

*Building trust
by delivering support,
protection and justice*

Austria

First thematic
evaluation report

GREVIO

Group of Experts
on Action against Violence
against Women and
Domestic Violence



Council of Europe Convention
on preventing and combating
violence against women
and domestic violence
(Istanbul Convention)

GREVIO(2024)4
published on 10 September 2024

First thematic evaluation report

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

AUSTRIA

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

GREVIO(2024)4

Adopted by GREVIO on 21 June 2024

Published on 10 September 2024

Secretariat of the monitoring mechanism of the Council of Europe Convention
on Preventing and Combating Violence against Women and Domestic Violence
Council of Europe
F-67075 Strasbourg Cedex
France

www.coe.int/conventionviolence

Contents

Executive summary	4
Introduction.....	6
I. Emerging trends on violence against women and domestic violence	8
II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence	11
A. Definitions (Article 3)	11
B. Comprehensive and co-ordinated policies (Article 7)	12
C. Financial resources (Article 8)	13
D. Data collection (Article 11).....	14
III. Analysis on the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution.....	17
A. Prevention.....	17
1. General obligations (Article 12).....	17
2. Education (Article 14).....	19
3. Training of professionals (Article 15).....	20
4. Preventive intervention and treatment programmes (Article 16)	23
B. Protection and support	25
1. General obligations (Article 18).....	25
2. General support services (Article 20)	27
3. Specialist support services (Article 22).....	29
4. Support for victims of sexual violence (Article 25)	31
C. Substantive law	32
1. Custody, visitation rights and safety (Article 31).....	32
2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)	34
D. Investigation, prosecution, procedural law and protective measures	36
1. General obligations (Article 49) and immediate response, prevention and protection (Article 50)	36
2. Risk assessment and risk management (Article 51).....	40
3. Emergency barring orders (Article 52).....	41
4. Restraining or protection orders (Article 53)	43
5. Measures of protection (Article 56)	44
Appendix I List of proposals and suggestions by GREVIO	46
Appendix II List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations .	51

Executive summary

This evaluation report addresses progress made in bringing support, protection and justice to victims of violence against women and domestic violence under selected provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). It offers an assessment made by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO's findings identify developments that have taken place since publication of its baseline evaluation report on Austria on 27 September 2017 and are based on the information obtained during its first thematic evaluation procedure as set out in Article 68 of the convention. These include written reports (a state report submitted by the country authorities and additional information submitted by the Federation of Autonomous Women's Counselling Centres against Sexual Violence (BAFÖ), the Federal Association of Violence Protection Centres Austria, the Association of Intersex People Austria (VIMÖ) and the Alliance Living FREE of Violence) as well as a five-day evaluation visit to Austria. A list of the bodies and entities which GREVIO had exchanges with can be found in Appendix II.

The report assesses the wide variety of measures taken by the Austrian authorities to prevent violence against women and domestic violence and to deliver protection, support and justice for victims – the theme chosen by GREVIO for its first thematic evaluation report. In identifying emerging trends in preventing and combating violence against women and domestic violence, GREVIO shines a light on laudable efforts made for the implementation of this convention. Moreover, it provides in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution as building blocks for a comprehensive response to the different forms of violence against women that instils trust in victims.

In this regard GREVIO welcomes that since the adoption of its baseline evaluation report on Austria, the authorities have taken important steps to further align their national legislation with the requirements of the Istanbul Convention. The authorities have reacted to emerging forms of violence, such as online misogynistic hate speech and harassment, through legislative measures and training initiatives, and have continuously expanded victims' rights in criminal proceedings. Major legislative changes include the adoption of the Violence Protection Act 2019, by which emergency barring orders and court-issued protection orders have been supplemented by a prohibition to approach the victim. MARACs (multi-agency risk-assessment conferences) have been re-introduced, and mandatory violence prevention counselling for perpetrators of domestic violence is being implemented. The persistently high number of women killed in Austria is being met with additional preventive measures taken by the authorities and the underlying reasons are being studied. GREVIO calls for the prevention of gender-based killings to remain a priority on the federal government's agenda.

GREVIO notes, moreover, the worrisome decrease in age among sexual violence perpetrators which can be traced to their exposure to violent pornography online. GREVIO welcomes in that context the introduction of specific preventive intervention and treatment programmes for young offenders, offered by associations, but also notes that safeguarding measures and awareness among parents are necessary about the ready accessibility of violent pornography online, its harmful effect on children's minds and its detrimental impact on their ability to establish healthy and consent-based sexual relations. In addition, efforts need to be increased to teach children, in an age-appropriate manner, about 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.

Beyond the progress made in Austria to implement the convention, GREVIO has identified areas which require urgent action by the authorities to comply fully with the convention's provisions. An area which remains a concern to GREVIO is the lack of mandatory in-service training for judges and public prosecutors on issues related to the Istanbul Convention. While many of them benefit from some form of initial training, any further training remains voluntary, impacting on their level of

sensitisation and knowledge as regards in particular sexual violence and the impact of trauma on witness statements. More urgent action is thus required 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. Because of identified shortcomings in the implementation of Article 31 of the Istanbul Convention on safety in proceedings concerning custody and visitation rights, GREVIO considers it necessary to reinforce the training of family law judges and court-appointed experts in family law cases on the dynamics of 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.

The second area of concern is the fact that Section 38a, paragraph 4(1) of the Security Police Act does not include an absolute requirement to inform childcare facilities or schools of the issuance of a barring order, constituting a gap in the otherwise commendable system and practical implementation of police barring orders in Austria.

GREVIO has identified a number of additional issues that require sustained action in order to effectively build trust by delivering protection, support and justice for acts of violence against women. These relate to the need to:

- develop a long-term comprehensive action plan/strategic policy document giving due importance to all forms of violence covered by the Istanbul Convention;
- ensure adequate and long-term funding to the various specialist support service providers beyond domestic violence prevention centres;
- ensure that data categories in use are harmonised across the various sectors, with the aim of being able to track cases of violence against women during their passage through the different stages of the criminal justice system;
- improve the collection of data by on the number of victims of domestic or other forms of violence against women seeking help from the healthcare sector and social services;
- step up their efforts to eradicate prejudice, gender stereotypes and patriarchal attitudes in Austrian society, and make primary prevention of violence against women a priority in future action plans and measures, including through awareness-raising campaigns;
- ensure that domestic violence perpetrator programmes and those for sexual violence perpetrators are available in sufficient capacity, are widely attended and that all organisations offering such programmes adhere to a victim-centred approach to their work;
- further implement standardised care paths in the public and private healthcare sectors to ensure the identification of victims, their diagnosis, treatment, documentation of the type of violence suffered (including photographs of injuries) and resulting health problems;
- set up further sexual violence referral centres in an even geographical distribution;
- ensure that civil courts duly investigate allegations of violence against women in the context of proceedings concerning child custody and visitation rights, without having recourse to concepts that position women victims of violence as “unco-operative” or “attachment intolerant” and incorporate a systematic screening for domestic violence and conduct a risk assessment in such proceedings;
- protection orders are made use of in practice in cases of all forms of violence against women, and in particular for psychological violence and stalking, and that no gaps in protection arise for victims between police barring orders and court-ordered protection orders.

Lastly, GREVIO has identified further areas in which improvements are required to comply fully with the obligations of the convention under this round’s theme. These relate, among others, to ensure that places in women’s shelters are available in sufficient quantity and in an adequate geographic distribution; enable victim reporting to law-enforcement officers in a victim-friendly environment; ensure that the police and prosecution services enhance their efforts regarding case building, swift investigation and prosecution of all forms of violence covered by the Istanbul Convention, including digital manifestations thereof; ensure that all measures in place to protect victims during investigations and judicial proceedings are implemented in practice, including by paying particular attention to women victims of violence who face intersectional discrimination, and ensure that women victims of violence have access to affordable and sustainable housing options across the country.

Introduction

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, the Istanbul Convention) is the most far-reaching international treaty to tackle violence against women and domestic violence.

