

**Group of Experts on Action against Violence  
against Women and Domestic Violence  
(GREVIO)**

COUNCIL OF EUROPE



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**Comments submitted by Austria  
on GREVIO's first thematic evaluation:**

**Building trust by delivering support, protection and  
justice**

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# **Austria's Comments on GREVIO's First Thematic Evaluation Report**

"Building trust by delivering support, protection and justice"

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# Introduction

Austria, together with Albania, Denmark and Monaco, is currently being examined in a thematic evaluation round focusing on "*building trust by delivering support, protection and justice*". The objective of that evaluation round is to obtain information on the implementation of selected aspects of several Articles of the Istanbul Convention since GREVIO's final report on the baseline evaluation.

The ongoing second evaluation procedure was initiated in January 2023 by the Council of Europe's official request to submit a state report. The "**Thematic Evaluation Report on the Implementation of the Istanbul Convention**" (= **Second State Report**) drawn up subsequently by the National Coordinating Body with the assistance of all ministries and Austrian states was submitted to the Council of Europe in June 2023.<sup>1</sup>

From **2 to 6 October 2023 a delegation of GREVIO experts visited Austria**. Meetings with administration experts were organised by the National Coordinating Body. GREVIO also met with experts from NGOs and political parties. For a list of all centres, organisations, NGOs, etc. visited in the course of the evaluation visit, please refer to Annex II to the GREVIO Report.

Based on the information gathered, GREVIO prepared a draft report on which Austria submitted its comments. Taking into account Austria's comments, **GREVIO drew up its final report**, which was delivered to Austria on 26 June 2024. The **present comments refer to the conclusions drawn and recommendations made in the GREVIO Report**.

The present comments are divided into three sections, thus following the structure of the GREVIO Report. The first section deals with the developments identified by GREVIO, the second and third sections comment on the conclusions and recommendations. While the second section primarily contains the definitions

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<sup>1</sup> See Thematic Evaluation Report on the Implementation of the Istanbul Convention, June 2023; <https://www.bundeskanzleramt.gv.at/dam/jcr:3bcf9045-c364-48d9-9ee9-971f7d758c2e/en-staatenbericht-final-v2.pdf> (last accessed on 5 July 2024).

used, the measures taken, and funding, the third section focuses on the implementation of specific provisions.

**General information:** due to the fact that the allocation of relevant policy areas to specific Ministries may have changed, in particular concerning women and equality, family matters, and integration the terms Ministry for Women, Ministry for Family Affairs, etc. are used instead of the full names of the Ministries currently in charge.

The GREVIO Report and the present comments by Austria will be submitted to Parliament pursuant to Article 70(2) of the Istanbul Convention.

# I. Developments

## Statutory measures to counter new forms of violence

As regards GREVIO's request (in para 4) that a future **focus be placed on training police, judiciary and justice administration staff in the area of cyberviolence** to ultimately hold more offenders accountable, we provide the following feedback:

- In order to ensure that at least one police officer in every district of Austria is specifically trained in IT to be able to support their colleagues in the relevant district in cybercrime matters, the Cybercrime Competence Centre started in-person courses of several weeks to train **district IT investigators** some years ago. More than 300 officers have been trained by now. In addition, some 1,200 **prevention officers** specially trained in matters relating to domestic violence, who serve as contact persons at the police stations, undergo in-service training in this area.
- When the Act on Combating Online Hate Speech (*Hass-im-Netz-Bekämpfungsgesetz/HiNBG*) entered into force, it was accompanied by an implementation decree in the area of criminal (procedure) law<sup>2</sup> and seminars in different Higher Regional Court circuits. The legislation package has also been a topic of several pieces of academic writing and analysis. All of this was done by the justice administration with the aim to deal with the complexity of the provisions.
- Regarding the establishment of **CYBERCRIME Competence Centres** at the public prosecutors' offices, reference is made to the statements on Conclusion No. 26, para 151, p. 51. Based on the specific needs of the government agencies dealing with cybercrime, the Ministry of Justice, in coordination with the Association of Public Prosecutors and the authorities, has developed an efficient and modern training concept on the topic of cybercrime:

Apart from a **basic-level course on cybercrime** (several modules), the **certificate course on cybercrime** provides enhanced training, in particular for those working in the Cybercrime Competence and Coordination Centres at the public prosecutors' offices. The current iteration of this certificate course, which deals with legal, international, technical, forensic, and investigative tactical issues, is attended by 45 prosecutors and judges. At the same time, the aspect of cybercrime continues to be addressed regularly at **events** on specific criminal-

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<sup>2</sup> See the decree dated 24 December 2020 on criminal-law and media-law provisions of the Federal Act, by which measures to combat online hate speech were taken, eJABl. No. 86/2020.



law topics. The **annual working conference** of public prosecutors and chief investigators **on combating online sexual abuse and sexual offences on the internet** can be mentioned as one example of those events.

In addition to GREVIO's statements in para 3, it is explained that due to the specific need for counselling by women affected by cyberviolence the "**Competence Centre against Cyberviolence**" was established in Vienna in 2020. IT security specialists of the City of Vienna (from WienCERT) support clients of the 24/7 women's emergency helpline of the City of Vienna (+43-1-71719) and clients of the association of *Wiener Frauenhäuser* (Vienna women's shelters) who have become victims of cyberviolence where psychosocial counsellors reach the limits of their technical expertise. That offer was extended to clients of other violence protection associations funded by the Vienna Women's Service, with the 24/7 women's emergency helpline serving as a coordination point and an interface.

## Consumption of pornography by children and young people

The feedback received has shown that the topic is addressed by projects and programmes for young people. The State of Tyrol offers support through social workers at schools, to mention a concrete example (Tiroler Kinder- und Jugend GmbH<sup>3</sup>). Prevention work of social workers at schools goes beyond merely providing information in school classes. Questions and problems of pupils and students are taken seriously, and they are shown adequate ways to cope with emotions and stress. Tyrol plans to further expand social work at schools.<sup>4</sup>

## Femicides

In para 8 GREVIO summarises the essence of "*Untersuchung Frauenmorde – eine quantitative und qualitative Analyse*" [investigation into killings of women – a quantitative and qualitative analysis]<sup>5</sup>. The study analysed accomplished killings of women and girls, which were divided into categories of femicides and other murders of women, but no

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<sup>3</sup> See <https://www.kinder-jugend.tirol/> (last accessed on 5 July 2024).

<sup>4</sup> See <https://www.kinder-jugend.tirol/praevention/schuso/> (last accessed on 5 July 2024).

<sup>5</sup> Haller et al. *Untersuchung Frauenmorde – eine quantitative und qualitative Analyse*, 2023; <https://ikf.ac.at/schwerpunkte/sicherheit/rechtsstaat/2022-untersuchung-frauenmorde> (last accessed on 5 July 2024).

attempted murders. In order to shed light on the reasons why women did not contact the police or violence protection centres before, the Vienna Women's Service is going to commission a **study on femicides and attempted femicides in Vienna**. The results of that survey are expected for the first half of 2025.

With respect to further efforts to raise awareness of the availability of support services as described in para 9, we would like to state that in recent years both the federal government and the regional governments have used major efforts and taken numerous measures in this field. Last year, for example, all violence protection centres adopted a **common corporate design** in an effort to ensure a high recognition value. In addition, the women's helpline and the violence protection centres were advertised through extensive media campaigns. Moreover, a comprehensive "**Violence protection strategy for coordination and networking with a focus on counselling for women affected by violence in Austria**" was drawn up, which, *inter alia*, aims to increase public visibility of the Austria-wide and low-threshold counselling network. For information on the strategy, which was published in the summer of 2024, please refer to Conclusion No. 2, para 21, p. 11.

Also the **website of the counselling centres for women and girls**<sup>6</sup> and the **website on support services in the case of violence against women**<sup>7</sup> are intended to help women and girls to find the contact details of counselling centres quickly. In addition, the services of **legal and psychosocial court assistance are presented on a separate website**<sup>8</sup>.

In para 9 GREVIO notes that so far little research has been done on the topic of suicides related to gender-specific violence and thus also as a consequence of hate speech. In this context it is pointed out that in the course of implementation of the Austrian **suicide prevention programme (SUPRA) the topic of hate speech is currently a priority issue**.<sup>9</sup>

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<sup>6</sup> See <https://www.frauenberatung.gv.at/beratungsstellen#/?region=> (last accessed on 5 July 2024).

<sup>7</sup> See <https://www.hilfsangebote-bei-gewalt-gegen-frauen.at/hilfe-gegen-gewalt.html> (last accessed on 5 July 2024).

<sup>8</sup> See <https://www.hilfe-bei-gewalt.gv.at/> (last accessed on 5 July 2024).

<sup>9</sup> For more information on Suicide Prevention Austria (SUPRA) see <https://www.sozialministerium.at/Themen/Gesundheit/Nicht-uebertragbare-Krankheiten/Psychische-Gesundheit/Suizid-und-Suizidpr%C3%A4vention-SUPRA.html> (last accessed on 5 July 2024).

## II. Definitions, measures, funding and data collection

### Article 3: Definitions

15. GREVIO recalls its finding issued in its baseline evaluation report, and **strongly encourages** the Austrian authorities to adopt a universally applicable legal definition of "domestic violence", which would include violence perpetrated within a family and between former or current spouses or partners who do not share the same residence, for use by all relevant actors and in line with Article 3b of the Istanbul Convention. (Conclusion No. 1)

The Ministry of the Interior uses the term "**violence within the private sphere**" as, according to the experts' opinion, it is far broader and not only concerns the "domestic sphere of a shared residence". It includes acts of violence between persons who share or shared the same residence or have or had a close (family) relation.

Another distinction was made in the area of Police Criminal Statistics by introducing relevant categories of "relations".

The Ministry of Justice again draws attention to the uniform definition of violence in the immediate social environment in the "Thematic Evaluation Report", p. 11 *et seq.* We would like to explain in addition that the definition therefore refers to a family relationship or a comparable close relationship (cf. Section 72(1) and (2) of the Criminal Code (*Strafgesetzbuch/StGB*)). Such cases are marked with the "**FAM**" code in the register of the public prosecutors and the courts. The uniform definition ensures consistent application of the FAM code by the different public prosecution authorities and *subsequently* also by the courts, so that harmonisation is achieved in this regard.

An **analysis by the case automation system of the justice administration** (*Verfahrensautomation Justiz/VJ*) can now identify cases in this category of offences, e.g. the number of cases, the charges, the alternative measures imposed (in German: *Diversion*) and the court that made the decision (specifically: programmes as defined in Section 200 of the Code of Criminal Procedure (*Strafprozessordnung/StPO*) and provisional withdrawals of charges as defined in Sections 201, 203 and 204 *StPO*), convictions, acquittals,

discontinuation of cases, Section 35c of the Public Prosecutors' Act (*Staatsanwaltschaftsgesetz/StAG*). The definition of "violence in the immediate social environment" and the ensuing use of the FAM code do *not*, however, identify *specific cases* where actual family relations between the victim and the offender are concerned, but a relation in the defined close environment or family circle in general.

We would like to add that pursuant to Section 33(1) No. 5 *StGB* the killing of women or girls because of their gender constitutes a **particularly reprehensible motive**. In the case of a **relationship crime** the aggravating cause of Section 33(2) No. 2 *StGB* applies (in addition), also in the case of homicide committed by an ex-partner).

For the reasons stated we report back on Conclusion No. 1, para 15, that the demanded introduction of a universally applicable legal definition of violence against women and domestic violence is a cross-sectional matter and that the definition requested by GREVIO would only make sense if it were intended to describe the competences, tasks, obligations or powers in such a broad sense.

Within the ambit of the Criminal Code (*StGB*) such a general definition is *not* an option, because in particular the relevant substantive offences outlined in the Istanbul Convention itself (substantive law) do not rely on a general definition or a general set of elements constituting an offence, but explicitly demand a **criminalisation of different forms of violence against women, and of domestic violence**.

## Article 7: Comprehensive and co-ordinated policies

21. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO **strongly encourages** the Austrian authorities to develop a long-term comprehensive action plan/strategic policy document giving due importance to all forms of violence covered by the Istanbul Convention. (Conclusion No. 2)

Austria recognises the importance of developing a **long-term national action plan/strategy** independent of a legislative period.

Therefore, intensive efforts were put into developing a comprehensive "**Violence protection strategy for coordination and networking with a focus on counselling for**

**women affected by violence in Austria"** in the first half of 2024.<sup>10</sup> Thanks to regional expansion and content enhancement as well as increased funding in the last few years, all women and girls in Austria can now resort to an Austria-wide and low-threshold counselling network in all situations of violence. The services offered include holistic counselling for women and girls, women's counselling centres providing help for victims of sexual violence, up to specialised crisis intervention units. The tight network is embedded in an integrated institutional system, which has been developed over many years and is comprised of structures for the prevention of and protection against violence, such as the police, public prosecutors, anti-violence counselling centres, men's counselling centres, women's shelters, and clinical forensic examination centres.

