

AUSTRIA

National procedures for the supervision of offenders

Updated on January 12<sup>th</sup>, 2026

**Practical information on specific provisions of the Convention ETS 051  
To be filled out by countries parties to the Convention only**

**Supervision of probation  
(community sanctions and  
measures)**

- National authority competent to receive the request** *[Name of the authority and the appropriate contact details (postal address, e-mail, phone, fax), languages that might be used for communication]*
  - Federal Ministry of Justice
  - Department V 1 for International Criminal Cases
  - Museumstrasse 7, 1070 Wien
  - phone.: +43 1 52152 0
  - E-Mail: [team.s@bmj.gv.at](mailto:team.s@bmj.gv.at)
  - [www.bmj.gv.at](http://www.bmj.gv.at)
  - Languages: DE, EN
  
- Request and supporting documents** *[as a requested state, please indicate which of the following information and the documents are required to be submitted by the requesting state]*
  - judicial decision (court findings; judgement);
  - summary of the facts and description of the circumstances in which the offence(s) was/were committed, including the time and place, and the nature of the involvement of the sentenced person;
  - nature and legal classification of the offence(s) and applicable statutory provisions on the basis of which the judgment was issued;
  - nature and duration of the probation measures;
  - evaluation report (data on the family and social environment of the offender, the educational and professional situation, the general conduct of the offender, the analysis of criminal behavior, the risk of committing crimes, as well as any other data relevant to the situation of the offender);

	<ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Information to be provided by the requested state</b> <i>[as a requesting state, please indicate which of the following information and the documents are required to be submitted by the requested state]</i> <ul style="list-style-type: none"> <li>o duration and degree of compliance with the probation measures;</li> <li>o non-compliance by the offender with a probation measure;</li> <li>o offender cannot be found, absconds or no longer has a lawful and ordinary residence in the requested state);</li> </ul> </li> </ul>
<p><b>Enforcement of the sentence (if your country reserved the right not to apply Part III of the Convention, please indicate N/A)</b></p> <p style="text-align: center;"><b>N/A</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> <b>National authority competent to receive the request</b> <i>[Name of the authority and the appropriate contact details (postal address, e-mail, phone, fax), languages that might be used for communication]</i></li> <li><input type="checkbox"/> <b>Request and supporting documents</b> <i>(as a requested state, please indicate which of the following information and the documents are required to be submitted by the requesting state)</i> <ul style="list-style-type: none"> <li>o Decision to revoke the suspension of the execution of the custodial sentence or to revoke the conditional release;</li> <li>o Decision to impose a custodial sentence or measure involving deprivation of liberty;</li> <li>o Type and details of the length of the sentence;</li> <li>o Information related to early or conditional release;</li> <li>o Other relevant circumstances <i>(please specify):</i> .....</li> </ul> </li> <li><input type="checkbox"/> <b>Information to be provided by the requested state</b> <i>[as a requesting state, please indicate which of the following information and the documents are required to be submitted by the requested state]</i> <ul style="list-style-type: none"> <li>o Enforcement of the sentence once completed;</li> <li>o Sentenced person cannot be found in the territory of the requested state;</li> <li>o Sentenced person's escape from custody;</li> <li>o Beginning and the end of the period of conditional release</li> <li>o Other relevant circumstances <i>(please specify):</i> .....</li> </ul> </li> </ul>
<p><b>Complete application of the sentence [if your country reserved the right not to apply Part IV of the Convention, please indicate N/A]</b></p> <p><b>N/A</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> <b>National authority competent to receive the request</b> <i>[Name of the authority and the appropriate contact details [postal address, e-mail, phone, fax), languages that might be used for communication]</i></li> </ul>