It sets up a two-pillar monitoring mechanism to assess the level of implementation by its parties: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention. In line with Article 68 of the convention, GREVIO has been providing country-based monitoring reports under its baseline evaluation procedure since 2017. Its baseline evaluation report on Austria, offering a comprehensive assessment of the convention's implementation in its entirety, was published on 27 September 2017, following Austria's ratification of the Istanbul Convention on 14 November 2013.

The present report was drawn up under GREVIO's first thematic evaluation round launched in 2023 and focuses on the theme of building trust by delivering support, protection and justice. To address this overarching theme, it describes emerging trends in the areas of preventing and combating violence against women and domestic violence in the country. Section two aims to identify developments in key areas such as comprehensive and co-ordinated policies, funding and data collection that have ensued following the completion of the baseline evaluation procedure. Section three presents more in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution, in light of the significant challenges and the need for further action revealed by the baseline evaluation procedures and the conclusions on the implementation of recommendations from the Committee of the Parties to the Istanbul Convention.

In respect of Austria, the first thematic evaluation procedure was initiated in accordance with Article 68 of the convention by letter and transmission of GREVIO's first thematic questionnaire on 16 January 2023. The Austrian authorities subsequently submitted their state report on 7 June 2023 – the deadline set by GREVIO. Following a preliminary examination of Austria's state report, GREVIO carried out an evaluation visit to Austria, which took place from 2 to 6 October 2023. The delegation was composed of:

- Ivo Holc, Member of GREVIO
- Pascale Franck, Member of GREVIO
- Sabrina Wittmann, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention

During the evaluation visit, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. GREVIO wishes to highlight its constructive exchanges with the Austrian authorities, in particular with Jennifer Resch, Director for Women and Equality at the Federal Chancellery; Barbara Göth-Flemmich, Director for Criminal Justice, and Christian Manquet, acting Director for Criminal Law, both at the Federal Ministry of Justice; and Meinhild Hausreither, Director for Human Medicine and Health Telematics at the Federal Ministry of Social Affairs, Health, Care Work and Consumer Protection. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them. For the co-operation and support provided throughout the entire evaluation procedure, it wishes to extend its gratitude to Marie-Theres Prantner, Head of Division, and Verena Wehmeyer, adviser, both from the Division for Violence Prevention and Violence Protection at the Federal Chancellery, who were appointed as contact persons. The state report and the written contributions submitted by civil society are available on the country monitoring website of the Istanbul Convention.¹

1. See: www.coe.int/en/web/istanbul-convention/austria.

The present assessment was drawn up under the exclusive responsibility of GREVIO and is based on the information collected during the various steps of the evaluation procedure. In keeping with the approach adopted in its baseline evaluation reports, the findings reflect different levels of urgency, indicated in order of priority by the following verbs: “urges”, “strongly encourages”, “encourages” and “invites”.

Resulting from a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement within the national context of the party under review, this report describes the situation as observed by GREVIO up until 22 March 2024. Where applicable, relevant developments up until 21 June 2024 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations that work in the field of violence against women.

I. Emerging trends on violence against women and domestic violence

1. In the period following the adoption of GREVIO's baseline evaluation report, GREVIO identified several trends in Austria in the area of preventing and combating violence against women. Some of these trends are related to legislative developments prompted by broader societal movements, while others pertain to shifts in attitudes and approaches in addressing violence against women.

Legislative responses to emerging forms of violence and challenges

2. Since the adoption of its baseline evaluation report on Austria, GREVIO notes with satisfaction that the Austrian authorities have taken important steps to further align their national legislation with the requirements of the Istanbul Convention. The authorities have reacted to emerging forms of violence, such as online misogynistic hate speech and harassment, through legislative and other measures, and have continuously expanded victims' rights in criminal proceedings. Recent major legislative changes include the adoption of the Violence Protection Act 2019, by which emergency barring orders and court-issued protection orders have been supplemented by a prohibition on approaching the victim.² MARACs (multi-agency risk-assessment conferences) have been reintroduced, mandatory violence prevention counselling for perpetrators of domestic violence implemented³ and the criminal sanctions for rape through the use of force, threat or coercion, for stalking and for the continuous use of force have been raised.⁴ Moreover, persons who have been convicted of physical or sexual violence and other offences against children can now be excluded by a court order from exercising professions where they are in contact with minors, which GREVIO welcomes.⁵

3. High-profile cases demonstrating the continuum of violence against women online and offline sparked further changes in legislation, which GREVIO welcomes. On 1 January 2021, the statutory package to combat hatred online entered into force.⁶ It introduced, among a range of other measures, the possibility for victims of serious violations of personality rights committed online to obtain, under certain conditions, cease-and-desist decisions without a previous oral hearing. Moreover, new provisions in the Civil Code were introduced that stipulate that a claim to cease and desist unlawful violation of personality rights extends not only to the perpetrator but also, under certain conditions, to online platforms hosting the unlawful content. "Upskirting" and other non-consensual image-taking of intimate body parts was criminalised. GREVIO commends the authorities that cybercrime competence centres were established at public prosecutors' offices, and specialised police officers received training on the issue to accompany the legal amendments. A counselling service for victims of online hatred and violence was instituted, the staff at violence protection centres received training on cyberviolence, and in Vienna, IT specialists support women victims of cyberviolence with their technical expertise. These legislative changes came at a timely point, as a recent analysis by the Fundamental Rights Agency (FRA) of posts and comments on large social media platforms found that women are the main targets of online hate speech, including abusive language, harassment and incitement to sexual violence.⁷

4. While GREVIO welcomes this enhanced protection for victims of online forms of violence, legal practitioners have pointed out that there have been very few cases brought under these new provisions, as the legal norms are rather complex. It is hopeful that the authorities' plans to train cybercrime police officers and the introduction of specialist units at public prosecutors' offices across the country will contribute to more victims being protected from digital manifestations of violence against women, and more perpetrators being brought to justice. In this context, GREVIO draws

2. See Article 51, Emergency barring orders.

3. See Article 16, Preventive intervention and treatment programmes.

4. Federal Law Gazette I, no. 105/2019, 29 October 2019, available at: www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2019_I_105/BGBLA_2019_I_105.html.

5. Article 220b of the Criminal Code.

6. Federal Law Gazette I, no. 148/2020, 23 December 2020, available at: www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2020_I_148/BGBLA_2020_I_148.html.

7. See <https://fra.europa.eu/en/news/2023/online-hate-we-need-improve-content-moderation-effectively-tackle-hate-speech>.

attention to its General Recommendation No. 1 on the digital dimension of violence against women, which calls upon states to recognise the gendered nature of violence and abuse perpetrated online and through technology, and to take relevant measures to prevent and combat such violence.⁸

Violent pornography and sexual violence against girls and young women

5. The consumption of (violent) pornography by children and young adults is increasingly being linked to the growing rates of sexual violence against girls and young women. Children and young adults watching and sharing pornography without the ability to contextualise or comprehend what they see is a phenomenon that GREVIO has also been observing in other parties to the convention.⁹ Research confirms that pornography can have devastating effects on children's minds and makes the link to harmful sexual behaviour of children.¹⁰ GREVIO notes the worrisome decrease in age among sexual violence perpetrators as identified by the Austrian authorities, illustrated by recent cases of sexual assault among children and young adults that were directly traceable to their exposure to pornography.¹¹ It welcomes the introduction of specific preventive intervention and treatment programmes for young offenders, offered by the associations Neustart and Limes.¹²

6. As more and more children, adolescents and young adults consume pornography, including violent pornography, safeguarding measures and awareness among parents about the accessibility of pornography online, its harmful effect on children's minds and its detrimental impact on their ability to establish healthy and consent-based sexual relations are vital. GREVIO is concerned by the harm on girls and boys and their ability to form healthy relationships stemming from their exposure to violent pornography and considers it of great importance to address the linkages in wider strategies for the prevention of sexual violence.

