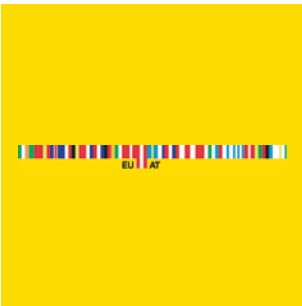
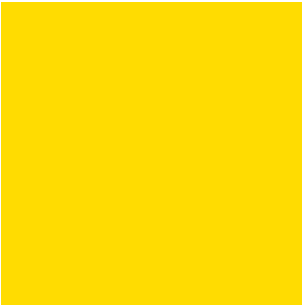
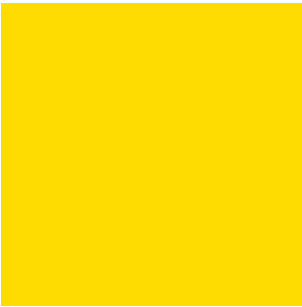


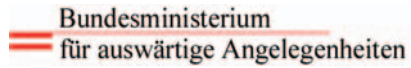
FEDERAL MINISTRY OF
HEALTH AND WOMEN



Measures to Combat Harmful Traditional Practices Affecting Women in Austria



In cooperation with:



DAS ZUKUNFTSMINISTERIUM

bm:bwk



BUNDESMINISTERIUM FÜR SOZIALE SICHERHEIT
GENERATIONEN UND KONSUMENTENSCHUTZ



Measures to Combat Harmful Traditional Practices Affecting Women in Austria

**An Initiative of the Austrian Federal
Government**

**Prepared, carried out and supported by the
Federal Ministry for Foreign Affairs
Federal Ministry of Education, Science and
Culture**

**Federal Ministry of Health and Women
Federal Ministry of the Interior
Federal Ministry of Justice, and the
Federal Ministry of Social Security,
Generations and Consumer Protection**

**Coordination by the Federal Ministry
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Vienna, January 2006

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Measures to Combat Harmful Traditional Practices Affecting Women in Austria – an Initiative Taken by the Austrians Women Federal Ministers



Violence against women has many faces – physical or verbal abuse, or even psychoterror are common forms of violence. Harmful traditional practices affecting women encompass forced marriage, genital mutilation, honour killings, and many other types of violence. This violence can not necessarily be ascribed to certain religions, but to certain cultures. Millions of women, especially in Africa and Asia, are affected by this violence, but because of global migration women worldwide fall victim to harmful traditional practices affecting women. Women and girls in Europe and Austria are not spared either.

Although in European countries these forms of violence constitute punishable crimes and are prosecuted in the courts, it has been impossible to date to prevent them. Far too few of these cases are reported. The few spectacular cases that have become known are only the tip of the iceberg. The groups in which such violence occurs observe taboos and collective silence, partly out of justified fear.

Protection against violence must include protection against harmful traditional practices affecting women. This is why the Ministry for Women made a conscious effort to address this highly explosive topic and launched an initiative to combat harmful traditional practices affecting women together with the Ministry for Foreign Affairs, the Ministry of the Interior, the Ministry of Justice, the Ministry of Education and the Ministry of Generations. After an analysis of the problems and deficits existing in Austria in this area and an identification of the need for action, the six ministries developed a comprehensive package of measures, which is presented in this brochure.

The implementation of these measures will, it is hoped, improve the situation of women in Austria who are affected by violence, and offer better protection than in the past. However the problem goes far beyond our borders. This is why we will close our ranks within Europe during the Austrian EU Presidency and address this problem once again in the Committee for Women's Rights of the United Nations. Each and every one is called upon to take a courageous stance against all forms of violence against women.

Sincerely yours,

A handwritten signature in black ink that reads "Maria Rauch-Kallat". The signature is fluid and cursive, written over a white background.

Maria Rauch-Kallat
Federal Minister for Women

Measures Taken by the Federal Ministry for Health and Women

Expert debate on the topics of forced marriage and genital mutilation

At the inter-ministerial and expert level, technical discussions have already been held on the topics of forced marriage and genital mutilation. In addition, technical meetings destined for multipliers will be held on the topics forced marriage and genital mutilation and a round table devoted to the topic of trafficking in women will be organised in the autumn.

