with an abridged version in leaflet form, on the intranet of the Austrian Broadcasting Corporation ORF
- *Guidelines for gender-neutral language and non-discriminatory imagery* published by the City of Vienna<sup>86</sup>
- *Image bank on the topic of violence against women and children in relationships*<sup>87</sup> for the media, organisations and individuals, created by the Information Centre against Violence (of the AÖF), and supported with public funding
- *Workshop for journalism students* at the Journalism Institute 2014 on responsible reporting in cases of domestic violence, as part of the "Living Free of Violence" campaign
- *Workshop for representatives from the media* on basic principles for gender-friendly media reporting, funded by the State of Vorarlberg

## 2.8 Self-regulating standards in the area of the (new) media

### Austrian Advertising Council (Werberat)

The Austrian Advertising Council (Werberat) was conceived as an instrument for self-regulation. The council recommends the removal of advertising which breaches its code of ethics<sup>88</sup>. However, it can only make recommendations, which are not binding in nature.

In collaboration with the Federal Ministry of Women's Affairs an "Anti-Sexism Panel" was set up in November 2011, which is consulted during the complaints procedure. This panel is invited to give an opinion in cases of alleged gender-discriminatory advertising. Members of the Advertising Council take account of the panel's opinion in their decision-making process.

In 2015 284 complaints to the Austrian Advertising Council - 35% of which concerned gender-discriminatory advertising - resulted in 22 such calls for campaigns to be discontinued: more than ever before.<sup>89</sup>

Since 2014 the Advertising Council has also made a *Retouch barometer*<sup>90</sup> available on its website, which can be used to check the authenticity of advertising photos in terms of slenderness and beauty.

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<sup>85</sup> <http://www.gewaltfreileben.at/de/material/infopackage>

<sup>86</sup> <https://www.wien.gv.at/medien/service/medienarbeit/richtlinien/leitfaden-gender/index.html>

<sup>87</sup> [www.bildergegengewalt.net](http://www.bildergegengewalt.net)

<sup>88</sup> [http://www.werberat.at/show\\_4267.aspx](http://www.werberat.at/show_4267.aspx)

<sup>89</sup> <http://www.werberat.at/statistik.aspx>

<sup>90</sup> <http://retuschebarometer.at/das-retuschebarometer/>



### Advertising watch groups

The advertising watch groups set up in some federal states can be viewed as a stimulus for self-regulation for (new) media. Citizens are able to submit complaints here against sexist advertising. Experts then assess whether the newspaper advertisement, poster or commercial is sexist based on a detailed set of criteria and publish the assessment on their homepage. Advertising watch groups like this currently exist in Graz<sup>91</sup>, Salzburg<sup>92</sup> and Vienna<sup>93</sup>.

## 2.9 Sexual harassment in the workplace

The equal treatment acts (for the private sector as well as the federal government and states) provide protection from sexual harassment at work. The Equal Treatment Act for the private sector also provides protection from sexual harassment when accessing goods and services.

Sexual harassment according to the Equal Treatment Acts is further defined as the criminal offence of sexual harassment, see Chapter 4.6, and occurs if

- the offender engages in conduct of a sexual nature which harms or aims to harm the dignity of the individual
- this is unwanted, inappropriate or offensive for the person affected and
- this creates or is intended to create an intimidating, hostile or humiliating work environment or
- has other negative or positive effects on the work relationship.

The Ombuds for Equal Treatment<sup>94</sup> were set up (for those affected in the private sector) and equality representatives appointed (for those affected in the public sector) to support people who are affected by discrimination according to the Equal Treatment Acts.

In the event of a justified suspicion of (sexual) harassment, the person affected or (with the latter's written consent) the Ombud for Equal Treatment or equality representative may request an assessment from the Equal Treatment Commission on whether (sexual) harassment has taken place in a specific case.

The process is designed to have a low threshold, is free of charge, and simple prima facie evidence of a discriminatory offence suffices. The Equal Treatment Commissions prepare expert opinions, deliver the findings from individual case investigations and provide recommendations.

Damages under the Equal Treatment Act must be claimed in the relevant Arbeits- und Sozialgericht (Labour and Social Services Court) or the relevant district court, although the risk of having to pay litigation costs must be taken into account. Damages of at least 1,000 euro can be awarded if harassment or sexual harassment is found according to the Equal Treatment Act.

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<sup>91</sup> <http://www.watchgroup-sexismus.at/cms/>

<sup>92</sup> <http://www.watchgroup-salzburg.at/>

<sup>93</sup> <http://www.werbewatchgroup-wien.at/>

<sup>94</sup> <http://www.gleichbehandlungsanwaltschaft.at/site/6427/Default.aspx>

Under the Equal Treatment Act for the private sector and Federal Equal Treatment Act for the public sector, the courts are not bound by an expert opinion from the (Federal) Equal Treatment Commission, but they must consider it in an individual case and provide justification for any result which differs from this.

In proceedings under the Federal Equal Treatment Act (for the public sector) before the civil courts – in contrast to other civil court proceedings – the burden of proof is also eased: the person alleging a discriminatory offence under this Federal Act before the court merely has to provide prima facie evidence of the facts which indicate that direct or indirect discrimination has occurred. If they manage to do this, then the defendant has to prove that there has been no breach of the principles of equality.

Any individual alleging discrimination under the Equal Treatment Act (for the private sector) also just needs to provide prima facie evidence of this. If they manage to do this, then the defendant has to prove that upon consideration of all of the circumstances it is more probable that there was another deciding factor, that the (other) gender is an indispensable requirement for performing the particular function, that there is a justifiable reason, or whether upon consideration of all of the circumstances it is more probable that the facts as represented by the defendant correspond with the truth.

The possibility of criminal prosecution also remains open irrespective of applications to the Equal Treatment Commission or civil courts, see Chapter 4.6.

Furthermore a large number of training and other measures have been and are being implemented aimed at raising awareness of what behaviour represents (sexual) harassment and what steps can be taken to counter this:

- women's advancement programmes regularly include training measures for counsellors, managers and people in positions of responsibility;
- enactment by the Styrian regional government of the “Guidelines on protection from sexual harassment at the workplace in the Styrian state service”;
- Brochure from the Austrian Trade Union Federation entitled “Hilfestellungen zur Gewaltprävention am Arbeitsplatz” (“Assistance with preventing violence at the workplace”)<sup>95</sup>, which also provides information on practical assistance for affected persons, and in particular for women;
- Brochure titled “Belästigung und Gewalt am Arbeitsplatz” (“Harassment and violence at the workplace”) from the employer and employee advocacy groups<sup>96</sup>;

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<sup>95</sup> [www.tatortarbeitsplatz.at](http://www.tatortarbeitsplatz.at)

<sup>96</sup> [https://www.google.at/search?q=wko+gewalt+am+arbeitsplatz&gws\\_rd=cr&ei=APUmV4vDCIfcal\\_IhLgK](https://www.google.at/search?q=wko+gewalt+am+arbeitsplatz&gws_rd=cr&ei=APUmV4vDCIfcal_IhLgK)

## 2.10 Further actions

### “Frühe Hilfen” (“Early assistance”)

The project “Frühe Hilfen” (“Early assistance”) was developed in 2014 on behalf of the Federal Ministry of Health as part of the NAP “Protecting women against violence” and implementation of the Health Strategy for Children and Young People. This is aimed at identifying (serious) strains on families at an early stage, such as family violence against women and/or children, which threaten the healthy development of the children (directly or indirectly affected) and at providing practical support. A basic model (“Idealmodell”<sup>97</sup>) was developed that can be adapted locally. This consists of a basic offering for all families and needs-based support for families in stressful situations, through local networks which also include support organisations specifically for women.

From 2015 onwards local networks have been established which act as multi-professional support systems with coordinated services over the longer term for parents and small children, with the aim of helping families to help themselves.

### “Accompanied discussions for couples in the context of domestic violence”

This project has been under way since 2015 and is implemented by the Union of Austrian Shelters for Women (ZÖF) working in collaboration with the men’s counselling centres in Vienna and Graz.

Within this framework, women who are being housed in women's shelters, but who for whatever reason wish to discuss issues with their violent (ex) partner – perhaps because they have not yet given up hope of a relationship free from violence, or wish to find a solution that is as free from conflict as possible for the sake of the children following separation – are given the chance to hold these discussions in a protective setting with the support of experts. Victim protection and safety planning are the highest priority. A prerequisite is that the man accepts responsibility for his violent action(s) and wants to contribute to the solution.

Discussions such as these are currently offered to couples in Vienna, Graz, St. Pölten and Klagenfurt.

### First Austrian “Social Impact Bond” Project<sup>98</sup>

This first “Social Impact Bond” pilot project is designed to provide women affected by violence with secure and sustainable employment and enable them to escape these violent structures permanently with their newly gained economic independence. The project partners are the Centre for Protection against Violence in Upper Austria and the Women's Shelter in Linz. The project is set to run from September 2015 until August 2018.

<sup>97</sup> [http://www.fruehehilfen.at/txdata/fruehehilfen/prod/media/downloads/Berichte/Fruehe%20Hilfen\\_Eckpunkte%20Idealmodell.pdf](http://www.fruehehilfen.at/txdata/fruehehilfen/prod/media/downloads/Berichte/Fruehe%20Hilfen_Eckpunkte%20Idealmodell.pdf)

<sup>98</sup> [https://www.sozialministerium.at/cms/site/attachments/1/2/2/CH3434/CMS1454342099172/projektu\\_bersicht\\_sib\\_oesterreich\\_aktuell\\_mp.pdf](https://www.sozialministerium.at/cms/site/attachments/1/2/2/CH3434/CMS1454342099172/projektu_bersicht_sib_oesterreich_aktuell_mp.pdf)

## **Forensic psychiatry**

Forensic psychiatry is also worth mentioning with regard to (sexual) offenders. This is aimed primarily at reducing danger specific to certain illnesses that has manifested itself in a serious criminal offence. The central guidelines stipulated by law prioritise the safety of the population through prevention of re-offending and social rehabilitation of detainees. Only secondly does it involve goals which are the priority of clinical psychiatry and psychotherapeutic schools, such as freedom from symptoms, ability to work and form relationships and quality of life. A risk and resource profile is created accordingly at the start of the treatment.

# **3 Protection and support**

## **3.1 Access to information**

Information about support services and relevant legal provisions is conveyed at various levels: through information channels aimed at the general public, through advice from support centres for those directly affected and as mandatory legal information on rights and available support.

### **Information sources for those affected and for the general public**

See Chapter 2.1 for details of the many and varied sources of information for the general public. These range from information on websites of public bodies and support organisations, to printed material in the form of brochures, flyers, free cards, etc. and to newspaper advertisements, public events, workshops, etc. Much of the information on offer is available in several languages.

The Information Centre Against Violence<sup>99</sup>, which was set up in 1991, should also be mentioned here. Its core responsibility is to provide information for professional groups and media representatives.

### **Advocacy-based and gender-sensitive advice from support organisations**

The numerous support organisations provide those affected with extensive information, advice and support from a sympathetic perspective, i.e. “advocacy-based”. The actual services offered are shown on each organisation's homepage, including details of how these can be accessed. Options for advice in other languages can also generally be found on the relevant homepage.

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<sup>99</sup> This is part of the “Austrian Autonomous Women's Shelter Network” <http://www.aoef.at/index.php/informationsstelle-gegen-gewalt>

**fem:HELP-App<sup>100</sup>**

The fem:HELP-App for Android mobiles and iPhones funded by the Federal Ministry of Women's Affairs is designed to help women and girls to contact support organisations quickly and easily and to document violent experiences of various types – with direct access to the emergency police number and women's helpline (including the emergency number for the deaf). It is free of charge and also available in English, Turkish and Bosnian/Croatian/Serbian.

**Mandatory information on support services and rights**

Legally required information provided<sup>101</sup> by criminal investigators and the public prosecutor's department on essential rights of victims<sup>102</sup>: victims are entitled to information on essential rights of victims once a criminal investigation is started against a particular individual (who is not necessarily known by name).

Individuals who have a right to court assistance<sup>103</sup> must be notified of the legal preconditions for court assistance before questioning begins.

In the case of victims whose sexual integrity may have been violated there are special information obligations in place, for example about their right to be questioned, if possible, by a person of the same gender during the investigation proceedings.

Information on these rights must be provided in a language the victim knows and in a way the victim is able to understand, taking into account any specific personal needs<sup>104</sup>. If the victim does not understand the language of the proceedings then an interpreter must be provided to translate the information.

In cases of domestic violence there is also the so-called "Opfergespräch" ("Victim discussion", with specially trained police officers (prevention officers). This generally takes place two days after the violence has occurred. The time gap makes it easier for the victim to take in information and to reflect on the overall situation and, in cooperation with the prevention officer, to identify the necessary (additional) protective measures.

Doctors are required to make a referral to victim protection facilities in cases of serious personal injury committed with intent<sup>105</sup>. The same also applies to members of the non-medical health professions. See also Chapter 3.7.

**3.2 Access to general help services**

There are plenty of organisations that provide support to the general population and as part of this (may) also come into contact with women affected by violence. Examples include family counselling centres, aid organisations for children and young people, federal social welfare

<sup>100</sup> [http://www.bmgf.gv.at/home/femHelp\\_App/](http://www.bmgf.gv.at/home/femHelp_App/)

<sup>101</sup> § 70 (1) of the StPO

<sup>102</sup> §§ 66 and 67 of the StPO

<sup>103</sup> § 65 no 1 lit. a and lit. b of the StPO: victims of (sexual) violence or of dangerous threats as well as certain other individuals.

<sup>104</sup> § 50 (2) in § 70 (1) last sentence of the StPO

<sup>105</sup> § 54 (6) Austrian Physicians Act (*Ärztegesetz*) 1998

offices, employment centres, health facilities and general counselling centres for women and girls.

Because of the large number of regional support organisations funded by many different entities, it is not possible to give an overview of all relevant organisations and their services and actions for (potential) identification of and support for victims, or to provide data on how many women affected by violence receive support from these organisations.

However, the wide-ranging information, awareness raising and training available from relevant professional groups have been outlined already and are available also to employees of these organisations.

The family counselling centres can be taken as an example. Of approximately 400 family counselling centres funded by the Austrian Family Counselling Promotion Act (*Familienberatungsförderungsgesetz*), 41 are combined women's and family counselling centres, focussing mainly on violence against women. This includes four counselling centres (in Vienna, Lower Austria, Upper Austria and Tyrol) in the immediate vicinity of women's shelters and two counselling centres in Vienna which specialise in counselling in cases of sexual abuse. On the family counselling homepage<sup>106</sup> a search for counselling centres based on the topic of "violence" results in 225 hits and a search for counselling centres based on the topic of "sexual abuse, rape" provides 197 results. This shows that violence-related counselling is also covered at other centres specialising in family counselling in addition to those already mentioned.

Hospitals and health centres should be considered in particular, since women affected by violence come to them for treatment of injuries and various other health problems. Various studies, along with the base study "Violence against women: an EU-wide survey (2014)" already mentioned reveal that women affected by violence go to healthcare facilities for help considerably more often than they do to the police or a support organisation. Please refer to the details already given about training initiatives in the healthcare and nursing services.

The obligation of hospitals<sup>107</sup> to set up victim support groups must also be mentioned. Victim support groups are responsible on the one hand for early detection of sexual, physical and psychological violence (particularly in women) and on the other for raising awareness among the hospital staff who come into contact with individuals affected by violence.

### **3.3 Support with individual and collective actions**

The Association for Women's Access to Justice (Verein Frauen-Rechtsschutz)<sup>108</sup>, which operates throughout Austria and is based in Vienna, strives to remove obstacles encountered by women and children accessing the legal system in criminal proceedings, in civil law claims following threats of or actual violence, in proceedings linked to matrimonial and family law as well as in asserting their right to equality under employment and social law.

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<sup>106</sup> <https://www.familienberatung.gv.at/>

<sup>107</sup> §8 e of the Federal Hospitals Act (*Kranken- und Kuranstaltengesetz – KAKuG*)

<sup>108</sup> <http://www.frauenrechtsschutz.at>

The Association provides financial support for legal representation and for test cases, and has been funded since 1998 by the Federal Ministry of Women's Affairs (receiving 45,000 euro in both 2014 and 2015) as well as the local office of women's affairs in Carinthia for example.

### 3.4 Specialised support services

The homepage of the Federal Ministry of Women's Affairs contains a comprehensive outline, in German and English, of violence-specific aid organisations.<sup>109</sup>

This gives a short description of the services offered and links to the addresses of individual support organisations. Addresses are updated regularly and link to each aid facility's homepage, where opening hours can be found and a detailed description of the actual advisory services available.

There are also many *counselling centres for women and girls which do not specifically focus on violence*, but which nevertheless provide counselling to individuals affected by violence. The homepage of the Federal Ministry of Women's Affairs lists around 130 counselling centres for women and girls co-funded by the Federal Ministry along with their (web) addresses.

In 85% of Austria's political districts there is at least one counselling centre for women and girls co-funded by the Federal Ministry of Women's Affairs. All these counselling centres are non-profit associations. There are also some further counselling centres for women and girls which are not co-funded by the Federal Ministry of Women's Affairs and hence are not included on the aforementioned list. The local departments for women's affairs at state level might therefore provide an even more comprehensive overview of counselling centres for women and girls for each federal state.<sup>110</sup>

With the exception of violence protection centres (see below), both the violence-specific aid facilities and the more general counselling centres for women and girls receive annual funding.<sup>111</sup> Depending on the relevant counselling centre, these are provided by ministries, federal states, the employment service, the trade union, etc..

Any services offered by the counselling centres for women and girls must be accessible to all girls and women without discrimination and therefore also to those with special needs.

Counselling is provided by women only, anonymously and confidentially (no information is passed on without the consent of the person concerned), focussing on the client's interests and empowerment - particular features are listed in the following detailed information.

<sup>109</sup> <http://www.bmgf.gv.at/home/Hilfseinrichtungen/> and

[http://www.bmgf.gv.at/home/EN/Women\\_Equality/Aid\\_facilities](http://www.bmgf.gv.at/home/EN/Women_Equality/Aid_facilities)

<sup>110</sup> Burgenland: <http://www.burgenland.at/buerger-service/buergerservice/frauen-maedchen/frauen/frauenberatungsstellen/> ;

Carinthia: [http://www.frauen.ktn.gv.at/292875\\_DE-Service-Hilfreiche\\_Links](http://www.frauen.ktn.gv.at/292875_DE-Service-Hilfreiche_Links);

Lower Austria: <http://www.noel.gv.at/Gesellschaft-Soziales/Frauen/Beratung-und-Hilfe/beratungundhilfe.html>;

Upper Austria: <https://www.land-oberoesterreich.gv.at/12826.htm>;

Salzburg: <https://www.salzburg.gv.at/gesellschaft/Seiten/frauenorganisationen.aspx> ;

Styria <http://www.verwaltung.steiermark.at/cms/ziel/108305285/DE/>;

Tirol: <https://www.tirol.gv.at/gesellschaft-soziales/gewaltfrei/hilfe-in-meiner-naehe/>;

Vorarlberg: [http://www.vorarlberg.at/vorarlberg/frauen\\_familie/frauen/frauen/weitereinformationen/frauenetzwerkvorarlberg/unserepartnerinnen.htm](http://www.vorarlberg.at/vorarlberg/frauen_familie/frauen/frauen/weitereinformationen/frauenetzwerkvorarlberg/unserepartnerinnen.htm);

Vienna: <https://www.wien.gv.at/sozialinfo/content/de/10/SearchResults.do?keyword=Frauenberatung>;

<sup>111</sup> Around 60 of the counselling centres for women and girls co-funded by the Federal Ministry of Women's Affairs (with a total of 13 branch offices plus Austria-wide online counselling) are recognised as women's service centres and benefit from a framework funding agreement with the Federal Ministry of Women's Affairs over multiple years. The criteria for recognition as a women's service centre are published on the homepage of the Federal Ministry of Women's Affairs and have been in place since 2008.