The strategy that has been developed

- therefore identifies **strategic focuses and measures in the key areas** of Education, the Interior, Justice, Social Affairs, Health and Women in connection with gender-specific violence;
- **institutionalises the "National Platform Combating Violence against Women"** as an interdisciplinary umbrella platform across institutions for exchange of information on the topic of violence against women;
- **increases the visibility of the Austria-wide and low-threshold counselling network** and emphasises its significance for individual counselling and support of women and girls, as well as its contribution to equality, prevention of violence and protection against violence for society as a whole;
- consolidates the basis for a coordinated continuous **enhancement of counselling services** in line with demand and the needs of the clients;
- promotes **reliable and effective cooperation and networking** between the counselling network and other public and publicly financed institutions in the area of prevention of violence and protection against violence as an integrated institutional system.

With regard to GREVIO's reference in para 20 to the importance of drawing up the strategy in a consultative process, it is noted that the Ministry for Women drew up the violence protection strategy in a participatory process lasting several months and involving a total of over 200 stakeholders from the field and from the federal and state administrations.

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<sup>10</sup> See "Violence protection strategy for coordination and networking with a focus on counselling for women affected by violence in Austria", 2024; [https://www.bundeskanzleramt.gv.at/dam/jcr:8dcf349c-7cab-4566-874b-2091246f30d9/gewaltschutzstrategie\\_beratung\\_gewaltbetroffener\\_frauen\\_oesterreich\\_2024\\_nbf.pdf](https://www.bundeskanzleramt.gv.at/dam/jcr:8dcf349c-7cab-4566-874b-2091246f30d9/gewaltschutzstrategie_beratung_gewaltbetroffener_frauen_oesterreich_2024_nbf.pdf) (last accessed on 9 August 2024).

Austria has therefore already taken up and implemented the encouragement to draw up a strategy.

## Article 8: Financial resources

27. GREVIO **encourages** the Austrian authorities to ensure adequate and long-term funding to the various specialist support service providers beyond violence protection centres. (Conclusion No. 3)

Austria is aware of the issues relating to the allocation of one-year grants, but they are owed to the one-year budget resolutions approved by parliament. As noted correctly by GREVIO in para 26, multiannual **framework funding agreements from 2023 to 2027** are already in place for a group of those receiving funds from the Ministry for Women, which means that there is planning certainty. Moreover, all recipients of funding from the Ministry for Women are Austria-wide counselling and support services for women and girls that have been co-financed for decades, with the funds provided to them between 2019 and 2024 having increased by a total of over 150%.

We would like to add that there is a regular **exchange with the states on the needs-based expansion and financial security of the co-financed counselling centres for women and girls.**

To enable a higher degree of security and planning certainty, the Vienna Women's Service, for example, has provided funding to the women's counselling and violence protection associations in Vienna by means of **3-year contracts** since 2001. The Association of Vienna Women's Shelters, with 228 places for women and children affected by acute violence, is funded almost entirely by the City of Vienna, represented by the Vienna Women's Service. We would like to add that the **24/7 women's emergency helpline** has been established as a unit of the Vienna Women's Service and is thus part of the Municipality of Vienna. The helpline therefore employs staff of the City of Vienna, which **guarantees its continued existence.** All counselling, networking, in-service training, presentations, as well as awareness-raising and information campaigns are financed by the City of Vienna.

Another example of long-term and constant funding comes from the State of Burgenland: to warrant **funding of the women's shelter** there, it was included in the Burgenland Association of Social Services in 2021.

Other ministries, e.g. the Ministry of Integration or the Ministry of Family Affairs, increased funding of institutions and projects and expanded specific counselling services as well; for funding of specific projects please refer to the "Thematic Evaluation Report". Adequate funding of support service providers is considered a high priority in any case.<sup>11</sup>

In general, Austria considers **funding as an important instrument, particularly in the prevention of violence**. In the area of "violence against women and girls" funding is provided not only to victim protection organisations but also for measures and projects aiming to optimise networking activities in the field of work with offenders in the interest of victim protection, with the objective of providing protection against violence in general, to enhance holistic protection against violence (victim protection, child protection, work with persons likely to threaten safety), for female empowerment, to strengthen the rights of the child or to eliminate gender stereotypes.

As regards GREVIO's note in para 24 regarding a **bureaucratic hurdle** in connection with the allocation of funds, we would like to point out that completing forms and providing data and/or activity reports is necessary for a comprehensive evaluation and quality control. The data is collected in compliance with the requirements of the Ministry of Finance, specifically the "General Guidelines for the Allocation of Grants out of Federal Funds",<sup>12</sup> and the most recent Special Directive of the Federal Chancellery. Compliance with these requirements is mandatory. Of course, we keep trying to find ways to support organisations in processing funding applications to minimise the administrative workload.

Furthermore, with regard to GREVIO's observations on the **lack of a full overview of total financial allocations when it comes to protection against violence** – also in para 24 – it is stated that the Strategy Report to the Federal Budgetary Framework Act (*Bundesfinanzrahmengesetz/BFRG*) provides an overview, from which tendencies can be seen. To supplement the information given in the "Thematic Evaluation Report", p. 9 and 10, the following is noted:

Under the current budgetary framework for 2024 to 2027, the funds for violence protection measures have also been increased again by a total of EUR 81.3 million. This provides an ex-

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<sup>11</sup> See also the information provided in "Austria's Comments on GREVIO's Report" in connection with the first (baseline) evaluation procedure, p. 6. As an example we would like to add that the State of Styria has given the counselling centres for women and girls in Styria more financial security by concluding 2-year contracts.

<sup>12</sup> Regulation of the Federal Minister of Finance on General Guidelines for the Allocation of Grants out of Federal Funds (*Allgemeine Rahmenrichtlinien für die Gewährung von Förderungen aus Bundesmitteln/ARR 2014*).

ante overview of financial allocations in the areas of violence prevention and protection. The actual allocations were also analysed in the latest report on budget funds for federal measures to promote women and gender equality (*Ergebnisbericht über Budgetmittel für frauen- und gleichstellungsfördernde Maßnahmen des Bundes*)<sup>13</sup>. It should be noted that due to the scope of the subject, these are only excerpts and the federal government spends far more funds than indicated, but there are limits to the exact assessment.

## Article 11: Data collection and research

### Data collected by law enforcement agencies and the justice sector

36. GREVIO **strongly encourages** the Austrian authorities to adapt their data categories for use by the justice sector on the type of relationship of the perpetrator to the victim that would allow the nature of their relationship to be more specifically documented, and ensure that those and any other data categories in use are harmonised across the various sectors, with the aim to track cases of violence against women during their passage through the different stages of the criminal justice system. (Conclusion No. 4)

The feedback from the Ministry of Justice on Conclusion No. 4, para 36, is that criminal cases for violence in the immediate social environment and offences committed within families must be marked as such with the **"FAM" code** in the Ministry's case automation system, independent of whether jurisdiction lies with a district or regional court. This allows conclusions as to the relationship between the victim and the perpetrator and recording of the same.

For statistical purposes, the case automation system is constantly enhanced (most recently by an extension of the offence codes for recording of prejudice motives). In this context, the human resources needed for data collection and maintenance must always be kept in mind as well. **Recording of the relationship of the victim to the perpetrator in the case**

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<sup>13</sup> See "*Ergebnisbericht über Budgetmittel für frauen- und gleichstellungsfördernde Maßnahmen des Bundes, Berichtszeitraum 2021*", 2023; <https://www.imag-gmb.at/gender-budgeting/erhebung.html> (last accessed on 19 August 2024).



**automation system will be considered as the next expansion phase**, which will also require an analysis of the technical upgrades required in this context.

## Data in the health care sector

37. GREVIO **encourages** the Austrian authorities to pursue their efforts to improve the systematic and comparable collection of data by the health care sector on the number of women and girls victims of the different forms of violence covered by the Istanbul Convention, disaggregated by the type of violence, the victim's sex, age and relationship with the alleged perpetrator. (Conclusion No. 5)

As stated in para 34 of the GREVIO Report, the current recommendations "**Standard for data collection in hospitals on cases of (domestic) violence**"<sup>14</sup> explicitly not only cover domestic violence but also cases of sexualised violence, rape and FGM/C. GREVIO's feedback is taken as an impetus to obtain information on the numbers of forced sterilisations or forced abortions in Austria and to consider jointly with experts *whether* and *how* relevant data can be recorded in hospitals.

## Data of social services

38. GREVIO **strongly encourages** the Austrian authorities to collect data on the number of women and girls who contact the social services seeking help in relation to their experiences of violence against women including domestic violence, disaggregated by the type of violence, the victim's sex, age and relationship with the alleged perpetrator. (Conclusion No. 6)

The feedback received from the Public Employment Service Austria (AMS) was that they are only allowed to collect client data in compliance with Section 25 of the AMS Act. The **law does not provide** for systematic collection or documentation of data in relation to clients

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<sup>14</sup> See "Standard for data collection in hospitals on cases of (domestic) violence", October 2023; [https://toolbox-opferschutz.at/sites/toolbox-opferschutz.at/files/2024-05/Datenspezifikation\\_final.pdf](https://toolbox-opferschutz.at/sites/toolbox-opferschutz.at/files/2024-05/Datenspezifikation_final.pdf) (last accessed on 5 July 2024).

affected by (domestic) violence. Experiences of (domestic) violence may come up in AMS counselling meetings. Clients who talk about their experiences voluntarily are referred to a qualified support service provider.

# III. Implementation of selected provisions

## Prevention

### Article 12: General obligations

46. GREVIO **strongly encourages** the Austrian authorities to step up their efforts to eradicate prejudice, gender stereotypes and patriarchal attitudes in Austrian society, through wider prevention measures on violence against women and with a view to the measures set out in Recommendation CM/Rec(2019)1 of the Committee of Ministers of the Council of Europe to member States on preventing and combating sexism.<sup>15</sup> For this purpose, the Austrian authorities should make primary prevention of violence against women a priority in future action plans and measures. (Conclusion No. 7)

Austria expresses its pro-active commitment to pursue an equality policy and will continue taking measures to ensure legal and factual equality to deprive violence of its breeding ground on a lasting basis. Since the matter is a **cross-sectional matter**, all ministries and public agencies are concerned and endeavour to implement suitable measures.

Reference is made to the "Violence protection strategy for coordination and networking with a focus on counselling for women affected by violence in Austria" under Conclusion No. 2, para 21, p. 11 *et seq.* We would also like to add that violence prevention has been directly or indirectly addressed in numerous National Action Plans and strategies before

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<sup>15</sup> See Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism, March 2019; <https://rm.coe.int/168093b26a> (last accessed on 5 July 2024).

(e.g. Burgenland Action Plan against Violence"<sup>16</sup>, "Burgenland Women's Strategy"<sup>17</sup>, "Styria Equality Strategy"<sup>18</sup>, "Tyrol Equality Strategy"<sup>19</sup>, "Plan for Protection against Violence in the Immediate Social Environment adopted by the State of Tyrol"<sup>20</sup>, "Tyrol Equality Package 2020-2023"<sup>21</sup>, "Frauen.Leben 2023" women's strategy of the State of Upper Austria<sup>22</sup>, "Actionplan for women's health" by the Ministry of Health and Social Affairs<sup>23</sup>).

The "StoP - neighbourhoods without partner violence" project is a neighbourhood project to prevent partner violence and domestic violence, which the Autonomous Austrian Women's Shelters Association set up in Vienna Margareten at the beginning of 2019. There are now 30 StoP locations in Austria. The project focuses on outreach work in the community, which involves reaching out to people in their immediate neighbourhood. StoP aims to reach all people, especially older people and older women affected by violence, as they are among the most at-risk and vulnerable groups.

In addition, the PERSPEKTIVE:ARBEIT [PERSPECTIVE:WORK] project (mentioned by GREVIO in para 92) has been focusing on comprehensive empowerment of women affected by violence and financial autonomy since 2015. The project supports women affected by violence in finding a secure, long-term job that provides a living wage, which is a prerequisite for financial autonomy and for breaking the spiral of violence.

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<sup>16</sup> See Burgenland Action Plan against Violence, 2023; [https://www.burgenland.at/fileadmin/user\\_upload/Downloads/Buerger\\_und\\_Service/Frauen/Downloads/O\\_NLINE\\_Aktionsplan\\_gegen\\_Gewalt\\_A4\\_32seitig-komprimiert.pdf](https://www.burgenland.at/fileadmin/user_upload/Downloads/Buerger_und_Service/Frauen/Downloads/O_NLINE_Aktionsplan_gegen_Gewalt_A4_32seitig-komprimiert.pdf) (last accessed on 5 July 2024).

<sup>17</sup> See *gleich\* in die Zukunft* [equal into the future] Burgenland women's strategy; [https://www.burgenland.at/fileadmin/user\\_upload/Bilder/Aktuelle\\_Meldungen/2022/05\\_Mai/Bgld\\_Frauen\\_strategie\\_2022.pdf](https://www.burgenland.at/fileadmin/user_upload/Bilder/Aktuelle_Meldungen/2022/05_Mai/Bgld_Frauen_strategie_2022.pdf) (last accessed on 5 July 2024).