The study “FGM in Austria”

Jointly with UNICEF Austria, the Austrian Chamber of Physicians and the Austrian Midwives Association, a study on genital mutilation is being conducted. This study is based on interviews of established male and female gynaecologists, paediatricians, midwives and medical doctors working in Austrian hospitals’ gynaecological, obstetric and paediatric wards with patients affected by genital mutilation.

Building up a data base on reports of forced marriage and genital mutilation

Physicians, educators, social workers, male and female police officers, public prosecutors and other multipliers are called upon to report cases of forced marriage and genital mutilation to the Ministry for Health and Women. Anonymous data will serve the analysis of the problem and subsequently awareness-raising and information campaigns will provide the basis for further action addressing these topics.

Inclusion of information on genital mutilation in the curricula for the training of gynaecologists and paediatrists

In order to inform physicians about genital mutilation, the curricula for specialist training ought to be complemented by the topic genital mutilation.

Temporary accommodation for girls and young women threatened or affected by forced marriage

The Federal Ministry for Health and Women is currently co-operating with Orient-Express, the Austrian Counselling Service for Women which is specialised in the counselling of girls and young women threatened or affected by forced marriage in order to create temporary accommodation for the victims.

Counselling facilities

Helpline für Frauen (Helpline for Women)
0800/222 555

Emergency line of the Ministry of Justice
0800/112 112

Horizont

Wiener Straße 49/1, 2700 Wr. Neustadt
Tel: +43/2622/23011, Fax: +43/2622/23011-8
email: office@horizont-noe.at, www.horizont-noe.at
Monday 9 a.m. to 1.00 p.m./ 2 p.m. to 6 p.m.
Tuesday, Wednesday, Thursday, Friday 9 a.m. to 1.00 p.m.
Counselling in Bosnian, Croatian, Serbian, Turkish, Kurdish, English and German

Autonomes Integrationszentrum von und für Migrantinnen

(Autonomous Integration Centre of and for Female Migrants)
Hofgasse 11, 4020 Linz, +43/732/77 60 70, email: maiz@server.at
Information, counselling by telephone or in personal meetings

Emergency line Salzburg

0662/ 88 11 00, counselling by telephone or in personal meetings

Viele

Verein für interkulturellen Ansatz in Erziehung, Lernen und Entwicklung
(Association for an Intercultural Approach to Education, Learning and Development)
Franz-Josef-Straße 17a, 5020 Salzburg
Tel: 0662/87 02 11, Fax: 0662/88 63 99, email: verein.viele@aon.at
Monday to Friday 9:a.m. to 11 a.m. and appointments
Inter-cultural counselling centre for girls, women and families,
Psychological, legal, medical and social counselling: counselling of individuals,
couples, families and groups. Counselling is offered to all age-groups in
German, English, Serbo-Croat, Turkish and Spanish in personal meetings or by
telephone.

ZEBRA

Zentrum zur sozialmedizinischen, rechtlichen und kulturellen Betreuung von
Ausländern und Ausländerinnen in Österreich
(Centre for socio-medical, legal and cultural services for foreigners in Austria)
Schönaugürtel 29, 8010 Graz
Tel.: 0316/ 83-56-30-0, Fax: 0316/ 83-56-30-50
e-mail: zebra@zebra.or.at, www.zebra.or.at
Monday 9 a.m. to 1.00 p.m. / 2 p.m. to 6 p.m., Tuesday from 9.a.m. to 1.p.m.,
Thursday from 2. p.m. to 6 p.m., Friday from 9 a.m. to 1. p.m.
Counselling in German, English, French, Arabic, Turkish, Serbo-Croat and
Romanian both by telephone and in personal meetings. This service is for free
and anonymous.

Verein Frauen gegen VerGEWALTigung

(Association Women against Rape)
Sonnenburgstraße 5, 6020 Innsbruck
Tel.: 0512/574416, e-mail: office@frauen-gegen-vergewaltigung.at
beratung@frauen-gegen-vergewaltigung.at, www.frauen-gegen-vergewaltigung.at
Monday, Tuesday from 9. a.m. to 12. Thursday, Friday from 9 a.m. to 11 a.m.
Counselling and support is offered to girls from 16 years onwards and women
who have been exposed to violence. This service is available by telephone, in
personal meetings or by e-mail.