Most of the employees are qualified social-workers or lawyers and receive ongoing training related to violence against women. An overview of the staff available at individual facilities is generally provided in their annual report.<sup>112</sup>

The counselling services on offer, opening hours and contact details are available on the homepage for the relevant counselling centre.

Counselling is free-of-charge - particular features are outlined in the following detailed information.

### **Violence protection centres**

The violence protection centres provide comprehensive counselling and support – on behalf of the Ministries of the Interior and of Women’s Affairs – to women, men and children directly affected by domestic violence and stalking .

In each federal state a violence protection centre has been set up<sup>113</sup>, some of which also have regional offices for easier access. They all are non-profit organisations (Vereine oder gemeinnützige Gesellschaften mit beschränkter Haftung). All violence protection centres have also become affiliated under the Federal Association of Violence Protection Centres (*Bundesverband der Gewaltschutzzentren*).

The violence protection centres are funded jointly by the Ministries of the Interior and of Women’s Affairs, with the existing regional offices in some cases being funded by the relevant federal state. Services are offered free of charge.

The services were put out to public tender in 2012 based on common quality guidelines. There are also requirements for staff recruitment (qualified experts) and continuing professional development.

See Chapter 1.5 on data acquisition and case statistics, and Chapter 5.2 on the role of the violence protection centres within the framework of the Austrian Act on Protection Against Violence.

### **Women’s shelters**

Women’s shelters provide safe accommodation, care and support to women affected by violence and their children.

There are 30 women's shelters throughout Austria (26 of which are autonomous), and these are largely organised under two umbrella associations – the Austrian Autonomous Women’s Shelter Network<sup>114</sup> (AÖF) currently comprising 15 women's shelters and the Union of Austrian Shelters for Women<sup>115</sup> (ZÖF) currently comprising 11 autonomous women's shelters.

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<sup>112</sup> E.g.: autonomous women's centre in Linz: <http://www.frauenzentrum.at/wp/wp-content/uploads/AFZ-Tätigkeitsbericht-2014.pdf>

<sup>113</sup> The Vienna centre is called the “Domestic Abuse Intervention Centre” and in Vorarlberg the ifs Centre for Protection against Violence (*ifs Gewaltschutzstelle*).

<sup>114</sup> <http://www.aoef.at/>

<sup>115</sup> <http://www.frauenhaeuser-zoef.at/>



The women's shelters organised under the AÖF provide a total of 340 places, and those under the ZÖF provide 367 places, while the remaining 4 women's shelters provide a total of 56 places.

The autonomous women's shelters as well as the two umbrella organisations are all non-profit associations. Funding responsibility for women's shelters lies with the federal states though further funding is provided by some ministries or via donations.

In addition to protection and accommodation, services also include psychosocial support, help to find work and to overcome financial problems, legal support, legal and psychosocial court assistance, support concerning the upbringing and education of children, individual and group activities for women and children, etc..

Different rules apply within each state as to whether the accommodation is free and under which conditions.<sup>116</sup> Also the potential (maximum) length of stay is subject to different rules. Regular residence in the relevant federal state is a prerequisite for accommodation. Acceptance of women from other states, asylum seekers or women without documents needs to be clarified on an individual basis.

Both the AÖF and the ZÖF have developed quality standards which are outlined in a brochure or manual.

All women's shelters can be contacted through a 24-hour emergency helpline available around the clock and all year.

In addition to the women's shelters, *(women's) transitional and social housing* also offers free accommodation, protection, counselling and support, regardless of background, religion or income situation, to women and their children<sup>117</sup> as well as to families in crisis as a result of physical, psychological or sexual violence. They are open not only to women and children affected by violence, and have lower security standards than women's shelters.

There are no combined statistics for women's shelters. The 26 women's shelters organised under the umbrella associations AÖF and ZÖF provided support to a total of 1,645 women and 1,603 children in 2014, and to a total of 1,681 women and 1,650 children in 2015.

### **Counselling centres and shelters for girls and women exposed to forced marriage<sup>118</sup>**

Orient Express operates a shelter in Vienna for girls and women aged 16-24 from all over Austria who have been exposed to or threatened with forced marriage.

Orient Express is financed jointly by the Ministries of the Interior and Women's Affairs.

The organisation also offers counselling and workshops on the topic of forced marriage for training multipliers (teachers, for example) and schools. For relevant data, see Chapter 1.5.

The counselling centre DIVAN<sup>119</sup> in Graz is also specialised in handling violence related to traditional cultural practices.

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<sup>116</sup> <http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrStmk&Gesetzesnummer=20000065>

<sup>117</sup> In Vienna for instance there are 54 residential places for women and children and 108 places in transitional housing.

<sup>118</sup> [http://www.orientexpress-wien.com/de/wir\\_fuer\\_frauen/notwohnung/](http://www.orientexpress-wien.com/de/wir_fuer_frauen/notwohnung/)

### **Specialised counselling centres for sexual violence against women and girls (Women's Emergency Helplines)**

These specialised centres provide counselling for women and girls from the age of 14 who have experienced sexual violence.

There are currently five autonomous centres for sexual violence (Graz, Eisenstadt, Innsbruck, Linz and Vienna) grouped under the Federal Association of Autonomous Women's Helplines of Austria (BAFÖ).

The women's emergency helplines and BAFÖ are all non-profit associations. They are financed through annual contributions from local and regional governments and federal ministries and, to a lesser extent, through donations and project-specific funding by charity organisations.

Each autonomous women's emergency helpline assumes responsibility for the respective federal state, whilst the Vienna centre also covers parts of Lower Austria and Burgenland.

The *City of Vienna's 24-Hour Women's Emergency Helpline*, which is discussed in more detail in the next chapter, is another key counselling centre for sexual violence.

Around 1,070 clients are assisted each year by the five autonomous centres.

## **3.5 Helplines**

All of the following helplines are open around the clock and are free of cost. Counselling services are confidential and may be kept anonymous if requested.

### **Women's helpline 0800 | 222 555<sup>120</sup>**

The Women's helpline is available nationwide and serves as the first point of contact for victims of domestic violence in Austria. Women and children who have been affected by violence are the primary target group, but men and male youths also access the cost-free nationwide counselling services (around 7% in 2014) – they are primarily concerned family members, friends or work colleagues of women who are or may be affected.

The hotline was established in 1998 and has been run by the Austrian Autonomous Women's Shelter Network (AÖF) since June 1999. It is financed completely by the Federal Ministry of Women's Affairs (317,000 euro annually in 2014 and 2015).

Counselling is guided by the principles of gender sensitivity (counselling by women), advocacy, empowerment and autonomy. Services include crisis intervention and comprehensive information about appropriate counselling and care services, with which clients may be put in direct contact, if desired.

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<sup>119</sup> <https://www.caritas-steiermark.at/hilfe-angebote/migrantinnen-fluechtlinge/beratung-betreuung/frauenspezifische-beratungsstelle-fuer-migrantinnen-divan/>

<sup>120</sup> <http://www.frauenhelpline.at/>

Services can also be provided in English, BCS (Bosnian-Croatian-Serbian), Arabic (Persian, Dari, Farsi), Russian and Turkish.

The helpline's website has been fully accessible for people with disabilities since 2013 and *Services for deaf women* have been offered since 2015 with the help of a relay service.<sup>121</sup>

A *Help Chat*<sup>122</sup> (Mondays from 7 p.m. to 10 p.m. – except holidays) provides an opportunity for anonymous virtual counselling and can also be used as a form of chat room.

The helpline was heavily advertised throughout the country recently as part of the “Halt der Gewalt” (“A Stop to Violence”) campaign.

The breakdown of calls shows however that the helpline is, as before, better known in the eastern federal states, or at least more frequently used by people in those states.

In 2014, 6,937 women and girls received counselling sessions. Data is not yet available for 2015.

### **The City of Vienna's 24-Hour Women's Emergency Helpline**<sup>123</sup>

The women's emergency helpline is not only a telephone helpline, but also a full crisis and counselling centre for all women and girls from the age of 14 who have been affected by violence. Family members or supportive individuals (women and men) from amongst the woman's friends or acquaintances can also receive advice and support from the emergency helpline.

The women's emergency helpline is financed solely by the City of Vienna. There is a staff of 12 (each working full time at 40 hours per week), with nine providing counselling and three staff members responsible for administration.

Counselling is provided by telephone, in person or via email based on the principles of gender sensitivity (counselling by women), advocacy, empowerment and autonomy. Clients may also request to be accompanied to the police, hospital, lawyers' offices and courts.

Services can be provided in German, Bosnian, English, Farsi, French, and Italian. For any other languages, an interpreter can be arranged.

A total of 8,775 sessions were provided in 2015: 6,689 by telephone, 1,151 in person (including 141 accompaniments) and 935 by email.

### **The Weisser Ring Victims' Emergency Helpline 0800 112 112**<sup>124</sup>

A telephone helpline for all victims of crime. Financed by the Federal Ministry of Justice.

This victims' emergency helpline is available around the clock, nationwide and free of cost. Advice is provided by telephone, is confidential and may be anonymous by request, and is offered in accordance with the principles of advocacy, empowerment and autonomy. Services

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<sup>121</sup> <http://www.oegsbarrierefrei.at/frauenhelpline/>

<sup>122</sup> <http://www.haltdergewalt.at/>

<sup>123</sup> <https://www.wien.gv.at/menschen/frauen/beratung/frauennotruf/>

<sup>124</sup> <http://www.opfer-notruf.at/>

include crisis intervention and providing comprehensive information about appropriate counselling and care services, with which clients may be put in direct contact, if desired.

The helpline received 11,442 calls in 2014 and 10,843 calls in 2015.

### **Emergency Helpline for Children and Youth: Rat auf Draht (Advice on the line)- 147<sup>125</sup>**

A telephone emergency helpline for children, youth and their caregivers for any and all topics relevant to children and youth – including the effects of violence. There is also online counselling and counselling by chatline.

The helpline operates around the clock and is free of cost. Counselling is confidential and may be anonymous by request, and is offered in accordance with the principles of advocacy, empowerment and autonomy. “147 Rat auf Draht” provides information about psycho-social facilities throughout Austria and can facilitate the first contact by means of a conference call, if desired.

The service is supported financially by a number of federal ministries, a large number of the federal states and by sponsors. The team is composed of psychologists, life coaches, counsellors, psychotherapists and a lawyer.

There were 1,999 calls related to violence in 2014.

### **fem:HELP-App**

See Chapter 3.1.

## **3.6 Affected Children**

In principle, the women-specific facilities mentioned here also provide services to children who have been affected directly or indirectly by violence insofar as staff and the necessary expertise are available. The opportunity to receive help together “under one roof” makes the situation easier to handle for mothers and their children as this avoids the need for additional appointments and the extra effort required to coordinate and source expertise when a separate aid facility is involved.

If this is not possible with the available professional resources, child welfare centres or other appropriate institutions, such as Child and Adolescent Mental Health Services, will be contacted. In all cases, child and youth welfare services will be involved, as is legally required.

Women’s shelters present an exceptional case. Children make up nearly half of the residents of women’s shelters. Subsequently staff members specially trained to work with children are employed in each women’s shelter. The AÖF also has a website<sup>126</sup> with age-appropriate information for children and youth about domestic violence and resources and facilities where they can seek help.

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<sup>125</sup> <http://www.rataufdraht.at/themenubersicht/gewalt>

<sup>126</sup> [www.gewalt-ist-nie-ok.at](http://www.gewalt-ist-nie-ok.at)

## 3.7 Reporting Acts of Violence

### General Right of Disclosure

Anyone who becomes aware of a criminal offence having taken place has the right<sup>127</sup> to report this crime to the police or the public prosecutor's office.

Public authorities and government agencies are required<sup>128</sup> to report a criminal offence to the police or the public prosecutor's office if they have become aware of this offence in the course of their professional duties. An exception exists for those cases in which this awareness is the result of professional activity (teaching, for example) for which a relationship of mutual trust must be preserved.<sup>129</sup> Nevertheless, all reasonable efforts are to be made in these cases to ensure the safety of the victim or any other persons<sup>130</sup> and if necessary, to report the case after all.

### Duty of Disclosure

#### *Medical doctors*<sup>131</sup>

Doctors must make a report to the police service if and when they suspect that grievous bodily harm or death is the result of a criminal offence. The same is required in cases in which it is suspected that an adult with impaired decision-making capacity or a minor has been physically abused, emotionally abused, neglected or sexually abused.

When premeditated grievous bodily harm is suspected, doctors are also required to make a referral to victim protection facilities.

There is one exemption in cases involving minors. A prompt and verifiable report must be made in every case to the appropriate child and youth welfare service. If, however, suspicion exists that the guilty party is a close family member<sup>132</sup>, the report to the police service may be delayed for as long as is necessary to provide first for the safety and welfare of the child and/or to coordinate with the child and youth welfare service and, if necessary, involve a hospital's child protection division.

#### *Members of the Nursing Professions*<sup>133</sup>

Nurses must also report to the police service suspected cases of grievous bodily harm or death as a result of a criminal offence.

This duty to report cases of grievous bodily harm does not exist if the nurse's relationship of mutual trust with the relevant individual would be compromised by such a report. Referrals should still be made to existing and accredited victim protection facilities in these cases.

<sup>127</sup> § 80 (1) of the Austrian Code of Criminal Procedure (StPO)

<sup>128</sup> § 78 (1) of the StPO

<sup>129</sup> § 78 (2) no. 1 of the StPO

<sup>130</sup> § 78 (3) of the StPO

<sup>131</sup> § 54 (4) through (6) of the Austrian Physicians Act

<sup>132</sup> § 166 of the StGB

<sup>133</sup> § 7 of the Austrian Health Care and Nursing Act (*Gesundheits- und Krankenpflegegesetz*)

### *Federal Child and Youth Support Act*

Any and all listed facilities and individuals are legally required<sup>134</sup> to provide a written report to the child and youth welfare services of any suspected case of child endangerment.

## **3.8 Forensic Examination**

Prompt documentation and careful gathering of evidence are key to ensuring that the preserved evidence will be admissible in court. Without quick evidence gathering and proper documentation of the injury, evidence is irretrievably lost.

Early evidence kits are available to ensure proper preservation of evidence, especially in the case of sexual violence. These evidence kits record traces of the criminal act taken during the initial medical care of the victim. They also contain a checklist, which provides a standardised procedure for the examination and especially the collection of evidence.

No overview is currently available regarding which early evidence kits and checklists are in circulation throughout Austria. Reference should be made here to the MedPol project and the injury documentation questionnaire and training courses developed as part of that project. For more information, see Chapter 2.4.

The following examination options currently exist:

- *Graz*: A clinical forensic examination centre has been established at the Medical University of Graz. Documentation and preservation of evidence is carried out free of charge and without the need for an official police complaint to have been made. The evidence is kept for six months.

In addition, the “Klinisch-forensisches Netzwerk Steiermark” ( “Clinical Forensics Network Styria”) project ran from July 2013 to December 2014. As part of this project, “Assessment Points” were established to provide forensic examination of assault victims and to support doctors who had questions about forensic examination. The provision of training was an additional aspect of the project.

- *Innsbruck*: The Innsbruck State Hospital worked together with the Medical University of Innsbruck to establish an outpatient clinic for assault victims. Documentation and preservation of evidence is carried out free of charge and without the need for an official police complaint to have been made. The evidence is kept for six months.
- *Forensic Medical Institute of Salzburg with Linz Satellite Location*. Forensic examinations may be undertaken in the gynaecological outpatient clinic or the paediatric clinic. These are available at any time. Documentation and preservation of evidence is carried out free of charge and without the need for an official police complaint to have been made. The evidence is kept for two years.

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<sup>134</sup> § 37 of the Federal Child and Youth Support Act (*Bundes-Kinder- und Jugendhilfegesetz*)

- *Vienna*: Documentation and preservation of evidence related to injuries is possible at some hospitals in Vienna, in particular at the AKH and at the Wilhelminenspital. The evidence is kept in the DNA laboratory for one year.

## 4 Substantive Law

### 4.1 Legal framework

There are numerous legal regulations that are relevant to cases of (domestic) violence against women.

#### **Austrian Criminal Code (StGB)**

A number of statutory offences in the Austrian Criminal Code (*Strafgesetzbuch* - StGB) for protection of bodily, psychological and/or sexual integrity fit the stipulations in the Convention. For more on the clauses in detail, see Chapter 4.6. The included definitions are valid equally for women and men.<sup>135</sup>

#### **Code of Criminal Procedure (StPO)**

A number of clauses in the Austrian Code of Criminal Procedure serve to ensure the protection of victims. This protection was expanded in an amendment that became effective on 1 June 2016. For more details, see Chapter 5.6.

#### **Act on Protection Against Violence**

The “Act on Protection Against Violence” (*Gewaltschutzgesetz*) came into effect on 1 May 1997 and has been amended several times.<sup>136</sup> It empowers the police to ban a person who threatens violence from entering the home in which the threatened person resides and to remove the threatening individual if they will not leave voluntarily.<sup>137</sup> For more see Chapter 5.2. The general principle of “whoever throws the punch, goes” allows the threatened person to remain in their familiar surroundings.

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<sup>135</sup> With the exception of facts related to § 98 of the StGB “Termination of Pregnancy without the Consent of the Pregnant Woman”.

<sup>136</sup> Federal Act for the Protection Against Violence within the Family (*Bundesgesetz zum Schutz vor Gewalt in der Familie*), Federal Law Gazette No. 759/1996. The Act on Protection Against Violence includes a bundle of relevant rules in various codified laws: the Security Police Act (*Sicherheitspolizeigesetz – SPG*), the General Civil Code (*Allgemeinen Bürgerlichen Gesetzbuch*) and the Enforcement of Judgements Act (*Exekutionsordnung*).

<sup>137</sup> § 38a of the Security Police Act (SPG)

If longer-term protection is necessary, the person at risk may petition the court for an injunction<sup>138</sup>. An injunction may be sought without first obtaining a restraining order from the police, and vice versa. For more detailed information, see Chapter 5.3.

In each federal state there is a centre for protection against violence<sup>139</sup> – sometimes with regional satellite locations – to provide comprehensive support to people at risk. For more, see Chapters 3.4 and 5.2.

## 4.2 Special implementation measures

### Police officers specially trained in protection against violence

There are around 480 officers in Austria who have been specially trained<sup>140</sup> to engage in what is termed “Responding to threatening individuals” (see Chapter 2.5) and work with victims to assess and recommend additional necessary (safety) measures. These conversations with victims usually take place 2 to 3 days after the first response.