<sup>18</sup> See Styria Equality Strategy 2021; [https://www.verwaltung.steiermark.at/cms/dokumente/11877528\\_109255607/97708135/Gleichstellungsstrategie%20%281%29.pdf](https://www.verwaltung.steiermark.at/cms/dokumente/11877528_109255607/97708135/Gleichstellungsstrategie%20%281%29.pdf) (last accessed on 5 July 2024).

<sup>19</sup> See Tyrol Equality Strategy, 2018; [https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/frauen/downloads/Gleichstellungsstrategie\\_web\\_final\\_kurz.pdf](https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/frauen/downloads/Gleichstellungsstrategie_web_final_kurz.pdf) (last accessed on 5 July 2024).

<sup>20</sup> See Plan for Protection against Violence in the Immediate Social Environment adopted by the State of Tyrol, 2020; [https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/frauen/downloads/Gewaltschutzplan\\_Tirol-final.pdf](https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/frauen/downloads/Gewaltschutzplan_Tirol-final.pdf) (last accessed on 5 July 2024).

<sup>21</sup> See Equality Package 2020-2023, equality of women and men in Tyrol, 2020; <https://www.tirol.gv.at/gesellschaft-soziales/diversitaet/gleichstellungspaket-2020-2023/> (last accessed on 5 July 2024).

<sup>22</sup> See Frauen.Leben 2030 women's strategy 2018; <https://www.frauenreferat-ooe.at/frauenstrategie.htm> (last accessed on 5 July 2024).

<sup>23</sup> See Actionplan for women's health, 2016; [https://www.sozialministerium.at/dam/jcr:9334268b-5282-4444-855e-e62391561895/aktionsplan\\_frauengesundheit.pdf](https://www.sozialministerium.at/dam/jcr:9334268b-5282-4444-855e-e62391561895/aktionsplan_frauengesundheit.pdf) (last accessed on 13 August 2024).

PERSPEKTIVE:ARBEIT has now been implemented in Upper Austria, Styria, Lower Austria and Vienna as a long-term counselling and support measure.

47. GREVIO **strongly encourages** the Austrian authorities to pursue their efforts to promote awareness-raising campaigns or programmes on the different manifestations of all forms of violence against women and girls covered by the scope of the Istanbul Convention, not only focusing on domestic violence and sexual harassment, but also targeting other forms of violence, in particular sexual violence and rape. Moreover, awareness-raising campaigns should include information on the availability of general and specialist services for victims, such as the violence protection centres, women's shelters, rape crisis centres, and sexual violence referral centres, and should be repeated, where necessary. In addition, the impact of such campaigns should be evaluated. (Conclusion No. 8)

Sensitisation and awareness-raising in the area of violence against women and girls is considered a high priority. In recent years both the federal government and the regional governments have **repeatedly** conducted general **anti-violence campaigns**.<sup>24</sup>

The "Violence protection strategy for coordination and networking with a focus on counselling for women affected by violence in Austria" is a further measure to strengthen the existing counselling network and make it more visible. The strategy focuses on client-orientation in communication and the further development of the counselling network, coordination of strategic work and case-related and regional networking and cooperation. The aim of the violence protection strategy is to provide all women in Austria with the support they need at an early stage. Details on this strategy, which was published in summer 2024, can be found under Conclusion No. 2, para 21, p. 11.

With regard to the focus of awareness-raising campaigns and programmes on **specific forms of violence**, Austria follows a different approach in some areas. Campaigns and programmes in the area of **FGM/C or forced marriages**, for example, are designed to

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<sup>24</sup> For example, the annual media campaign of the Ministry for Women carried out since 2020, the "*Mann spricht's an*" [men speak out] anti-violence campaign, which has been carried out since 2021, the annual information and awareness-raising campaign to make known the local support service providers in Vienna, or the awareness-raising campaign of the State of Styria under the heading "*Tu was, bevor ES passiert!*" [do something before IT happens].

directly address the communities concerned. Due to the target group-oriented approach, Austria-wide campaigns dealing with those forms of violence are not considered to be helpful.

In the area of **sexualised violence** the federal government put the focus on campaigns against knockout drops in the past.<sup>25</sup> Furthermore, awareness-raising campaigns were carried out by regional governments; with regard to information on an Upper Austrian awareness-raising campaign against sexual harassment at public swimming pools, for example, reference is made to the "Thematic Evaluation Report", p. 18.

Austria always endeavours to direct campaigns and programmes at target groups. A **targeted approach** is considered necessary to reach the relevant groups in the best way possible.

The Office for Crime Prevention and Victim Support of the Federal Office of Criminal Investigations/Ministry of the Interior, for example, offers a universal, comprehensive and developmental youth crime prevention programme for schools in the area of primary prevention (young persons between 10 and 18 years of age) called "**UNDER18**" **prevention programme**.<sup>26</sup> The programme is currently carried out by around 500 specially trained prevention officers. "UNDER18" is comprised of a total of three prevention programmes dealing with the prevention of violence, violence prevention in the context of digital media, and prevention of delinquencies under the influence (prevention of offences committed due to a substance use disorder). The programme is designed to involve teachers, parents and the young persons themselves.

Numerous funded organisations and projects are among those who follow this target group-oriented approach. For example, **BAKHTI - Centre for EmPOWERment of girls and women affected by violence** helps children and young persons who are (co-)victims of (domestic) violence. Its objectives include stabilisation, empowerment and psychosocial counselling of girls and young women refugees affected by violence. In addition, help is offered to boys and adolescent young men who are also affected by male violence, on the one hand, and identify themselves with violent fathers and men at a very young age, on the other.

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<sup>25</sup> In 2023/2024 also the State of Burgenland put the issue of knockout drops into focus with the "*Behalte die K.O.ntrolle*" [retain control] campaign. The campaign is carried out in cooperation with organisers of festivals, village fetes, and nighttime bars and clubs; see <https://www.burgenland.at/themen/gesellschaft/frauen-maedchen/gewaltschutz/ko-tropfen/> (last accessed on 5 July 2024).

<sup>26</sup> See also <https://bundeskriminalamt.at/205/start.aspx> (last accessed on 5 July 2024).

With regard to the recommendation that **information and contact details of support service providers be included in campaigns**, we would like to note that Austria has been following this approach even before. We consider it essential to offer potential victims low-threshold access to information on *where* they can get help on every occasion.

In addition, the National Coordinating Body encourages the inclusion of information about support service providers and their contact details in all media coverage.

With respect to the requested evaluation we would like to state that, for example, the Ministry for Women checked back with the promoted providers after campaigns as to whether the number of self-reporters had changed as a result of the information campaign. It is assumed that the increase in protection and mobile restraining orders and in the number of clients receiving counselling seen in recent years is attributable to the many campaigns that have been carried out.<sup>27</sup>

## Article 14: Education

55. GREVIO **strongly encourages** the Austrian authorities to monitor how teachers make use of the existing teaching materials and how they approach issues related to domestic violence and violence against women, and where necessary, to include programmes on the topics listed in Article 14 of the Istanbul Convention into the formal curriculum. (Conclusion No. 9)

Comprehensive information on violence prevention measures at schools and the materials available has been provided in the "Thematic Evaluation Report", p. 19 *et seq.*

The "***Reflexive Geschlechterpädagogik und Gleichstellung***" [reflective gender education and equality] circular (No. 21/2018)<sup>28</sup> and the relevant **curricula regulations** for

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<sup>27</sup> In 2017 the total number of cases dealt with by all violence protection centres amounted to 17,974 compared to 23,310 in 2023.

In 2022 an Austria-wide information campaign on legal and psychosocial court assistance was carried out. In that year, the number of persons receiving court assistance rose by approx. 9% to 9,933 persons, which constituted the highest year-on-year increase ever recorded.

<sup>28</sup> See the policy decree "***Reflexive Geschlechterpädagogik und Gleichstellung***", 2018; <https://rundschriften.bmbwf.gv.at/rundschriften/?id=793> (last accessed on 5 July 2024).

compulsory schools, general secondary schools, and vocational secondary schools and colleges serve as central guidelines for the new interdisciplinary and skill-oriented topic of "reflective gender education and equality" embodied in the new curricula.

The said circular contains suggestions on *how* issues of gender equality can be taken into consideration in public schools, against the background of a pluralistic society characterized by religious, cultural and social diversity, at the subject level and the teaching level, as well as at the level of social relationships. It aims to contribute to the development of a **professional and reflective approach** to the gender dimension in schools, which are shaped by their heterogeneous environments, on the basis of the **equality and anti-discrimination mandate** that is embodied in Austria's constitution. Its goal is to reflect on the gender dimension at the different levels of teaching and learning in a school context, to broaden the individual scope of action and to overcome gender stereotypes. Implementation of the circular is supported by:

- **integration into the steering tools of the Ministry of Education and its direct subordinate government agencies:** horizontal gender segregation is shown by the choice of schools or study programmes. Educational choices are strongly based on traditional role models and only a low percentage accounts for gender-atypical forms of training and education (girls in STEM or boys in CARE fields). Therefore, measures are taken to counter such segregation in school education. By means of the steering tool of resource, target and performance plans between the central body and the subordinate government agencies (boards of education) the equality agenda is continuously supported in the Austrian states as well.

In concrete terms, the resource, target and performance plans between the central body and the boards of education describe plans for implementation of the circular on the basis of a template.

- **integration into quality management:** gender competence is one of the skills to be acquired by school quality management staff in the course of their training (Regulation on Continuing Training in School Quality Management) ("recognising gender aspects and dealing with them in an equality-oriented manner").
- **integration into the new curricula:** gender ratios and equality issues concern schools in multiple ways and are reflected in them (e.g. working and professional environments, choice of school type, stereotypes). Therefore, reflective gender education has also been embodied in the new **skill-oriented curricula (in force since the 2023/24 school**

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The English version of the circular can be retrieved from [https://pubshop.bmbwf.gv.at/index.php?rex\\_media\\_type=pubshop\\_download&rex\\_media\\_file=ge\\_geschlechterpaedagogik\\_2018\\_en.pdf](https://pubshop.bmbwf.gv.at/index.php?rex_media_type=pubshop_download&rex_media_file=ge_geschlechterpaedagogik_2018_en.pdf) (last accessed on 5 July 2024).



year) as an "interdisciplinary topic" for the primary level and secondary level 1. Irrespective of their social, cultural or religious background, all pupils and students should be given the opportunity to critically reflect on gender issues and equality topics and their own norms and values. In this way, a contribution can be made to prevent gender-based violence and to expand one's own life and job perspectives (beyond gender stereotypes). For this purpose targets were defined for skills that should be acquired by the end of the primary level and secondary level 1.

- **drawing up a guideline for "Reflexive Geschlechterpädagogik und Gleichstellung in Unterrichtsmitteln" [guideline for reflective gender education and equality in teaching materials] (2023)**<sup>29</sup>: The guideline is intended to provide guidance for those in charge of approbation of teaching materials and thus mainly responsible for the quality of the contents of the same. And also persons who develop, draw up and publish teaching materials will find suggestions as to how to design their products in line with the criteria mentioned in the guidelines to counteract discriminating and/or stereotypical contents in teaching materials, for example.
- **preparing materials for the primary level and secondary level 1** (in cooperation with *Demokratiezentrum Wien* [Democracy Centre Vienna] and the public broadcaster ORF): in order to support teachers in implementing the decree in their lessons, in October 2021, the Ministry of Education instructed *Demokratiezentrum Wien* to prepare teaching materials for the primary level and secondary level 1 which are specifically aimed to eliminate gender stereotypes as a tool intended to facilitate the implementation of the interdisciplinary topic.

A total of 28 lesson plans (12 for the primary level and 16 for secondary level 1) on different topics were prepared, including on gender-specific violence, the Istanbul Convention, homophobia and sexism, modern manhood, etc. Those materials are available for download to all teachers in Austria.<sup>30</sup>

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<sup>29</sup> See *Reflexive Geschlechterpädagogik und Gleichstellung in Unterrichtsmitteln: Ein Leitfaden*, 2023; [https://pubshop.bmbwf.gv.at/index.php?rex\\_media\\_type=pubshop\\_download&rex\\_media\\_file=rgg\\_unterrichtsmittel.pdf](https://pubshop.bmbwf.gv.at/index.php?rex_media_type=pubshop_download&rex_media_file=rgg_unterrichtsmittel.pdf) (last accessed on 5 July 2024).

<sup>30</sup> See examples of gender equity and equality for teaching purposes (including teaching examples regarding the issue of violence) <https://www.demokratiezentrum.org/bildung/angebote/unterrichtsbeispiele/geschlechtergerechtigkeit-und-gleichstellung/> (last accessed on 5 July 2024).

We would also like to mention the teaching materials available on the EDUTHEK platform, <https://eduthek.at/> as well as the short videos on the edutube educational platform, <https://www.edutube.at/> (last accessed on 5 July 2024).

We would also like to add that in the area of education the contact persons are the officers in charge of women's affairs on the Boards of Education, the regional spokeswomen, and the staff in charge of women's affairs at schools.