Institut für Sozialdienste (Institute for Social Services)

www.ifs.at

Zweigstellen:

IfS - Bregenz, St. Anna-Str.2, 6900 Bregenz

Tel: 05574/42890, Email: ifs.bregenz@ifs.at

IfS - Dornbirn, Kirchgasse 46, 6850 Dornbirn

Tel: 05572/21331, Email: ifs.dornbirn@ifs.at

IfS - Hohenems, F.-M.-Strasse 6, 6845 Hohenems

Tel: 05576/73302, Email: ifs.hohenems@ifs.at

IfS - Feldkirch, Ganahl-Areal, Schießstätte 14, 6800 Feldkirch

Tel: 05522/75902, Email: ifs.feldkirch@ifs.at

IfS - Bludenz, Klarenbrunnstrasse 12, 6700 Bludenz

Tel: 05552/62303, Email: ifs.bludenz@ifs.at

IfS - Andelsbuch, Hof 320, 6866 Andelsbuch

Tel: 05512/2079, Email: ifs.bregenzerwald@ifs.at

8:00 - 12:00 Uhr/ 14:00 - 17:00 Uhr

Counselling in Serbo Croat and Turkish, Portugese

IfS-temporary accommodation for women

Internet counselling under www.ifs-beratung.vol.at

Verein Peregrina

Education, Counselling and Therapy Centre for Immigrant Women

WUK, Währingerstraße 59/Stg. 6/1, 1090 Wien

Tel.: 408-61-19 oder 408-33-52, Fax: 408-04-16

e-mail: information@peregrina.at

Monday to Thursday from 9 a.m. to 5 p.m.

Counselling and support by telephone or in personal meetings in German, Turkish, Arabic and Armenian. This service is for free and anonymous.

**Verein LEFÖ – Beratung, Bildung und Begleitung für Migrantinnen
(Counselling, Education and Support of Female Migrants)**

Floragasse 7A/7, 1040 Wien

Tel. +43 +1 796 92 98, Fax: +43 +1 796 92 99

email: ibf@lefoe.at, www.lefoe.at, www.femmigration.net

Monday, Tuesday, Friday, from 9 a.m. to 2 p.m. Thursday from 2 p.m. to 7 p.m.

Counselling by telephone or in personal meetings.

Orient Express

Counselling and Course Centre for Women

Hillerstrasse 6/3-5, 1020 Wien

Tel: +43/1/728 97 25, Fax: +43-1-728 97 25-13

email: office@orientexpress-wien.com, www.orientexpress-wien.com

www.gegen-zwangsheirat.at

Afrikanische Frauen Organisation (Organisation of African Women)

Türkenstrasse 3, Second floor to the right, A-1090 Wien

Tel:43 1 31 926 93, www.afrikanwomen.org

Monday to Friday 9 a.m. to 5 p.m.

Please call in advance for appointment

Counselling and support in: German, French, Arabic, English and African Languages



In my capacity of Federal Minister of Justice the improvement of the legal conditions for women is my most important contribution to an efficient policy for women. In addition, I wish to make a more far-reaching and comprehensive socio-political contribution to safeguarding the position of women in our society and, in particular, to protecting women against violence.

A handwritten signature in black ink that reads "Karin Gastinger".

Karin Gastinger
Federal Minister of Justice

Measures Taken by the Federal Ministry of Justice to Combat Harmful Traditional Practices Affecting Women

1. LEGISLATIVE MEASURES

Forced marriage

A male partner who forces his female partner to marry him by resorting to violence or severe threats is liable to punishment because of coercion to enter into marriage in accordance with Section 193, paragraph 2 2. of the Austrian Criminal Code. The criminal sanction is one year's imprisonment. Section 193 is currently still an offence requiring private prosecution.

The Federal Ministry of Justice has circulated a draft bill for expert appraisal in which Section 193 is modified to the effect that the private prosecution clause is converted into an offence requiring public prosecution.

If the offence is reported by a third party it will no longer be necessary to obtain the approval of the victim. A report by the victim cannot be subsequently renounced by her.

Section 193 of the Austrian Criminal Code is inanimate legislation. In accordance with the Court Crime Statistics published by the Austrian Statistical Office, only seven cases have resulted in convictions since 1975.