### Additional responsibilities of criminal courts

In larger public prosecutors offices, specially trained prosecutors are assigned to cases involving violence in the immediate social context (domestic violence, child abuse).<sup>141</sup>

### Additional responsibilities of the courts

- *District courts*<sup>142</sup>: Legal matters related to domestic violence and criminal cases involving sex offences are assigned to the same division of the court.
- *Courts of first instance*<sup>143</sup>: Legal matters related to domestic violence are always referred to the same appellate court and sex offences are always assigned to the same division of the court.
- *Supreme Court (OGH)*: There is an expert committee on matters pertaining to family law that is also responsible for legal matters dealing with domestic violence.

### Ordinance and code of practice in cases of forced marriage

In dealing with cases of forced marriage, Austrian representatives abroad must comply with both an ordinance and a code of practice.

<sup>138</sup> § 382b ff of the Enforcement of Judgments Act (EO)

<sup>139</sup> The Vienna centre is called the “Domestic Abuse Intervention Centre”.

<sup>140</sup> The training lasts 1-2 days and is led by state-certified trainers (there are a total of 42, who have undergone a weeklong training themselves).

<sup>141</sup> § 4 (3a) of the Federal Minister for Justice’s Regulation on the Implementation of the Public Prosecutors Act (*Staatsanwaltschaftsgesetz*)

<sup>142</sup> § 26 (3a) and (6) of the Court Organisation Act (GOG)

<sup>143</sup> § 32 (4) and (5) of the GOG



## 4.3 Civil remedies

### Temporary injunctions as part of the Act on Protection Against Violence

For more on temporary injunctions to protect against violence or invasions of privacy, see Chapter 5.3.

### Civil proceedings for omission and/or damages

The Austrian Code of Civil Procedure (ZPO) provides procedural rules specific to victims of violence. Victims are entitled to psychosocial assistance<sup>144</sup>, and have a right to non-disclosure of their private address<sup>145</sup> and the right to separate examination<sup>146</sup>.

## 4.4 Compensation for damages

Court proceedings to determine the extent of compensation for damages may be undertaken in criminal or civil courts.

### Private parties joining a criminal proceeding

Victims of violent criminal offences are eligible to join criminal proceedings as private parties with an assertion of a claim for damages in so-called adhesion procedure. In contrast to civil proceedings, criminal proceedings do not require such private parties to have legal counsel and there are no additional costs for the private parties.

Victims have the following rights as private parties<sup>147</sup>:

- to apply for the admission of evidence;
- to continue the case as a subsidiary prosecutor;
- to raise objections to a dismissal of the case;
- to file an appeal based on private law claims;

For more on opportunities for legal and psychosocial assistance, see Chapter 5.5.

### Civil action

Civil actions incur court fees and there is a requirement for legal counsel once a certain financial threshold is passed. People with limited income are able to apply for legal aid, in which case they need pay only part or none of the costs for the civil action. For more on the possibility of free psychosocial assistance, see Chapter 5.5.

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<sup>144</sup> § 73b of the ZPO

<sup>145</sup> § 75a, 76 (2) and 340 (1) of the ZPO

<sup>146</sup> § 289a of the ZPO

<sup>147</sup> § 67 (6) of the StPO

## Austrian Victims of Crime Act (*Verbrechensopfergesetz – VOG*)

Victims of violence<sup>148</sup> have a right to assistance under VOG insofar as these payments are not provided as a result of other entitlements.

Possible benefits include in particular:

- Compensation for loss of earnings, the provision of medical aids, psychotherapeutic treatment and crisis intervention.
- Lump-sum settlement as compensation for pain and suffering in the case of grievous bodily harm (2,000 or 4,000 euro) and bodily harm with serious long-term repercussions (8,000 or 12,000 euro).

Compensation may also be awarded to surviving dependents (especially loss of financial dependency, funeral payments).

The VOG provides for an annual fund of about 4 million euro from which compensation may be paid. Around 1,200 applications for compensation were made each year in 2014 and 2015. Applicants were evenly divided by gender. The majority of awards were one-time payments (for therapy costs, for example). Ongoing payments were awarded in about 150 cases (compensation for loss of earnings, for example). About 30% of female applicants were victims of bodily harm and around 70% victims of sexual violence.

## 4.5 Custody and visitation rights

### Child welfare

Protecting children against violence is a fundamental criterion in all decisions regarding custody and visiting rights. The obligation to consider child welfare above all else is even established as a norm in constitutional law.<sup>149</sup> Accordingly, the welfare of the child is considered preeminent in all instances involving minors, particularly cases involving custody and personal contact, and all possible efforts must be made to guarantee well-being<sup>150</sup>. Protecting the child from abuse or violence and/or witnessing violence towards an important caregiver is a key criterion in these cases.

### Supervised visitation

Supervised visitation<sup>151</sup> for meetings between the child and the non-custodial parent may be arranged upon application or by the court itself when warranted by concerns about the child's welfare. See more in Chapters 1.5 and 2.4.

<sup>148</sup> Premeditated violent acts that can result in a prison sentence of more than 6 months and result in bodily harm or damage to health.

<sup>149</sup> Art. 1 of the Federal Constitutional Act on the Rights of Children (*Bundesverfassungsgesetz über die Rechte von Kindern*)

<sup>150</sup> § 138 no. 7 of the General Civil Code

<sup>151</sup> § 111 Austrian Act on non-contentious proceedings (*Außerstreitgesetz - AußStrG*)

## 4.6 Sanctioning violent acts

### Psychological abuse

The following definitions are relevant in cases of psychological abuse. The wording of the law for selected offences can be found in the annex ‘*Selected legal clauses*’.

- *(Grave) coercion, § 105f of the Austrian Criminal Code (StGB):* Anyone who compels another by means of violence or menacing threat to commit an act, acquiescence or omission is considered to have perpetrated this offence. The basic offence is punishable by a prison sentence of up to one year or a fine of up to 720 times the daily rate. A case of grave coercion (§ 106 of the StGB), which includes keeping the victim under distressful conditions for an extended time period, is subject to a prison sentence of between six months and five years. If suicide is a result, the prison sentence may be between one and ten years.
- *Menacing threat, § 107 StGB:* As of 1 January 2016, the definition includes not only injuries to the body, liberty, honour or property, but also threats that violate privacy by means of providing access to, disclosing or publishing facts or pictures. The threat is a punishable offence if the offender wilfully seeks to alarm and unsettle the victim. The threat can also be directed against third parties who are close to the threatened individual. The basic offence is punishable by a prison sentence of up to one year or a fine of up to 720 times the daily rate. Aggravating circumstances may increase the prison sentence up to three years. If the act leads to the victim’s suicide, the resultant prison sentence is between one and ten years.
- *Bodily harm § 83 (1) of the StGB:* This offence includes bodily harm and damage to health. Damage to health is understood to include provoking the onset or causing the aggravation of an illness, both physical and mental. In both cases, it is presumed that the circumstances are clinically significant from a medical perspective.
- *Continued harassment by means of telecommunications or a computing system, § 107c of the StGB:* This new definition, created with the Criminal Law Amendment Act (*Strafrechtsänderungsgesetz*) of 2015 and in effect since 1 January 2016, also commonly called “cyber-bullying”, protects against insults or the disclosure of intimate facts or images on the internet that would unreasonably impair the victim’s quality of life<sup>152</sup>. The basic offence is punishable by a prison sentence of one year or a fine equivalent to 720 times the daily rate. In the case of a victim committing or attempting suicide, a prison sentence of up to three years is permitted.

### Stalking

- *Criminal offence of stalking, § 107a of the StGB:* An individual who illegally and persistently pursues another person is subject to a prison sentence of up to one year or a fine up to 720 times the daily rate. It is necessary for the identified instances of stalking<sup>153</sup> to have taken

<sup>152</sup> This includes, but is not limited to, mass mailings or group texts.

<sup>153</sup> The following actions are included: seeking proximity, attempting contact by telephone or using other communications methods or via third parties, ordering goods or services using the victim’s personal information and encouraging third parties to contact the victim through the use of the victim’s personal information.

place over a significant period of time and that these serve to unreasonably impair the victim's quality of life.

- *Temporary injunctions for protection against invasion of privacy*<sup>154</sup>: Victims of stalking may petition for a temporary injunction in their local civil court regardless of whether a criminal complaint has been made. The court can thereby specify a number of prohibited actions<sup>155</sup>, including a comprehensive ban on contact. In principle this applies for a maximum of one year, but it can be extended under certain circumstances. If the offender violates the order, a financial penalty of up to 500 euro may be applied. The offender may be arrested if there are repeated violations.
- *Support at violence protection centres*: If it is deemed necessary for the protection of the victim, the police may involve the relevant centre for protection against violence, which will remain in continual active contact with the person at risk. Those affected can also access the support services of these centres at any time and regardless of whether any injunction has been issued. For more information, see Chapter 5.2.

## Physical violence

The Austrian Criminal Code penalises offences against the person, and includes specific clauses on premeditated murder and offences causing bodily harm. A person who has committed murder<sup>156</sup> will be subject to a prison sentence of between ten and twenty years or a life sentence; manslaughter<sup>157</sup> is punishable by a sentence of five to ten years. The basic offence of bodily harm carries a sentence of up to one year. Aggravating factors (e.g. serious long-term complications or bodily harm resulting in death) may increase the sentence from one year to as much as fifteen years.

## Continued use of force

*Continued use of force*, § 107b of the Austrian Criminal Code, provides for the consideration of acts of violence (e.g. abuse, physical violence, menacing threats) that occur over a sustained time period – which is often the case with domestic violence – as a whole and to punish them more severely. The basic offence is punishable by a prison sentence of up to three years.

These factors include, amongst others, cases in which the offender assumes total control over the victim's own actions and behaviour or severely curtails the victim's autonomy. Aggravating circumstances may increase a prison sentence to between six months and five years or between ten and twenty years.

<sup>154</sup> § 382g Enforcement of Judgments Act (EO)

<sup>155</sup> The following actions are included: personal contact and pursuing the person at risk; contact by post, telephone or any other means of communication; waiting at specified areas; transmission or dissemination of personal information and images of the party at risk; ordering goods or services from a third party using the person at risk's personal information; inducing third parties to contact the party at risk.

<sup>156</sup> § 75 of the StGB

<sup>157</sup> § 76 of the StGB

## Sexual violence

The Austrian Criminal Code penalises offences against sexual integrity and autonomy.

When assessing whether a sex offence has been committed, it is generally irrelevant whether the victim resisted or not. This is also true in those offences involving violence, threats or false imprisonment. The fact that a victim did not resist may never be taken as an indicator or offered as evidence that the offender did not use violence.<sup>158</sup>

These clauses apply to all persons, including spouses and domestic partners. An offence against family members, including former spouses and domestic partners, is to be considered an aggravating factor<sup>159</sup>.

Individuals over the age of 14 are legally competent to consent to sexual acts. This is true unless a situation exists in which the individual is considered particularly vulnerable. In those cases in which the victim is, for ascertainable reasons, not yet mature enough to understand the significance of the actions or make decisions about these, the age of consent is 16<sup>160</sup>, and in cases involving exigency, remuneration<sup>161</sup> and certain cases of the abuse of authority<sup>162</sup>, the age of consent is 18.

- *Rape, § 201 of the StGB*, is defined as taking place when someone has coerced a person by means of violence, threats with immediate danger to body and health, or false imprisonment to engage in sexual intercourse or other comparable sexual acts. The victim's volition is violated by the use of physical violence, menacing threats or false imprisonment. The basic offence is punishable by a prison sentence of between one and ten years. In cases resulting in death, the offence may be punishable by a life sentence. An offence committed within the family, including (ex-)partners, is considered an aggravating factor<sup>163</sup>.
- *Sexual assault, § 202 of the StGB*, is defined as taking place when someone has coerced a person to engage in sexual acts by means of violence or menacing threats. The punishment for commission of the basic offence is a prison sentence between six months and five years. Aggravating circumstances (death) can lead to a life sentence.
- *Sexual abuse of a defenceless person or person with mental impairment, § 205 of the StGB*, is defined as taking place when someone has engaged in sexual intercourse or sexual acts equivalent to such or other forms of sexual activity with a defenceless person or a person with a mental impairment that limits their ability to understand their actions and their legal capacity. This offence is punished similarly to rape and sexual assault. A person is defined as defenceless if their mental or physical condition leaves them unable to exercise volition or it would be unreasonable to expect them to do so. The following are examples of circumstances that make it impossible for an individual to articulate their lack of consent or that essentially constitute immobility: mental impairment, severe emotional disturbance,

<sup>158</sup> This would represent a violation of human rights: See ECHR in the case *M.C. v. Bulgaria*.

<sup>159</sup> § 33 (3) of the StGB

<sup>160</sup> § 207b (1) of the StGB

<sup>161</sup> § 207b (3) of the StGB

<sup>162</sup> § 212 (1) of the StGB

<sup>163</sup> § 33 (3) of the StGB

intoxication, being asleep or sleep inertia, severe shock, tonic immobility, enthrallment, paraplegia.

- *Violation of sexual integrity, § 205a of the StGB*, is understood to have taken place when someone has engaged in sexual intercourse with a person, or sexual acts equivalent to such, against that person's will or through coercion or as a result of intimidation. This clause became effective on 1 January 2016. It is punishable by a prison sentence of up to two years. Ignoring a person's will is itself a form of sexual violence and does not require the use of (additional) violence, menacing threats or any other form of coercion.
  - Against the victim's will: It may also be the case that the victim implies refusal of sexual acts, by crying, for example.
  - Exploitation of exigencies on the part of the victim: A financial emergency, homelessness or addiction may all constitute exigencies that seem to present the victim with no choice. An additional example would be the threat of danger to loved ones. A customer seeking sexual services could also be liable for a criminal offence, for example, if he knows that the person is a victim of human trafficking.
  - Intimidation: This includes physical and/or psychological factors that are meant to provoke fear in the victim and may take place well before the time the criminal offence is committed. This could be witnessing violence against a third party, for example, which the victim takes to imply the same will be done against them, or direct actions taken against the victim to create the impression that resistance would be pointless.
- *Additional sexual acts without the use of violence, menacing threats or false imprisonment* are punishable in the following cases: Sexual intercourse or sexual activities equivalent to intercourse with a person younger than 14 years of age<sup>164</sup>, other sexual activities with a person under 14 years of age<sup>165</sup>, sexual activities with a person under 16 years of age exploiting their immaturity and the offender's dominant position related to age<sup>166</sup>, sexual activities that exploit exigencies experienced by a person under 18 years of age and sexual activities in conjunction with the exploitation of a relationship in which one person exercises authority over the other<sup>167</sup>. Deception<sup>168</sup> may also lead to nonconsensual sexual intercourse.

## Forced marriage

A new category of offence, forced marriage, came into effect on 1 January 2016. This was previously considered a case of severe coercion.

*Forced marriage, § 106a of the StGB*, is considered as occurring when someone requires a person to enter into marriage or civil partnership by means of violence or through menacing threats, or the threat of separation from family members. This is punishable by a prison sentence of between six months and five years.

<sup>164</sup> § 206 of the StGB

<sup>165</sup> § 207 of the StGB

<sup>166</sup> § 207b (1) of the StGB

<sup>167</sup> § 212 (1) of the StGB

<sup>168</sup> § 108 of the StGB

Coercion into a marriage-like contract (ritual or religious marriage not recognised by the government) remains a case of severe coercion – with the same relevant sentences.

Enticing a person to another country for the purposes of forced marriage is an equally punishable offence.

### Genital mutilation

Forms of female genital mutilation fulfil the definition of *bodily harm* under Austrian law<sup>169</sup>. This generally results in an aggravated form of deliberate bodily harm (infertility, for example, and/or significant mutilation) that is punishable by a prison sentence of one to fifteen years. Consent is not relevant in these cases.<sup>170</sup> Forcing a victim to give consent meets the legal definition of severe coercion.

### Forced termination of pregnancy

*Termination of pregnancy without the consent of the pregnant mother, § 98 of the StGB*, is considered as occurring if a woman's pregnancy is terminated without her consent. This is punishable by a prison sentence between six months and five years.

### Forced sterilisation

Under Austrian law forced sterilisation constitutes an act of *bodily harm*<sup>171</sup>. This generally results in an aggravated form of deliberate bodily harm (infertility) that is punishable by a prison sentence of one to fifteen years. Consent is not relevant in these cases.

Consent to sterilisation is legally possible only to a limited extent<sup>172</sup>. Consent on the part of minors or their parents is impermissible in all cases.

### Sexual harassment

Individuals are protected against sexual harassment in Austria under criminal law as well as labour and civil law (see Chapter 2.9).

*Sexual harassment and public sexual acts, § 218 of the StGB*, is defined as

- a situation in which a person commits a sexual act against or in front of another person such that the latter feels harassed – provided circumstances warrant the reasonableness of this response
- a situation in which an individual purposefully touches a person on an intimate area of the body (for example the buttocks or thigh) such that the victim feels violated
- a situation in which a person engages in public sexual activity in a way that creates a reasonable sense of offence

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<sup>169</sup> § 83ff of the StGB

<sup>170</sup> § 90 (3) of the StGB

<sup>171</sup> § 83ff of the StGB

<sup>172</sup> § 90 (2) of the StGB

This is punishable by a prison sentence of up to six months or a fine up to 360 times the daily rate. With the exception of public sexual activity, the perpetrator may only be prosecuted if the victim presses charges.

## 4.7 Abetment

*Treating all involved parties as offenders, § 12 of the StGB:* Anyone who incites another to commit an offence or abets the offence in other ways will be subject to punishment along with the direct offender.

## 4.8 Attempt

*Culpability in the case of attempt, § 15 of the StGB:* An attempt to commit an offence is as equally punishable as an offence carried out to completion. The same holds for abetment of an attempt.

## 4.9 Justification and grounds of excuse

An exception from culpability for the offences stipulated in the Austrian Criminal Code is only possible within the narrow limits of justification and grounds for excuse. Grounds for justification such as "honour" or "customary law" are not enshrined in the criminal law and cannot therefore result in impunity.

## 4.10 Privilege

There are no privileges for the purposes of the crimes covered by the Convention which would be dependent on the relationship with the victim. The last privilege of domestic violence was eliminated with the Criminal Law Amendment Act of 2006 when the requirement for authorisation in the event of dangerous threats in the family circle was abolished.

## 4.11 Criminal threats and further measures

See the preceding Chapter with regard to criminal threats. Separate minimum penalties are provided in the event of criminal acts using violence or dangerous threats against minors.<sup>173</sup>

If an offender is released on probation or a custodial sentence or fine is conditionally suspended, then the Court has the option of issuing instructions and imposing probationary supervision measures for the duration of the probation.

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<sup>173</sup> § 39a of the StGB, amendment for penalties in the event of criminal acts against minors



For sex offenders the probationary period is five years for custodial sentences of more than one year<sup>174</sup> and these offenders may be required<sup>175</sup> to undergo more intensive supervision and controls.<sup>175</sup>

## 4.12 Aggravating factors

The aggravating factors correspond in part with the qualifications for the individual elements of the offence<sup>176</sup>, and there are also separate elements in existence in some cases<sup>177</sup>. There is also a demonstrative list of aggravating factors provided under *Special Aggravating Factors*, § 33 StGB. The Court is therefore permitted to assume additional aggravating factors. The following aggravating factors are of particular relevance in association with the violent acts recorded: Violent acts

- against family members and/or (ex-)partners, if the offender was living with the victim at the time of the act or abused a position of authority in relation to the victim
- against a minor or against a person close to them in a way that is perceptible to the minor
- against an individual requiring special protection as a result of particular circumstances while exploiting their needs for special protection
- on racist, xenophobic or other particularly objectionable grounds
- in a manner that is malicious or cruel or distressful for the victim
- using extraordinarily high levels of violence
- using weapons.