The overarching specifications of the federal government must also be implemented at a regional level. To illustrate the efforts undertaken, e.g. by the State of Tyrol, we would like to present a list of significant measures:

- In the school year 2023/2024 Educational Psychology/Board of Education organised four conventions for teachers and head teachers on the topic of protecting children and young persons against violence.<sup>31</sup>
- The clearing agency of Educational Psychology/Board of Education reviews the (sex) education offers of external providers at schools: here all offers available throughout Austria are collected; regional offers are forwarded to the Board of Education and reviewed by Educational Psychology.<sup>32</sup>
- Educational Psychology has published a website on violence prevention containing offers for schools.<sup>33</sup> The website was or will be integrated with the website "*Gewaltfrei Tirol*" [free from violence in Tyrol]<sup>34</sup> to avoid double offers.
- In addition, Educational Psychology has launched a website on crisis intervention, which provides guidance for head teachers and teachers.<sup>35</sup>
- Educational Psychology also offers training for "internal crisis teams at schools" in cooperation with the Tyrol College of Teacher Education.<sup>36</sup>
- In addition, educational psychologists offer school-internal in-service education courses for teachers related to those topics.
- Educational psychologists and mobile intercultural teams support schools/teachers, pupils and students by offering prevention and intervention programmes.<sup>37</sup>
- Furthermore, educational psychologists develop child protection concepts and support schools in preparing such concepts.

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<sup>31</sup> See <https://ph-tirol.ac.at/schutz-vor-gewalt-kindern-und-jugendlichen> (last accessed on 5 July 2024).

<sup>32</sup> See <https://www.sexualpaedagogik.education/landingpage/web/ui/#Landingpage> (last accessed on 5 July 2024).

<sup>33</sup> See <https://gewaltpraevention.tsn.at/> (last accessed on 5 July 2024).

<sup>34</sup> See <https://www.tirol.gv.at/gesellschaft-soziales/gewaltfrei-tirol/> (last accessed on 5 July 2024).

<sup>35</sup> See <https://krisenintervention.tsn.at/> (last accessed on 24 April 2024).

<sup>36</sup> See [https://krisenintervention.tsn.at/sites/default/files/2023-07/krisenteam\\_vorbereitung.pdf](https://krisenintervention.tsn.at/sites/default/files/2023-07/krisenteam_vorbereitung.pdf) (last accessed on 5 July 2024).

<sup>37</sup> See <https://bildung-tirol.gv.at/service/schulpsychologie/schulpsychologische-beratungsstellen> (last accessed on 5 July 2024).

With the **new 2024 school regulations**, numerous new measures for a safe learning environment will be implemented **at all schools in Austria**. From the school year 2024/2025, a mandatory child protection concept with risk analysis will be introduced at all schools. In addition, child protection teams will be formed, codes of conduct established and clear processes defined for dealing with suspected cases. The implementation of the new regulation is also intended to raise awareness of preventative measures and introduce clear instructions for action in suspected cases. A Cooperation with the teacher training colleges and the Centre for Violence and Bullying Prevention will also ensure comprehensive training and further education for school staff.<sup>38</sup>

Supplementing the information on work at schools, the State of Lower Austria, for example, provided the following feedback on **educational work in state nursery schools**:

Also in the state nursery schools of Lower Austria educational work adheres to the "**bundesländerübergreifender BildungsRahmenPlan für elementare Bildungseinrichtungen in Österreich**" [Austria-wide educational framework plan for elementary educational institutions]<sup>39</sup> and "**Bildungsplan für Kindergärten in Niederösterreich**" [educational plan for nursery schools in Lower Austria]<sup>40</sup> for children up to 6 years. *Inter alia*, the plans extensively deal with the topics of non-violent communication, emotions, cooperation and conflict culture, values, diversity and inclusion. Educational work of nursery school staff is subject to supervision by the government of the State of Lower Austria, which is exercised by **nursery school inspectors**. Their work ensures that the requirements laid down in the educational framework plan and the educational plan are complied with. If necessary, the regional nursery schools of Lower Austria will be provided with educational guidance.

In addition, nursery school head teachers working in Lower Austrian state nursery schools, (inclusive) elementary school teachers and intercultural staff are offered **advanced training** in the course of the internal initial and in-service training programme, including on the topics of non-violent communication, gender role, dealing with infantile sexuality and media education, and are required to attend mandatory courses.

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<sup>38</sup> See <https://www.bmbwf.gv.at/Ministerium/Presse/20240517.html> (last accessed on 9 August 2024).

<sup>39</sup> See *Bundesländerübergreifender BildungsRahmenPlan für elementare Bildungseinrichtungen in Österreich*, August 2009; [https://www.bmbwf.gv.at/dam/jcr:c5ac2d1b-9f83-4275-a96b-40a93246223b/200710\\_Elementarp%C3%A4dagogik\\_Publikation\\_A4\\_WEB.pdf](https://www.bmbwf.gv.at/dam/jcr:c5ac2d1b-9f83-4275-a96b-40a93246223b/200710_Elementarp%C3%A4dagogik_Publikation_A4_WEB.pdf) (last accessed on 5 July 2024).

<sup>40</sup> See *Bildungsplan für Kindergärten in Niederösterreich*, [https://noe.gv.at/noe/Kinderbetreuung/Bildungsrahmenplan\\_Oesterreich.pdf](https://noe.gv.at/noe/Kinderbetreuung/Bildungsrahmenplan_Oesterreich.pdf) (last accessed on 5 July 2024).

In this connection we would like to mention that the state nursery schools of Lower Austria are provided with **clear instructions on how to respond to cases of endangerment to the best interests of a child** in accordance with the requirements of the laws and regulations pertaining to the rights of children and young persons. The State of Lower Austria's current special focus is on developing the topic of child protection in institutions of elementary education.

56. GREVIO **encourages** the Austrian authorities to increase their efforts to teach children, in an age-appropriate manner, on the notion of freely given consent in sexual relations, raise their awareness of the harmful effects of violent pornography and the implications of sharing of intimate images of oneself and others.  
(Conclusion No. 10)

Sex education and age-appropriate preparation of materials for children and young persons are considered very important in Austria.<sup>41</sup>

Apart from prevention work at schools, there are **numerous points of contact for children and young persons**, such as youth centres, street work or child protection centres. Topics like partnership or sexual relationships are central topics, in particular in work with young persons. Sex education concepts for work with children and young persons are also standard in residential "full-education" institutions.<sup>42</sup>

We would like to mention a positive recent achievement, namely the **digital child protection agency**, operation of which was started by the Austrian Institute for Applied Telecommunications (OIAT) in connection with the Saferinternet.at initiative in 2024. The agency has been designed for experts and organisations in Austria who deal with the topic

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See

<https://www.bmbwf.gv.at/Themen/schule/schulpraxis/schwerpunkte/sexualpaed.html#:~:text=Zielsetzung%20der%20Sexualp%C3%A4dagogik&text=Zeitgem%C3%A4%C3%9Fe%20Sexualp%C3%A4dagogik%20versteht%20sich%20heute,dem%20Menschen%20innewohnendes%20Potential%20verstanden>. (last accessed on 5 July 2024).

<sup>42</sup> "Full education" means that minors are taken away from their original families to safeguard their best interests. If the best interests of the child are at risk and if it is to be expected that such danger can only be warded off by taking care of the child outside their family or previous living arrangements, children and young persons must be granted full education in social education institutions, provided that the Child and Youth Welfare Service is fully entrusted with care and education.

of child protection in their everyday work. Services offered include **support in considering aspects of the digital environment in child protection concepts and raising public awareness of child protection and digitalisation**. The agency also offers prevention workshops for children and young persons on the topics of "sexting" or "cybergrooming".<sup>43</sup>

57. GREVIO **encourages** the Austrian authorities to further promote the principles of equality between women and men, non-stereotyped gender roles, mutual respect and non-violence conflict resolution in interpersonal relationships in informal educational facilities and in sports, cultural and leisure activities, as required under Article 14, paragraph 2, of the Istanbul Convention.  
(Conclusion No. 11)

Austria is aware of the need for appropriate measures to contribute to reinforcing the above principles, in particular equality of women and men, mutual respect and a society that ensures gender equity and is free from discrimination and violence in general. To this end, it must be ensured that those **principles** will also be promoted **in the context of sports, cultural and leisure activities** to become lastingly natural. The numerous state-specific funding guidelines stipulate, in particular, that comprehensive offers, i.e. also in the area of recreational activities, are eligible for funding.<sup>44</sup>

One of the top premises for the work of the Ministry of Arts and Culture is equality of all persons involved in creating arts and culture in all dimensions and across all genre and gender ranges. In this context, in particular in connection with the granting, processing and evaluation of funding, the aim of actual equality of men and women is pursued, e.g. by warranting that **grants will be allocated according to gender equity principles**, and since

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<sup>43</sup> See <https://www.saferinternet.at/projekte/kinderschutz> (last accessed on 5 July 2024).

<sup>44</sup> See, e.g. *Tiroler Richtlinie zur Förderung von Institutionen im Generationenbereich (Familien und Senioren)* [funding guidelines for generational institutions (families and senior citizens) of the State of Tyrol], 2022; [https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/familie/Richtlinien/Richtlinie\\_Foerderung\\_von\\_Institutionen\\_im\\_Generationenbereich\\_neu.pdf](https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/familie/Richtlinien/Richtlinie_Foerderung_von_Institutionen_im_Generationenbereich_neu.pdf) (last accessed on 5 July 2024) or *Tiroler Rahmenrichtlinie Jugendförderung* [youth support framework guidelines], 2022; [https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/kinder-und-jugendliche/jugend/downloads/foerderungen/Rahmenrichtlinie\\_Jugendfoerderung.pdf](https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/kinder-und-jugendliche/jugend/downloads/foerderungen/Rahmenrichtlinie_Jugendfoerderung.pdf) (last accessed on 5 July 2024).

2022 also by granting of separate **fair-pay contributions to close gender pay gaps** in cultural and art institutions.

Recognising the fact that gender-specific discrimination is a substantial cause of acts of violence against women, the **Vertrauensstelle gegen Belästigung und Gewalt in Kunst, Kultur und Sport (vera\*)** [vera\* trust centre for persons affected by violence, harassment and the abuse of power in the arts, culture and sports] was established in 2022 to provide support to victims (in particular women) by socio-psychological counselling, on the one hand, and by showing concrete ways out of problematic situations, on the other.<sup>45</sup>

We would also like to draw your attention to the **first "Gender Report"**, which is currently being prepared and deals with the gender ratio in institutional, professional and publicly funded art and cultural institutions in the period between 2017 and 2021. The survey focuses, *inter alia*, on the allocation of funding, awards and scholarships, the organisational hierarchy inside art and cultural institutions and on pay. The survey results are intended to ultimately serve as the basis for **long-term monitoring of art and cultural institutions**, and the analysis and publication of gender-relevant figures is supposed to facilitate an evidence-based equality policy. The Gender Report will be published in autumn 2024.

Moreover, Austria advocates safety in active sports and mutual respectful behaviour. Major goals are to prevent sexualised assaults and to protect children, which are being implemented jointly with partners in sports organisations and child protection organisations. Apart from the above-mentioned vera\* trust centre and the **SAFE SPORT online course on the topic of preventing sexualised violence**<sup>46</sup>, the 100% SPORT association<sup>47</sup> has drawn up the comprehensive "**Für Respekt und Sicherheit!**" [for respect and safety] **information brochure**<sup>48</sup> for all those working in the sport sector. In the area of SAFE SPORT<sup>49</sup> the association 100% SPORT also provides a number of **support services**, in particular by sport officials, coaches and athletes with the aim of creating a safe and inclusive sporting environment.

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<sup>45</sup> See <https://vera-vertrauensstelle.at/> (last accessed on 5 July 2024).

<sup>46</sup> See <https://safesport.at/academy/e-learning/> (last accessed on 5 July 2024).

<sup>47</sup> See <https://100prozent-sport.at/> (last accessed on 5 July 2024).

<sup>48</sup> See [https://safesport.at/wp-content/uploads/2023/03/2023-01\\_Handreichung\\_Einzelseiten-Bildschirm.pdf](https://safesport.at/wp-content/uploads/2023/03/2023-01_Handreichung_Einzelseiten-Bildschirm.pdf) (last accessed on 5 July 2024).

<sup>49</sup> See <https://safesport.at/> (last accessed on 5 July 2024).

## Article 15: Training of professionals

As regards para 64 of the GREVIO Report we would like to affirm that the Ministry of the Interior continues with its **endeavours to provide initial and in-service training for police officers in the field of "violence within the private sphere" as well as in the field of cybercrime** (see in this respect also the information on para 4 in the chapter on Statutory measures to counter new forms of violence, p. 7 *et seq.*). Currently, the **"security in public spaces" programme** is being revised. In the next few months new courses for prevention officers will follow.

For information on initial and in-service training in the healthcare sector, please refer to the statements on Conclusions No. 18 (para 102, p. 39 *et seq.*), No. 20 (para 115, p. 45 *et seq.*) and No. 21 (para 116, p. 47 *et seq.*).