Gender-based killings of women

7. Another worrying trend is the persistently high number of women killed in Austria. According to the official statistics by the Federal Criminal Police Office, 39 women were murdered in 2022, 36 in 2021, 31 in 2020, and 39 in the year 2019.¹³ In other words, on average, three women are killed every month in Austria.¹⁴

8. The Austrian authorities are well aware of this particularly serious issue and therefore commissioned a large-scale study on murders of women in Austria between 2010 and 2020, in order to identify possible causes.¹⁵ Between 2016 and 2020, 100 femicides were counted, pursuant to the

8. GREVIO General Recommendation No. 1 on the digital dimension of violence against women, adopted on 20 October 2021, Council of Europe (2021), available at: <https://rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147>.

9. See, for example, the UK Children's Commissioner, "Evidence on pornography's influence on harmful sexual behaviour among children" (2023), available at: <https://assets.childrenscommissioner.gov.uk/wpuploads/2023/05/Evidence-on-pornography-s-influence-on-harmful-sexual-behaviour-among-children.pdf>, and the French High Council on Equality between Women and Men, which found that 90% of pornographic content available in France contained non-simulated acts of verbal, physical and/or sexual violence against women, see www.senat.fr/fileadmin/import/files/fileadmin/Fichiers/Images/delegation/femmes/L_Essentiel_Porno_ENGLISH.pdf.

10. UK Children's Commissioner, "Evidence on pornography's influence on harmful sexual behaviour among children" (2023), cited above.

11. Information obtained during the evaluation visit and www.derstandard.at/story/3000000211667/sexualdelikte-unter-jugendlichen-sind-stark-gestiegen.

12. See Article 16, Preventive intervention and treatment programmes.

13. Police Crime Statistics 2022, available at: https://bundeskriminalamt.at/501/files/2023/PKS_Broschuere_2022.pdf. A factsheet on murders of women in Austria in 2021 is available at: https://bundeskriminalamt.at/501/files/2022/Morde_weibliche_Opfer_2021.pdf.

14. Since 2019, the Autonomous Women's Shelters Austria have kept a list of suspected gender-based killings of women, which they classify as such on the basis of the related media reports. In 2023, the organisation counted 26 femicides; 29 in 2022; 31 each in 2021 and 2020; and 39 in 2019. The Autonomous Women's Shelters Austria use the following definition of "femicide": "Femicide is the intentional killing of a woman by a man because of her gender or because of "violations" of the traditional social and patriarchal roles assigned to women." See www.a oef.at/index.php/zahlen-und-daten/femizide-in-oesterreich.

15. Institute for Conflict Research, Investigation of murders of women – a quantitative and qualitative analysis, Birgitt Haller et al., April 2023, available at: <https://ikf.ac.at/schwerpunkte/sicherheit/rechtsstaat/2022-untersuchung-frauenmorde>.

definition by the European Institute for Gender Equality.¹⁶ Three quarters of the killings were committed by the current or former partner of the victim. The main findings of the study were that high-risk factors for gender-based killings include a mental illness of the perpetrator, a history of domestic violence, economic stress factors and/or a patriarchal mindset of the murderer.¹⁷ Only five of the victims had previously sought help from specialist services such as a violence protection centre or a women's shelter.

9. Based on the findings of the above-mentioned study, a follow-up study on the interrelation between violence against women and mental illness was commissioned. GREVIO welcomes this study and the Austrian authorities' efforts to explore the reasons for the high number of women killed in the country and to find ways to prevent future killings.¹⁸ At the same time, GREVIO is concerned that the main point that seems to have emerged from the study is the aspect of mental illness of perpetrators, which is but one factor. GREVIO warns against limiting gender-based killings to this singular factor. A worrisome finding to be further explored is the fact that only 5% of the victims had been in touch with specialist services, which points to the need for more awareness raising on available support services for women victims of violence. A related topic that GREVIO has observed is that of gender-based violence-related suicides, which appears to be under-researched in Austria and merits further attention, not least in the light of a recent case of a medical doctor who committed suicide after being targeted by hate speech.¹⁹ Moreover, the study's finding that many of the perpetrators of gender-based killings shared patriarchal views should serve as the basis for further measures and calls for further awareness-raising efforts targeting men and boys and their views on masculinity.²⁰

10. In this context, the Federal Ministry of Social Affairs recently conducted an awareness-raising campaign targeting men and boys based on the principle of reinforcing the idea of positive masculinity.²¹ Moreover, there is a promising regional initiative in response to the high number of gender-based killings: in Styria, where 12 women have been killed in 2023 alone, the regional government decided on an action plan to prevent further lethal violence against women.²² Building on these important steps, GREVIO considers that the prevention of gender-based killings should remain a priority on the federal government's agenda.

16. See: <https://eige.europa.eu/publications-resources/thesaurus/search?ts=femicide>.

17. Institute for Conflict Research, Investigation of murders of women – a quantitative and qualitative analysis, Birgitt Haller et al., April 2023, p. 150.

18. GREVIO has repeatedly called upon states to introduce domestic homicide review mechanisms and analyse all cases of gender-based killings of women, with the aim of identifying possible systemic gaps in the institutional response to cases of violence against women (see, for example, GREVIO baseline evaluation report on Bosnia and Herzegovina, paragraph 284; on Germany, paragraph 22; on Italy, paragraph 230; and on North Macedonia, paragraph 34 and Türkiye, paragraph 35).

19. See GREVIO's first thematic evaluation report on Albania, paragraph 166, and www.dw.com/en/austrian-doctors-death-puts-spotlight-on-hate-speech/a-62700680.

20. Institute for Conflict Research, Investigation of murders of women – a quantitative and qualitative analysis, Birgitt Haller et al., April 2023, p. 151.

21. See Article 12, General obligations.

22. The plan includes awareness-raising campaigns, more training of the police and judges, the opening of a second sexual violence referral centre in Leoben, the promotion of dedicated women's helplines, and also helplines for men, the commissioning of a study into the reasons why so many victims do not reach out to the support system and more temporary housing possibilities for women victims of violence. For more information, see: www.news.steiermark.at/cms/beitrag/12932626/154271055/.

II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence

11. Chapter I of the Istanbul Convention sets out general principles that apply to all the substantive articles contained in Chapters II to VII and therefore lay the foundation for a comprehensive and adequate response that ensures the delivery of support, protection and justice for all women and girls at risk of or who have experienced gender-based violence. These include, among others, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies, sustained by the necessary institutional, financial and organisational structures.

A. Definitions (Article 3)

12. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. “Violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression “domestic violence” is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The definition of “gender-based violence against women” provided in paragraph d of Article 3 seeks to ensure more clarity about the nature of the violence covered, by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

13. GREVIO notes with regret that since the adoption of its baseline evaluation report, in which it had noted the absence of a definition of “domestic violence” in line with Article 3b of the convention, no corresponding definition has been introduced.²³ While the “Guidelines for the prosecution of offences in the immediate social environment” for public prosecutors were updated, they saw the introduction of a definition of “violence in the immediate social environment”,²⁴ which, however, does not fully comply with the definition of domestic violence as laid out in the Istanbul Convention, nor is it a definition that is operational beyond the prosecution services. The guidelines notably do not clearly include violence that occurs within the family unit or between former or current spouses or partners by perpetrators who do not share the same residence with the victims.

14. At the level of law enforcement, two different terms are used. On the one hand, “domestic violence” only applies to persons living within the same household, while on the other hand, the term “violence in close relationships”²⁵ covers violence outside the domestic unit between persons who have a personal relationship to each other – such as friends and acquaintances, but also former/current spouses and partners who do not share the same residence.²⁶ GREVIO regrets the introduction of three different definitions, none of which individually comply with Article 3b of the convention. This risks inconsistencies in approaches and responses across two sectors of the criminal justice system, which are required to co-operate closely.

23. GREVIO baseline evaluation report on Austria; paragraph 8; available at: <https://rm.coe.int/grevio-report-austria-1st-evaluation/1680759619>.