## 4.13 Diversion

The public prosecutor has the authority to apply a diversionary (non-custodial) sentence with imposition of conditions in the preliminary proceedings while the Court makes this decision in the main court proceedings. Diversion is possible in criminal proceedings under the following conditions<sup>178</sup>:

- The facts have been adequately clarified
- The act is subject to a custodial sentence of no longer than five years, or no longer than three years in the case of offences against sexual integrity and self-determination
- The act has not resulted in the death of a human being
- The offender's culpability is at a low level and

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<sup>174</sup> § 48 (1) third sentence of the StGB.

<sup>175</sup> § 52a of the StGB, Judicial supervision of sexual offenders and violent offenders with sexual motives

<sup>176</sup> For instance §§ 201 (2), 202 (2), 205 (2), 206 (3) of the StGB

<sup>177</sup> For instance §§ 107b, 212 of the StGB

<sup>178</sup> §§ 198ff of the StPO

- Punishment does not appear to be necessary in order to deter the guilty party from criminal acts

The following diversionary measures are possible:

- Payment of a financial penalty of up to 180 times the daily rate<sup>179</sup>: in assessing the penalty to be paid to the federal government, financial obligations or maintenance obligations towards the victim in a dependent relationship with the accused are one of the factors that must be taken into account. The accused is also under an obligation to redress the damage arising from the relevant act and suffered by the victim.
- Provision of community services<sup>180</sup>
- Probation for a specified period with or without other obligations<sup>181</sup> or
- Mediation between offender and victim<sup>182</sup>: the decision to take part in (diversionary) mediation is a voluntary one for both the accused and the victim.

There are no mandatory alternative settlement procedures provided for in the civil courts.

## 4.14 Police complaint and conviction statistics

An analysis is attached of the Federal Ministry of Justice statistics for 2014 and 2015 on cases and convictions concerning female victims with regard to relevant offences. This analysis was created specifically for the Austria Report with assistance from the Austrian Federal Computing Centre. See annex "*Federal Ministry of Justice Statistics for 2014 and 2015 on number of cases and convictions*".

There are no specific data available on cases where children of the women affected by violence died.

# 5 Prosecution, procedural law and protective measures

## 5.1 Criminal investigation

### Offences prosecuted ex officio

The criminal acts covered by the Istanbul Convention are uniformly offences subject to public prosecution and must be prosecuted ex officio by the public prosecutor's office. Such offences can be reported by any individual who has knowledge of them - and the report may not be withdrawn.

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<sup>179</sup> § 200 of the StPO

<sup>180</sup> §§ 201f of the StPO

<sup>181</sup> § 203 of the StPO

<sup>182</sup> § 204 of the StPO

Once the public prosecutor's office is aware then a criminal investigation must be launched in order to clarify the facts surrounding the initial suspicion<sup>183</sup>. A criminal investigation must take place against unknown offenders or the suspect for as long as a person is actually suspected of having committed a crime based on certain facts. After this time it takes place as a criminal investigation into this person as the accused. The criminal investigation is carried out jointly by criminal investigators and the public prosecutor's office, with the public prosecutor's office taking the lead<sup>184</sup> and the Court is responsible for legal supervision in the interests of legal protection.

The criminal proceedings must be carried out expeditiously<sup>185</sup> and the rights and interests of the victims (including the right to respect their utmost privacy) must be reasonably taken into account with their personal dignity also safeguarded<sup>186</sup>.

### **Imprisonment on remand**

The accused may be required to be taken into custody in order to protect victims adequately from violent acts. If there are grounds for imposing custody during the investigation, including the risk of committing a (further) crime, then custody pending trial may be imposed if this is proportionate and the purpose of the custody cannot be achieved through more lenient means<sup>187</sup>. More lenient means in cases of domestic violence could be instructions to the accused not to enter a particular dwelling and its immediate vicinity, combined with a pledge on his part to refrain from making any contact with the victim.

## **5.1 Risk analysis and risk management**

### **Specialised support facilities**

The central task of violence-specific support facilities is to develop a plan for safety and security together with the parties affected, to adapt this on an ongoing basis, and to cooperate in this with the police and judicial system as required. See also Chapter 3.4.

### **Police risk assessment tool - SALFAG**

A standardised risk assessment tool has been developed by psychologists at the Federal Ministry of the Interior for cases of violence in the private sphere (SALFAG). This tool has a similar basis to internationally recognised risk assessment tools with due regard to the specific situation under Austrian law.

Following a trial run in the federal states of Vienna, Upper Austria and Vorarlberg in 2014, the tool was evaluated and developed further in 2015 before being introduced and released in 2016.

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<sup>183</sup> § 1 (2) of the StPO

<sup>184</sup> § 20 of the StPO

<sup>185</sup> § 9 of the StPO

<sup>186</sup> § 10 (2) and (3) of the StPO

<sup>187</sup> § 173 of the StPO

### **Public prosecutors with special training**

In larger public prosecutors' offices, one or more specially trained prosecutors are assigned to cases involving violence in immediate social context (domestic violence, child abuse). Public prosecutors undergo internal training, based on a best practice model, in how to gain as comprehensive an overview as possible of the overall situation. The crucial point here is to determine the prehistory and objective principles which ensure as reliable an assessment as possible on the future situation, particularly as regards evaluation of the risk presented by the accused.

In addition to questioning all of the available witnesses wherever possible (including in particular those not directly involved in the case), and gaining the perceptions of the police officers working with the accused, any previous criminal acts, interim injunctions, restraining orders<sup>188</sup>, bans on weapons and the offender's personal situation all also form a crucial basis for assessment.

### **Cooperation in high-risk cases - MARAC**

So-called MARACs were implemented for the first time in 2011 by the Vienna Domestic Abuse Intervention Centre working in conjunction with the Vienna Provincial Police Directorate (LPD Wien) as part of a pilot project. MARAC stands for Multi Agency Risk Assessment Conferences and signifies a model for protecting victims at high risk of family violence. The aim is to implement specific actions quickly in order to increase safety levels for victims through close and regular collaboration between different institutions working in the area of family violence. All of the information required for safety and security purposes is exchanged initially in regular meetings, before targeted actions aimed at protecting victims are decided.

These were gradually expanded in Vienna, with MARACs set up in a region each in Lower Austria and Tyrol in 2014, and in a further 6 districts of Vienna in 2015.

There were also 5 training sessions held as part of the "Living Free of Violence" campaign, as well as an information day, and guidelines were created for the implementation of "Living Free of Violence" MARACs - preventing femicide and serious violence: "Partnerships against Violence guidelines"<sup>189</sup>.

### **Victim protection-oriented work with offenders**

The goal of working with offenders to protect victims is to teach offenders to "unlearn" their violent conduct. This serves to reduce the risk directly, see also Chapter 2.5.

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<sup>188</sup> § 58c of the Security Police Act, central violence protection file

<sup>189</sup> <http://www.gewaltfreileben.at/de/material/infopackage>

## 5.2 Restraining and eviction orders

### Statutory regulations

The regulations on restraining and eviction orders can be found in § 38a of the Security Police Act (SPG).

The police have the authority to forbid the person posing the threat from entering a residence and its immediate vicinity and to evict the person posing the threat in the event that it refuses to leave the residence. They may use force if necessary. This is conditional upon the fact that it can be assumed based on certain facts (such as previous violent acts) that a person living in the dwelling is threatened with a dangerous assault which represents a risk to life, health or liberty.

Protection is provided to all individuals living in the residence, irrespective of the relevant relationships or ownership (wife, life partner, children, relatives, as well as sub-tenant, flatmate, etc.).

Any individual who represents a risk may be subject to a restraining order - including e.g. the owner of the dwelling as well as an ex-partner who "turns up" at the dwelling.

The police give the person who poses the threat sufficient time to pack urgently needed personal items and then order the person posing the threat to leave the dwelling. If it does not comply with this order then this may be ensured by the use of force. The keys to the residence are confiscated from the person who poses the threat and it is ordered to provide an address to which judicial correspondence may be sent.

The restraining order applies to the residence and its immediate vicinity (e.g. stairwell, entrance, garden, underground garage). If a minor is (also) at risk, then the person who poses the threat is also prohibited from having any access to any institutional child care, school or after-school centre visited by this person (including a radius of 40 metres).

The police stipulate the actual geographical protection area in such a way that guarantees effective protection and notify the person who poses the threat of this.

The restraining order is imposed for two weeks and compliance is monitored by the police within the first three days. If an application is made to the courts for an interim injunction aimed at ensuring protection against violence in residential dwellings within these two weeks (see Chapter 5.3 below) then the police restraining order is extended to four weeks. This gives the courts time to decide on the application and enables continuous protection for the person at risk.

While the restraining order is in place the person who poses the risk may not enter the dwelling or stipulated protection area, including with the consent of the person at risk. If the person who poses the risk does still attempt to do this then he is committing an administrative offence punishable with a penalty of up to 500 euro. He can also be arrested if he continues to ignore the order. If he threatens or injures the person at risk then he is also prosecuted.

## Statistics

A total of 7,587 restraining orders were imposed in Austria in 2014. These are broken down by region as follows:

	Restraining order <u>with</u> extended protection area	Restraining order <u>without</u> extended protection area
Burgenland	33	121
Carinthia	37	364
Lower Austria	131	1,102
Upper Austria	159	805
Salzburg	40	351
Styria	71	684
Tirol	34	410
Vorarlberg	19	262
Vienna	238	2,726

In 2014 there were 176 reports to the police for failure to comply with restraining orders in accordance with § 84 (1) no. 2 of the Austrian Security Police Act.

## Support through violence protection centres

Violence protection centres (see also Chapters 3.4 and 4.1) are statutory<sup>190</sup> facilities funded by the government which specialise in providing comprehensive support to victims of domestic violence and stalking.

If a restraining order is imposed by the police then the latter notify the local violence protection centre responsible immediately. The violence protection centre then contacts the person at risk and actively offers its support. The offer ranges from preparing a safety plan to providing legal advice (e.g. on applying for an interim injunction) through to psychosocial support, see also Chapter 5.5.

The police is also able to notify the violence protection centre in cases of stalking and the person at risk is actively contacted without delay in these cases also. Individuals affected by domestic violence or stalking may of course also contact a violence protection centre directly, i.e. without prior intervention by the police.

## 5.3 Interim injunctions

If a person at risk requires longer-term protection from the person posing the threat then there is an option for applying for an interim injunction from the district court with jurisdiction for the residential location of the person at risk.

<sup>190</sup> § 25 Abs. 3 of the SPG, safety police advice

These applications may be submitted irrespective of whether a report has been made to the police or a restraining order has been imposed. They can also be submitted without the involvement of a lawyer and are free of charge.

Employees at violence protection centres, women's shelters and counselling centres for women and girls can also provide legal advice, see Chapter 5.5.

The person at risk has the right to be accompanied by a trusted individual for questioning before the Court.

If an interim injunction is granted, then this can also be officially enforced immediately by the police notified of the interim injunction, and they are required to establish the situation corresponding with an interim injunction using direct authority and force.

If the person who poses the risk ignores an interim injunction then he is committing an administrative offence punishable with a penalty of up to 500 euro. He can also be arrested if he continues to ignore the order.

Prohibitory injunctions can also be asserted under civil law independently of any interim injunction.

### **Interim injunction for “Protection against violence in residential dwellings”, § 382b of the Enforcement of Judgments Act (EO)**

If the person at risk can no longer be expected to continue living together with the person presenting the threat, either because it has physically attacked or threatened to attack the person at risk or has caused it significant psychological harm, then the person at risk can apply for an interim injunction for “protection against violence in residential dwellings”. This also requires that the relevant dwelling is urgently required by the person.

In this case the Court may

- order the person presenting the threat to leave the dwelling and its immediate vicinity and
- forbid him from returning to the dwelling and its immediate vicinity.

This interim injunction may be granted for a maximum of 6 months. However, an application can be made for an interim injunction until the end of any of the proceedings listed in the Act which are initiated in this period.

### **Interim injunction for “General protection against violence”, § 382e EO**

If the person at risk can no longer be expected to meet with the person presenting the threat, either because it has physically attacked or threatened to attack the person at risk or has caused it significant psychological harm, then the person at risk can apply for an interim injunction for general protection against violence. This also requires that the application is not contrary to the serious interests of the person posing the threat. The person does not need to have ever lived with the person posing the threat as a condition for this.

In this case the Court may

- forbid the person posing the threat from remaining at certain locations, to be stipulated precisely (e.g. the workplace of the person at risk, the children's school or nursery), and
- order the person posing the threat to avoid meeting or making contact with the person at risk.

This interim injunction may be granted for a maximum of 1 year and extended for a maximum of one further year if the person posing the threat breaches it. In the event of a concurrent application for an interim injunction "Protection against violence in apartments" and the commencement of any of the related proceedings provided by law (such as divorce proceedings), the interim injunction for the "General protection against violence" can also cover the period up to the termination of those proceedings.<sup>191</sup>

However, the person at risk may also bring a civil action to cease and desist from any meeting. The interim injunction can be extended in this case also until a decision is reached by the Court.

### **Interim injunction for "Protection against invasion of privacy", § 382g EO**

An interim stalking injunction can be considered under certain conditions, see Chapter 4.6 for a detailed description. However, a barring order cannot be extended to four weeks if it was followed only by an application for a stalking injunction.

## **5.4 Official proceedings**

Austrian criminal proceedings are based on the principles of official procedures<sup>191</sup>, objectivity and researching the truth<sup>192</sup> and the principles of mandatory prosecution.<sup>193</sup>

The following distinction must however be made regarding the particular features of some crimes and offences:

- *Offences prosecuted ex officio*: The criminal prosecution is officially brought by the public prosecutor's office (all crimes covered by the Convention with the exception of sexual harassment).
- *Offences prosecutable on complaint*: The public prosecutor's office only brings the prosecution if the victim authorises it to do so. However, the public prosecutor's office still takes the initiative for the prosecution in these cases. With these crimes the investigation and prosecution therefore does not depend entirely on a report or complaint by the victim. Of the crimes recorded this only relates to sexual harassment.

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<sup>191</sup> § 2 of the StPO

<sup>192</sup> § 3 of the StPO

<sup>193</sup> § 4 of the StPO



- *Private prosecution offences:* Criminal proceedings are only launched if the person affected brings a private prosecution complaint (e.g. for defamation or breach of the privacy of correspondence). This does not relate to any of the offences covered in the Convention.

The principle of public prosecution requires the criminal investigators and public prosecutor's office to officially clarify any initial suspicion brought to their knowledge in a criminal investigation - this applies equally to offences prosecuted *ex officio* and offences prosecutable on complaint. There is no examination here as to whether the criminal prosecution is in the public interest. The proceedings must be continued even if the victim revokes the statement. Any withdrawal by the victim of their complaint is therefore insignificant in this respect.

## 5.5 Court assistance

Victims who are entitled to court assistance must be alerted of this right upon initial contact with the police or the court.

Court assistance is always free of charge to the victim, irrespective of how the criminal or civil trial ends.

In the event of a conviction (in criminal proceedings) the person sentenced may be required to reimburse the costs for an amount up to 1,000 euro. If the accused is found not guilty then the state pays the costs. In civil proceedings, following a final decision on the dispute the Court must require the opponent to reimburse the federal government for the amounts incurred for the psychosocial court assistance, provided that the costs for the legal dispute are awarded against the opponent or the latter has assumed these in any settlement.<sup>194</sup>

### Court assistance in criminal proceedings

All victims of violence, serious threats and sexual offences are entitled to free psychosocial and legal court assistance<sup>195</sup>. Also close relatives of a person killed as part of criminal offence along with other relatives who witnessed the act are entitled to court assistance.

Private parties involved in proceedings (see Chapter 4.4) are entitled to assistance with proceedings in the form of free legal advice under certain conditions, unless they are entitled to legal court assistance anyway.

Court assistance consists of two support components ("dual court assistance"):

- *psychosocial court assistance:* preparation of the victim for the criminal proceedings and the associated emotional strains, including psychosocial support, during and after interrogation by the police and courts
- *legal court assistance:* legal advice and representation before the court by lawyers

Court assistance usually begins with the reporting of the offence, or earlier in some exceptional cases, such as with advice related to reporting the offence.

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<sup>194</sup> § 73b (2) last sentence of the ZPO

<sup>195</sup> § 66 (2) of the StPO

In the interests of smooth application in practice the Federal Ministry of Justice appoints appropriate victim support organisations to implement the court assistance and pays their expenses. The website [www.justiz.gv.at/prozessbegleitung](http://www.justiz.gv.at/prozessbegleitung) provides a current overview of all court assistance organisations funded by the Federal Ministry of Justice with their relevant contact details.

The enclosed table provides information on the figures for the victims receiving psychosocial and legal court assistance in 2014 and 2015 by the individual organisations as well as the amounts incurred by the Federal Ministry of Justice, see annex "Court assistance 2014 and 2015".

### **Court assistance in civil proceedings**

Psychosocial court assistance is also possible in civil proceedings if these are linked to criminal proceedings. This relates in particular to civil proceedings which involve claims for damages, divorces, and potentially also custody and visitation rights.

Unlike in criminal cases, there is no entitlement to legal court assistance in civil proceedings. Representation by a lawyer free of charge is therefore only available if the conditions for granting legal aid are present.

## **5.6 Victims' rights**

Victims of crime must be treated with dignity and respect by all bodies involved in criminal proceedings (criminal investigators, public prosecutor's office, courts).

### **The role of the victim in criminal proceedings**

Victims of crime are generally interrogated as witnesses in criminal proceedings. A trusted individual may be present in all cases of witness interrogation, and this is even mandatory in some cases, e.g. with witnesses under 14 years of age.

Witnesses summoned by the court or the public prosecutor's office or criminal investigators are under an obligation to obey this summons and answer questions truthfully on what they have seen, heard or experienced. Any false statement is a criminal offence (this includes intentionally maintaining silence on material facts or stating a lack of knowledge on facts which were in fact known).

If witnesses are expected to make statements against relatives or might expose themselves to the risk of criminal prosecution as a result of their statement, then they are entitled to refuse to make the statement (although they must still obey the summons). Any unexcused failure to appear as a witness may result in a fine or may result in arraignment by the police. Witnesses are entitled to witness fees.

Victims may declare their wish to waive any further pleas or summonses following notification at any stage of the criminal proceedings. The victim is then excused from any further

involvement in the proceedings. However, if a victim is due to be interrogated as a witness and receives a summons to the main trial then they must obey this summons.

Victims may also join the proceedings as private parties, see Chapter 4.4.