Third parties, including the victim's family members, are liable for duress or severe coercion pursuant to Sections 105 and 106 of the Austrian Criminal Code. No distinction is made in law between family members and non-members; this also applies to the authorisation for prosecution. Sections 105 and 106 of the Austrian Criminal Code define offences that require public prosecution without exception.

In accordance with Section 105 of the Austrian Criminal Code, the criminal sanction for coercion is imprisonment of up to one year. In addition, pretrial detention can be imposed on the grounds of danger of the actual commission of the offence.

In accordance with Section 106 of the Austrian Criminal Code severe coercion carries punishment of six months to five years' imprisonment and is defined as a crime. Severe coercion occurs at any rate if the perpetrator threatens to kill or severely maim, noticeably disfigure or abduct the victim or to destroy her economic survival or social status.

Anyone who (in addition) forces the victim by means of violence or threats to consummate marriage, i.e. to engage in or tolerate sexual intercourse, commits the crime of rape or sexual coercion (Sections 201 and 202) of the Austrian Criminal Code.

The criminal sanction for rape is six months to ten years' imprisonment, that for sexual coercion up to five years' imprisonment.

Since the amendment to the Austrian Criminal Code in 2004, no distinction has been made between rape and sexual coercion in marriage or cohabitation.

Rapists or men exercising sexual coercion are not only husbands who force their wives through violent acts or severe threats to engage in sexual intercourse, but also those who force the victim to engage in or tolerate sexual intercourse with a third party. Accordingly, a father who also forces his daughter by means of violence or serious threats to submit to sexual intercourse with her husband is deemed a perpetrator of such violence or sexual coercion.

Genital mutilation

Genital mutilation has always been considered as physical injury. However, in some cases, there was legal uncertainty about the criminal nature of the offence, because under Austrian criminal law consent to physical injury pursuant to Section 90 of the Austrian Criminal Code may carry no punishment as is the case with aesthetic surgery.

In an effort to eliminate all doubts in such cases,

the Amendment to the Austrian Criminal Code of 2001 introduced a clarification in Section 90 of the Criminal Code to the effect that a victim may not consent to "a mutilation or injury of her genitals which could result in a lasting impairment of her sexual feelings" (Section 90 of the Austrian Criminal Code).

This means that neither parents of minors nor women who have attained their majority may consent to genital mutilation without punishment. Accordingly, a perpetrator may be held liable under criminal law in any case, also if the victim consented to such intervention, and even more so if she did not.

In Austria, no case of genital mutilation has been reported to date.

The offence of genital mutilation also carries punishment if it is committed abroad (i.e. during a holiday in the home country) if the parents instruct the perpetrator, i.e. the person carrying out the genital mutilation, from Austria or contribute to the crime in any other way.

Severe threat

Severe threat in the family can only be prosecuted at present if the victim gives his or her consent (offence requiring private prosecution). This puts women, in particular, under extreme emotional pressure. Where such cases are reported, the reports are frequently withdrawn.

The Federal Ministry of Justice has sent out to experts a draft bill which provides for the definition of severe threats within the family as an offence requiring public prosecution.

2. CONTACT WITH VICTIM REPRESENTATIVES

The Federal Ministry of Justice recently invited representatives of victims to a debate.

An extension of Austrian jurisdiction beyond the scope of Austrian law or an extension of the period of limitation (this starts only when the victim comes of age) was not considered necessary by the competent organisations.

3. IMPROVED VICTIM PROTECTION

New victim rights from January 1, 2006:

In the future, victims of genital mutilation will be entitled to:

- Cost-free psycho-social and legal advice during court proceedings
- Information on their rights in legal proceedings and on suitable victim protection facilities;
- Reports on the course of legal proceedings (especially on the discontinuing of proceedings or the initiation of diversion measures as well as the release of the accused);
- Participation (presence at the taking of evidence open to the parties during investigative procedures and the trial, as well as the right to interrogate witnesses, experts and the accused);
- Control (access to files and the right to demand the continuation of proceedings, free of cost, which were discontinued by the public prosecutor).
- Gentle treatment (victims whose sexual integrity was violated must be interrogated by a person of the same sex and have the right to be interrogated in a gentle manner and with confrontation with the perpetrator only once during the proceedings.)