68. GREVIO **urges** the Austrian authorities to ensure that judges and public prosecutors receive systematic and mandatory initial and in-service training on all forms of violence covered by the scope of the Istanbul Convention, while focusing on the victims' human rights, safety, individual needs and empowerment and the prevention of secondary victimisation. (Conclusion No. 12)

As regards paras 59 to 63 and Conclusion No. 12, para 68, the Ministry of Justice, which is the ministry in charge, has provided the following extensive information:

In the course of the **theory training of trainee judges**, which covers all major fields of law, above all criminal law and civil law, so-called **specialty days** are organised, where topics are addressed that go beyond the core areas of law (e.g. "trauma" specialty day, etc.).

For the area of **in-service training** Section 57(1) of the Judges' and Public Prosecutors' Service Act (*Richter- und Staatsanwaltsdienstgesetz/RStDG*) provides for a **general duty of all judges and public prosecutors to undergo in-service training**. So far, attendance at (specific) courses is not compulsory, because some hold that it would be in conflict with independent dispensation of justice as guaranteed by the constitution. A **specification of the duty to undergo in-service training is, however, being discussed**. A quantitative specification of the general training obligation in the sense of determining the number of in-service training days to be completed within a certain period as well as an abstract qualitative specification, insofar as a certain portion of the mandatory in-service training days could consist of personality-building courses (which would include training on dealing with victims of violence against women) are taken in consideration. It is expected that this

could further increase the participation rate of judges and prosecutors in training sessions on the topic of (dealing with victims of) violence against women.

On the topic of **prevention of violence against women and dealing with victims of violence** in-service training programmes for judges and public prosecutors are organised regularly. The topics addressed at such events (which are also interdisciplinary) included combating (sexual) violence against women and children (offline and online), violence in the immediate (family) environment, behaviour and responses of victims of violence, offender psychology, risk analysis, international legal protection, explanatory models for violence and dynamics of violence in partnerships, psychiatric diagnoses of aggression and violence, risk assessment of domestic violence, and many more.

It should be pointed out that over four days during the annual **judges' week of 2023**, which was dedicated to the motto "**joint actions against violence**", the topic of violence was dealt with comprehensively and at an interdisciplinary level.

At public prosecutors' offices comprising at least ten established permanent posts, cases for violence in the immediate social environment (domestic violence, violence against children) are always assigned to one or more specially trained public prosecutors (Section 4(3a) No. 1 DV-StAG). When selecting those public prosecutors, the heads of the public prosecutors' offices pay particular attention to advanced training completed in this field.

One of the recent seminars held in the first half of 2024, for example, was dedicated to the motto "**Gewalt ist nie in Ordnung! Wie kann das Gericht Gewalt feststellen und was ist zu tun?**" [violence is never okay - how can the court identify violence and what action needs to be taken?] and designed for family court judges as well as judges and public prosecutors dealing with cases of violence in the immediate social environment. At all four modules in every higher regional court circuit, experts in the areas of protection against violence, women's shelters and child protection, and representatives of the Ministry of Justice presented the new "**Handreiche zum Umgang mit Gewalt im Zusammenhang mit Obsorge und Kontaktrecht**" [handbook for dealing with violence in connection with custody and contact right].<sup>50</sup> Representatives of the family court assistance also participated in the seminar, during which common responses of victims, such as "freeze, flop or befriend" were discussed.

Another seminar, "**Umgang mit gewaltbetroffenen Kindern**" [dealing with children affected by violence], designed for judges and public prosecutors provides practice-

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<sup>50</sup> See *Handreiche zum Umgang mit Gewalt im Zusammenhang mit Obsorge und Kontaktrecht*, 2024; [https://www.bmj.gv.at/dam/jcr:63376cd0-18da-4ae3-a43f-5cb60cae8433/Handreiche\\_Letzversion%2009.01.2024.pdf](https://www.bmj.gv.at/dam/jcr:63376cd0-18da-4ae3-a43f-5cb60cae8433/Handreiche_Letzversion%2009.01.2024.pdf) (last accessed on 5 July 2024).



oriented information, including on the effects of violence and traumatisation on children and young persons.

The "**Fokus Familienrecht**" [family law focus] in-service training seminar, which was organised by the Austrian Supreme Court (OGH) from 10 to 11 April 2024, addressed, *inter alia*, interim injunctions in connection with protection against violence and dealt with Security Police Case Conferences.

As to the criticism raised in para 60, according to which the two-week placement of trainee judges with a victim protection organisation or welfare institution does not amount to mandatory initial training for all judges and public prosecutors in the area of victim protection because not all trainee judges are placed with victim protection organisations, it must be said that the purpose and aim of preparatory service of future judges is to prepare them for their future work as a judge or public prosecutor in the best possible way, including in the interest of maintaining a highly qualified and efficient profession. To achieve that purpose, Section 9 *RStDG* provides that trainee judges must work at different stations during their four-year training. The fact that victim protection is deemed an important part of a judge's training is substantiated by the fact that, pursuant to Section 9(2) *RStDG* and the corresponding Section 2 No. 6 of the Regulation on the Training of Trainee Judges (*Richteramtswärter/innen-Ausbildungsverordnung/RiAA-AusbVO*), work in a victim protection organisation or welfare institution constitutes a **compulsory training station**. The Austrian justice system regards raising the level of awareness among judges and public prosecutors, especially in the area of violence against women, as a top priority. This is the reason why in the course of judicial training, despite the numerous internal training stations which are indispensable for practising the profession, **everything is done to give trainee judges an insight into the important work of specialised institutions dealing with violence against women** and to make them aware of this important topic in **specific seminars**.

69. Moreover, GREVIO **strongly encourages** the Austrian authorities to provide systematic and mandatory initial and in-service training on the above to staff in general support services. (Conclusion No. 13)

As to GREVIO's remarks in para 66, AMS provided feedback to the effect that the topics of **gender equality and discrimination are compulsory subjects of basic training**. As part of the "16 Days Against Violence" campaign AMS organises internal and public awareness-raising and information events for counsellors and the public on current violence protection topics.

In addition, AMS employees use an internal **information sheet** when counselling clients who have experienced violence. It contains a definition of domestic violence, information on how to see whether clients have suffered from violence, and tips on how to address such experiences. Recommendations for referring the person concerned to the support service providers in charge are included as well.

We would also like to add that the Ministry of Social Affairs funds qualification measures, such as the course on **"initial and in-service training for accompanied visits" in which escorts are sensitised** towards (suspected) cases where the child's best interests are endangered, or the **Training Academy of the Association of Autonomous Austrian Women's Shelters (*Verein Autonome Österreichische Frauenhäuser (AÖF)*)**, which provides training for the prevention of all forms of violence against women and of domestic violence (training and sensitisation of persons and experts dealing with cases of domestic violence or violence against women or children in their everyday work).

Also the Austrian states reported back that comprehensive in-service training offered to and guidelines for persons who work in social services are in place already.

The **"Handbuch für Sozialarbeiter\*innen der Kinder- und Jugendhilfe Tirol"** [handbook for social workers in child and youth support services in Tyrol]<sup>51</sup>, for example, not only provides general guidance but also contains several annexes, e.g. **"Häusliche Gewalt – ein Leitfaden für Sozialarbeiter\*innen der Kinder- und Jugendhilfe Tirol"** [domestic violence - a guidance for social workers in child and youth support services], including information on counselling centres.

In January 2024, a **trainee programme for government agency expert staff in child and youth support services** has started. Module 5 will focus on the topics of violence and abuse.<sup>52</sup>

The State of Tyrol reported back that a high degree of empathy and expertise in the social context is a prerequisite for employees who work in the area of minimum benefits/social assistance. GREVIO's recommendation will be followed and the agencies in charge of initial and in-service training will be encouraged to introduce a target-oriented training programme.

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<sup>51</sup> See *Handbuch für Sozialarbeiter\*innen der Kinder- und Jugendhilfe Tirol*, 2020; [https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/kinder-und-jugendliche/kinder-und-jugendhilfe/downloads/Handbuch\\_Stand\\_22092020.pdf](https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/kinder-und-jugendliche/kinder-und-jugendhilfe/downloads/Handbuch_Stand_22092020.pdf) (last accessed on 5 July 2024).

<sup>52</sup> See <https://www.tirol.gv.at/buergerservice/karriereportal/traineeprogramm-und-lehrgang-fuer-behoerdliche-sozialarbeit-ab-2024/> (last accessed on 5 July 2024).

70. GREVIO **strongly encourages** the Austrian authorities to ensure that family law judges and court-appointed experts in family law cases are trained on domestic violence, on the impact that witnessing violence has on children and on their obligation to ensure the safety of women victims of violence and their children in any decisions related to custody and visitation rights. (Conclusion No. 14)

Supplementing the previous comments on paras 59 to 63 and Conclusion No. 12, para 68, p. 30., the Ministry of Justice, which is the ministry in charge, has added that jointly with an interdisciplinary working group a **new guideline for family court judges as well as other professionals/cooperation partners (including court-appointed experts) working in the field of child protection, explaining how to deal with violence in custody and contact (visitation) right cases** has been issued. The objective of the guideline is to further expand the protection of children against all forms of violence. Violence against children is not only a visible bruise but also unjustified withholding of maintenance payments, for example. Violence against important caregivers, such as the mother, is also violence against the child. The guideline aims to significantly raise the level of awareness of different forms of violence and their impact, on the one hand, and to illustrate concrete strategies of action in the best interests of the child, on the other. In this way, the justice system ensures standardised and coordinated action in this highly sensitive area. Concurrently with the handbook every higher regional court circuit organised related in-service training programmes.

### **Article 16: Preventive intervention and treatment programmes (work with offenders)**

On a general note on GREVIO's statements on Article 16 we would like to add that Austria provides funding for psychosocial counselling for men who have become no perpetrators yet, as an anti-violence measure. This measure, which is primarily designed to prevent violence, is accompanied by funding of the 24/7 "*Männerinfo*" helpline, which offers initial and crisis counselling for men and their relatives and refers them to local support service providers.

80. GREVIO **encourages** the Austrian authorities to:

- a. use all available means to ensure that domestic violence perpetrator programmes and those for sexual violence perpetrators are widely attended, including through court-ordered mandatory attendance as part of a conviction by raising awareness among judges, public prosecutors and other relevant authorities of their usefulness;
- b. ensure that long-term treatment programmes for perpetrators of domestic and sexual violence are available in sufficient capacity;
- c. ensure that all organisations offering preventive intervention and treatment programmes for perpetrators of domestic and sexual violence adhere to a victim-centred approach to their work and closely co-operate with the violence protection centres and other relevant women's specialist services;
- d. ensure the independent evaluation of both short-term initial counselling of perpetrators under a barring or protection order and of long-term treatment programmes. (Conclusion No. 15)

With regard to Conclusion No. 15.b (para 80.b) we would like to note that the anti-violence counselling centres, which are financed by the Ministry of the Interior, operate in **all nine Austrian states** already. After the police have issued a protection and mobile restraining order, the data sheet will be transmitted to the competent anti-violence counselling centre. Every person likely to threaten safety is required to undergo 6 hours of mandatory anti-violence counselling. In addition, the Ministry of the Interior provides funding for so-called **anti-violence training at men's counselling centres** throughout Austria.

Our feedback on Conclusion No. 15.c (para 80.c) is that the contracting authorities consider as very important to **follow an approach in the interest of victim protection** and an **exchange** between the different contracted victim protection organisations. For this reason, both the contracts concluded with violence protection centres and those concluded with anti-violence counselling centres provide for at least one **annual networking meeting**.

As to the evaluation requested in Conclusion No. 15.d (para 80.d) we would like to note that the anti-violence counselling centres started their work in September 2021 and that, **from today's perspective, the period of operation seems to be too short for a valid evaluation**.

## Protection and support

### Article 18: General obligations

90. GREVIO **encourages** the Austrian authorities to expand their efforts towards multi-agency co-operation by including the healthcare sector and family courts in such co-operation mechanisms. Moreover, GREVIO encourages the Austrian authorities to make better use of existing multi-agency co-operation models also in relation to forms of violence such as rape and sexual violence, digital manifestations of violence against women, forced marriage and FGM, and to set up, where appropriate, counselling and support in the form of one-stop-services. (Conclusion No. 16)

With regard to information on more intensive cooperation, reference is made to the "Violence protection strategy for coordination and networking with a focus on counselling for women affected by violence in Austria" under Conclusion No. 2, para 21, p. 11 *et seq.* We would like to supplement that information by adding that the **involvement and participation of civil society institutions**, including experts from the violence protection centres, women's shelters, women's counselling centres for cases of sexual violence, counselling centres for women and girls, counselling centres for men, anti-violence counselling centres and from the healthcare and educational sectors, in coordinating bodies is a long-standing tradition. This facilitates input of valuable knowledge and practical experiences, on the one hand, and ensures that measures are implemented according to the needs of the clients, on the other.