	<ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Request and supporting documents</b> <i>[as a requested state, please indicate which of the following information and the documents are required to be submitted by the requesting state]</i> <ul style="list-style-type: none"> <li>o judicial decision (court findings; judgement);</li> <li>o summary of the facts and description of the circumstances in which the offence(s) was/were committed, including the time and place, and the nature of the involvement of the sentenced person;</li> <li>o nature and legal classification of the offence(s) and applicable statutory provisions on the basis of which the judgment was issued;</li> <li>o nature and duration of the probation measures;</li> <li>o evaluation report (data on the family and social environment of the offender, the educational and professional situation, the general conduct of the offender, the analysis of criminal behavior, the risk of committing crimes, as well as any other data relevant to the situation of the offender);</li> <li>o others (<i>please specify</i>): .....</li> </ul> </li> </ul>
<b>Accepted languages (translation of the request and the supporting documents)</b>	<ul style="list-style-type: none"> <li>o <b>German, English, French</b></li> </ul>
<b>Channels and means of transmission</b>	<p><i>[please click on the option accepted as a requested state, and provide the appropriate details where applicable]</i></p> <ul style="list-style-type: none"> <li>o <b>Central Authority</b></li> <li>o <b>Interpol, in case of urgency</b></li> </ul>
<b>Information about national law and procedures on supervision of offenders To be filled out by all member states of the Council of Europe</b>	
<b>Types of decisions available under the national system</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> <b>conditional release</b> (<i>release of a sentenced person after part of the custodial sentence or measure involving deprivation of liberty has been served</i>)</li> </ul> <p><b>see AT Criminal Code: „Conditional Release from Custodial Sentence"</b></p> <p><b>Section 46.</b> (1) If a sentenced person has served half the custodial sentence term imposed by judgment or determined by way of pardon, or else half the unconditional portion of such sentence term, but a minimum of three months, the remaining portion of the sentence shall be suspended and the sentenced person conditionally released, if in consideration of the effect of measures taken pursuant to Sections 50 to 52 it can be assumed that the sentenced person will be no less discouraged from committing further offences by being conditionally released than by further serving the custodial sentence.</p> <p>(3) If a custodial sentence was imposed for a criminal offence committed before</p>

the sentenced person had reached the age of twenty-one, the minimum custodial term (paragraph 1) shall be one month.

(4) With any decisions pursuant to paragraph 1, consideration shall be given to how much the sentence already served has brought about a change in the conditions under which the offence was committed, in particular through voluntary therapy as defined in Section 51(3), which was started in custody and which the sentenced person is willing to continue after release, or how much such change can be accomplished by measures to be taken pursuant to Sections 50 to 52.

(5) If a sentenced person has to serve multiple custodial sentences, partial sentences or remaining sentences, the total length of such sentences shall be taken into account, when such sentences are served consecutively or are only interrupted by periods of deprivation of liberty in which the sentenced person is otherwise detained under order of a public body. Once the sentenced person has served fifteen years, decision about conditional release is mandatory. If a supplementary penalty was imposed (Sections 31, 40), even with an interruption of execution, any sentence considered when such supplementary penalty was imposed shall be taken into account; if the sentenced person was conditionally released from any of these sentences, the time actually served in custody shall be deducted for the purpose of calculating the effective date (Section 46 (1) and the remaining sentence term to be served. Any earlier sentence with a supplementary penalty added shall be disregarded, however, if the sentenced person was released prior to having served half the sentence. However, an earlier sentence for which an additional sentence has been imposed must not be taken into account in so far as the convicted person was released from it before serving half of the sentence.

(6) A person sentenced to serve life-long imprisonment can only be conditionally released after having served a minimum of fifteen years, and if the assumption can be made that such person will not commit any further criminal offences.

**see AT Criminal Code: „Conditional Release from a preventive measure"**

Section 47 (1) Persons admitted to a forensic-therapeutic centre are only to be released conditionally after a probationary period has been determined. The inmates must be released from an institution for offenders in need of weaning and from an institution for dangerous relapse offenders if the detention period (Section 25(1)) has expired or, in the case of detention in an institution for offenders in need of weaning, a continuation or supplementation of the weaning treatment would not be successful, otherwise only to a limited extent under determination of a probationary period.

(2) The conditional release from a preventive measure connected with deprivation of liberty shall be ordered if, after the performance and development of the person detained in the institution, according to his person, his state of health, his previous life and according to his prospects of honest progress, it can be assumed that the danger against which the preventive measure is directed no longer exists.

(3) If the offender is conditionally or unconditionally released from a forensic-therapeutic centre or from an institution for offenders in need of weaning before the end of the sentence, action shall be taken in accordance with the last sentence of Section 24 (1).

(4) The decision that the transfer of the offender to the institution for dangerous relapse offenders is no longer necessary (Section 24 (2)) is equivalent to a conditional release from the institution for dangerous relapse offenders.