4. ADVICE AND INFORMATION

Victims may dial **0800 112 112** free of charge in order to get legal advice and information from specially trained lawyers who will observe strict anonymity.

www.opfernotruf.at



Measures Taken by the Ministry for Foreign Affairs

Ursula Plassnik
Federal Minister for Foreign Affairs

Violence against women is a reality, with which women are confronted in all countries and all social strata in a very specific manner. This includes forms of so-called harmful traditional practices affecting women, such as female genital mutilation and forced marriage. It is a special concern of mine to support initiatives against this form of violence, because it violates women's fundamental human rights.

Austrian Development Co-operation

Measures to combat all forms of violence against women constitute an important goal of Austria's foreign policy. In the framework of Austria's development co-operation, measures destined to combat trafficking in women in South-Eastern Europe are financed, and women's refugees in Belgrade and in Kosovo are supported.

Initiatives against genital mutilation of women in Ethiopia and projects for war-traumatised women and female child soldiers in Uganda reflect Austria's commitment to the protection of women against violence. In a meeting with UN Secretary General Kofi Annan in May, I reported on the non-partisan efforts of the Austrian National Council to create an international day against female genital mutilation and requested him for his support.

Activities in the European and international contexts

In armed conflicts, women are exposed to violence in a very special way. But it is often women who seek contacts with other groups across ethnic and conflict divides, who fight for the disarming of militias in villages or safeguard the survival of their communities.

Especially in the delicate phase after an armed conflict it is vital to create hope for families and communities. Women often know best about the practical needs for social, economic and political reconstruction. Their voices must be given adequate weight. Therefore, Austria is very active in demanding in the European Union, the Organisation for Security and Co-operation (OSCE) and the UN that women should be given a place at the conference table for peace negotiations. Peace missions must take into account women's concerns to a greater extent and, through a larger share of women in these missions, women should act as role models for the local population.

This approach should also be included in the mandate of the new UN Peace-Building Commission. At a meeting held on the occasion of the UN General Assembly in September 2005, the Women Foreign Ministers agreed on this objective and expressed their decision in a letter addressed to the UN Secretary-General. With the new Peace-Building Commission we have the unique chance to recognise in actual practice the strength and the role that women have always had.

Austria is making a vital contribution to the elaboration of a UN study on the topic "Violence against Women" which seeks to work out proposals for improved protection of women against violence and to influence the international debate on this issue in a significant way. Furthermore, the Federal Ministry of Foreign Affairs is participating in women-specific UN programmes, especially the UN Development Fund for Women (UNIFEM), UNICEF and the United Nations Population Fund (UNFPA).

Consular measures

In an effort to draw attention to this topic, the Federal Ministry for Foreign Affairs will launch an awareness-raising campaign on harmful traditional practices affecting women, which will be addressed to Austrian embassies and consulates. Austrian women abroad will be supported by Austrian consulates and will benefit from consular legal protection.



Ursula Plassnik
Federal Minister for Foreign Affairs

Information and contact:

Federal Ministry for Foreign Affairs,
Minoritenplatz 8, A-1014 Wien
Tel: +43 (5) 01150-0
Fax: +43 (5) 01159-0

The Federal Ministry for Foreign Affairs can be reached round the clock (persons calling from abroad have to dial +43 5 01150-4411) under the citizen service number 05 01150-4411.

Links:

Federal Ministry for Foreign Affairs: www.bmaa.gv.at

Austrian Development Agency (ADA): www.ada.gv.at



Measures Taken by the Federal Ministry of Education, Science and Culture

Violence must not be tolerated in a democratic society. Schools have an important role to play in order to avoid violence. Through information, awareness raising and the offer of support to young women or girls threatened by or exposed to violence, committed teachers can make a vital contribution to the prevention and control of violence.

For many years, the Federal Ministry of Education, Science and Culture has provided information on violence against women with its focus on "political education". The subject "political education" addresses such topics as understanding the rule of law and democracy building in actual instruction in schools. The campaign "Human Rights Days 2005" constitutes an occasion for discussing violence and making available information material to teachers. In co-operation with other institutions, human rights and women's rights are supported through initiatives, in order to reach the common goal of acquiring knowledge and taking positions concerning human rights education and the rule of law.