### Rights to information and translation

- Obligation for criminal investigators, public prosecutor's office and courts to provide general information regarding victims' rights and compensation or other assistance<sup>196</sup>; victims in need of special protection must be notified of their victims' rights prior to their initial interrogation;
- Obligation for criminal investigators and the public prosecutor's office to provide concrete information regarding victims' fundamental rights<sup>197</sup>, particularly regarding court assistance and the possibility of involvement as a private party;
- Information regarding the release of the accused from custody and provisional custody during the investigation with details of the reasons and the conditions imposed as well as in the event of escape by the accused: this information must be provided officially to victims of violence or serious threat<sup>198</sup> and since 1 June 2016 also to victims in need of special protection<sup>199200</sup>; the victims affected must be notified of this right by the time of their questioning at the latest<sup>201</sup>;
- Information on the escape and recapture as well as the first unmonitored release from the institution or on a pending or an actual release of the prisoner including any instructions given to him in order to protect the victim: this right is available upon application;<sup>202</sup>
- Victims who are unable to communicate adequately in the language of the proceedings are entitled to translation or interpretation assistance<sup>203</sup>. This right not only includes oral interpretation but also written translation of essential case documents (including grounds for suspension, judgement);

### Protection for witnesses in criminal proceedings

All bodies working on criminal proceedings must protect victims' identities for the purposes of witness and victim protection.<sup>204</sup>

- During questioning any personal questions must be asked in such a way that the details provided are not made public wherever possible<sup>205</sup>.

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<sup>196</sup> § 10 (2) of the StPO

<sup>197</sup> § 70 of the StPO

<sup>198</sup> § 65 no. 1 lit. a of the StPO:

<sup>199</sup> § 66a StPO need for special protection of victims: effective 1 June 2016 this new category of victims in need of special protection includes in all cases victims of sexual offences, violence in residential dwellings and underage victims.

<sup>200</sup> §§ 172 (4), 177 (5), 181a of the StPO

<sup>201</sup> § 70 (1) fourth sentence of the StPO

<sup>202</sup> § 106 (4) of the Prison Act (*Strafvollzugsgesetz – StVG*), § 149 (5) StVG

<sup>203</sup> § 66 (3) in conjunction with § 56 of the StPO

<sup>204</sup> § 10 (3) of the StPO

<sup>205</sup> § 161 (1) of the StPO

- Image and sound recordings are prohibited during the hearing<sup>206</sup>.
- The accused and defence are prohibited from publishing personal data on other parties involved in the proceedings which has not yet been made public.<sup>207</sup>
- In the event of a serious risk to the life, health, physical integrity or liberty of the witnesses, the witness statement can be made entirely anonymously<sup>208</sup>, or any statement on the address or address of the workplace stated in oral questioning in the main trial can be omitted from the court record<sup>209</sup>.
- The court may order that the defendant leaves the courtroom temporarily during the questioning in the main trial<sup>210</sup>.
- The court may exclude any audience members from the entire or from part of the proceedings in certain cases<sup>211</sup>.

### Particularly vulnerable victims

Particularly vulnerable victims have additional rights in criminal proceedings. Particularly vulnerable victims include in all cases victims of sexual offences, underage victims and victims of violence in residential dwellings.

The need to extend special protection to victims is reviewed for all victims in the individual case. The following factors are taken into account: the age, mental and health status, as well as the type and specific circumstances of the criminal offence.

Particularly vulnerable victims may

- request that the questioning of the witness in the criminal investigation<sup>212</sup> and in the main trial<sup>213</sup> take place in a separate room and be transmitted by video to the courtroom (adversary questioning). This type of questioning is mandatory for those under 18 years of age whose sexual integrity has been violated (until 1 June 2016 this only applied to those under 14 years of age). All witnesses who are required to make a statement against a relative may also request this type of questioning.
- refuse to answer questions about details of the offence the description of which they consider unreasonable, or involving circumstances of utmost personal privacy<sup>214</sup>;
- ask to be questioned, if possible, by a person of the same gender during the investigation proceedings<sup>215</sup>;
- request that the public be excluded from the main hearing<sup>216</sup>.

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<sup>206</sup> § 228 (4) of the StPO; § 7a of the Austrian Media Act (*MedienG*) "Protection from release of the identity in particular cases" is also relevant in this context.

<sup>207</sup> § 54 of the StPO

<sup>208</sup> § 162 of the StPO

<sup>209</sup> All witnesses have the option of stating that the address remains unchanged or the address is only written down, so that it is not made public.

<sup>210</sup> § 250 (1) of the StPO

<sup>211</sup> § 229 (1) no. 2 and 3 of the StPO

<sup>212</sup> §§ 165 (3) and 4 of the StPO

<sup>213</sup> § 250 (3) of the StPO

<sup>214</sup> § 158 (1) no. 2 and 3, (2) of the StPO

<sup>215</sup> § 66a (2) no. 1 of the StPO

### Other rights

- Right to state concerns, interests and requirements regardless of whether the victim expresses these directly or through a representative<sup>217</sup>
- Right of representation<sup>218</sup>
- Right to inspect the court record<sup>219</sup>
- Right to be informed of the progress of the proceedings
- Right to have claims heard<sup>220</sup>

### Children

Special child protection agencies are appointed to provide court assistance for children in Austria. The specific option for separate and protective adversary questioning also allows children to be questioned without any direct confrontation with the accused, thereby taking into account the increased need to protect children as victims of crime.

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<sup>216</sup> § 229 (1) of the StPO

<sup>217</sup> § 73 of the StPO

<sup>218</sup> § 73 of the StPO

<sup>219</sup> § 68 of the StPO

<sup>220</sup> § 66 (1) no. 7 of the StPO

# 6 Migration and asylum

## 6.1 Residency status

### Independent right of residence for the purposes of family reunification<sup>221</sup>

Foreigners who settle in Austria for the purposes of family reunification are entitled to an independent right of residency from the outset pursuant to the Settlement and Residence Act (NAG).

If the family membership no longer applies and the special condition for granting residency thereby also fails to apply, then continued residency is lawful if the general conditions for a further/different type of residency are met. The principal conditions include accommodation, sufficient income and health insurance coverage. The scope of the residence permit must be equal in all cases, particularly with regard to accessing the labour market.

If the individual has been affected by violence then a further residence permit must be granted even if the general conditions for a residence permit are not met.<sup>222</sup> The applicable regulations are equivalent for citizens of the EEA and preferential third country nationals.<sup>223</sup>

### Right of residency with special protection for third country nationals

There are special provisions in place in the Asylum Act (*Asylgesetz*) for individuals who do not fall within the scope of the regulations of the NAG just described.

An independent, renewable residence permit ("residence permit with special protection") is provided for in cases where the right of residence is required to enable the prosecution of criminal acts before the courts or the assertion and enforcement of civil claims associated with such offences. This affects in particular witnesses or victims of human trafficking or international trade in prostitution.<sup>224</sup>

Victims of domestic violence may also receive this right of residency if a court has imposed an interim injunction for "protection against violence in residential dwellings" or "general protection against violence" or could have imposed such an injunction and the victim requires protection against further violence.<sup>225</sup> Any such award is not dependent upon whether a marriage or partnership has been dissolved or not.

The residence permit will be granted once a justified opinion has been received by the Austrian Federal Office for Immigration and Asylum from the criminal investigators which confirms the

<sup>221</sup> § 27 of the Settlement and Residence Act (*Niederlassungs- und Aufenthaltsgesetz* – NAG)

<sup>222</sup> § 27 (2), (3) of the NAG

<sup>223</sup> §§ 52 (2) and 54 (5) of the NAG

<sup>224</sup> § 57 (1) no. 2 of the AsylG 2005

<sup>225</sup> § 57 (1) no. 3 of the AsylG

status as a victim<sup>226</sup>. Provision of this evidence requires a minimum level of cooperation between the victim and the police authorities.

### Statistics

No statistics are kept on the frequency of the waivers of the issue conditions under the NAG in cases where an individual is affected by violence.

The following figures concern the awarding of "residency permits with special protection" for victims of domestic violence since the current law has been applicable: 2 awards in 2014 and 6 awards in 2015.

## 6.2 Asylum application based on gender

Sexual violence is defined as persecution for the purposes of the Asylum Act.<sup>227</sup> Sexual orientation and sexual identity may characterise a social group in the country of origin.<sup>228</sup>

No relevant statistics are kept.

## 6.3 Gender-sensitive asylum procedures

The fact that men and women are equal in Austria is made clear to all asylum seekers upon arrival in a federal support centre, in particular through information leaflets in their native language.

### Advice and support from someone of the same gender

Female asylum seekers are guaranteed advice and support from people of the same gender throughout the entire asylum procedure. They also receive continuous information and advice on everyday, medical and legal issues, particularly on equality.

Women travelling alone are accommodated in separate buildings in the federal government's support facilities, with only women permitted access to these and only female support staff deployed there. Female security staff are deployed at the entrances to these buildings in order to guarantee safety and security.

Women travelling alone who have increased support needs and are exposed to particular strains on account of their current situation, such as traumatised women, single women with children, divorced or single women also receive professional psychological support and help with everyday matters.

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<sup>226</sup> § 57 (2) of the AsylG

<sup>227</sup> Under § 2 (1) no. 11 and 12 of the AsylG, "persecution" and "grounds for persecution" are defined for the purposes of Art. 9 and 10 of the Qualification Directive 2011/95/EU, whereby "sexual violence" is subsumed under "persecution" (Art 9 Abs. 2).

<sup>228</sup> Art. 10 (1) lit. d Qualification Directive 2011/95/EU

They are also offered weekly workshops led by a female psychotherapist with a female psychologist and/or cultural and social anthropologist. The topics of these workshops include in particular the social position of women in the countries of origin, cultural and religious restrictions and attributions as compared with Austria, along with violence that women or children experience, with information on the legal fight against this along with practical protection options.

### **Professional development and training for employees at the Austrian Federal Office for Immigration and Asylum**

Training programmes on the topics of traumatisation and interculturality are implemented at the Austrian Federal Office for Immigration and Asylum based on need, and at least once per year. One of the focuses here is on identifying and dealing with "groups of individuals requiring special protection".

### **Questioning by someone of the same gender**

Victims who have had their sexual self-determination violated must be questioned by someone of the same gender following notification and consent from the victim.<sup>229</sup> Applications from asylum seekers for whom there is a high probability that they are victims of violence cannot be dismissed in advance and their particular needs must be taken into account.<sup>230</sup>

## **6.4 Prohibition of refoulement**

The prohibition of refoulement is safeguarded several times in the laws pertaining to foreign nationals.<sup>231</sup> The situation in the country/region of origin is accordingly subject to a current and case-related analysis to the fullest possible extent. Special consideration is paid to women, in particular victims of violence.

## **6.5 Additional measures**

### **Forced marriage**

#### *Residency*

Neither partner is able to invoke forced marriage for the purposes of a residency permit under the Settlement and Residence Act.<sup>232</sup> However, the regulations stated under Chapter 6.1. apply in this case to the victim.

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<sup>229</sup> § 20 of the AsylG

<sup>230</sup> § 30 of the AsylG

<sup>231</sup> Particularly in §§ 45a and 50 of the Aliens' Police Act (*Fremdenpolizeigesetz 2005 – FPG*)

<sup>232</sup> § 30a of the NAG



### *Recall of victims of forced marriage from abroad*

In order to improve sensitivity and intervention options, training programmes were introduced in 2015 for consular staff with increased focus made on establishing support links (particularly with the police and aid organisations). The Federal Ministry of Foreign Affairs dealt with 7 cases of imminent or actual forced marriage in 2015.

See Chapter 3.4 on secure accommodation and counselling for women affected by violence.

### **Women on the run**

Following an initiative from the Federal Ministry of Women's Affairs, a round table discussion with relevant aid organisations took place on 28 October 2015 in Vienna on the topic of "Women and girls on the run"; a second round table event on 13 April 2016 with further (female) experts addressed "Women on the run – societal challenges" .

# 7 Annex

- *Statistics from the Federal Ministry of Justice for 2014 and 2015 on numbers of cases and convictions*
- *Selected legal clauses*
- *Police Crime Statistics 2014 and 2015*
- *Court assistance 2014 and 2015*
- *GSZ Statistics 2014 and 2015*

## Annex „Statistics from the Federal Ministry of Justice for 2014 and 2015 on numbers of cases and convictions “

Auswertung Verfahrensautomation Justiz									
Number of cases reported to the Public Prosecutor									
	without "FAM"			with "FAM"			Total number of cases	Total number of male offenders	Total number of female victims
Criminal offences	Number of cases	Number of male ac- cused per- sons	Number of female victims	Number of cases	Number of male ac- cused per- sons	Number of female victims			
<b>2014</b>	<b>24504</b>	<b>27976</b>	<b>31711</b>	<b>4975</b>	<b>5053</b>	<b>5835</b>	<b>29479</b>	<b>33029</b>	<b>37546</b>
75 Murder	60	69	111	6	6	7	66	75	118
83 Assault	10245	12218	12310	1963	1989	2216	12208	14207	14526
84 Serious Assault	767	966	1062	105	107	125	872	1073	1187
85 Assault occasioning grievous bodily harm	9	9	11	1	1	5	10	10	16
86 Assault causing death	4	5	4				4	5	4
87 Serious assault with direct intention	126	177	184	12	14	14	138	191	198
105 Coercion	2590	2838	3571	684	696	803	3274	3534	4374
106 Serious coercion	430	477	594	126	129	152	556	606	746
107 Dangerous threat	5152	5628	6631	1249	1262	1453	6401	6890	8084
107a Persistent stalking	1556	1606	1922	100	100	123	1656	1706	2045
107b Persistent use of force	459	472	603	465	468	563	924	940	1166
108 Deception	20	21	27	1	1	1	21	22	28
201 Rape	697	768	894	128	133	157	825	901	1051
202 Sexual coercion	207	243	306	8	8	10	215	251	316

## Annex

<b>Auswertung Verfahrensautomation Justiz</b>									
<b>Number of cases reported to the Public Prosecutor</b>									
	<b>without "FAM"</b>			<b>with "FAM"</b>			<b>Total number of cases</b>	<b>Total number of male offenders</b>	<b>Total number of female victims</b>
<b>Criminal offences</b>	<b>Number of cases</b>	<b>Number of male ac- cused per- sons</b>	<b>Number of female victims</b>	<b>Number of cases</b>	<b>Number of male ac- cused per- sons</b>	<b>Number of female victims</b>			
205 Sexual abuse of a vulnerable or mentally impaired person	173	210	225	11	11	13	184	221	238
205a Violation of the right to sexual self-determination	1	1	2				1	1	2
206 Serious sexual abuse of persons under the age of 14	286	341	452	34	37	57	320	378	509
207 Sexual abuse of persons under the age of 14	288	311	471	21	22	34	309	333	505
207a Pornographic depiction of minors	230	318	339	9	10	17	239	328	356
207b Sexual abuse of persons under the age of 16	44	48	72				44	48	72
208 Moral endangering of persons under the age of 16	129	130	280	4	6	7	133	136	287
208a Initiation of sexual contact to persons under the age of 14	47	50	85				47	50	85
211 Incest	18	18	26	7	7	12	25	25	38
212 Abuse of a position of authority	145	147	240	21	22	33	166	169	273

## Annex

Auswertung Verfahrensautomation Justiz									
Number of cases reported to the Public Prosecutor									
	without "FAM"			with "FAM"			Total number of cases	Total number of male offenders	Total number of female victims
Criminal offences	Number of cases	Number of male ac- cused per- sons	Number of female victims	Number of cases	Number of male ac- cused per- sons	Number of female victims			
213 Procuring	2	3	6				2	3	6
214 Offering sexual contact with minors for sale	2	2	3	1	2	1	3	4	4
215 Pushing into prostitution	16	22	18	1	1	1	17	23	19
215a Supporting prostitution and pornographic depiction of minors	8	9	13	1	2	3	9	11	16
216 Pimping	51	63	73	5	5	9	56	68	82
217 Cross-border trafficking into prostitution	30	46	43	3	5	4	33	51	47
218 Sexual harassment and sexual acts performed in public	712	760	1133	9	9	15	721	769	1148
<b>2015</b>	<b>24082</b>	<b>27373</b>	<b>31526</b>	<b>5156</b>	<b>5197</b>	<b>6151</b>	<b>29238</b>	<b>32570</b>	<b>37677</b>
75 Murder	65	79	153	7	7	12	72	86	165
76 Manslaughter	1	1	1				1	1	1
83 Assault	10193	12118	12162	2010	2037	2317	12203	14155	14479
84 Serious assault	715	848	998	83	83	106	798	931	1104
85 Assault occasioning grievous bodily harm	6	6	8				6	6	8

## Annex

Auswertung Verfahrensautomation Justiz									
Number of cases reported to the Public Prosecutor									
	without "FAM"			with "FAM"			Total number of cases	Total number of male offenders	Total number of female victims
Criminal offences	Number of cases	Number of male ac- cused per- sons	Number of female victims	Number of cases	Number of male ac- cused per- sons	Number of female victims			
86 Assault causing death	2	6	3				2	6	3
87 Serious assault with direct intention	118	167	183	13	13	17	131	180	200
105 Coercion	2617	2863	3579	668	671	794	3285	3534	4373
106 Serious coercion	471	532	694	144	144	182	615	676	876
107 Dangerous threat	4920	5353	6315	1297	1304	1514	6217	6657	7829
107a Persistent stalking	1368	1400	1612	116	117	137	1484	1517	1749
107b Persistent use of force	488	500	711	547	548	663	1035	1048	1374
108 Deception	22	25	32				22	25	32
201 Rape	737	826	1004	113	114	137	850	940	1141
202 Sexual coercion	181	206	332	10	10	16	191	216	348
205 Sexual abuse of a vulnerable or mentally impaired person	184	209	228	5	5	6	189	214	234
205a Violation of the right to sexual self-determination	1	1	1				1	1	1
206 Serious sexual abuse of persons under the age of 14	293	320	432	32	33	58	325	353	490

## Annex

Auswertung Verfahrensautomation Justiz									
Number of cases reported to the Public Prosecutor									
	without "FAM"			with "FAM"			Total number of cases	Total number of male offenders	Total number of female victims
Criminal offences	Number of cases	Number of male ac- cused per- sons	Number of female victims	Number of cases	Number of male ac- cused per- sons	Number of female victims			
207 Sexual abuse of persons under the age of 14	287	314	494	30	30	59	317	344	553
207a Pornographic depiction of minors	215	302	432	5	5	9	220	307	441
207b Sexual abuse of persons under the age of 16	39	40	134	2	2	3	41	42	137
208 Moral endangering of persons under the age of 16	119	121	264	12	12	17	131	133	281
208a Initiation of sexual contact to persons under the age of 14	46	48	165	1	1	1	47	49	166
211 Incest	22	22	24	7	7	17	29	29	41
212 Abuse of a position of authority	135	137	213	29	29	53	164	166	266
213 Procuring	1	1	1				1	1	1
214 Offering sexual contact with minors for sale	4	4	7				4	4	7
215 Pushing into prostitution	12	15	17	1	1	1	13	16	18
215a Supporting prostitution and pornographic depiction of minors	4	4	94	1	1	1	5	5	95