24. In German: *Gewalt im sozialen Nahraum*.

25. In German: *Gewalt in der Privatsphäre*.

26. See the Federal Criminal Police Office, Violence Protection Report 2020-2022, pp. 1-3, available at: www.bmi.gv.at/bmi_documents/3035.pdf.

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 parties and in line with Article 3b of the Istanbul Convention.**

B. Comprehensive and co-ordinated policies (Article 7)

16. Article 7 of the Istanbul Convention requires parties to take co-ordinated and comprehensive measures to prevent and combat all forms of violence against women. Policies must ensure effective co-operation and place the rights of victims at their centre. This includes taking into account and addressing the specific circumstances and barriers experienced by women exposed to or at risk of multiple forms of discrimination,²⁷ in line with Article 4, paragraph 3, of the convention. Ensuring service delivery, effective protection and justice with a comprehensive understanding of intersecting forms of discrimination is a fundamental element in building trust among all women and girls.

17. During the baseline evaluation procedure, the National Action Plan (NAP) on the Protection of Women from Violence and the National Strategy on the Prevention of Violence in Schools (both 2014-2016) were in force. GREVIO had observed that many of the measures contained therein corresponded to the requirements of the Istanbul Convention, but also noted that many measures contained in the NAP consisted of one-off campaigns, projects and research initiatives, and that the NAP prioritised domestic violence over other forms of violence. GREVIO therefore had strongly encouraged the Austrian authorities to develop another long-term plan/strategy, giving due importance to all forms of violence covered by the Istanbul Convention and based on consistent and ongoing funding to allow for sustainable and comprehensive actions.

18. Since then, the need to develop a national action plan for protection from violence has been included in the current government programme 2020-2024, with the express aim of ensuring the “best possible implementation of the Istanbul Convention”, which GREVIO welcomes.²⁸ The Austrian authorities have ensured the implementation of various important measures listed in the government programme – including improved victim protection in court proceedings, protection against violence and hatred online, the expansion of women’s counselling services and access to women’s shelters. At the time of drafting of the present report, steps to develop a national action plan were being taken.²⁹ Doing so is all the more important in view of the recent report by the Austrian Court of Audit, “Violence and victim protection for women”, which echoed the need for a comprehensive strategy on violence against women in view of the limited human and financial resources of the Women’s Section at the Federal Chancellery, to be devised together with other relevant ministries and the federal states.³⁰

19. As regards the co-ordination of policies and measures for the implementation of the Istanbul Convention, apart from the national co-ordinating body, several working groups on issues related to violence against women and domestic violence exist in Austria. These include a large cross-subject and nationwide group and several smaller, specific groups, such as on forced marriage and female genital mutilation (FGM). GREVIO welcomes the authorities’ engagement with its findings from the baseline evaluation report and the recommendations issued by the Committee of the Parties to the Istanbul Convention that suggested more specific action on these forms of violence, which previously had not received as much attention.³¹ Moreover,

27. These include, but are not limited to, women from national and/or ethnic minorities, Roma women, migrant, asylum-seeking and refugee women, women with disabilities, women without a residence permit, LGBTI women, women from rural areas, women in prostitution and women with addiction issues.

28. Available at: www.bundeskanzleramt.gv.at/dam/jcr:7b9e6755-2115-440c-b2ec-cbf64a931aa8/RegProgramm-lang.pdf.

29. Information obtained during the evaluation visit.

30. See: www.rechnungshof.gv.at/rh/home/news/news/news_3/Gewalt-_und_Opferschutz_fuer_Frauen.html.

31. See the Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Austria (IC-CP/Inf(2018)1), 30 January 2018; the Conclusions on the implementation of recommendations in respect of Austria adopted by the Committee of the Parties to the Istanbul Convention (IC-CP/Inf(2021)5), 7 December 2021; and the Austrian authorities’ implementation report on the conclusions

GREVIO appreciates the fact that NGOs and civil society are always represented in these working groups, as are all relevant authorities and entities. These groups serve as a forum for discussion of issues related to violence against women, often leading to concrete follow-up. Moreover, the nine violence protection centres are mandated by the government to submit suggestions on how to improve the situation for women victims of violence.³² The centres also issue a yearly report, highlighting any changes they consider necessary.

20. While GREVIO welcomes this strong expression of political will by the government at the time to combat violence against women and domestic violence and the many legal and other measures it has taken in that area, it nonetheless considers that a government programme cannot replace a comprehensive and all-encompassing strategy/action plan at the national level that is independent from a legislative period. In the light of the low rates of prosecutions and convictions for rape and sexual violence, and the worrisome trend of offenders of sexual violence being younger and younger, GREVIO points to the need for comprehensive policy making on sexual violence in particular. In the light of the ongoing efforts to develop a comprehensive strategy, GREVIO draws attention to the importance of developing it in a consultative process involving all relevant parties, including NGOs, for it to offer a framework for cross-sector engagement, on the basis of common principles and aims, for action to prevent and combat all forms of violence against women based on the standards of the Istanbul Convention. GREVIO recalls that the drafters of the convention considered this to be one way of ensuring comprehensive and co-ordinated policies on the one hand and the involvement of all relevant institutions and agencies on the other.³³ Last but not least, GREVIO points to the link between insufficient data collection on gender-based violence against women and the resulting lack of a solid basis for evidence-based policy making in certain areas.³⁴

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.

C. Financial resources (Article 8)

22. Article 8 of the Istanbul Convention aims to ensure the allocation of appropriate financial and human resources for activities carried out by public authorities and by relevant non-governmental and civil society organisations.³⁵

23. In its baseline evaluation report, GREVIO had observed that for reasons tied to the federal structure of the country, the Austrian authorities were unable to provide detailed information on the financial allocations made by all relevant government bodies. GREVIO had welcomed the fact that most women's rights NGOs providing specialist services to women victims of violence are partly or fully funded by the government, but also noted that funding amounts and schemes varied significantly, and funding responsibilities may lie with the Federation, the federal states, the municipalities or a combination thereof. In relation to the national co-ordinating body, GREVIO had noted that it was not fully institutionalised, nor was its mandate supported by an appropriate budget and staff.

24. While it is still not possible for the Austrian authorities to provide a full overview of the total financial allocations made by all relevant government bodies, in particular when it comes to the federal states and the municipalities, GREVIO welcomes the reported increase in budget allocation to several federal ministries and entities, in particular the tripling of the budget allocated to the Women's Section of the Federal Chancellery, and the provision of additional funds by the Ministry of

by the Committee of the Parties, Federal Chancellery, December 2023; all available at: www.coe.int/en/web/istanbul-convention/austria.

32. NGO submission by the Federal Association of Violence Protection Centres Austria, p. 1.

33. Explanatory Report to the Istanbul Convention, paragraph 65.

34. See Article 11, Data collection and research.

35. Explanatory Report to the Istanbul Convention, paragraph 66.

Social Affairs for anti-violence work with perpetrators.³⁶ GREVIO further welcomes the improvements to the funding amounts and schemes for violence prevention centres. It notes with satisfaction the move towards multi-annual frameworks, which GREVIO considers essential to ensure continuity and quality in service delivery. It considers it important to extend this approach to smaller NGOs, which currently do not benefit from multi-annual funding opportunities, leading to high staff turnover, difficulties in long-term planning, etc. While GREVIO recognises the desire of the Austrian authorities to support a variety of support services, it considers that a balance needs to be struck between ensuring consistent quality service delivery and new projects/innovation. Moreover, GREVIO considers it essential to reduce to a minimum the level of bureaucracy that is involved in obtaining funding, and appreciates the authorities' efforts in that regard.

25. On a more general note, and linked to the above improvements made in the allocation of funding, GREVIO welcomes the importance given in Austria to gender budgeting, which is enshrined as a principle in its constitution.³⁷ In practice, when designing their budgets, the federal ministries formulate one to five aims, one of which must have a gender dimension.³⁸ Moreover, before the passing of a law, an impact assessment of the effects on equality between women and men must be made. Larger legislative measures must be evaluated within five years to see whether the desired aims have been met. Gender budgeting approaches can greatly enhance awareness of areas in law and policy that require additional attention in order to achieve an equal servicing of women. GREVIO considers it necessary to further develop this approach with a view to ensuring adequate budgets for the prevention of violence and its prosecution, as subsequent sections of this report demonstrate.