This brochure contains comprehensive information on legal options, support offers and valuable background information.

I should like to pay tribute to all those who combat violence against women and thus contribute to the improvement of the situation of women.

A handwritten signature in black ink, reading "E. Gehrler". The signature is written in a cursive, flowing style.

Elisabeth Gehrler
Federal Minister of Education, Science and Culture

Information of the Federal Minister

Addressing the problem and awareness-raising of teachers; list of counselling centres and associations, providing information on forced marriage and female genital mutilation; and offering counselling and data on web sites.

Mobile workshop

The workshop is intended for schools at which a certain share of students come from immigrant families. Girls and boys from 14 years onwards are informed about forced marriage and genital mutilation and where contacts can be found for obtaining more detailed information.

Joint website on forced marriage of the Federal Ministry of Education, Science and Culture and the Ludwig Boltzmann Institute for Human Rights (www.humanrights.at)

Service centre for Human Rights Education (Initiative Ludwig Boltzmann Institute for Human Rights and the Federal Ministry of Education, Science and Culture) on the internet:

Information on forced marriage: contacts and information on the activities of the Federal Ministry of Health and Women, the Vienna Intervention Centre and Ombuds for Children and Youth.

Human Rights Days 2005 (November 20 to December 10). On the website www.politische-bildung-2005.schule.at, contributions to the topic "Human Rights and Women's Rights" are available on the net with links and information for teachers.

"16 Days against Violence against Women": An Initiative, which was launched by the Information Centre against Violence, aims at the recognition of women's rights. Information on this issue has been accessible at no cost from March 5, 2005 under www.humanrights.at.

Folder for girls and boys from 14 years of age onwards

Information and contact addresses for girls and boys from 14 years of age onwards can be downloaded from the internet (from autumn 2005 onwards)



Ursula Haubner
Federal Minister of Social Security, Generations
and Consumer Protection

Measures taken by the Federal Ministry for Social Security, Generations and Consumer Protection

Forced marriage and female genital mutilation have been deeply rooted in many traditional societies and diverse religious communities for centuries. In Austria, many female and male immigrants are affected by these problems.

Forced marriage and female genital mutilation rank among the “customs” which must by no means be tolerated in our society.

Although the customs and mores of other countries must be respected, these forms of violence against women clearly constitute criminal acts.

“Counselling in the family represents an essential element of smoothly functioning co-existence, especially when highly conflictual topics such as forced marriage are addressed,” Ursula Haubner, the Federal Minister for Family Matters, pointed out.

It is hoped that this brochure will provide useful information and support to women in order to counteract acts of violence against women in Austria.

List of links:

www.kija.at
www.jugendinfo.at
www.jugend.bmsg.gv.at
www.newmedia.at/proj/girls/surf/home.htm
www.kolping.at
www.yap.at
www.eltern-bildung.at
www.kindernotruf.at
www.confetti.orf.at/rataufdraht/
www.kinderschutzzentrum.at
www.issba.at

A handwritten signature in black ink that reads "U. Haubner". The script is cursive and elegant.

Victims can obtain professional help at contact points listed below:

Family counselling centres focused on the counselling of migrants

Society MAIZ, Hofgasse 11, 4020 Linz; 0732/77 60 70;

Society Viele, Franz-Josef-Str. 17a, 5020 Sbg.; 0662/87 02 11;

Society ZEBRA, Schönaugürtel 29, 8010 Graz; 0316/83 56 30-0;

Society Heilpädagogische Pflegefamilien, 6230 Brixlegg, Marktstr. 6b, 05337/64466;

Society Familie und Beratung, Wurmsergasse 36, 1150 Wien, 01/98 57 603;

Society Miteinander Lernen – Frauen und Beratung, Kopfstraße 38/8, 1160 Wien, 01/49 31 608;

Society LEFÖ, Kettenbrückeng. 15/4, 1050 Wien, 01/58 11 881.

Primarily persons having legal, psychic and financial problems as well as persons seeking advice in cases of separation and divorce take advantage of these services.

Parent Education

www.eltern-bildung.at constitutes a source of comprehensive information concerning issues relating to parenthood.