Auswertung Verfahrensautomation Justiz									
Number of cases reported to the Public Prosecutor									
	without "FAM"			with "FAM"			Total number of cases	Total number of male offenders	Total number of female victims
Criminal offences	Number of cases	Number of male ac- cused per- sons	Number of female victims	Number of cases	Number of male ac- cused per- sons	Number of female victims			
216 Pimping	38	55	68	4	4	7	42	59	75
217 Cross-border trafficking into prostitution	27	42	51	1	1	1	28	43	52
218 Sexual harassment and sexual acts performed in public	751	808	1114	18	18	23	769	826	1137

Auswertung Verfahrensautomation Justiz			
Convicted male offenders			
Criminal offences	without "FAM"	with "FAM"	Total
<b>2014</b>	<b>4749</b>	<b>952</b>	<b>5701</b>
75 Murder	38	3	41
83 Assault	1729	284	2013
84 Serious assault	335	49	384
85 Assault occasioning grievous bodily harm	3		3
86 Assault causing death	1		1
87 Serious assault with direct intention	65	13	78
105 Coercion	607	155	762



<b>Auswertung Verfahrensautomation Justiz</b>			
<b>Convicted male offenders</b>			
<b>Criminal offences</b>	<b>without "FAM"</b>	<b>with "FAM"</b>	<b>Total</b>
106 Serious coercion	139	38	177
107 Dangerous threat	871	211	1082
107a Persistent stalking	216	23	239
107b Persistent use of force	95	95	190
108 Deception	4		4
201 Rape	133	30	163
202 Sexual coercion	38	4	42
205 Sexual abuse of a vulnerable or mentally impaired person	26	3	29
206 Serious sexual abuse of persons under the age of 14	86	13	99
207 Sexual abuse of persons under the age of 14	83	11	94
207a Pornographic depiction of minors	53	2	55
207b Sexual abuse of persons under the age of 16	5		5
208 Moral endangering of persons under the age of 16	20	1	21
208a Initiation of sexual contact to persons under the age of 14	9		9
211 Incest	7	2	9
212 Abuse of a position of authority	56	13	69
214 Offering sexual contact with minors for sale	1	1	2
215 Pushing into prostitution	6		6
215a Supporting prostitution and pornographic depiction of minors	1		1
216 Pimping	12		12
217 Cross-border trafficking into prostitution	10		10
218 Sexual harassment and sexual acts performed in public	100	1	101
<b>2015</b>	<b>4760</b>	<b>766</b>	<b>5526</b>
75 Murder	39	5	44
76 Manslaughter	1		1
83 Assault	1750	240	1990

<b>Auswertung Verfahrensautomation Justiz</b>			
<b>Convicted male offenders</b>			
<b>Criminal offences</b>	<b>without "FAM"</b>	<b>with "FAM"</b>	<b>Total</b>
84 Serious assault	349	31	380
85 Assault occasioning grievous bodily harm	1		1
86 Assault causing death	2		2
87 Serious assault with direct intention	72	14	86
105 Coercion	633	112	745
106 Serious coercion	124	38	162
107 Dangerous threat	895	192	1087
107a Persistent stalking	191	23	214
107b Persistent use of force	102	69	171
108 Deception	4		4
201 Rape	111	28	139
202 Sexual coercion	36	1	37
205 Sexual abuse of a vulnerable or mentally impaired person	32		32
206 Serious sexual abuse of persons under the age of 14	76	2	78
207 Sexual abuse of persons under the age of 14	61	2	63
207a Pornographic depiction of minors	55	1	56
207b Sexual abuse of persons under the age of 16	14		14
208 Moral endangering of persons under the age of 16	25		25
208a Initiation of sexual contact to persons under the age of 14	5		5
211 Incest	7	1	8
212 Abuse of a position of authority	48	4	52
214 Offering sexual contact with minors for sale	1		1
215 Pushing into prostitution	2		2
215a Supporting prostitution and pornographic depiction of minors	2		2
216 Pimping	13	1	14
217 Cross-border trafficking into prostitution	8		8

<b>Auswertung Verfahrensautomation Justiz</b>			
<b>Convicted male offenders</b>			
<b>Criminal offences</b>	<b>without "FAM"</b>	<b>with "FAM"</b>	<b>Total</b>
218 Sexual harassment and sexual acts performed in public	101	2	103

**Annex „Selected legal clauses“**

**Article 38a Security Police Act - Ban and expulsion from home for protection against violence**

(1) If, based on certain facts, in particular because of a previous dangerous assault, it can be assumed that a dangerous assault on life, health or freedom is imminent, the members of the police force are authorised to prohibit a person who poses a danger (endangerer) from entering

1. a dwelling where an endangered person lives as well as its immediate surroundings;
2. and, if the endangered person is under the age of 14, furthermore from entering
  - a) a school that the endangered person under the age of 14 attends to fulfil the requirements of compulsory education as provided in the Compulsory Education Act, Federal Law Gazette No. 76/1985, or
  - b) an institutional childcare facility he/she attends, or
  - c) a day nursery he/she attendsincluding an area within a radius of fifty meters.

(2) When the ban from home is in place, the members of the police force have to

1. inform the endangerer of the premises to which the ban applies; the scope of the ban under para 1 subpara 1 shall be laid down in accordance with the requirements of effective preventive protection;
2. expel him in case he refuses to leave the area included in the ban under para 1,
3. remove all keys to the dwelling under para 1 subpara 1 from the endangerer which he has in his possession,
4. give him the opportunity to take with him urgently required personal items and inform him of options for finding accommodation.

In the event of a ban on returning to his own dwelling, it is to be ensured in particular that this interference with the private life of the person affected respects proportionality (section 29). If it becomes necessary for the person affected to visit the dwelling which he has been prohibited from entering, he may only do so in the presence of a member of the police force.

(3) Members of the police force are obliged to request the endangerer to provide an address for the purpose of delivery of a suspension of the ban from home or of a restraining order under sections 382b and 382e of the Enforcement Act (EO). If he fails to do so, the service of such documents can be effected by deposit without a prior service attempt until such a disclosure is made; this shall be pointed out to the endangerer.

(4) The members of the police force are further obliged to inform

1. the endangered person about the possibility of obtaining a restraining order under sections 382b and 382e EO and about appropriate victim protection facilities (section 25 para 3) and,
2. if persons under the age of 14 are endangered, immediately
  - a) the locally responsible child and youth welfare office pursuant to section 37 of the Federal Act on Child and Youth Services 2013 (B-KJHG 2013), Federal Law Gazette I No. 69, and
  - b) the head of an institution pursuant to para 1 subpara 2 for which the ban has been imposed.

(5) When documenting the issue of a ban from home, not only the circumstances relevant for the intervention are to be considered but also those that may be of importance for a procedure under sections 382b and 382e EO or for the endangerment assessment pursuant to section 22 B-KJHG 2013 by the responsible child and youth welfare office.

(6) public security services shall immediately be informed of the issue of a ban from home and review it within 48 hours. If these authorities find that the ban from home should not have been issued, it shall be lifted immediately vis-à-vis the endangerer; the endangered person shall immediately be informed that the ban from home will be lifted; if possible, the ban from home shall be lifted and the endangered person shall be informed of the lifting verbally or in writing by personal delivery. The keys removed under para 2 shall be handed back to the endangerer after the lifting of the ban from home; in case of the filing of an application to impose a restraining order under sections 382b and 382e EO, they shall be deposited in the ordinary court.

(7) Insofar as a ban from home is issued also for the local jurisdiction of another security authority (sections 8 and 9), it shall immediately be notified. The enforcement that goes beyond the review of the ban from home (para 6) rests with the security authority having local jurisdiction.

(8) Members of the police force shall check compliance with the ban from home at least once during the first three days of its validity. The ban from home shall end two weeks after issue. If the ordinary court informs the security authority of the filing of an application to issue a restraining order under sections 382b and 382e EO within this period, the ban from home shall be extended until the date of service of the ordinary court's decision to the opponent, but no later than four weeks from the date of the placing of the ban. In case of a with-

drawal of the application, the ban from home shall end two weeks after issue, in case of a withdrawal of the application after the extension of the ban from home has taken effect, it shall end as soon as the security authority learns of the withdrawal by notification received from the ordinary court.

(9) The ordinary court shall immediately notify the security authority having local jurisdiction of the filing of an application to issue a restraining order under sections 382b and 382e EO and the extent of the application as well as of any withdrawal.

**Austrian Criminal Code, selected criminal offences**

**Coercion**

§ 105. (1) Any person who coerces another to do, acquiesce, or omit to do an act by use of force or dangerous threat is liable for imprisonment for up to one year or a fine not exceeding 720 penalty units.

(2) The conduct is not unlawful if the use of force or threat, as a means for the intended purpose, does not offend common decency.

**Serious coercion**

§ 106. (1) Any person who coerces

1. by making death threats or threats of serious mutilation or noticeable disfigurement, kidnapping, arson, nuclear power hazards, ionising radiation, explosives, or loss of livelihood or social status;
2. by putting the coerced person or another person against which the use of force or dangerous threat is made into a state of agony through these means for a longer period of time; or
3. by leading the coerced person into prostitution or to engage in a pornographic performance (§ 215a para. 3) or to commit another act, to acquiesce, or to omit the doing of an act which violates particularly important interests of the coerced person or another person

is liable to imprisonment for six months to five years.

(2) The perpetrator is liable to imprisonment for one to 10 years if the offence results in the suicide or a suicide attempt of the coerced person or of another person against which the force is used or the threat is made.

(3) The same penalty applies to any person who commits the coercion in order to lead a minor into prostitution or to engage in a pornographic performance, or who commits the coercion as part of a criminal association, by using serious violence, or in a manner which intentionally or with gross negligence (§ 6 para. 3) places the life of another at risk, or if the offence causes a particularly serious detriment to the other person.

### **Forced marriage**

**§ 106a.** (1) Any person who coerces another into entering a marriage or registered partnership by using force or dangerous threat or by threatening to sever or deprive the person of family contact is liable to imprisonment for six months to five years.

(2) The same penalty applies to any person who, for the purpose of forcing the other person to enter into a marriage or registered partnership (para. 1) in a country of which the other person is neither a national nor a habitual resident, entices the other person by deceiving him or her about that purpose or coerces the other person by using of force or making a dangerous threat or a threat to sever or deprive of family contact to enter another country or who brings the other person into another country by use of force by or abusing the other person's mistake about that purpose.

(3) § 106 para. 2 applies mutatis mutandis.

### **Dangerous threat**

**§ 107.** (1) Any person who makes a dangerous threat to another in order to put the other person into a state of fear or anxiety is liable to imprisonment for up to one year or a fine not exceeding 720 penalty units.

(2) Any person who makes a dangerous threat by making death threats or by threatening serious mutilation or noticeable disfigurement, kidnapping, arson, nuclear power hazards, ionising radiation, explosives, or loss of livelihood or social status, or by putting the threatened person or another person against which the force is used or the dangerous threat is made through these means into a state of agony for an extended period of time is liable to imprisonment for up to three years.

(3) For cases under § 106 para. 2 the penalties under that provision apply.

(Note :Para. 4 repealed by BGBl. I Nr. 56/2006.)



### **Persistent stalking**

§ 107a. (1) Any person who unlawfully and persistently stalks (para. 2) another is liable to imprisonment for up to one year or a fine not exceeding 720 penalty units.

(2) A person 'persistently stalks' another if the person continuously over an extended period and in a manner that can cause unreasonable interference with the lifestyle of the other person

1. approaches the other person.
2. contacts the other person by way of telecommunication or by use of other means of communication or through third parties,
3. orders goods or service for the other person using the other person's personal information, or
4. using the other person's personal information causes third parties to contact the other person.

(3) The perpetrator is liable to imprisonment for up to three years if the offence results in the suicide or a suicide attempt of the stalked person (para. 2).

### **Persistent use of force**

§ 107b. (1) Any person who persistently and over an extended period of time uses force against another is liable to imprisonment for up to three years.

(2) For the purpose of para. 1, 'use of force' shall mean doing bodily harm to another or committing an intentional offence against limb and life or an offence against liberty, except for the offences under §§ 107a, 108, and 110.

(3) Any person who

1. commits the offence [under para. 1] against a person under the age of 14 or against a person who is vulnerable because of frailty, illness or mental impairment, or
  2. through the offence [under para. 1] creates a situation of complete control over the behaviour of the victim or a significant limitation to the autonomous lifestyle of the victim
- is liable to imprisonment for six months to five years.

(4) Any person who commits an offence under para. 3 in a particularly cruel manner, or who within the context of persistently using force under para. 3 repeatedly commits offences against sexual self-determination and integrity is liable to imprisonment for one to 10 years. The person is liable to imprisonment for five to 15 years if the offence under para 3 results

in an assault occasioning bodily harm (§ 85) or if the force under para. 3 is used persistently for more than one year; the penalty is 10 to 20 years if the use of force results in the death of the victim.

(5) A person is not punishable under the previous provisions if the offence is punishable under a provision with a higher penalty.

### **Persistent harassment involving telecommunication or computer systems**

**§ 107c.** (1) Any person who, using a telecommunication or computer system in a manner that can cause unreasonable interference with the lifestyle of the other person, continuously over a longer period of time

1. defames another in a way that can be perceived by a larger number of people, or
2. makes facts or visual material of the personal sphere of another available to a larger number of people without the consent of the other person

is liable to imprisonment for up to one year or a fine not exceeding 720 penalty units.

(2) The person is liable to imprisonment for up to three years if the offence results in the suicide or a suicide attempt by the victim under para. 1.

### **Deception**

**§ 108.** (1) Any person who violates the rights of another for the purpose of causing a detriment to the other by deceiving the other person or a third person about material facts in order to cause the other person or the third person to do, acquiesce, or omit to do an act thus causing the detriment is liable to imprisonment for up to one year or a fine not exceeding 720 penalty units.

(2) Sovereign rights are not considered rights for the purpose of para. 1.

(3) A person may only be prosecuted [for the offence under para. 1] with authorization by the person whose rights have been violated.

### **Rape**

**§ 201.** (1) Any person who by use of force, deprivation of liberty, or threat with a present danger for limb or life (§ 89) coerces another to engage in or acquiesce to sexual intercourse or conduct equivalent to sexual intercourse is liable to imprisonment for one to 10 years.

(2) The person is liable to imprisonment for five to 15 years if the offence results in a serious assault (§ 84 para. 1) or pregnancy of the victim or if the victim is placed into a state of agony or is treated in a particularly humiliating way for a longer period of time; the person is liable to imprisonment for 10 to 20 years or imprisonment for life if the offence results in the death of the victim.

### **Sexual coercion**

§ 202. (1) Any person who, except in cases under § 201, by use of force or dangerous threat coerces another to engage in or acquiesce to sexual conduct is liable to imprisonment for six months to five years.

(2) The person is liable to imprisonment for five to 15 years if the offence results in a serious assault (§ 84 para. 1) or pregnancy of the victim or if the victim is placed into a state of agony or treated in a particularly humiliating way for a longer period of time; the person is liable to imprisonment for 10 to 20 years or imprisonment for life if the offence results in the death of the victim.

### **Sexual abuse of a vulnerable or mentally impaired person**

§ 205. (1) Any person [the perpetrator] who abuses the condition of a vulnerable person or a person who, because of mental impairment, pervasive disturbance of consciousness or another equivalent mental disturbance, is unable to understand the significance of the conduct or to act according to this understanding, so that the perpetrator may engage in sexual intercourse or conduct equivalent to sexual intercourse with that person, or induces the person to engage in or acquiesce to sexual intercourse or conduct equivalent to sexual intercourse with another person, or to perform an act equivalent to sexual intercourse on himself or herself in order to sexually arouse or satisfy the perpetrator or a third person, is liable to imprisonment for one to 10 years.

(2) Any person [the perpetrator] who, except in cases under para. 1, abuses a vulnerable or mentally compromised person (para. 1) by performing sexual acts on the other person, by having sexual acts performed on the perpetrator by the other person, by inducing the other person to engage in sexual acts with another person, or by inducing the other person to perform an act equivalent to sexual intercourse on himself or herself in order to sexually arouse or satisfy the perpetrator or a third person is liable to imprisonment for six months to five years.

(3) The person is liable to imprisonment for five to 15 years if the offence results in a serious assault (§ 84 para. 1) or pregnancy of the abused person or if the abused person is placed into a state of agony or treated in a particularly humiliating way for a longer period of time; the person is liable to imprisonment for 10 to 20 years or imprisonment for life if the offence results in the death of the abused person.

### **Violation of the right to sexual self-determination**

§ 205a. (1) Any person who engages in sexual intercourse or conduct equivalent to sexual intercourse with another person by taking advantage of a predicament or after prior intimidation against that person's will is liable to imprisonment for up to two years unless the offence is punishable with a higher penalty under another provision.

(2) The same penalty applies to any person who leads another in the manner set out in para. 1 to engage in or acquiesce to sexual intercourse or conduct equivalent to sexual intercourse with a third person or to perform an act equivalent to sexual intercourse involuntarily on himself or herself in order to sexually arouse or satisfy the perpetrator or a third person.

### **Sexual abuse of a person under the age of 16**

§ 207b. (1) Any person [the perpetrator] who, performs a sexual act on a person under the age of 16 who, for particular reasons does not have the maturity to understand the significance of such an act or to act according to this understanding, or any person [the perpetrator] who has a sexual act performed on himself or herself by such a person or who induces such a person to perform a sexual act on a third person or to have a sexual act performed by a third person on that person, and takes advantage of the lack of maturity of that person and the age advantage of the perpetrator is liable to imprisonment for up to one year or a fine not exceeding 720 penalty units.

(2) Any person who performs a sexual act on a person under the age of 18, or who has a sexual act performed on him or her by such a person or who induces such a person to perform a sexual act on a third person or to have a sexual act performed by a third person on that person, and takes advantage of a predicament of that person is liable to imprisonment for up to three years.

(3) Any person [the perpetrator] who through payment directly induces a person under the age of 18 to perform a sexual act on the perpetrator or on a third person or to have a sexual act performed on him or her by the perpetrator or a third person is liable to imprisonment for up to three years.

### **Abuse of a position of authority**

§ 212. (1) Any person who engages in a sexual act with

1. a minor with whom the person is related by descent, a minor who is the adopted child of the person, the person's stepchild, or a minor under the guardianship of the person, or
2. a minor who is being educated, trained, or supervised by a person abusing his or her position in relation to the minor,

who has a sexual act performed on the person by such a minor, or who induces such a minor to perform a sexual act on himself or herself in order to sexually arouse or satisfy the person or a third person is liable to imprisonment for up to three years.

(2) The same penalty applies to any person [the perpetrator] being

1. a medical doctor, clinical psychologist, health psychologist, psychotherapist, member of a health and nursing profession, or chaplain, with a person in their professional care
2. an employee of an educational institution or otherwise working in an educational institution with a person in the care of that institution, or
3. a government official with a person placed in their official care

who by abusing their position towards that person engages in a sexual act, has a sexual act performed by that person on the perpetrator, or who induces such a person to perform a sexual act on himself or herself in order to sexually arouse or satisfy the perpetrator or a third person.

### **Sexual harassment and sexual acts done in public**

§ 218. (1) Any person who harasses another by performing a sexual act

1. on the other person, or
2. in front of the other person in circumstances capable of causing reasonable offence

is liable to imprisonment for up to six months or a fine not exceeding 360 penalty units, unless the offence is punishable with a higher penalty by another provision.