As stated in the "Violence protection strategy for coordination and networking with a focus on counselling for women affected by violence in Austria" (p. 47 *et seq.*), the current coordinating bodies make a basic distinction between three levels:

- 1. At **case level** the focus is on optimal protection and support of persons directly affected in the acute situation, and on long-term support. This includes, e.g. Security Police Case Conferences or coordination between violence protection centres and anti-violence counselling centres.
- 2. At a **topic-oriented (operational) level**, information exchange is the priority. The numerous thematic panels develop solution options with the necessary competence and expertise, and expedite implementation of the same. Thematic panels include, e.g.

the steering group for clinical forensic examination centres, the violence protection working group, the steering group for sheltered housing or the advisory board for violence protection and prevention in the healthcare sector (a working group headed by Gesundheit Österreich GmbH (GÖG) contracted by the Ministry of Health).<sup>53</sup> At a regional level, numerous working groups have been established as well, e.g. the "Violence against women" Round Tables in Lower Austria, the Violence Protection Council ("Gewaltschutzbeirat") in Styria or the Group of Experts on the Prevention of Violence ("ExpertInnengruppe Gewaltprävention") in Tyrol.

- 3. The **meta level** primarily serves the purpose of sharing knowledge and information across institutions, discussing strategic focuses, and identifying challenges and (lasting) solutions. For that purpose a working group has been established at the Ministry for Women.

The Ministry of the Interior would like to provide the following clarification on GREVIO's conclusion in para 85 that **women's shelters are not represented in all Security Police Case Conferences**:

As correctly stated by GREVIO, every Austrian state has established so-called "Security Police Case Conference Teams" (*S-FK-Teams*) consisting of definite participants. The *S-FK-Teams* are comprised of members of the group of participants who receive the documentation on the protection and mobile restraining orders issued by the police anyhow, as provided for by law.

The *S-FK-Team* as such holds no Security Police Case Conferences. Organising and heading a Security Police Case Conference is the responsibility of the local police department. They define the persons to be invited on a case-by-case basis. However, the *S-FK-Team* submits a proposal regarding participants to the leader (of the relevant local police department), so that, of course, women's shelters will also be invited to the Security Police Case Conference, if necessary.

With regard to GREVIO's notes in para 86, which also concern participation in Security Police Case Conferences, the Ministry of Justice has provided the following information:

In the area of criminal law, participation in and disclosure of information or data by public prosecutors and judges to Security Police Case Conferences is expressly regulated in Section 76(6) *StPO*. In the **area of civil law, only judges may attend, unless the prerequisite**

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<sup>53</sup> With regard to information on the tasks of the numerous coordinating bodies reference is made to the "Violence protection strategy for coordination and networking with a focus on counselling for women affected by violence in Austria", p. 47 *et seq.*

**of Section 22(2) of the Security Police Act (*Sicherheitspolizeigesetz/SPG*) is fulfilled.** If there is a potential risk of assault as defined in the first sentence of Section 22(2) *SPG* during court hearings or other visits to the court, it is recommendable that the heads of court, or persons of the relevant office(s) instructed by them (security officers), be called in or their involvement be suggested to the police. Apart from widening the assessment basis, where applicable, their input will also facilitate direct evaluation of the measures deemed necessary with the security management of the office(s) involved.

With regard to an obligation of judges to attend Security Police Case Conferences, reference is made to the **independence of the judiciary** in this context. Moreover, the invitations are issued by the relevant police departments. In the area of the family courts, the established practice is that the Security Police Case Conferences are not attended by the judges assigned to the case themselves but by their deputies or by the court president.

As to the recommendation that one-stop services be set up, we report back that Austria follows a different approach. A well-balanced violence protection network, comprised of many specialist violence protection centres that work in close cooperation, is in place. Introducing a one-stop shop would probably tie up the resources of those intertwined services in restructuring and transition measures. This approach is therefore considered disadvantageous, e.g. by experts of the 24/7 women's emergency helpline in Vienna and the association of Vienna women's shelters.

In the area of Austrian criminal procedure law, for example, a system of psychosocial and legal court assistance is in place which provides comprehensive victim support in criminal proceedings and offers numerous advantages that have proved effective in Austria over time. Also at European level (EU and Council of Europe) Austria, like other European countries, **votes against an obligation to set up such one-stop shops and demands that existing and established as well as highly successful other systems be taken into account.**

## **Article 20: General support services**

### **Social services**

94. GREVIO **strongly encourages** the Austrian authorities to take the necessary legal or other measures to ensure that women victims of the forms of violence covered

by the Istanbul Convention have access to affordable and sustainable housing options across the country. (Conclusion No. 17)

The demand for affordable housing in Austria is huge and constitutes a challenge. However, support initiatives and funds are available (e.g. housing benefit, housing subsidy, rent subsidy, etc.).

The following feedback on the conclusion was received from the State of Vorarlberg: In Vorarlberg, a tight, comprehensive network of housing support options has been set up. Under the **accommodation assistance for homeless people project** 230 places are available. To warrant **professional housing counselling** and **mobile assistance and support in housing matters**, approx. 40,000 hours of social work are made available per year. An eviction prevention centre has been set up, and support services intended to facilitate access to affordable housing are offered. All of those offers are also available for victims of gender-specific violence.

We would also like to refer to the information provided by *Wiener Wohnen* [social housing in Vienna] in the "Thematic Evaluation Report", p. 47.

## Healthcare sector

102. GREVIO **strongly encourages** the Austrian authorities to:

- a. further implement standardised care paths in the public and private healthcare sectors, based on a gender-sensitive and non-judgmental approach, in order to ensure the identification of victims, their diagnosis, treatment, documentation of the type of violence suffered (including photographs of injuries) and resulting health problems, and referral to appropriate specialist support services;
- b. ensure that healthcare professionals operating in hospitals and healthcare centres issue victims a forensic report documenting their injuries;
- c. ensure that informed consent is sought from a victim of violence for the reporting of a suspicion of a criminal act, outside of those cases where there is a reasonable suspicion that there is an imminent danger to the victim or another person, or



where the victim is a child, as stipulated in the Violence Protection Act 2019.  
(Conclusion No. 18)

The following information is provided on GREVIO's comments in para 96:

- By the end of 2023 the implementation ratio of **victim protection units at hospitals** required to set up such units was 97%. In addition, some hospitals that are not required to do so have set up victim protection units on a voluntary basis.

- **Close cooperation between victim and child protection units is considered very important, even though it should obviously not result in a loss of specialisation.**

Violence protection units, which include child protection units and victim protection units, are set up in hospitals depending on different conditions. For example, some hospitals have no separate paediatric ward but so-called "nurseries", e.g. where infants and toddlers may be admitted together with their ill mothers. Those hospitals are not required by law to set up their own child protection units, but setting up a violence protection unit which also takes care of child protection matters is considered to be most useful, because especially in such constellations issues of child protection are of relevance quite often. In small hospitals it may make sense to handle child protection and victim protection matters together for economical reasons.

From the perspective of victim protection units, handling child and victim protection matters together does make sense, because in most cases they relate to systems of violence which affect both women and children.

Concerns about a loss of focus on the woman affected by violence if child and victim protection matters are handled jointly are refuted in the assessments by victim protection units, while the advantages are emphasised: on the one hand, violence against a woman sometimes becomes visible only when domestic violence has been identified because of an intervention by the child protection unit. On the other hand, inclusion of potentially affected children constitutes enhanced victim protection, because the woman concerned may, for example, find it easier to accept protection services if the situation and potential endangerment of children is taken into account as well. Nonetheless, this should obviously not result in a loss of specialisation.

- The lack of clarity addressed by GREVIO as to whether victim protection units operate on a **gendered understanding of domestic violence** is not comprehensible.
- With regard to the last two sentences on the **cooperation** of victim protection units and the newly established forensic examination centres we would like to assure you that they are willing to cooperate. Since the clinical forensic examination centres are in the process of being set up, the actual design of cooperation must be defined in a first step.

Regarding para 97 of the GREVIO Report - and with respect to Conclusion No. 18, para 102.a - is clarified that **in the healthcare sector one of the top priorities of all national guidelines for practice in caring for persons affected by violence is to refer them to specialist support services**. They should at least be provided with the contact details in any case. If requested, contact with the support organisation will be established.

We would like to present an example from the State of Upper Austria: The ***Gewaltopfer-Betreuungsteam "GOBT"*** [victim support team] of Kepler University Hospital primarily takes care of persons who have experienced violence. For quality optimisation in victim support (e.g. in trauma surgery, accident and emergency, gynaecology, anaesthesia, neurology, cranio-maxillofacial surgery, dermatology, surgery, psychiatry, urology, child protection units, paediatric surgery, social work, psychology, and many more) the staff has been specially trained. This intradisciplinary team offers in-house holistic treatment of victims of violence and also refers victims to external support service providers and various associations. In addition, it raises awareness among hospital staff and supports them by means of training and counselling. Thanks to networking and cooperation with the child protection unit and external associations and specific service providers, patients can be referred and contact can be established with the necessary organisations according to their specific needs.

With respect to para 98 on the topic of (standardised) identification of victims by general practitioners it is pointed out that **some well-established advanced training courses for established physicians are available** already (e.g. in Lower Austria). At a national level, in the area of established physicians **guidelines** were drafted in a first step towards enhancing violence protection.<sup>54</sup> The guidelines define common standardised care paths and referral paths specifically for established physicians.

To ensure that not only all established physicians but all healthcare professionals are adequately informed about how to treat victims of violence, the efforts to **embody the topic of violence protection in all curricula as a standard for the healthcare professions** will continue.

We consider it important to mention that Austria has a comprehensive range of initial and in-service training programmes in place already. Vienna, for example, has been providing

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<sup>54</sup> See <https://toolbox-opferschutz.at/ngb> (last accessed on 5 July 2024). The working group, which had been specifically set up for the purpose of drafting the guidelines and was comprised of experts from the advisory board also included representatives of *Bundeskurie niedergelassene Ärzte* (Austrian Medical Association), the Austrian umbrella organisation of victim protection units in the healthcare and social services sectors, *Österreichische Gesellschaft für Kinderschutz Medizin* [Austrian society for child protection medicine] and *Österreichische Gesundheitskasse* [Austrian Health Insurance Fund].

the interdisciplinary "***Gewalt macht krank***" [violence makes sick] **in-service training programme** for hospital staff in cooperation with the Vienna Health Group (VHG) since 2015. The programme is comprised of a 4-hour basic module on "violence against adults" and another 4-hour basic module on "violence against children" plus yearly changing advanced modules of 4 hours each dealing in-depth with topics such as sexualised violence, experiences of violence during birth, violence in old age, violence against persons with disabilities, etc. Furthermore, in **March 2024 a project was launched by the Tyrolean Health Fund** with the aim of training and installing multipliers in all departments of the Tirol-Kliniken hospitals, and in the final expansion phase in all Tyrolean hospitals, who will continuously train employees in the departments on the topic of protection against violence and the associated work instructions. In addition, it is an essential prerequisite at the Tirol-Kliniken hospitals to undergo regular training in professional forensics and documentation in order to work as a specialist in emergency areas. This includes the preparation of a correct medical report. In addition, all medical staff at the Tirol-Kliniken hospitals receive training in the protection against violence when they start work. Protection against violence is firmly anchored in the curriculum of the medical university in Innsbruck as well as in the training of nursing staff. Further reference is made to the statements in Conclusion No. 21, para 116, p. 47.

With respect to GREVIO's Conclusion No. 18, para 102.b, we would like to point out that also here standardised procedures can be relied on. Reference is made to the "**Standard for data collection in hospitals on cases of (domestic) violence**" at national level, see comments under Conclusion No. 5, para 37, p. 16<sup>55</sup>. This standard is to be implemented throughout Austria over the next years. In addition, the Vienna Programme for Women's Health (MA 24), for example, supported a **working group for standardised documentation of victim protection cases** in VHG hospitals and clinics in 2022 and 2023. In cooperation with experts from the fields of data protection, law, quality management and ICT, the victim protection units developed draft specifications defining the organisational and technical standards and the standard content for documenting victim protection cases.

With regard to the **reporting by healthcare professionals of acts of violence to the law enforcement authorities based on the victims' "informed consent"** (para 100 and Conclusion No. 18, para 102.c) we would like to inform you that by the Protection Against

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<sup>55</sup> See "Standard for data collection in hospitals on cases of (domestic) violence", October 2023; [https://toolbox-opferschutz.at/sites/toolbox-opferschutz.at/files/2024-05/Datenspezifikation\\_final.pdf](https://toolbox-opferschutz.at/sites/toolbox-opferschutz.at/files/2024-05/Datenspezifikation_final.pdf) (last accessed on 13 August 2024).

Violence Act 2019 (*Gewaltschutzgesetz 2019*) a standard reporting duty and obligation to maintain secrecy was introduced for all healthcare professions. This amendment to the law requires healthcare professional to have extensive knowledge of the complexity of violence issues. This knowledge base regarding the relevant professional obligations must be developed during initial training and addressed in continuing training. Therefore, standards that will apply nationwide to the curricula of healthcare study programmes are being drafted.

Reference is also made to the comments under Conclusion No. 20, para 115, p. 45.