Parent education is a vital instrument for strengthening parental skills and education capabilities within the family, thus constituting the basis for primary prevention of many difficulties occurring in everyday interactions between parents and children. Parent education offers information, relief, support and guidance and thus promotes education free from violence.

Letters to parents

The main emphasis is placed on improving the quality of life and relationships between children and parents. These publications are intended as a broadly based offer to motivate parents to bring up their children without violence. In the future, these publications will also be addressed to the target group of migrant families.

The letters to parents can be obtained cost-free from the brochure service of the Federal Ministry for Social Security, Generations and Consumer Protection (broschuerenservice@bmsg.gv.at) or can be ordered free of cost via the hotline 0800 20 20 74.

Platform against domestic violence

Under www.plattform.at, information, internet addresses and links on the topic domestic violence can be accessed. Information and education work in schools is reinforced by this platform.

Centres and Facilities for the Protection of Children against Violence and Sexual Abuse

The hotline "Rat auf Draht" which can be accessed under the telephone number 147 represents a central contact point that is available round the clock. The website www.kija.at provides information on contact addresses of the ombuds for children and adolescents in all Federal Provinces. In addition, these internet pages contain legal advice and important information on immediate assistance in cases of sexual abuse and the legal representation of children at court proceedings.



Liese Prokop
Federal Minister of the Interior

Measures taken by the Federal Ministry of the Interior

Genital mutilation, forced marriage and other ritual and cultural acts of violence ranging as far as honour killings unfortunately continue to be widespread in some countries. Every year, millions of girls and women fall victim to these practices. This special form of violation of human rights also occurs in the

European Union. Mostly immigrants from Africa and Asia are affected. The Austrian legal system does not specifically take into account ritual and culturally-based violations of human rights occurring in other cultures, but contains a number of legal provisions in different acts which relate to all forms of violence against girls and women. Honour killing is a felony punishable by up to lifelong imprisonment; female genital mutilation is defined as a severe physical injury in the Austrian Criminal Code; sexual abuse of a spouse is also liable to prosecution, and under Austrian family law, marriage must be based on the consent of both partners. The fundamental human rights apply to all individuals and make no exception for ritual violent practices. Apart from murder committed in order to restore honour, ritual forms of violence and coercion are rarely perceived by others. Therefore, it is extremely difficult to help, inform and protect victims. The staff of the Federal Ministry of the Interior who work with migrants and asylum-seekers, have been made aware of ritual acts of violence in other cultures. Imminent sexual mutilation of women can, under certain circumstances, influence decisions in asylum procedures. Once they arrive in Austria single women receive special support in a separate refuge to which men have no access. Other focal points of the activities of the Ministry of the Interior are psychological and psychotherapeutic projects.

Under the new Act Governing Establishment and Residence which will enter into force on January 1, 2006, victims of trafficking in human beings may be granted a residence permit on humanitarian grounds. The Law Enforcement Act imposes the obligation on law enforcement officers of protecting potential victims and provides for the option of evicting a violent spouse or partner from a flat or house. More and more immigrant women are seeking out the intervention centres and other protection and counselling facilities. Furthermore, basic and advanced police training comprises various programmes which prepare trainees for interactions with individuals from other cultures. The protection of women and girls and the information and awareness-raising of all those concerned is an overarching task that cuts across all ministries and national borders. Only if all parties co-operate will it be possible to restrain traditional patterns of violence.

Forced marriage:

Legal basis:

Article One, Part A Z 2 of the Geneva Convention on the Status of Refugees
Article Eight of the European Convention on Human Rights
Articles Six, Nine and Ten of the Directive 2004/83/EC
Section 7 of the Asylum Act of 2003, Section Three of the Asylum Act of 2005.

In accordance with legal provisions, persons who are directly affected by forced marriage are given the status of refugees as defined in the Geneva Convention on the Status of Refugees, as forced marriage constitutes a severe interference with the personal rights to freedom and women have to be considered as a separate social group within the meaning of the Geneva Convention.

Accordingly, practical asylum procedures should take into account alternatives, especially an eventual internal flight alternative and/or the extent to which state institutions are in a position to afford sufficient protection.

The regions concerned: West Africa, the Arab world, the Sub-Saharan countries, South and Central Asia.