(1a) A person is also liable under para. 1 if the person violates the dignity of another by intensive touching of a part of the body associated with sexual activity.

(2) The same penalty applies to any person who performs a sexual act publicly and in circumstances in which the direct perception of the person's conduct is capable of causing reasonable offence.

(3) In cases under paras. 1 and 1a, the perpetrator may only be prosecuted with the authorization of the victim.

## Annex „Police Crime Statistics 2014 and 2015“

## Police Crime Statistics

## Police Crime Statistics

## Police Crime Statistics

Reported Crimes			Solved Crimes			Percentage of crimes solved		
Clause	2014	2015	Clause	2014	2015	Clause	2014	2015
§ 75 StGB	105	133	§ 75 StGB	96	130	§ 75 StGB	91,4%	97,7%
§ 76 StGB	-	1	§ 76 StGB	-	1	§ 76 StGB	---	100,0%
§ 83 StGB	34.017	34.358	§ 83 StGB	28.222	28.683	§ 83 StGB	83,0%	83,5%
§ 84 StGB	3.196	3.045	§ 84 StGB	2.513	2.449	§ 84 StGB	78,6%	80,4%
§ 85 StGB	32	24	§ 85 StGB	28	23	§ 85 StGB	87,5%	95,8%
§ 86 StGB	2	3	§ 86 StGB	2	2	§ 86 StGB	100,0%	66,7%
§ 87 StGB	412	392	§ 87 StGB	356	337	§ 87 StGB	86,4%	86,0%
§ 105 StGB	2.869	2.747	§ 105 StGB	2.600	2.469	§ 105 StGB	90,6%	89,9%
§ 106 StGB	1.679	1.728	§ 106 StGB	1.558	1.593	§ 106 StGB	92,8%	92,2%
§ 107 StGB	13.321	13.530	§ 107 StGB	12.380	12.522	§ 107 StGB	92,9%	92,5%
§ 107a StGB	2.196	1.980	§ 107a StGB	1.908	1.729	§ 107a StGB	86,9%	87,3%

## Police Crime Statistics

## Police Crime Statistics

## Police Crime Statistics

Reported Crimes			Solved Crimes			Percentage of crimes solved		
<i>Clause</i>	<i>2014</i>	<i>2015</i>	<i>Clause</i>	<i>2014</i>	<i>2015</i>	<i>Clause</i>	<i>2014</i>	<i>2015</i>
§ 107b StGB	937	1.013	§ 107b StGB	936	1.010	§ 107b StGB	99,9%	99,7%
§ 108 StGB	58	66	§ 108 StGB	42	40	§ 108 StGB	72,4%	60,6%
§ 201 StGB	839	826	§ 201 StGB	668	658	§ 201 StGB	79,6%	79,7%
§ 202 StGB	249	248	§ 202 StGB	188	192	§ 202 StGB	75,5%	77,4%
§ 205 StGB	188	173	§ 205 StGB	165	154	§ 205 StGB	87,8%	89,0%
§ 206 StGB	325	304	§ 206 StGB	310	290	§ 206 StGB	95,4%	95,4%
§ 207 StGB	290	312	§ 207 StGB	267	288	§ 207 StGB	92,1%	92,3%
§ 207a StGB	465	465	§ 207a StGB	390	409	§ 207a StGB	83,9%	88,0%
§ 207b StGB	62	48	§ 207b StGB	54	44	§ 207b StGB	87,1%	91,7%
§ 208 StGB	188	221	§ 208 StGB	143	163	§ 208 StGB	76,1%	73,8%
§ 208a StGB	83	52	§ 208a StGB	46	30	§ 208a StGB	55,4%	57,7%
§ 211 StGB	15	18	§ 211 StGB	15	18	§ 211 StGB	100,0%	100,0%
§ 212 StGB	93	119	§ 212 StGB	92	118	§ 212 StGB	98,9%	99,2%

## Police Crime Statistics

Reported Crimes		
Clause	2014	2015
§ 213 StGB	1	-
§ 214 StGB	3	1
§ 215 StGB	7	12
§ 215a StGB	5	4
§ 216 StGB	39	84
§ 217 StGB	29	42
§ 218 StGB	1.330	1.228

## Police Crime Statistics

Solved Crimes		
Clause	2014	2015
§ 213 StGB	1	-
§ 214 StGB	1	1
§ 215 StGB	6	11
§ 215a StGB	4	3
§ 216 StGB	36	82
§ 217 StGB	24	37
§ 218 StGB	817	760

## Police Crime Statistics

Percentage of crimes solved		
Clause	2014	2015
§ 213 StGB	100,0%	---
§ 214 StGB	33,3%	100,0%
§ 215 StGB	85,7%	91,7%
§ 215a StGB	80,0%	75,0%
§ 216 StGB	92,3%	97,6%
§ 217 StGB	82,8%	88,1%
§ 218 StGB	61,4%	61,9%



## Police Crime Statistics

## Suspects

Sex	2014			2015		
	Male	Female	TOTAL	Male	Female	TOTAL
§ 75 StGB	91	17	108	134	22	156
§ 76 StGB	-	-	-	-	1	1
§ 83 StGB	28.180	5.564	33.744	29.010	5.659	34.669
§ 84 StGB	2.970	364	3.334	2.864	322	3.186
§ 85 StGB	35	-	35	26	4	30
§ 86 StGB	2	-	2	3	1	4
§ 87 StGB	416	47	463	422	40	462
§ 105 StGB	2.607	383	2.990	2.513	371	2.884
§ 106 StGB	1.721	149	1.870	1.750	172	1.922
§ 107 StGB	12.953	1.806	14.759	13.092	1.933	15.025
§ 107a StGB	1.629	480	2.109	1.511	436	1.947
§ 107b StGB	1.005	104	1.109	1.059	132	1.191
§ 108 StGB	39	5	44	31	13	44
§ 201 StGB	721	5	726	675	13	688
§ 202 StGB	195	4	199	214	1	215
§ 205 StGB	171	7	178	161	3	164
§ 206 StGB	363	19	382	328	13	341

## Police Crime Statistics

## Suspects

Sex	2014			2015		
	Male	Female	TOTAL	Male	Female	TOTAL
§ 207 StGB	308	10	318	312	10	322
§ 207a StGB	377	51	428	404	66	470
§ 207b StGB	58	4	62	43	3	46
§ 208 StGB	121	7	128	152	5	157
§ 208a StGB	46	-	46	31	-	31
§ 211 StGB	13	5	18	17	2	19
§ 212 StGB	86	9	95	108	8	116
§ 213 StGB	1	-	1	-	-	-
§ 214 StGB	1	-	1	1	-	1
§ 215 StGB	6	-	6	10	3	13
§ 215a StGB	4	1	5	1	1	2
§ 216 StGB	34	8	42	67	30	97
§ 217 StGB	29	9	38	38	20	58
§ 218 StGB	812	22	834	751	31	782

## Police Crime Statistics

## Suspects

Age group	2014								2015							
	0-9	10-13	14-17	18-20	21-24	25-39	40+	TOTAL	0-9	10-13	14-17	18-20	21-24	25-39	40+	TOTAL
§ 75 StGB	-	1	4	10	11	28	54	108	-	-	10	16	5	67	58	156
§ 76 StGB	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	1
§ 83 StGB	199	1.167	2.984	3.566	4.576	11.301	9.951	33.744	237	956	3.013	3.474	4.523	12.078	10.388	34.669
§ 84 StGB	7	44	366	494	598	1.135	690	3.334	5	51	358	471	495	1.113	693	3.186
§ 85 StGB	-	-	5	2	4	15	9	35	-	-	4	1	7	16	2	30
§ 86 StGB	-	-	-	-	-	1	1	2	-	-	-	-	3	-	1	4
§ 87 StGB	-	2	40	68	79	175	99	463	-	3	51	79	65	149	115	462
§ 105 StGB	3	33	282	251	314	958	1.149	2.990	1	38	248	278	339	871	1.109	2.884
§ 106 StGB	1	21	113	112	200	772	651	1.870	2	24	146	144	189	778	639	1.922
§ 107 StGB	14	217	1.100	1.174	1.531	4.992	5.731	14.759	14	191	1.191	1.149	1.565	5.100	5.815	15.025
§ 107a StGB	1	11	72	113	185	718	1.009	2.109	-	10	45	75	167	665	985	1.947
§ 107b StGB	2	12	41	62	153	455	384	1.109	-	12	32	65	115	544	423	1.191
§ 108 StGB	-	-	2	6	6	10	20	44	-	1	2	1	4	14	22	44
§ 201 StGB	-	13	77	78	87	284	187	726	-	6	65	78	74	253	212	688
§ 202 StGB	-	-	30	16	24	63	66	199	1	6	45	18	19	61	65	215
§ 205 StGB	-	1	21	17	25	51	63	178	-	7	12	25	16	55	49	164

## Police Crime Statistics

## Suspects

Age group	2014								2015							
	0-9	10-13	14-17	18-20	21-24	25-39	40+	TOTAL	0-9	10-13	14-17	18-20	21-24	25-39	40+	TOTAL
§ 206 StGB	9	38	89	35	22	105	84	382	6	20	79	27	20	93	96	341
§ 207 StGB	4	24	36	18	26	87	123	318	3	20	38	15	11	83	152	322
§ 207a StGB	1	44	141	30	31	89	92	428	3	50	127	32	25	120	113	470
§ 207b StGB	-	-	7	3	9	22	21	62	-	-	2	5	1	15	23	46
§ 208 StGB	-	1	14	11	17	42	43	128	-	-	17	10	16	42	72	157
§ 208a StGB	-	1	4	3	3	19	16	46	-	3	7	6	-	7	8	31
§ 211 StGB	-	-	1	1	-	4	12	18	-	1	4	1	-	3	10	19
§ 212 StGB	-	-	2	4	5	41	43	95	-	-	1	1	3	43	68	116
§ 213 StGB	-	-	-	-	-	-	1	1	-	-	-	-	-	-	-	-
§ 214 StGB	-	-	-	-	-	1	-	1	-	-	1	-	-	-	-	1
§ 215 StGB	-	-	-	-	1	4	1	6	-	-	-	1	1	6	5	13
§ 215a StGB	-	-	-	-	-	3	2	5	-	-	-	1	-	-	1	2
§ 216 StGB	-	-	-	2	4	24	12	42	-	-	-	9	6	62	20	97
§ 217 StGB	-	-	-	2	5	19	12	38	-	-	-	5	4	31	18	58
§ 218 StGB	1	10	63	44	101	285	330	834	5	12	72	48	70	224	351	782

## Police Crime Statistics

## Victims

Sex	2014			2015		
	Male	Female	TOTAL	Male	Female	TOTAL
§ 75 StGB	68	42	110	93	53	146
§ 76 StGB	-	-	-	1	-	1
§ 83 StGB	24.206	13.281	37.487	24.840	13.757	38.597
§ 84 StGB	2.979	649	3.628	2.919	590	3.509
§ 85 StGB	28	7	35	19	7	26
§ 86 StGB	1	1	2	3	-	3
§ 87 StGB	370	64	434	378	76	454
§ 105 StGB	1.651	1.420	3.071	1.618	1.420	3.038
§ 106 StGB	775	1.081	1.856	831	1.133	1.964
§ 107 StGB	7.896	7.091	14.987	8.319	7.294	15.613
§ 107a StGB	534	1.815	2.349	486	1.703	2.189
§ 107b StGB	140	925	1.065	170	990	1.160
§ 201 StGB	53	792	845	44	788	832
§ 202 StGB	15	236	251	11	246	257
§ 205 StGB	25	163	188	31	147	178
§ 206 StGB	88	269	357	70	257	327
§ 207 StGB	76	254	330	83	257	340
§ 207b StGB	19	43	62	12	38	50
§ 217 StGB	-	31	31	-	57	57

## Police Crime Statistics

## Victims

Age group	2014									
	0-5	6-9	10-13	14-17	18-20	21-24	25-39	40-64	65+	TOTAL
§ 75 StGB	1	-	-	3	5	10	29	49	13	110
§ 76 StGB	-	-	-	-	-	-	-	-	-	-
§ 83 StGB	172	392	1.568	3.661	4.557	5.259	11.941	8.914	1.023	37.487
§ 84 StGB	21	11	39	232	385	619	1.383	873	65	3.628
§ 85 StGB	1	-	1	6	6	3	10	8	-	35
§ 86 StGB	-	-	-	-	-	-	2	-	-	2
§ 87 StGB	1	-	4	16	52	78	159	116	8	434
§ 105 StGB	11	24	129	333	280	310	906	943	135	3.071
§ 106 StGB	7	9	48	156	167	223	689	521	36	1.856
§ 107 StGB	58	94	364	1.116	1.055	1.498	4.920	5.207	675	14.987
§ 107a StGB	3	13	33	147	177	227	843	821	85	2.349
§ 107b StGB	45	57	64	103	125	133	341	171	26	1.065
§ 201 StGB	2	6	39	146	125	123	264	132	8	845
§ 202 StGB	-	-	9	61	34	37	72	35	3	251
§ 205 StGB	-	-	1	51	25	31	49	20	11	188
§ 206 StGB	78	106	173	-	-	-	-	-	-	357

## Police Crime Statistics

## Victims

<i>Age group</i>	<i>2014</i>									
	<i>0-5</i>	<i>6-9</i>	<i>10-13</i>	<i>14-17</i>	<i>18-20</i>	<i>21-24</i>	<i>25-39</i>	<i>40-64</i>	<i>65+</i>	<i>TOTAL</i>
§ 207 StGB	80	108	140	2	-	-	-	-	-	330
§ 207b StGB	-	-	1	60	1	-	-	-	-	62
§ 217 StGB	-	-	-	2	5	11	13	-	-	31

**Police Crime Statistics****Victims**

Age group	2015									
	0-5	6-9	10-13	14-17	18-20	21-24	25-39	40-64	65+	TOTAL
§ 75 StGB	4	-	1	3	10	4	51	60	13	146
§ 76 StGB	-	-	-	-	-	-	1	-	-	1
§ 83 StGB	212	432	1.401	3.709	4.484	5.372	12.616	9.349	1.022	38.597
§ 84 StGB	18	14	49	241	339	576	1.364	844	64	3.509
§ 85 StGB	-	-	1	4	3	4	9	5	-	26
§ 86 StGB	-	-	-	-	-	-	1	2	-	3
§ 87 StGB	1	-	4	42	53	63	166	112	13	454
§ 105 StGB	41	26	123	287	284	323	899	924	131	3.038
§ 106 StGB	14	22	54	182	167	236	685	564	40	1.964
§ 107 StGB	81	101	353	1.087	1.145	1.603	5.210	5.349	684	15.613
§ 107a StGB	2	7	28	103	141	228	779	819	82	2.189
§ 107b StGB	47	60	86	122	121	138	373	199	14	1.160
§ 201 StGB	3	7	25	159	112	135	246	134	11	832
§ 202 StGB	2	6	14	79	28	35	59	32	2	257
§ 205 StGB	-	1	2	50	30	19	44	26	6	178
§ 206 StGB	77	96	152	2	-	-	-	-	-	327
§ 207 StGB	82	122	135	1	-	-	-	-	-	340



**Police Crime Statistics****Victims**

<i>Age group</i>	<i>2015</i>									
	<i>0-5</i>	<i>6-9</i>	<i>10-13</i>	<i>14-17</i>	<i>18-20</i>	<i>21-24</i>	<i>25-39</i>	<i>40-64</i>	<i>65+</i>	<i>TOTAL</i>
§ 207b StGB	-	1	-	48	-	-	1	-	-	50
§ 217 StGB	-	-	-	1	12	20	22	2	-	57

## Relationship of Offender to Victim

Offender: Male

Victim: Female

	<i>Clause</i>	<i>Acquaintance</i>	<i>Family relationship in the same household</i>	<i>Family relationship not in the same household</i>	<i>none</i>	<i>unknown</i>	<i>Chance acquaintance</i>	<i>TOTAL</i>
2014	§ 75 StGB	10	19	5	2	-	1	37
	§ 83 StGB	2.297	3.662	1.385	1.381	89	221	9.035
	§ 84 StGB	96	111	37	154	6	10	414
	§ 85 StGB	3	1	-	2	-	-	6
	§ 86 StGB	-	-	1	-	-	-	1
	§ 87 StGB	14	15	8	10	-	1	48
	§ 105 StGB	384	219	153	230	13	54	1.053
	§ 106 StGB	240	400	199	59	4	19	921
	§ 107 StGB	1.703	1.537	1.192	731	46	109	5.318
	§ 107a StGB	778	68	345	102	11	51	1.355
	§ 107b StGB	95	625	103	1	1	-	825
	§ 201 StGB	280	169	37	65	3	73	627
	§ 202 StGB	85	18	5	40	1	25	174
	§ 205 StGB	79	13	8	20	1	20	141
	§ 206 StGB	95	80	50	8	-	19	252
	§ 207 StGB	89	40	65	15	2	8	219
	§ 207b StGB	20	6	4	1	-	6	37
	§ 217 StGB	13	4	-	2	1	3	23
	SUMME	6.281	6.987	3.597	2.823	178	620	20.486
2015	§ 75 StGB	9	23	9	6	-	2	49
	§ 83 StGB	2.426	3.945	1.508	1.640	94	232	9.845
	§ 84 StGB	103	96	46	161	8	11	425
	§ 85 StGB	1	2	1	-	-	-	4
	§ 86 StGB	-	-	-	-	-	-	-

## Relationship of Offender to Victim

Offender: Male

Victim: Female

	<i>Clause</i>	<i>Acquaintance</i>	<i>Family relationship in the same household</i>	<i>Family relationship not in the same household</i>	<i>none</i>	<i>unknown</i>	<i>Chance acquaintance</i>	<i>TOTAL</i>
	§ 87 StGB	15	21	9	7	2	3	57
	§ 105 StGB	364	216	204	280	11	43	1.118
	§ 106 StGB	241	396	244	89	4	21	995
	§ 107 StGB	1.808	1.696	1.254	877	39	173	5.847
	§ 107a StGB	747	51	327	129	6	46	1.306
	§ 107b StGB	77	718	125	4	-	1	925
	§ 201 StGB	276	143	45	66	5	78	613
	§ 202 StGB	96	15	15	43	2	17	188
	§ 205 StGB	60	7	9	18	1	34	129
	§ 206 StGB	84	78	58	4	2	12	238
	§ 207 StGB	61	72	69	18	1	15	236
	§ 207b StGB	9	8	6	9	-	4	36
	§ 217 StGB	16	7	-	7	1	1	32
	TOTAL	6.393	7.494	3.929	3.358	176	693	22.043