26. Turning to the funding of civil society organisations active in counselling and supporting women victims of violence, GREVIO notes with satisfaction that the violence protection centres in all nine provinces are adequately and securely funded, which allows them to carry out their activities. A number of other women's rights NGOs now have multi-annual framework contracts, providing them with a good level of funding security. Smaller NGOs, however, supporting women victims of less prevalent forms of violence, or catering for women victims of violence who are at risk of intersectional discrimination, often remain on one-year funding contracts, which results in high staff turnover and does not allow for long-term planning. Moreover, women's rights NGOs report that applying for funding is a highly bureaucratic and complex task, which uses up resources that would be better spent on the work with victims.³⁹ For some projects, funding is discontinued after one year. According to the authorities, this stems from their desire to fund a variety of NGO-run projects, in a bid to support innovation and the provision of specific services. While GREVIO recognises the need to diversify funding to a certain extent, it draws attention to the need to simultaneously ensure service continuity.

27. GREVIO encourages the Austrian authorities to ensure adequate and long-term funding to the various specialist support service providers beyond violence protection centres.

D. Data collection (Article 11)

28. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.

36. Information obtained during the evaluation procedure.

37. Article 13(3) of the Federal Constitution stipulates that the Federation, the federal states and the municipalities must strive for actual equality between women and men in their budget management.

38. For more details, see: www.un.org/ruleoflaw/blog/portfolio-items/austria-gender-budgeting/.

39. See the NGO submission by the Alliance Living FREE of Violence, p. 7, and information obtained during the evaluation visit.

1. Law-enforcement agencies and the justice sector

29. In its baseline evaluation report, GREVIO had strongly encouraged the Austrian authorities to develop data categories for use by the law-enforcement agencies on the type of the relationship of the perpetrator to the victim that would allow the nature of their relationship to be more specifically documented, and to ensure that these and any other data categories in use are harmonised across the various sectors. Moreover, GREVIO had strongly encouraged the Austrian authorities to make domestic violence against women and the gendered nature of other forms of violence against women more visible in crime statistics and in the way such data are presented to the public, including a visible presentation of the number of gender-related killings of women in Austria.

30. GREVIO welcomes the steps taken by the Federal Ministry of Interior and the Federal Criminal Police Office to ensure the above, notably the collation and publication of various data sources to offer a comprehensive picture of domestic violence and of on gender-related killings of women. The Violence Protection Report 2020-2022 gives a very good overview of “violence in close relationships” in terms of reporting to the police,⁴⁰ and the factsheet “Data and facts on murders of women in 2021” makes killings of women more visible.⁴¹ Currently conceptualised as one-off publications, GREVIO considers it important to move to yearly updates and take measures to include relevant information on prosecution and convictions in order to give an overall picture.

31. In this context, GREVIO notes that the Federal Ministry of Interior and the Federal Ministry of Justice are pursuing their data harmonisation efforts,⁴² although the seamless tracking of a case’s progression, from its initial report to the police to the final decision rendered by the courts, is still not possible. As GREVIO had the chance to note in its baseline evaluation report, this is due to the differences in data collection between law-enforcement agencies and the judiciary (event-based/offence-based recording according to perpetrators by the police versus criminal case registers kept by the courts/public prosecutors’ offices). While police data allow for the drawing of certain conclusions on the relationship between perpetrator and victim for most offences covering forms of violence against women, the picture from the justice system data is less clear. Although the number of criminal convictions per type of violence can be seen, it is not yet possible to deduce the relationship between the perpetrator and the victim. Moreover, data on the sentencing of perpetrators of violence against women are lacking, which makes it difficult to assess whether sanctions are proportionate to the underlying offence and sufficiently dissuasive.

32. GREVIO welcomes the fact that the police collect data on the number of emergency barring orders and on the number of reports of the violation of such orders, which constitutes an administrative offence.⁴³

33. In sum, despite important improvements at the level of law-enforcement agencies, GREVIO notes that data-collection efforts as they currently stand, notably the absence of the crucial disaggregation of data based on the relationship between the perpetrator and the victim at the level of the judiciary, do not allow a comprehensive view of criminal justice responses to the different forms of violence against women to emerge. As a result, it does not allow for a reliable analysis of possible systemic gaps in the institutional and judicial response to violence, and therefore does not offer a sound basis for evidence-based policy making. GREVIO considers that harmonising data collection across the different sectors should therefore be made a priority by the authorities. It reiterates that the minimum requirements under Article 11 of the convention is the collection of data on violence against women and domestic violence disaggregated by sex and age of victim and perpetrator, type of violence, the relation of the perpetrator to the victim and geographical location.

40. See the Federal Criminal Police Office, Violence Protection Report 2020-2022, available at: www.bmi.gv.at/bmi_documents/3035.pdf. For issues related to the definition of “violence in close relationships”, see Article 3, Definitions.

41. Available at: https://bundeskriminalamt.at/501/files/2022/Morde_weibliche_Opfer_2021.pdf.

42. See the Austrian authorities’ implementation report on the conclusions by the Committee of the Parties, Federal Chancellery, December 2023, pp. 6-8, available at: www.coe.int/en/web/istanbul-convention/austria.

43. State report, pp. 12-13.

2. Healthcare sector

34. Following its observation in its baseline evaluation report that there was no obligation for hospitals to collect data on the number of victims of the different forms of violence against women covered by the Istanbul Convention, GREVIO welcomes the news that the Austrian authorities have been working on a new data-collection programme for the health sector, which should enable the uniform recording of cases of domestic violence, sexual violence including rape, and FGM treated in Austrian hospitals.⁴⁴ However, it considers it necessary to expand such efforts to include forced sterilisation and forced abortion.

3. Social services

35. It appears that the relevant social services (such as the Labour Market Service, social welfare offices, youth welfare offices, etc.) do not currently 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 and domestic violence.

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 of being able to track cases of violence against women during their passage through the different stages of the criminal justice system.**

37. **GREVIO encourages the Austrian authorities to pursue their efforts to improve the systematic and comparable collection of data by the healthcare 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.**

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.**

44. Information obtained during the evaluation visit.

III. Analysis on the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution

A. Prevention

39. Chapter III of the Istanbul Convention contains a number of general and more specific obligations in the area of prevention. This section analyses the progress made since the baseline evaluation monitoring procedure towards the implementation of early preventive measures. It also covers progress made towards implementing the more specific preventive measures provided under this chapter in the area of education, training of all relevant professionals and perpetrator programmes. Ensuring the effective prevention of all forms of violence against women and domestic violence is an important step in rendering it unacceptable and reducing levels of perpetration.⁴⁵ In turn, effective prevention empowers women and girls to speak out about their experiences and seek support and protection.

1. General obligations (Article 12)

40. Article 12 sets out a number of general preventive measures that represent the overarching principles of the parties' duty to prevent violence against women. These include the requirement to promote changes in the social and cultural patterns of behaviour of women and men, with a view to eradicating prejudices, customs, traditions and all other practices based on the idea of the inferiority of women or on stereotyped roles for women and men. A positive contribution to achieving such change can be made by men and boys acting as role models and advocating equality between women and men and mutual respect, including by speaking out against violence, engaging other men in ending violence against women or actively taking on caring responsibilities. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 further requires that parties adopt specific measures to empower women in order to enable them to recognise and reject discrimination, unequal power relations and, ultimately, reduce women's vulnerability to violence and achieve greater gender equality.