## **Article 22: Specialist support services**

With regard to another prevalence study on FGM/C mentioned in para 110, there is a misunderstanding. A **study on the prevalence of FGM/C in Austria** is currently being carried out by the Medical University of Vienna in cooperation with the Women's Health Centre FEM Süd. However, the prevalence figures cited in the GREVIO report – 11,000 girls and women affected and 3,000 at risk in Austria – already originate from this study. The entire study results are to be published in 2024. They will help to better understand the extent and dynamics of FGM/C in Austria. Regarding para 110, it is also noted that there exist already three specialised FGM/C outpatient clinics in Vienna.

112. GREVIO **strongly encourages** the Austrian authorities to ensure that shelter places are available in a sufficient quantity, with an adequate geographical distribution throughout the country, and to ensure that all women victims of violence, regardless of their income have free-of-charge access to dedicated domestic violence shelters. (Conclusion No. 19)

Austria acknowledges the recommendation of free-of-charge access to places in dedicated women's shelters. We would like to note that the **amount** charged in the Austrian states in which a solidarity contribution is collected is **income-scale adjusted and very low**.

With regard to potential alternative forms of accommodation the State of Styria provided the following supplementary information:

In the past few years Styria focused, *inter alia*, on providing **manifold forms of accommodation** for women affected by violence and their minor children. Apart from the

established places in women's shelters, here the **newly created regional crisis or temporary housing** should be mentioned. In Styria, women have a principal legal right to a place in a women's shelter, which is regulated in the Styrian Act on Violence Protection Centres (*Steiermärkisches Gewaltschutzeinrichtungsgesetz/StGSchEG*). Different situations of violence require different forms of protection, which is why accommodation in a women's shelter is not always the only solution. The following forms of accommodation supplement the traditional women's shelters:

- Regional crisis housing: to provide women and their children with quick and unbureaucratic help, 6 regional crisis residences were established in Styria. Here, women are able to stabilise the situation through support and counselling by regional violence protection centres and can remain close to their place of residence. Target groups are women (and their children) affected by domestic violence (both physical and psychological) who need temporary housing and do not have to be accommodated in a women's shelter (immediately) or who are not in acute danger. In this way potential spirals of violence can be countered at an early stage.
- Temporary housing after a stay in a crisis residence or women's shelter: women who lack financial or social resources to find an apartment for themselves, often return to the person threatening their safety after their stay in sheltered housing, even if risk management considers additional steps and more counselling necessary in the interest of lasting protection against violence and preventing a new need for accommodation in sheltered housing. The primary objective of temporary housing is to offer ambivalent women a different way out of their situation and to closely accompany and assist them. At present, 8 temporary apartments are available in Styria.

As to GREVIO's finding in para 104 that there are not enough places in women's shelters in Tyrol, we would like to inform you that **in upper Tyrol and lower Tyrol additional places in women's shelters** have already been set up to cover demand. In addition, sheltered housing for women and their children was and is being implemented in accordance with the agreement pursuant to Article 15 of the Federal Constitutional Act (*Bundes-Verfassungsgesetz/B-VG*) (see also below). Thus, the capacity has been increased already.

Lastly, we once more refer to the "Implementation report on the recommendations of the Committee of the Parties of 7 December 2021", p. 15 *et seq.* with respect to the information on the increase in sheltered housing based on an agreement pursuant to Article 15a *B-VG* between the federal government and the regional governments. With regard to the working group on the topic of shelters mentioned in para 107, it is noted that only representatives of the state and federal administrations participate as members. However, experts from the field may also be invited to the meetings.

## Article 25: Support for victims of sexual violence

115. GREVIO **strongly encourages** the Austrian authorities to set up further sexual violence referral centres in an even geographic distribution that provide medical care, trauma support, forensic examinations and immediate psychological assistance by qualified professionals who provide victim-sensitive examinations and who refer victims to specialist services providing short- and long-term psychological counselling and support. (Conclusion No. 20)

Supplementing the information in the "Thematic Evaluation Report", p. 62 *et seq.*, we would like to add that funding for the women's counselling centres established throughout Austria was increased again. In 2024, those women's counselling centres will receive grants of EUR 100,000 each, which means an increase by 46% compared to the previous year; compared to 2019, the total funding amount has increased by around 200%.

**Clinical forensic medical examination centres** facilitate the preservation of evidence of violent assaults for forensic purposes and thus make a significant contribution to clear up those cases and subsequently to prove them in court. **Improving the offer of clinical forensic examinations** in Austria is considered a necessary step for a more effective prosecution of violent offenders. The clinical forensic examination centres meet the following essential **service requirements**:

- professional and victim-sensitive forensic medical examination, preservation of evidence (including archiving of samples) and documentation of violence;
- independent of legal proceedings and free of charge for victims of violence;
- examination by forensic medical examiners; until the required number of forensic medical examiners has been trained, examination by general physicians trained in the field;
- at least one permanent clinical forensic examination centre covering a certain region, including a victim-sensitive examination room; rural areas are covered by mobile units, consultative services, etc.

The pilot operations of clinical forensic examination centres which are being implemented also provide for a so-called guiding system to refer persons affected by violence to the appropriate support service providers. For high-quality implementation of forensic diagnosis in the case of a sexual offence a physician specialising in the relevant field will be called in (e.g. gynaecology, paediatrics, etc.). In this way, not only the documentation of injuries and preservation of samples will be secured in a single and therefore victim-

sensitive examination, but also curative treatment in one step (without losing means of evidence).

At two locations **pilot project operations for a total of five Austrian states will be set up**. In Graz, operations started in April 2024. In Vienna, operations are expected to start by autumn 2024. In parallel to the pilot phase, the Clinical Forensic Examination Centres Funding Act (*Gewaltambulanzenförderungsgesetz*), which enters into force on 1 September 2024, creates the **legal framework for the nationwide establishment of clinical forensic examination centres throughout Austria** that provide medical examination free of charge and independent of legal proceedings for victims of violence. Concurrently with setting up pilot operations, **talks** and considerations are underway on how to establish clinical forensic examination centres in other regions.

In addition, there is the "*Kompetenzzentrum Gewaltschutz und Gewaltschutzambulanz*" [competence centre for protection against violence and outpatient clinic] in Tyrol, see the comments under Conclusion 21, para 116, p. 47.

Despite this positive outlook, forensic medical services will not be able to carry out all examinations, because, as mentioned above, there are not enough medical specialists. Since examination, preservation of evidence, etc. is often done in clinical departments, advanced training, e.g. for staff of gynaecology wards, will continue to be very important. For this reason, the new post-graduate **forensic nursing courses**, for example, seem to be very useful.

With regard to psychological and psychosocial counselling and support we would like to point out that Austria offers a broad range of services already.

The State of Vorarlberg, for example, reported back that **non-medical psychotherapy** is offered **free of charge** through ifs Psychotherapie Vorarlberg<sup>56</sup>, based on an agreement between the social security funds, the State of Vorarlberg and Institut für Sozialdienste gemeinnützige GmbH (ifs). In addition to non-medical psychotherapy, Vorarlberg also offers **low-threshold contact points for social psychiatry** (social psychiatric services at 5 locations) and **low-threshold contact points for persons with substance use disorders** in all districts. Apart from persons with psychological or substance use disorders, the target group also includes victims of gender-specific violence.

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<sup>56</sup> See <https://www.ifs.at/psychotherapie-vorarlberg.html> (last accessed on 5 July 2024).

116. In the interim, GREVIO strongly encourages the Austrian authorities to ensure that the pathways for the reception and treatment of victims of sexual violence/rape within the existing medical services are always followed in practice. (Conclusion No. 21)

We would like to emphasise that **hospitals have internal procedures and paths** in place and that the existing child and victim protection units play an important role (see also the comments on Conclusion No. 18, para 102, p. 39 *et seq.*).

We would like to add that the "*Toolbox Opferschutz*" [victim protection toolbox] contains specific **information and guidelines for practice in caring for victims of sexual violence** (e.g. preservation and archiving of evidence).<sup>57</sup>

We would like to present the following example to illustrate the clinical procedures in Austrian states where no clinical forensic examination centres have been established yet:

- Since 2002 the general public hospital of the City of Dornbirn has operated an **outpatient clinic for victims of abuse**. The clinic is either staffed by female doctors from the hospital or there is an on-call service to ensure the care of female abuse victims. The physicians are both gynaecologists and trained in forensics.
- The opening of a "**Kompetenzzentrum Gewaltschutz und Gewaltschutzambulanz**" [competence centre for protection against violence and outpatient clinic] in March 2024 at the University Hospital in Innsbruck has established a contact point for victims of sexualised violence in western Austria. The direct networking of the medical management with the University Clinic for Gynaecology and the Institute for Forensic Medicine at the Medical University of Innsbruck provides the prerequisites for comprehensive medical treatment and professional forensics. The full-time position of a psychologist ensures prompt psychological support for the victims and the development of an individualised support concept with extramural violence protection organisations.

Moreover, since "sexualised violence", including its manifold health or posttraumatic consequences, still constitutes a taboo topic, it is given more consideration in **initial and in-service training**. Gynaecology wards and established specialists are usually better prepared

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<sup>57</sup> See <https://toolbox-opferschutz.at/> (last accessed on 5 July 2024).



to deal with victims of sexualised violence. The **available guidelines of the specialist societies and forensic evidence kits**, *inter alia*, are well-accepted in clinical settings.

In this connection we would like to add that, at the end of 2023, the Ministry for Women instructed "Gesundheit Österreich GmbH" (GÖG) to develop a **concept for defining national uniform standards for training contents on the topic of violence protection for healthcare professions**.

Lastly, we would like to refer to the information provided in the chapter on "Measures in the public health sector" in the "Thematic Evaluation Report", p. 48 *et seq.*

## Substantive law

### Article 31: Custody, visitation rights and safety

125. GREVIO **strongly encourages** the Austrian authorities to ensure that civil courts:

a. duly investigate allegations of violence against women in the context of proceedings concerning child custody and visitation rights;

b. always take the negative impact which violence against women has on children into account and recognise it as jeopardising their best interest, without having recourse to concepts that position women victims of violence as unco-operative or "attachment intolerant";

c. reinforce co-operation and information sharing between criminal courts, law enforcement, prosecution services and family law judges in cases concerning child custody and visitation rights;

d. take measures to incorporate a systematic screening in cases concerning the determination of custody and visitation rights to establish whether there is a history of violence, and conduct a risk-assessment. (Conclusion No. 22)

Our feedback on Conclusion No. 22.a, para 125.a, is that the "**Handreiche zum Umgang mit Gewalt im Zusammenhang mit Obsorge und Kontaktrecht**"<sup>58</sup> [handbook for dealing with violence in connection with custody and contact right] provides judges with a tool that describes the different forms of violence and what can be done in specific cases. A sub-chapter is dedicated to the topic of witnessed violence, which must be assessed as a threat to the child's best interest.

## **Article 48: Prohibition of mandatory alternative dispute resolution processes or sentencing**

133. GREVIO **encourages** the Austrian authorities to continue to enhance the level of awareness among all professionals involved in criminal court proceedings of the power imbalances in relationships marred by violence, so they can take this into account when assessing whether to propose a case of violence against women or domestic violence for alternative dispute resolution measures. (Conclusion No. 23)

134. GREVIO **strongly encourages** the Austrian authorities to establish safeguards in family law cases to ensure that no direct or indirect pressure is placed on a victim of domestic violence to agree to an out-of-court settlement. (Conclusion No. 24)

The "Guidelines for the prosecution of offences in the immediate social environment (3rd edition)"<sup>59</sup> require that for offences in the immediate social environment the alternative measures provided for in Section 198 et seq. *StPO* should be **weighed** most carefully. From the Ministry of Justice's point of view, provisional withdrawal from prosecution by setting a probationary period as defined in Section 203(1) *StPO*, which according to victim protection organisations is the least invasive measure for victims, normally takes into account the requirements of special and general deterrence only in connection with remedial action for damage, expedient orders (in particular anti-violence training, alcohol withdrawal therapy

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<sup>58</sup> See *Handreiche zum Umgang mit Gewalt im Zusammenhang mit Obsorge und Kontaktrecht*, 2024; [https://www.bmj.gv.at/dam/jcr:63376cd0-18da-4ae3-a43f-5cb60cae8433/Handreiche\\_Letzversion%2009.01.2024.pdf](https://www.bmj.gv.at/dam/jcr:63376cd0-18da-4ae3-a43f-5cb60cae8433/Handreiche_Letzversion%2009.01.2024.pdf) (last accessed on 5 July 2024).

<sup>59</sup> See *Richtlinien zur Strafverfolgung bei Delikten im sozialen Nahraum* [Guidelines for the prosecution of offences in the immediate social environment], 3rd edition (2021); [https://www.ris.bka.gv.at/Dokumente/Erlaesse/ERL\\_BMJ\\_20210830\\_2021\\_0\\_538\\_674/ERL\\_BMJ\\_20210830\\_2021\\_0\\_538\\_674.pdf](https://www.ris.bka.gv.at/Dokumente/Erlaesse/ERL_BMJ_20210830_2021_0_538_674/ERL_BMJ_20210830_2021_0_538_674.pdf) (last accessed on 5 July 2024).

including check-ups, orders for protecting the victims, etc.) and orders by which a probation officer is assigned for assistance. In the relevant cases the special grounds listed in Section 203(2) *StPO* that would allow dispensing with those conditions will hardly ever be fulfilled. Victim-offender mediation (*Tatausgleich*) pursuant to Section 204 *StPO*, for example, may prove to be effective in domestic violence cases where continuing to share the same residence is out of the question. In the case of charges in the context of Section 107a *StGB*, however, the question of whether victim-offender mediation would be appropriate and how to proceed must be examined most carefully. Express reference is made to the obligation to keep the victim informed as laid down in Section 206(2) *StPO*.