## Annex „Court assistance 2014 and 2015“

	Region	2014		2015	
		Number of victims	Euro	Number of victims	Euro
Tiroler Kinderschutz GmbH	T	73	47.192	65	45.695
Kinderschutzzentrum Linz	O	102	91.028	97	86.591
Frauenhaus Linz	O	15	9.047	17	8.142
TAMAR	W	165	227.269	189	229.684
Kinderschutzzentrum TANDEM	O	104	63.628	84	50.336
Wiener Frauenhäuser	W	137	125.864	145	160.943
Gewaltschutzzentrum Salzburg	S	293	166.334	255	162.266
Frauen gegen Vergewaltigung Innsbruck	T	29	37.468	25	31.084
Beratungsstelle	W	68	124.594	64	136.743
Gewaltschutzzentrum Kärnten	K	166	75.726	165	77.382
Kinderschutzzentrum Liezen	St	0	0	23	6.447
Verein Notruf	W	40	69.587	61	132.138
Frauennotruf Salzburg	S	54	64.349	50	72.558
Gewaltschutzzentrum Burgenland	B	76	48.916	65	30.421
Gewaltschutzzentrum Steiermark	St	696	327.743	712	302.295
Kinderschutzzentrum Graz	St	103	73.754	94	79.631
Autonomes Frauenzentrum	O	63	82.331	65	85.331
Gewaltschutzzentrum Tirol	T	159	83.104	191	98.936
Rettet das Kind - Burgenland	W	13	14.441	5	4.421
Rettet das Kind Steiermark	St	150	169.094	185	217.180
Frauen für Frauen Burgenland	B	7	6.501	5	5.293
LEFÖ	W	132	129.094	131	108.154
Wiener Interventionsstelle	W	1.376	588.558	1.649	784.678
TARA	St	20	29.254	34	43.127
Frauen für Frauen Hollabrunn	N	21	22.781	24	17.914
Beratungsstelle IMPULS	O	41	41.373	35	25.228
Kinderschutzzentrum Salzburg	S	96	95.878	108	76.220
Kidsnest	N	58	51.428	73	61.045
Kinderschutzzentrum WIGWAM	O	61	43.715	46	47.544
AVS	K	41	22.761	51	30.940
Frauenberatung Mostviertel	N	18	13.040	11	10.793
Neustart	W	110	79.772	99	84.193
Lichtblick	N	6	2.942	2	188
Kinderschutzzentrum Oberes Murtal	St	0	0	26	15.211
IFS	V	210	140.757	252	179.841
Gewaltschutzzentrum Oberösterreich	O	299	218.887	282	222.111
EVITA	T	11	6.027	6	3.760
Weisser Ring	W	890	718.051	949	826.416
Frauenhaus Graz, Frauenhäuser Steiermark	St	47	17.817	44	26.666
Gewaltschutzzentrum Niederösterreich	N	337	249.287	319	266.308

Annex

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<b>Frauenhaus Salzburg</b>	S	35	49.680	60	74.951
<b>Frauenberatungsstelle Wels</b>	O	21	15.736	16	15.679
<b>Kinderfreunde Kärnten</b>	K	26	21.766	28	18.911
<b>die möwe</b>	W	710	744.474	789	741.484
<b>Kinderschutzzentrum Innviertel</b>	O	32	24.540	29	15.893
<b>Kinderschutzzentrum Leibnitz</b>	St	13	11.620	18	20.661
<b>Pro Mente</b>	K	7	3.726	0	0

## Annex „GSZ Statistics 2014 and 2015“

Bundesverband der **Gewaltschutzzentren**  
Interventionsstellen Österreichs

<b>Statistics 2014</b>	<b>Österreich</b>	<b>KTN</b>	<b>BGLD</b>	<b>SLBG</b>	<b>Tirol</b>	<b>VBG</b>	<b>STMK</b>	<b>OÖ</b>	<b>NÖ</b>	<b>Wien</b>
<b>All clients<sup>1</sup></b>	<b>17.085</b>	<b>954</b>	<b>550</b>	<b>1.173</b>	<b>1.066</b>	<b>740</b>	<b>2.304</b>	<b>2.068</b>	<b>2.149</b>	<b>6.081</b>
Under contract <sup>2</sup>	16.732	952	543	1.099	1.056	740	2.108	2.004	2.149	6.081
<b>Number of notified restraining orders</b>	<b>8.466</b>	<b>431</b>	<b>154</b>	<b>444</b>	<b>492</b>	<b>310</b>	<b>877</b>	<b>1.061</b>	<b>1.325</b>	<b>3.372</b>
(Extended protection area for children under 14)	535	32	22	23	26	n.e.	n.e.	105	147	180
Notified crime reports - stalking	740	75	12	102	56	4	59	28	42	362
Others (including dispute settlements)	401	131	42	31	41	0	48	34	3	71
<b>Sex of the person at risk</b>	<b>17.085</b>	<b>954</b>	<b>550</b>	<b>1.173</b>	<b>1.066</b>	<b>740</b>	<b>2.304</b>	<b>2.068</b>	<b>2.149</b>	<b>6.081</b>
Female	14.662	793	466	1.013	917	659	1.953	1.742	1.827	5.292
Male	2.423	161	84	160	149	81	351	326	322	789
Unknown	-	0		0	0	0	0	0	0	0
<b>Number of minors living in the same household</b>	<b>17.085</b>	<b>954</b>	<b>550</b>	<b>1.173</b>	<b>1.066</b>	<b>740</b>	<b>2.304</b>	<b>2.068</b>	<b>2.149</b>	<b>6.081</b>
No child	9.399	571	311	728	594	302	1.665	1.172	1.367	2.689
One child	3.634	176	104	217	209	182	294	296	368	1.788
Two children	2.179	123	71	90	146	122	173	218	254	982
Three children	827	47	41	40	50	56	60	79	83	371
Four and more children	338	26	8	16	11	29	16	29	28	175
Unknown	708	11	15	82	56	49	96	274	49	76
<b>Sex of the offender</b>	<b>17.018</b>	<b>971</b>	<b>560</b>	<b>1.250</b>	<b>1.100</b>	<b>740</b>	<b>2.171</b>	<b>2.159</b>	<b>2.208</b>	<b>5.859</b>
Male	14.853	75	509	1.129	985	677	2.019	2.020	2.071	5.368
Female	2.076	883	48	105	103	55	137	132	132	481
Unknown	89	13	3	16	12	8	15	7	5	10
<b>Relationship</b>	<b>17.020</b>	<b>971</b>	<b>562</b>	<b>1.250</b>	<b>1.100</b>	<b>740</b>	<b>2.171</b>	<b>2.159</b>	<b>2.208</b>	<b>5.859</b>
<b>Violent (ex)Partner</b>	<b>10.321</b>									
Husband	4.578	218	157	285	328	200	475	555	652	1.708
Wife	258	12	2	9	18	15	36	39	47	80
Ex-husband	709	45	39	43	48	28	53	77	82	294

Annex

<b>Statistics 2014</b>	<b>Österreich</b>	<b>KTN</b>	<b>BGLD</b>	<b>SLBG</b>	<b>Tirol</b>	<b>VBG</b>	<b>STMK</b>	<b>OÖ</b>	<b>NÖ</b>	<b>Wien</b>
Ex-wife	39	1	2	2	2	0	2	5	15	10
Male live-in partner	2.474	155	54	165	149	133	305	262	320	931
Female live-in partner	180	17	3	10	9	8	28	14	23	68
Ex-male live-in partner	1.899	94	48	134	129	80	179	211	154	870
Ex-female live-in partner	85	1	2	1	5	3	16	8	13	36
Same sex partnership	99	4	0	7	46	0	0	5	0	37
<b>Other</b>	<b>5.455</b>									
(Step-)Father -> (Step-)Son	600	41	31	26	43	17	75	81	117	169
(Step-)Mother -> (Step-)Son	58	3	5	0	2	2	8	13	10	15
(Step-)Father -> (Step-)Daughter	838	39	45	56	44	22	102	124	158	248
(Step-)Mother -> (Step-)Daughter	124	0	5	13	10	2	21	20	17	36
(Step-)Son -> (Step-)Mother	641	42	21	45	56	30	74	83	96	194
(Step-)Son -> (Step-)Father	294	24	7	16	17	14	37	44	52	83
(Step-)Daughter -> (Step-)Mother	122	6	5	4	7	8	13	11	17	51
(Step-)Daughter -> (Step-)Father	29	0	1	1	3	1	0	5	3	15
(Step-)Brother -> (Step-)Sister	226	12	2	16	24	12	21	27	32	80
(Step-)Brother -> (Step-)Brother	107	9	1	10	8	0	12	28	3	36
(Step-)Sister -> (Step-)Brother	35	0	0	0	1	0	2	7	23	2
(Step-)Sister -> (Step-)Sister	22	1	0	3	0	0	4	5	0	9
Other relationship	2.231	106	91	162	0	108	567	378	268	551
Other	128	0	0	64	0	0	0	20	0	44
<b>Relationship - Stalking</b>	<b>1.244</b>									
Husband stalks wife	50	0	1	5	7	4	7	9	1	16
Wife stalks husband	5	0	0	0	0	0	2	1	1	1
Ex-husband stalks ex-wife	96	9	2	8	11	11	16	8	12	19
Ex-wife stalks ex-husband	14	2	2	1	4	0	1	0	1	3
Male live-in partner stalks female live-in partner	8	0	0	1	0	1	4	1	0	1
Female live-in partner stalks male live-in partner	2	0	0	0	0	0	0	1	0	1
Ex-male live-in partner/friend stalks ex-female live-in partner	374	40	8	44	41	20	44	48	32	97
Ex-female live-in partner/friend stalks ex-male live-in partner	48	4	0	8	6	2	9	8	4	7
Man stalks woman (no former love-relationship)	211	47	13	50	36	0	18	9	7	31
Man stalks man (no former love-relationship)	40	6	2	14	6	0	0		0	12
Woman stalks man (no former love-relationship)	47	10	4	12	6	1	2	1	0	11
Woman stalks woman (no former love-relationship)	55	10	4	19	13	0	0		0	9
Unknown person	103	13	3	16	12	1	15	7	5	31
Other relationship	191		2	0	9	17	23	44	43	53
<b>Applications for interim injunctions</b>	<b>2.079</b>	151	45	174	172	60	158	187	388	744
Interim injunction with assistance by GSZ (while restraining order is in force)	1.673	112	35	92	110	46	132	161	333	652
Interim injunction with assistance by GSZ (without restraining order in force)	386	39	10	62	62	14	26	26	55	92
<b>Counselling – number of consultations</b>	<b>123.220</b>	6.875	2.696	7.465	6.619	2.227	10.974	10.423	14.410	61.531

<b>Statistics 2014</b>	<b>Österreich</b>	<b>KTN</b>	<b>BGLD</b>	<b>SLBG</b>	<b>Tirol</b>	<b>VBG</b>	<b>STMK</b>	<b>OÖ</b>	<b>NÖ</b>	<b>Wien</b>
Number of personal consultations										
a. within the GSZ:	12.691	1.413	389	1.123	834	348	1.360	1.774	1.614	3.836
b. on-site:	2.122	424	400	44	158	263	101	291	420	21
Number of consultations via telephone	54.803	2.903	1.141	3.378	3.438	1.457	6.390	4.689	6.781	24.626
Number of telephone calls with institutions, relatives,...	53.604	2.135	766	2.920	2.189	159	3.123	3.669	5.595	33.048
<b>Court assistance</b>	<b>3.552</b>	168	69	395	159	103	642	298	337	1.381
In criminal proceedings	2.785	140	59	358	149	99	177	251	336	1.216
In civil proceedings	767	28	10	37	10	4	465	47	1	165

1. total number of persons given consultation

2. number of persons given consultation under the contract with the Federal Ministry for Interior Affairs and the Federal Ministry of Health and Women's Affairs (might be sometimes lower than the total number); all other numbers refer to the total number of clients.

Bundesverband der **Gewaltschutzzentren**  
**Interventionsstellen Österreichs**



Annex

RR	Österreich	KTN	BGLD	SBG	Tirol	VBG	STMK	OÖ	NÖ	Wien
<b>All clients 2015:</b>	<b>17.621</b>	962	556	1.181	1.051	716	2.656	2.213	2.123	6.163
Under contract	17.105	947	552	1.147	1.030	716	2.290	2.137	2.123	6.163
<b>Number of notified restraining orders</b>	<b>8.261</b>	459	171	415	460	288	854	1.128	1.348	3.138
Notified dispute settlements	85	3	5	9	12	7	9	-	3	37
Notified crime reports - stalking	610	52	20	115	54	9	40	50	23	247
Other notifications	442	81	64	18	54	-	38	41	8	138
<b>Sex of the person at risk</b>	<b>17.621</b>	962	556	1.181	1.051	716	2.656	2.213	2.123	6.163
Female	15.062	828	448	1.032	905	644	2.161	1.870	1.801	5.373
Male	2.553	134	108	149	146	72	489	343	322	790
Unknown	6	-	-	-	-	-	6	-	-	-
<b>Age of client</b>	<b>17.621</b>	962	556	1.181	1.051	716	2.656	2.213	2.123	6.163
0-10	599	29	44	33	25	5	124	77	69	193
11-14	361	25	26	16	11	13	56	42	69	103
15-18	768	43	36	42	37	27	142	85	112	244
19-21	983	49	20	76	57	51	110	109	114	397
22-30	3.554	188	53	210	200	149	369	435	388	1.562
31-40	4.190	238	109	301	262	198	500	510	474	1.598
41-50	3.463	210	128	275	235	152	499	395	485	1.084
51-60	1.767	121	76	128	123	68	312	220	231	488
61-70	662	28	34	66	37	36	120	94	89	158
71-80	261	22	13	22	22	10	65	40	38	29
Over 80	110	8	5	9	8	6	19	13	23	19
Unknown	903	1	12	3	34	1	340	193	31	288
<b>Number of minors living in the same household</b>	<b>17.621</b>	962	556	1.181	1.051	716	2.656	2.213	2.123	6.163
No minors	7.881	584	352	716	591	311	1918	1.240	1.331	2.756
One child	3.352	174	84	213	233	170	321	316	368	1.794
Two children	2.029	124	81	130	138	112	200	203	257	984

Annex

RR	Österreich	KTN	BGLD	SBG	Tirol	VBG	STMK	OÖ	NÖ	Wien
Three children	743	46	23	44	47	63	81	52	87	381
Four and more children	317	22	9	15	14	21	21	20	30	186
Unknown	643	12	7	63	28	39	115	382	50	62
<b>Sex of offender</b>	<b>17.716</b>	1.001	569	1.240	1.099	716	2.442	2.302	2.184	6.163
Male	16.363	895	518	1.140	964	665	2.315	2.173	2.056	5.637
Female	1.292	100	49	89	129	47	121	119	123	515
Unknown	61	6	2	11	6	4	6	10	5	11
<b>Relationship</b>	<b>17.716</b>	1.001	569	1.240	1.099	716	2.442	2.302	2.184	6.163
<b>Violent (ex)Partner</b>										
Husband	4.783	242	161	305	322	205	494	595	647	1.812
Wife	232	11	9	7	17	9	29	36	46	68
Ex-husband	691	32	33	38	43	31	57	91	54	312
Ex-wife	36	1	6	1	2	-	4	5	4	13
Male live-in partner	2.546	199	38	138	153	126	317	280	324	971
Female live-in partner	155	10	1	4	15	7	30	12	20	56
Ex male live-in partner	1.992	75	35	131	113	69	198	231	192	948
Ex female live-in partner	79	1	1	4	2	2	13	12	14	30
Same sex partnership	63	7	-	9	3	-		2	-	42
<b>Other</b>										
(Step-)Father -> (Step-)Son	653	41	37	40	35	13	95	97	103	192
(Step-)Mother -> (Step-)Son	68	1	8	3	3	5	15	8	13	12
(Step-)Father -> (Step-)Daughter	852	51	52	58	44	23	109	144	118	253
(Step-)Mother -> (Step-)Daughter	133	12	6	9	15	4	14	15	14	44
(Step-)Son -> (Step-)Mother	651	37	24	46	48	32	73	94	100	197
(Step-)Son -> (Step-)Father	262	14	10	16	20	12	24	52	43	71
(Step-)Daughter -> (Step-)Mother	114	3	5	6	4	5	15	15	13	48
(Step-)Daughter -> (Step-)Father	19	1	-	1	1	1	2	7	-	6
(Step-)Brother -> (Step-)Sister	225	8	7	15	9	12	18	37	37	82
(Step-)Brother -> (Step-)Brother	122	2	6	12	12	-	15	22	19	34
(Step-)Sister -> (Step-)Brother	21	-	1	-	-	-	5	3	2	10

Annex

RR	Österreich	KTN	BGLD	SBG	Tirol	VBG	STMK	OÖ	NÖ	Wien
(Step-)Sister -> (Step-)Sister	22	-	-	4	2	-	1	3	-	12
Other relationship	2.756	133	93	198	100	92	774	358	316	692
Unknown	44	-	-	-	-	-	-	25		19
<b>Relationship Stalking</b>										
Husband stalks wife	59	-	-	8	6	4	5	14	4	18
Wife stalks husband	3	-	-	-	-	-	2	1	-	
Ex-husband stalks ex-wife	84	4	3	10	11	7	12	9	16	12
Ex-wife stalks ex-husband	12	2	-	1	2	-	3	3	1	
Male live-in partner stalks female live-in partner	22	-	-	2	2	2	-	3	3	10
Female live-in partner stalks male live-in partner	1	-	-	-	-	-	-	-	-	1
Ex-male live-in partner/friend stalks ex-female live-in partner	372	31	13	42	36	28	45	53	38	86
Ex-female live-in partner/friend stalks ex-male live-in partner	44	3	-	3	6	2	10	1	5	14
Man stalks woman (no former love-relationship)	220	42	10	81	35	4	7	12	8	21
Man stalks man (no former love-relationship)	20	6	2	8	1	-	-	-	-	3
Woman stalks man (no former love-relationship)	30	8	2	4	2	2	1	2	1	8
Woman stalks woman (no former love-relationship)	76	18	2	25	19	-	-	-	-	12
Unknown person	56	6	2	11	6	3	6	10	5	7
Other relationship	198	-	2	-	10	16	49	50	24	47
<b>Applications for interim injunctions</b>	<b>2.198</b>	128	52	147	140	60	146	196	384	945
Interim injunction with assistance by GSZ (while restraining order is in force)	1.695	96	49	88	95	46	123	161	332	705
Interim injunction with assistance by GSZ (without restraining order in force)	503	32	3	59	45	14	23	35	52	240
<b>Counselling</b>	<b>132.729</b>	6.021	3.174	8.213	6.411	2.828	10.818	9.756	13.598	71.910
Number of personal consultations	14.393	1.773	795	1.225	960	703	1.592	1.338	1.971	4.036
a. within the GSZ:	12.321	1.312	409	1.194	897	437	1.485	1.221	1.360	4.006
b. on-site:	2.072	461	386	31	63	266	107	117	611	30
Number of consultations via telephone	60.728	2.471	1.501	3.848	3.255	1.929	6.450	5.103	7.611	28.560
Number of telephone calls with institutions, relatives,...	57.608	1.777	878	3.140	2.196	196	2.776	3.315	4.016	39.314
<b>Court assistance</b>	<b>3.725</b>	175	58	266	200	114	659	284	321	1.648
In criminal proceedings	3.228	167	51	251	153	111	515	251	319	1.410
In civil proceedings	497	8	7	15	47	3	144	33	2	238

## Annex

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<b>RR</b>	<b>Österreich</b>	<b>KTN</b>	<b>BGLD</b>	<b>SBG</b>	<b>Tirol</b>	<b>VBG</b>	<b>STMK</b>	<b>OÖ</b>	<b>NÖ</b>	<b>Wien</b>
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\* grey shaded relationships may not be recorded by all GSZen/ISTen.