41. In the absence of a national action plan on violence against women, preventive measures in Austria are carried out on the basis of projects funded or initiated by various government bodies and entities, at both federal and regional level. They seem to focus on a wide range of topics, including violence against children, child marriage, FGM, migrant women's empowerment and preventive work with men and boys of various ethnic backgrounds. Gender-sensitive violence prevention workshops for young men are carried out, where gender stereotypes are discussed and images of positive masculinity are conveyed, and government funding is provided for psychosocial counselling for men who fear they may use violence. Moreover, in the framework of the violence prevention programme "UNDER18", 10 to 18-year-old children are sensitised on violence-related issues, involving also their teachers and parents. While GREVIO welcomes these initiatives, it notes that wider awareness-raising measures reaching out to all of society, providing information on the various forms of violence, challenging harmful gender stereotypes and perceptions around perpetration and victimisation, are lacking, as are initiatives to connect the gendered perpetration of violence with the persistently high levels of gender inequality in Austria. GREVIO therefore welcomes the recent vote by the Austrian Parliament in favour of a nationwide campaign aimed at informing women and girls about specialist services on violence against women and domestic violence.⁴⁶ This would be an important step in terms of increasing levels of awareness.

42. This continuous effort to invest in the prevention of violence against women and domestic violence is needed, as demonstrated by the results of a 2021 prevalence study on gender-based violence in Austria: 23% of women in Austria have been victims of physical violence since the age of 15; 24% have experienced sexual violence; 22% have been stalked; 27% have

45. The importance of this endeavour has been reiterated and strengthened through the Dublin Declaration on the Prevention of Domestic, Sexual and Gender-Based Violence, adopted in Dublin, Ireland, by 38 member states of the Council of Europe.

46. See: www.parlament.gv.at/aktuelles/pk/jahr_2023/pk1079.

experienced sexual harassment in the workplace, and 7% have been victims of sexual violence in their childhood.⁴⁷ No significant change in prevalence could be observed in this survey in comparison with the study carried out by the Fundamental Rights Agency (FRA) in 2014, with the exception that more women in Austria stated having been victims of stalking in 2021 (22%) than in 2014 (15%).⁴⁸

43. GREVIO thus considers it important to include in any nationwide campaigns messages about the root causes of violence against women in order to challenge attitudes and perceptions that cause male perpetration of violence. GREVIO considers it of great importance to develop, in the context of the currently ongoing work on a national action plan, comprehensive preventive measures in relation to all forms of violence against women covered by the Istanbul Convention, beyond domestic violence.⁴⁹ In light of the worrying levels of consumption of violent pornography and young people's unawareness of the importance of consent, a wider prevention campaign addressing these and other relevant issues would be vital. Such campaigns should encourage women victims of violence to seek help, in particular since the study on gender-based killings in Austria revealed that only a very small fraction of victims had previously sought help from specialist services.⁵⁰ Moreover, awareness-raising campaigns should be designed for the long term and/or should be repeated, where necessary, so that the messages are kept in the social consciousness.

44. In view of the continuous emergence of accounts of sexual violence and harassment of women and girls in sport and in the cultural sector in Austria in the wake of the global #metoo movement, GREVIO considers it essential to introduce targeted awareness-raising measures addressing these sectors specifically.⁵¹ GREVIO welcomes some such steps that have already been taken by the Austrian authorities, notably the introduction of a complaint mechanism in sport and in arts and culture, called "vera*", and an online course for the prevention of abuse in sport.⁵² It sees a further need, however, to address deep-rooted behavioural attitudes and stereotypes concerning women and men in these sectors, which calls for increased preventive measures.

45. GREVIO notes with concern that women politicians continue to be the target of hateful and misogynistic comments, which can be linked to persisting inequalities between women and men in Austria.⁵³ Women in general still face deeply rooted gender stereotypes in Austrian society, and in particular in the more rural areas of the country, as GREVIO heard from several of its interlocutors during the evaluation visit.⁵⁴ In this context, GREVIO points to the need to ensure adequate evaluation of any wider preventive measures, in order to measure change in attitudes towards gender stereotypes, sexism and gender-based violence against women in Austria over time. Although feedback obtained by the authorities from service providers after information campaigns on violence against women indicates that they led to more women seeking support, a systematic evaluation of the impact of awareness-raising campaigns currently does not seem to be carried out.

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. For this

47. See: www.coordination-vaw.gv.at/daten/daten-zur-praevalenz-von-gewalt-gegen-frauen-und-maedchen.html.

48. It needs to be taken into account that the comparability of the two studies is limited, as the methodology, sample size and questions were not the same. The European Union Agency for Fundamental Rights (2014): Violence against women: an EU-wide survey, available at: <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>.

49. See, for example, the NGO submission by the Federation of Autonomous Women's Counselling Centres against Sexual Violence (BAFÖ), on the need for a country-wide campaign against sexual violence, p. 4.

50. See Chapter I, Gender-based killings of women.

51. See, among many other sources: www.moment.at/story/nicola-werdenigg-hat-missbrauch-im-skisport-aufgedeckt-und-heute-noch-lokalverbot-skigeieten; <https://kulturrat.at/machtmissbrauch-belaestigung-gewalt-in-kunst-und-kultur>; www.derstandard.at/story/3000000199377/erwartbar-viele-f228lle-von-220bergriffen.

52. For more information, see: www.bmkoes.gv.at/sport/sport-und-gesellschaft/sport-und-missbrauchspraevention.html.

53. See, for example, the misogynistic comments a mother and politician was exposed to after taking her new-born child to a municipal council meeting: www.derstandard.at/story/3000000195436/der-steinige-weg-nicht-mehr-oeffentlich-schlampiges-weib- genannt-zu-werden. See also www.derstandard.at/story/2000122395024/sigi-maurer-ueber-hass-im-netzjeder-nippel-kann-geloescht-werden.

54. Information obtained during the evaluation visit.

purpose, the Austrian authorities should make primary prevention of violence against women a priority in future action plans and measures.

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.

2. Education (Article 14)

48. The drafters of the Istanbul Convention recognised the important role that formal and informal educational settings play in addressing the root causes of violence against women and girls. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, the right to personal integrity and informs learners of the different forms of gender-based violence against women, adapted to the age and capacity of learners and where parties deem appropriate. The obligation to promote these principles extends to informal educational facilities as well as any sports, cultural and leisure facilities.

49. In its baseline evaluation report, GREVIO had observed that a multitude of material was available for teachers and students on the above-mentioned topics, for which it commended the Austrian authorities. It had noted, however, that it was difficult to assess the impact of this material, and that it was preferable to incorporate the matters listed in Article 14 into the compulsory curriculum.

50. GREVIO welcomes the fact that digital literacy became a compulsory subject in Austria as of the school year 2022/23, as GREVIO's General Recommendation No. 1 on the digital dimension of violence against women indeed recommends that programmes on digital literacy and online safety should form part of the formal curricula.⁵⁵ It commends the authorities for the setting-up of a "Digital child protection agency", which offers support to experts and organisations on aspects of the digital environment in child protection concepts. The agency equally conducts awareness-raising activities in the area of child protection and digitalisation, including workshops for children on the topics of "sexting" and "cybergrooming".⁵⁶

51. However, GREVIO notes with regret that not all of the subjects listed in Article 14 of the convention have been incorporated into the compulsory curriculum. Instead, the approach towards implementation of Article 14 remains one of mainly supporting teachers with the provision of brochures, guidelines and teaching material on violence against women in printed form and online, intended to assist teachers with their obligation to promote gender equality, non-violent communication, diversity, non-discrimination and sexuality education and to detect and prevent violence against students and among students. While GREVIO welcomes the wide variety of material available, it also notes that the extent to which this material is used in practice and across all schools in Austria remains unclear, making it continuously difficult to assess the level of implementation of Article 14.