The "*Handreiche zum Umgang mit Gewalt im Zusammenhang mit Obsorge und Kontaktrecht*"<sup>60</sup> [handbook for dealing with violence in connection with custody and contact right] **advises against settlements or agreed rules in violence cases**. However, the court has no influence on what parties discuss or decide before pursuing litigation.

## Investigation, prosecution, procedural law and protective measures

### Articles 49 and 50: General obligations; Immediate response, prevention and protection

#### Reporting to and investigations by the law enforcement authorities

150. GREVIO **encourages** the Austrian authorities to enable victim reporting to law enforcement officers in a victim-friendly environment, and to move away from the practice of summarising victims' statements to a more detailed verbatim transcript in order to ensure further case-building. (Conclusion No. 25)

The recommendation is acknowledged and it is noted that victim-friendly interview rooms are already available in the provincial criminal investigation offices. The expansion of a

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<sup>60</sup> See *Handreiche zum Umgang mit Gewalt im Zusammenhang mit Obsorge und Kontaktrecht*, 2024; [https://www.bmj.gv.at/dam/jcr:63376cd0-18da-4ae3-a43f-5cb60cae8433/Handreiche\\_Letzversion%2009.01.2024.pdf](https://www.bmj.gv.at/dam/jcr:63376cd0-18da-4ae3-a43f-5cb60cae8433/Handreiche_Letzversion%2009.01.2024.pdf) (last accessed on 5 July 2024).

victim-friendly environment will be continuously reviewed and, if necessary, taken up in future renovations/modernizations. With regard to a detailed transcript, it is noted that the importance of accurate documentation/protocolling is constantly reminded during training measures.

Depending on the incident, reports are made either at a police station or at the location of the police investigation. If necessary, the victim is separated from the accused person in order to prevent any influence in the best possible way. In certain cases regulated by law, documentation in the form described may be omitted and an adversarial hearing may be conducted, but this must be carried out by the court.

Special guidelines have been drawn up for the questioning of victims (of sexual offenses) to ensure that victims are questioned gently.

## Investigation and prosecution

151. GREVIO **encourages** the Austrian authorities to ensure that the police and prosecution services enhance their efforts regarding case building for all forms of violence covered by the Istanbul Convention, including digital manifestations of such violence. Continuous measures should be taken to ensure swift investigation into, and effective prosecution of, all cases of violence against women and domestic violence, without compromising the thoroughness of the investigation. (Conclusion No. 26)

It is envisaged that an organisational framework be set up at all public prosecutors' offices to promote efficient prosecution of cybercrimes. Based on the example of a pilot project of the Association of Public Prosecutors in Austria (*StAV*) in cooperation with the Senior Public Prosecutors' Office of Vienna (*OStA Wien*) "**CYBERCRIME Competence Centres**" were deemed a suitable model.<sup>61</sup>

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<sup>61</sup> By decree of the Federal Ministry of Justice of 12 December 2023 (2023-0.868.506) trial operation of Cybercrime Competence and Contact Centres was prolonged until 31 December 2025, which means that not only continuation of trial operation but also the development stage reached have been secured. With respect to the locations it was stipulated that trial operation of the Competence Centres be continued at the public prosecutors' offices of Vienna, Graz, Linz and Innsbruck (so-called mandatory locations) plus at other public prosecutors' offices where such centres have been established already. As at 9 April 2024, CYBERCRIME

The Competence Centres are in charge of cybercrimes both in the narrow and in the broad sense of the word. Such offences include digital violence against women (e.g. cyberbullying or child pornography). They are staffed with one or more public prosecutors trained in this field. The Competence Centres are **points of contact in all cybercrime issues in all legal and technical respects**.

Employees of the Competence Centres are also advised to undergo **in-service training** and share their expertise at **internal seminars**. The Competence Centres' task is to provide training materials, guidelines, model orders, decisions on appeals, and other information, and to operate an information platform in this context. The objective is to monitor and analyse cybercrime phenomena and evaluate the conduct of proceedings in this area to ensure that potential nexus can be identified as early as possible and proceedings can be conducted or consolidated efficiently. The Competence Centres network with each other and with the criminal police and, where necessary, with other stakeholders.

### Conviction rate

152. GREVIO **strongly encourages** the Austrian authorities to ensure that sanctions are commensurate with the gravity of the offence in all cases concerning forms of violence against women covered by the Istanbul Convention, and in particular cases of rape and sexual violence. (Conclusion No. 27)

With respect to the first sentence of para 149 we would like to note that **the report lists the sanctions for rape defined in Section 201 StGB in an abridged form**: pursuant to Section 201(1) *StGB* the basic sanction for rape is a prison sentence between two and ten years. Section 201(2) *StGB* lists different qualifications (higher penalties) which carry a prison sentence between five and fifteen years. If the offence results in the death of the victim, the punishment is a prison sentence between ten and twenty years or a life sentence (Section 201(2) *StGB*, last half sentence). Since entry into force of the Protection Against Violence Act 2019, Federal Law Gazette (*BGBl.*) I No. 105/2019, fully suspending a sentence imposed for rape (Section 201 *StGB*) is excluded (Section 43(3) *StGB*).

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Competence Centres are established at 15 out of 17 public prosecutors' offices (which means that two offices have CYBERCRIME contact points). Moreover, the decree provided for adaptations in order to intensify networking within the justice administration and with the police authorities.

With a view to GREVIO's recommendation we would like to emphasise that **sentencing is the responsibility of the independent judiciary**. The relevant sanctions are defined by the legislator.

Austrian criminal laws provide for adequate punishment for all cases of violence against women covered by the Istanbul Convention, in particular rape and sexual violence, which is commensurate with the gravity of the offence. With regard to the different sanctions provided for the offence of rape in Section 201 *StGB* and the offence of violation of the right to sexual self-determination in Section 205a *StGB* we would like to point out that the definition of rape in Section 201 *StGB* includes use of means of coercion, such as violence, deprivation of liberty, or threat with a present danger to a person's life and limb. Abusing a victim's position of vulnerability or mental impairment constitutes an offence as defined in Section 205 *StGB* ("sexual abuse of a vulnerable or mentally impaired person"); if the victim is an immature person under the age of 14, Section 206 *StGB* ("serious sexual abuse of minors") applies. Both Sections provide for similarly severe punishments as Section 201 *StGB*. If neither a means of coercion nor an abuse of a particularly vulnerable position or condition of the victim can be ascertained but the act is performed against the will of the victim nonetheless, as is the case with offences defined in Section 205a *StGB*, the Austrian legislator decided to take this fact into account by means of a sentence that is (in comparison) less severe but commensurate nonetheless.

## **Article 51: Risk assessment and risk management**

As to para 155 of GREVIO's report, which criticises the lack of a nationwide risk assessment tool in Austria, we report back that the **police risk assessment tool PROTJEKT** ("*Polizeiliche Risikobewertung Objektive Täterorientierte Einschätzung Erwartbarer Körperlicher Tötlichkeiten*" [risk assessment by the police - objective offender-related assessment of physical assaults to be expected]), which is currently being tested by the Vienna Regional Police Headquarters (*Landespolizeidirektion Wien*) **has not been tested long enough to allow valid statements on a nationwide rollout**. For use outside a large urban setting like Vienna the tool would have to be newly validated in any case.

With regard to para 157 the Ministry of Justice has noted that it is a known fact that the act of strangling or throttling increases the level of risk (high-risk factor). The risk assessment tools normally used by victim protection organisations take account of that fact. To raise the level of awareness among public prosecutors and judges in this regard those tools were

annexed to the decree on "Guidelines for the prosecution of offences in the immediate social environment" (cf. Campell item 10, Checklist item 11).

With respect to the measures of in-service training encouraged by GREVIO in this regard (see Conclusion No. 12, para 68, p. 30) it must be said that public prosecutors are rarely the first ones who respond to persons affected by violence, so that they will hardly ever be the ones to ascertain such suspicions.

## Article 52: Emergency barring orders

164. While welcoming the enlarged scope of protection of emergency barring orders in Austria, GREVIO **urges** the Austrian authorities to inform schools and other childcare facilities without exception when police barring orders are issued in respect of children or a child's parent or guardian. (Conclusion No. 28)

The information duties resulting from the police issuing a protection and mobile restraining order were defined in an internal decree of the Federal Ministry of the Interior. It provides that where minors under 18 years of age are at risk, public law enforcement officers must inform **the persons who normally care for the minor at risk about the protection and mobile restraining order** if it is deemed necessary in the specific case.

Accordingly, e.g. the head teachers of the school attended by a minor at risk, of the nursery or after-school care provider; the in-home daycare provider; caregiving relatives; managers of holiday care providers, of training centres or sport camps.

The information duty defined in Section 38a(4) No. 1 *SPG* applies if this is "required in the specific case". Where minors (i.e. children of up to 14 years of age) are involved, this is normally the case.

With regard to GREVIO's suggestion in para 161 (in the case of stalking by strangers) that the **protection and mobile restraining order be separated, we would like to add that this is not planned.**

## Article 53: Restraining or protection orders

In view of GREVIO's point of criticism raised in para 168 that, according to practitioners, potential offenders seem to be not always informed about the fact that the police-issued

protection and mobile restraining order has been extended due to a petition for an interim injunction, it must be said that pursuant to Section 382f(2) of the Enforcement Code (*Exekutionsordnung/EO*) the court is required to **immediately notify** both the potential offender and, pursuant to Section 382h(1), the relevant local police department **if and when a petition for an interim injunction is filed**. The legal framework for immediate information of the potential offender has thus been created.

In view of the point of criticism raised in the last two sentences in para 168 that due to current legislation victims of stalking enjoy less protection than victims of domestic violence because in the case of Section 382d *EO* the law enforcement measures that can be ordered by the court are limited (Section 382i(2) *EO*) and because **in the case of an interim injunction as defined in Section 382d *EO*** the court **cannot order the potential offender to attend anti-violence counselling**, we would like to inform you that Austria constantly evaluates measures in terms of their suitability to improve protection against violence. The points addressed are part of current discussions.

169. GREVIO **strongly encourages** the Austrian authorities to ensure that in practice:

a. protection orders are made use of in cases of all forms of violence against women covered by the scope of the Istanbul Convention, and in particular for psychological violence and stalking;

b. no gaps in the protection of victims arise between police barring orders and court-ordered protection orders for victims of stalking. (Conclusion No. 29)

With regard to Conclusion No. 29, para 169.a, we would like to clarify that the current legal regime does explicitly provide for the possibility to **petition for interim injunctions on the ground of psychological violence or stalking**. Where a person's "behaviour has a material adverse impact on another person's mental health" and/or in the case of threats with physical assault, interim injunctions can be issued both for the protection against domestic violence as defined in Section 382b *EO* and for general protection against violence as defined in Section 382c. An interim injunction as defined in Section 382d *EO* may be petitioned for as protection against stalking. The legal framework for making use of interim



injunctions for all forms of violence covered by the Istanbul Convention has thus been created.

With respect to Conclusion No. 29, para 169.b, we would like to add that Section 38a(4) *SPG* requires public law enforcement officers to inform persons at risk about their right to petition for an interim injunction as defined in Section 382b and Section 382c *EO* and about the availability of suitable victim protection organisations. Pursuant to Section 38a(10) *SPG* a police protection and mobile restraining order ends two weeks after it was issued or, if within that period the police is informed by a court of law that a petition for an interim injunction under Section 382b and Section 382c *EO* was filed, upon service of the decision of the court of law on the opponent and in any case four weeks after it was issued.

Gaps in the protection of victims may arise where the person at risk files a petition for an interim injunction only very late or only after the police protection and mobile restraining order has expired and/or if the court issues the interim injunction only after the police protection and mobile restraining order has expired. From the perspective of the justice administration, the courts follow the important principle that petitions for interim injunctions **be processed with priority and that the police be informed immediately.**

## Article 56: Measures of protection

176. GREVIO **encourages** the Austrian authorities to ensure that all measures in place to protect victims during investigations and judicial proceedings are implemented accordingly, and in relation to victims of all forms of violence covered by the Istanbul Convention. Particular attention should be paid to women victims of violence who face intersectional discrimination, for example women with disabilities and migrant women, who may need specific measures of protection and support in criminal proceedings. Technical and human resources should be made available for victims to be able to make use of their right or the possibility to testify via video link. Data collection and research on the implementation of victim protection measures and their effectiveness should be carried out regularly, including from a victim's perspective. (Conclusion No. 30)

Every far-reaching change of the law, including in the area of victim protection, is accompanied by **implementation decrees**, which are made available to the courts and

public prosecutors' offices and are intended to facilitate practical implementation of the new regulations.

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