	<ul style="list-style-type: none"> <li>□ <b>conditional sentence:</b> <ul style="list-style-type: none"> <li>○ the imposition of a sentence has been conditionally deferred by imposing one or more probation measures: possible in proceedings against juvenile offenders</li> </ul> </li> <li>□ <b>suspended sentence</b> (<i>custodial sentence or measure involving deprivation of liberty, the execution of which is conditionally suspended, wholly or in part, either at the time of the sentence or subsequently</i>); <ul style="list-style-type: none"> <li>see AT Criminal Code: „Conditional Suspension of Sentence"</li> </ul> </li> </ul> <p>§ 43. (1) When a person has been sentenced to a period of imprisonment not exceeding two years, the court has to conditionally suspend the sentence for a minimum period of one year and a maximum of three years if it can be presumed that the mere prospect of the enforcement of the sentence, by itself or in combination with other measures, will suffice to prevent the person committing other offences and that the enforcement of the sentence is not needed to thwart the commission of offences by others. In this context, particular consideration has to be given to the nature of the offence, the character of the person, the degree of the person's culpability, the person's prior record, and the person's behaviour after the offence.</p> <p>(2) Unless the conditional suspension of the sentence is revoked, the sentence is to be suspended definitively. In such cases, any time periods that commence once the sentence is enforced are to be counted from the moment the judgment obtains legal force.</p> <p>(3) Conditional suspension of a sentence (para. 1) imposed for rape (§ 201)</p>
<p><b>Probation or alternative sanctions available under national law</b></p>	<ul style="list-style-type: none"> <li>□ obligation to inform a specific authority of any change of residence or working place;</li> <li>□ obligation not to enter certain localities, places or defined areas in the requesting or requested state;</li> <li>□ obligation to present at specified times before a specific authority (police, probation services);</li> <li>□ obligation to avoid contact with specific persons;</li> <li>□ obligation to avoid contact with specific objects, which have been used or are likely to be used by the offender with a view to committing a criminal offence;</li> <li>□ obligation containing limitations on leaving the territory of the requesting/requested state;</li> <li>□ obligation to compensate financially for the prejudice caused by the offence;</li> <li>□ obligation to provide proof of compliance with the obligation to compensate financially for the prejudice caused by the offence;</li> <li>□ obligation to carry out community service;</li> <li>□ obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of</li> </ul>

	<p>offenders;</p> <ul style="list-style-type: none"> <li>□ obligation to undergo therapeutic treatment or treatment for addiction;</li> <li>□ obligation relating to behaviour (e.g. obligation to stop the consumption of alcohol), residence, education and training, leisure activities (e.g. obligation to cease playing or attending a certain sport), or containing limitations on or modalities of carrying out a professional activity<sup>1</sup>;</li> </ul>
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<p><b>Where provided by the national law, duration of each obligation imposed</b></p>	<p style="text-align: center;"><b>see AT Criminal Code: „Conditional Suspension of Sentence"</b></p> <p>§ 48. (1) The minimum period of parole for conditional release from imprisonment is one year; the maximum period is three years. The minimum period of parole is one year and the maximum period five years if the continuation of a treatment within the meaning of § 51 para. 3 is warranted to justify the conditional release (§ 46 para. 4) and the person consented to that treatment. The parole period is five years if the remaining sentence that is conditionally suspended exceeds three years or if the conditional release relates to imprisonment for an offence against sexual integrity and self-determination with a penalty of imprisonment for more than one year. The parole period is 10 years for conditional release from imprisonment for life.</p> <p>(2) The parole period for release from a mental health facility or from a facility for dangerous repeat offenders is 10 years; the parole period is only five years if the offence on the basis of which the detention in the facility was ordered is punishable by imprisonment of no more than 10 years. The parole period for release from a facility for the treatment of addiction is a minimum of one year and a maximum of five years.</p> <p>(3) Unless revoked, the conditional suspension of a remaining sentence or the conditional release from preventive detention is to be declared definitive. In such cases, time periods that commence upon enforcement of the sentence or the preventative measure are to be counted from the moment of conditional release from the sentence or from the preventative</p>
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<p><b>Duration of the total probation period (if different from the duration mentioned above)</b></p>	<p>See above</p>
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<sup>1</sup> This obligation does not include the supervision of compliance with any professional disqualifications imposed on the person as part of the sanction applied to the offender

<b>National authorities or bodies responsible for supervising and assisting the offenders</b>	<i>[Name of the authority and the appropriate contact details [postal address, e-mail, phone, fax), languages that might be used for communication]</i> <b>To be assessed by the court when recognizing the foreign decision</b>
<b>National authorities competent to monitor compliance with the probation measures or alternative sanctions.</b>	<i>[Name of the authority and the appropriate contact details [postal address, e-mail, phone, fax), languages that might be used for communication]</i> <b>To be assessed by the court when recognizing the foreign decision</b>
<b>Criteria to supervise probation measures imposed by foreign authorities</b>	<input type="checkbox"/> <b>The offender has his/her lawful and ordinary residence in the requested state;</b>
<b>National law and procedures for supervision of the probation measures or alternative sanctions</b>	<i>Please provide a brief description of the supervision process and/or include links to the national legislation, procedures and/or other information relevant</i> <b>The court has to supervise probation measures. To this end the court receives periodical reports from the probation assistance, if such a measure was imposed. The court has to revoke conditional suspension of a sentence or conditional release in the cases listed in section 53-55 of the Austrian Criminal Code.</b>
<b>EU and international instruments applicable within this matter</b>	<input type="checkbox"/> <b>Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions</b>  <input type="checkbox"/> <b>In absence of a Treaty basis reciprocity can be invoked.</b>