52. In view of the increasing exposure of children to sexual violence and sexual harassment, including through technology, and the worrying decrease in the age of sexual violence perpetrators, schools play an important role not only in identifying such violence but also in questioning gender stereotypes, harmful concepts of masculinity and sexual relations. The number of calls made to the

55. General Recommendation No. 1 on the digital dimension of violence against women, cited above.

56. See: www.saferinternet.at/projekte/kinderschutz.

children's helpline "Rat auf Draht" concerning violence against children is on the rise, with mobbing in school, psychological violence and physical and sexual violence being the dominant topics, including cyberviolence against children.⁵⁷ GREVIO therefore sees the need for more and continuous efforts by the Austrian authorities to teach children, in an age-appropriate manner, on the notion of freely given consent in sexual relations and raise their awareness of the harmful effects of violent pornography and the implications of sharing of intimate images of oneself and others. Moreover, GREVIO notes the importance of promoting the empowerment of girls, including girls that are at risk of intersectional discrimination, in order to enable them to recognise and reject discrimination, violence, unequal power relations and abuse.

53. In a bid to improve the ability of schools to detect and support children exposed to violence, from their peers at school or at home, the Austrian authorities have increased the number of school psychologists by 20% since the Covid-19 pandemic, and require schools to draw up and implement child protection plans as of September 2024.⁵⁸ The aim is to offer, through child-protection teams, risk analysis and guidelines for education personnel. While GREVIO welcomes these plans as an important step towards children's disclosure of violence, including domestic violence experienced in the home, it notes the concerns around funding insufficiencies.

54. As regards Article 14, paragraph 2, of the convention, GREVIO notes that some steps have been taken by the Austrian authorities to 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 facilities.⁵⁹ However, continuous prevention efforts are needed in the informal sector to reach the convention's goals.

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 in the formal curriculum.

56. GREVIO encourages the Austrian authorities to increase their efforts to teach children, in an age-appropriate manner, about 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.

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.

3. Training of professionals (Article 15)

58. Building society's trust by delivering support, protection and justice to women and girls with experiences of gender-based violence requires well-trained professionals across a wide spectrum of fields. The standard set by the Istanbul Convention in its Article 15 is that of systematic initial and in-service training of all those who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

57. See: www.ots.at/presseaussendung/OTS_20231130_OTS0065/rat-auf-draht-immer-mehr-junge-menschen-opfer-von-gewalt and www.derstandard.at/story/3000000215272/die-groessten-gefahren-fuer-kinder-im-netz.

58. See: www.derstandard.at/story/3000000220555/kinderschutzkonzepte-sind-ab-herbst-an-schulen-pflicht.

59. See Article 12, General obligations.

59. In its baseline evaluation report, GREVIO had observed that law-enforcement officers receive systematic initial and mandatory in-service training on issues related to the Istanbul Convention. A significant number of healthcare professionals had also received initial training on violence against women, although no harmonised or mandatory modules on the identification of victims had existed at that time. GREVIO had noted that out of all the professions concerned, the legal profession was the least trained on violence against women and had called for compulsory vocational training for judges and public prosecutors.

60. Improvements have been made, with many relevant professional groups, in particular police officers and healthcare personnel, receiving mandatory initial and/or continuous training on domestic violence and the different forms of violence against women. However, such training for judges and public prosecutors is still lacking.⁶⁰ This is corroborated by the recent report by the Austrian Court of Audit “Violence and victim protection for women”. While GREVIO welcomes the possibility for judges and prosecutors to spend, as part of their initial training, two weeks in a victim protection or counselling institution, this does not amount to mandatory initial training for all, as it is possible to opt for placement with a general crime victim support service instead of a specialised violence against women service. The two-week work placement is therefore not a tool that would ensure comprehensive knowledge among all judges and prosecutors, in particular those already in service.

61. Even though section 57.1 of the Judges’ and Public Prosecutors’ Service Act provides for a general duty of all judges and public prosecutors to follow in-service training, it is considered that they cannot be mandated to follow training on specific topics. Training on topics related to violence against women and dealing with victims of violence are regularly organised, but participation lies within judges’ and public prosecutors’ own discretion. GREVIO is thus concerned at the persistent accounts of lack of sensitisation and training on sexual violence, common reactions by victims and the impact of trauma on witness statements. While fight or flight reactions are well known, other common reactions such as freeze, flop or befriend are not always understood correctly. Studies have demonstrated that freeze reactions or even tonic immobility are a common physical reaction by rape victims, yet in criminal trials, it is sometimes interpreted as consent.⁶¹ GREVIO notes with particular concern that judges and public prosecutors may specialise in sexual offences without any prior training on the issue. With a view to the urgent prevention of secondary victimisation of victims of rape and other forms of violence against women in judicial proceedings, GREVIO considers it vital to step up in-service training measures. Low reporting rates for sexual violence can be countered if victims feel supported and validated by effective case building and criminal investigations by trained staff. Such training should encompass all elements set out in Article 15 and should be based on the principles of non-discrimination and equality between women and men. GREVIO welcomes, in this context, that trainings are habitually devised in close co-operation with regional and local authorities, as well as relevant non-governmental stakeholders, including independent women’s NGOs providing specialist support to women victims of violence.

62. GREVIO noted that in Austria the offences of rape and the severe sexual abuse of a minor are tried before a panel consisting of two professional judges as well as two lay judges. Practitioners active in victim protection indicated that the ambiguities victims of rape may display as a consequence of the trauma suffered can easily be misinterpreted and misjudged by the lay judges. GREVIO shares their concerns and considers that the training of the professional judges on issues related to sexual violence against women is therefore all the more important, in order for them to be able to give appropriate guidance to the lay judges.

63. In the light of its findings on the shortcomings in the implementation of Article 31 of the Istanbul Convention in Austria in this report,⁶² GREVIO considers it necessary to reinforce the training of family law judges and court-appointed experts in family law cases on the dynamics of domestic violence, on the impact that witnessing violence has on children and on their obligation

60. For more details, see the state report, pp. 21-30.

61. See the focus section on rape and sexual violence in the Fourth General Report on GREVIO’s Activities, available at: www.coe.int/en/web/istanbul-convention/grevio-annual-reports.

62. See Article 31, Custody, visitation rights and safety.

to ensure the safety of women victims of violence and their children in any decisions related to custody and visitation rights. GREVIO welcomes, in this context, that trainings for judges have been organised following the introduction of new guidelines for family court judges on how to deal with allegations of violence in proceedings concerning custody and visitation rights, but regrets that these trainings did not extend to court-appointed experts.

64. Law-enforcement officers, on the other hand, continue to receive comprehensive initial and in-service training, which is mandatory for all, whether they intend to specialise in domestic or sexual violence or not, which GREVIO notes with satisfaction. Maintaining comprehensive training levels is particularly important in view of the high turnover among police officers, which bears the risk of loss of crucial expertise.⁶³ In the light of emerging forms of violence against women, GREVIO stresses the importance of keeping police officers updated and reactive through targeted training initiatives, such as on digital forms of violence against women and also on the risk posed by non-fatal strangulation and its detection in domestic violence cases.⁶⁴

65. No information was received on whether relevant professionals receive trauma-informed training, which GREVIO considers an important element to ensuring a victim-sensitive response by law enforcement and other authorities.

66. In relation to the training received by staff within general support services in Austria, such as social welfare officers, youth welfare officers, labour market officials and social housing providers, GREVIO notes that information on the different forms of violence against women and domestic violence does not always form part of the standard in-service training of public officials. GREVIO therefore points to the need to ensure wider awareness of the high relevance of domestic violence and related trauma for many women requesting social welfare/social support, including housing. It welcomes the fact that staff of the Labour Market Service receives initial training on the topics of gender equality and discrimination, and that internal and public awareness-raising efforts are made on violence against women. It is vital for providers of general support services to adequately train staff on the different forms of violence against women and their clients' exposure thereto in order to adequately respond to their often complex needs, including psychological recovery, economic empowerment and safe housing.