Female genital mutilation (FGM)

Legal basis:

Article One Part A Z 2 of the Geneva Convention on the Status of Refugees
Article Three of the European Convention on Human Rights
Articles Six, Nine and Ten of the Directive 2004/83/EC
Section 7 of the Asylum Act of 2003, Section Three of the Asylum Act of 2005.

Genital mutilation must be seen as an extremely severe interference with the physical integrity of a person which constitutes an act requiring prosecution within the meaning of the Geneva Convention on the Status of Refugees and which must be considered in asylum procedures so that in some cases the victim will be granted refugee status. In this context, Article Nine, paragraph 2 f of the Directive 2004/83/EC is also relevant as it refers to prosecution measures linked to the gender of the victim.

In addition, asylum authorities should show increased sensitivity in hearings of such cases. Alongside other measures, female asylum seekers are only interrogated by female staff of asylum authorities and comprehensive psychological support is assured.

Accordingly, practical asylum procedures should take into account alternatives, especially an eventual internal flight alternative and/or the extent to which state institutions are in a position to afford sufficient protection.

Affected regions: West Africa, the Sub-Saharan countries, Yemen.

Honour killings:

Legal basis:

Article One, Part AZ2 of the Geneva Convention on the Status of Refugees
Article Two of the European Convention on Human Rights
Articles Six, Nine and Ten of the Directive 2004/83/EC
Section 7 of the Asylum Act of 2003, Section Three of the Asylum Act of 2005.

Imminent honour killings, which are still prevalent in many Islamic countries despite all efforts made by their governments to put a stop to them, are to be defined as asylum-relevant crimes requiring prosecution within the meaning of the Geneva Convention on the Status of Refugees because of the severity of potential consequences –i.e. interference with the right to life. Accordingly, practical asylum procedures should take into account alternatives, especially an eventual internal flight alternative and/or the extent to which state institutions are in a position to afford sufficient protection.

Affected regions: the Middle East, North Africa, Turkey

Trafficking in Human Beings

The paragraphs below refer to the Act Governing Establishment and Residence which will enter into force on January 1, 2006. Cases of trafficking in human beings are treated in the following manner on the basis of the Alien Act of 1997 currently in force:

The granting of residence permits on humanitarian grounds to victims of human trafficking is subject to the provisions of Section 72 of the Act NAG (New Asylum Act).

In accordance with these provisions, **residence permits** can be issued to victims of human trafficking **on humanitarian grounds** for a duration of at least six months if, on account of his or her personal circumstances, the victim needs to stay in this country.

From January 1, 2006 onwards, the Provincial Governors or the authorities empowered by them will be responsible for taking decisions on such cases. In order to help victims to take decisions concerning their future, and to make it possible for victims to either stay on in Austria or return to their home countries, a **reflection period of at least 30 days** is granted to victims. During this period, the authorities may not take any measures that would result in ending the victim's stay in Austria. Under the new act, the procedure is fully in line with the **„Council of Europe Convention on Action against Trafficking in Human Beings“**. The legal background for this provision is the implementation of the Directive of the European Union, 2004/81/EC of April 29, 2004, governing the granting of residence titles to third country nationals who have become victims of human trafficking or who were aided in illegal immigration and who cooperate with the competent authorities.

With the new law a legal situation has been created which will make it harder for criminal organisations to traffick potential victims into Western Europe and will give authorities an opportunity to help victims more efficiently.

Counselling Centre

Interventionsstelle für Betroffene des Frauenhandels (Verein LEFÖ) (Intervention Centre for Trafficked Women)

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The Ministry's Women Service Unit:
0800/202011

The staff of the Women Service Unit of the Federal Ministry of Health and Women and the special Service Unit for Migrant Women provide cost-free and unbureaucratic information on women-specific matters.

We are available to you from Monday to Thursday from 10 a.m. to 3 p.m. and on Friday from 8 a.m. to 12 noon under the cost-free number **0800/202011**

www.bmgf.gv.at


FEDERAL MINISTRY OF
HEALTH AND WOMEN





More detailed information:

The initiative of the Austrian Federal Ministers against harmful traditional practices analyses the problems and deficits that exist in this area in Austria. The ensuing need for action and initial measures that have been taken by the individual ministries are presented in this brochure.



The brochure can be ordered at the
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Broschürenserservice
broschuerenservice.bmgf@bmgf.gv.at



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