67. GREVIO welcomes the fact that the Association Autonomous Austrian Women's Shelters offers training courses for journalists and media staff on the responsible reporting on violence against women and children.⁶⁵ The impact of media reporting on the public perception and understanding of violence against women has been demonstrated by a recent study to be significant, depending on how a media report is phrased and what it focuses on. The reader's sympathy with the victim is higher if the act of violence is named as what it is rather than euphemised, and if it is contextualised by quoting general statistics of the extent of violence against women. On the other hand, readers tend to sympathise more with the perpetrator of violence if the report focuses on him and presents the offence without the wider context of the issue of violence against women in society.⁶⁶ Another study analysing German-language television found that the structural dimension of gender-based violence was rarely addressed, that little to no reference is made to counselling services for victims and that the victim's perspective is largely missing.⁶⁷

63. Information obtained during the evaluation visit.

64. See Article 51, Risk assessment and risk management. Non-fatal strangulation is known to greatly increase the risk of physical escalation and lethal violence and can cause long-term health consequences through brain injury, which is why some countries have moved to specifically criminalise this pervasive yet under-recognised form of violence. See, for example, Douglas H. and., Fitzgerald R. (2021), Proving non-fatal strangulation in family violence cases: A case study on the criminalisation of family violence", in: *The International Journal of Evidence & Proof*, 25(4), 350-370, available at: <https://doi.org/10.1177/13657127211036175>.

65. See the NGO submission by Alliance Living FREE of violence, p. 16.

66. M. L. Teichgräber and L. Mußlick, "The reception of media frames in reporting on violence against women – summary of the results of an online survey", Landesverband Frauenberatung Schleswig-Holstein e.V., September 2021, available at: www.lfsh.de/files/Materialien/Rezeption%20medialer%20Frames.pdf.

67. Linke C. and Kasdorf R., "Gender-specific violence in German TV", Wismar University of Applied sciences and Rostock University, November 2021, available at: <https://malisastiftung.org/wp-content/uploads/Ergebnisse-Medieninhaltsanalyse-Geschlechtsspezifische-Gewalt-im-deutschen-Fernsehen-HS-Wismar.pdf>.

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.**

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.**

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.**

4. Preventive intervention and treatment programmes (Article 16)

71. Perpetrator programmes are important elements of an integrated and comprehensive approach to preventing and combating violence against women. Under Article 16 of the Istanbul Convention, parties are required to set up or support programmes that prevent perpetrators of domestic violence and of sexual violence from reoffending and support them in adopting non-violent behavioural strategies. Making the safety of, support for and the human rights of victims a primary concern, these programmes are key elements in ensuring women's safety from known perpetrators. The convention requires their close co-ordination with specialist support services for victims.

a. Programmes for perpetrators of domestic violence

72. In its baseline evaluation report, GREVIO had observed that there was a solid system of treatment programmes for perpetrators of domestic violence, carried out by a number of non-governmental organisations and financially supported by the state. GREVIO had called upon the authorities to reinforce efforts to ensure the systematic victim orientation of all such programmes and to use all available means to increase the attendance of programmes for domestic violence perpetrators.

73. An important measure seeking to achieve the latter is the mandatory anti-violence counselling for perpetrators of violence who have been issued with a police barring order or a court protection order, which GREVIO notes with satisfaction.⁶⁸ Perpetrators are required by law to contact an anti-violence counselling centre within five days of issuance of such an order and actively attend the first out of six mandatory counselling sessions within 14 days. Data available so far show that about 80% of the persons obliged to attend counselling contact the relevant organisations within the legal time frame; the remaining 20% need to be summoned by the authorities at least once.⁶⁹ GREVIO welcomes the fact that, according to the providers of the prescribed counselling, an increased number and harder-to-reach group of perpetrators is benefiting from such counselling.⁷⁰ Moreover, the requirement of "active" participation frequently leads counselling providers to report back to the authorities where perpetrators do not engage in the counselling or do not make contact within the prescribed time. Sanctions can be imposed for failure to participate and attendance is enforced by the authorities.

74. While recognising that this new mandatory measure creates important new pathways to behavioural change programmes and reinforces the effect of barring and protection orders, experts in the field have warned that in certain cases it may prompt a false sense of security among victims.⁷¹ GREVIO welcomes the mandatory anti-violence counselling but points out that the six hours can

68. See Article 52, Emergency barring orders, and Article 53, Restraining or protection orders.

69. Information obtained during the evaluation visit.

70. Information obtained during the evaluation visit.

71. See the NGO submission by Alliance Living FREE of Violence, p. 4, and information obtained during the evaluation visit.

only be a start. In order to achieve a lasting change of behaviour and ensure victim safety, long-term preventive intervention and treatment programmes are necessary.

75. To this end, more use should be made of the existing perpetrator programmes for domestic violence by exploring further ways to attain higher attendance rates. GREVIO notes that courts have the possibility to order, as part of their sentence, mandatory attendance for perpetrators of domestic violence. GREVIO thus considers it important to raise awareness of and disseminate knowledge on perpetrator work among the relevant prosecution authorities and judges, who should be encouraged to systematically make use of perpetrator programmes. Attempts to increase attendance rates however would need to be accompanied by greater efforts to ensure that enough places are available in such programmes, including for offenders who would like to voluntarily attend them, and that trained psychologists and social workers are available in sufficient numbers for the implementation of the programmes.

76. As regards the systematic victim-orientation of perpetrator programmes, GREVIO reiterates the need for all relevant organisations adhering to victim-centred work with perpetrators to work in close co-operation with women's counselling NGOs. This is crucial to ensure that women's services supporting victims whose partners or spouses, current or former, are attending a perpetrator programme are regularly informed of progress and of the level of co-operation of the attendees, and are provided with any information that might be important to ensure women's safety.⁷² In addition, they should take into account the perspective of children living in abusive relationships, where applicable.⁷³ In this context, GREVIO welcomes the fact that an umbrella organisation on victim-centred perpetrator work has existed since 2012, of which several, but regrettably not all, of the relevant organisations are members.

77. Last, an independent evaluation of the impact of short and long-term programmes and related recidivism rates, both in custodial settings and walk-in programmes, should be carried out.

b. Programmes for perpetrators of sexual violence

78. As GREVIO had noted in its baseline evaluation report, perpetrators of sexual offences benefit from specific support programmes run by Neustart, an association that provides probation services. Courts can also order perpetrators of sexual violence to attend such programmes as part of their sentence.

79. In reaction to a rise in the sharing of intimate images of children (often in the constellation of children under 15 sharing intimate images of themselves with their peers) and the sharing of pornography among children and young people, Neustart developed a counselling programme for young offenders that runs for six months and aims at detecting any harmful sexual preferences, explaining the consequences of their actions, in particular the sharing of images online, the harmful effects of pornography and how to manage their communication without reoffending. The association Limes in Vienna equally works with young perpetrators of sexual offences.⁷⁴ Public prosecutors can require offenders to attend such programme as part of an out-of-court settlement, which is often made use of for young offenders.

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;**

72. GREVIO baseline evaluation report on Portugal, paragraph 103.

73. Hester M. and Lilley S.-J., Domestic and sexual violence perpetrator programmes, p. 33, available at: <https://edoc.coe.int/en/violence-against-women/7144-domestic-and-sexual-violence-perpetrator-programmes-article-16-of-the-istanbul-convention.html>.

74. See: www.vereinlimes.at/.

- 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 long-term treatment programmes.**

B. Protection and support

81. Chapter IV of the Istanbul Convention requires a multifaceted, professional and victim-oriented support structure for any woman or girl who has experienced any of the forms of violence covered by the convention. General and specialist support services that are victim-oriented, accessible to all and adequate in numbers greatly facilitate recovery by offering support, protection and assistance to overcome the multiple consequences of such violence. As such, they play a key role in offering a comprehensive and adequate response to the different forms of violence covered by the convention.

1. General obligations (Article 18)

82. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services for women victims of violence. One of these principles is the need for services to act in a concerted and co-ordinated manner, with the involvement of all the agencies concerned. More specifically, Article 18, paragraph 2, of the convention requires parties to put in place appropriate co-ordination mechanisms that can ensure effective co-operation among, *inter alia*, the judiciary, public prosecutors, law-enforcement agencies, local and regional authorities, NGOs and other relevant entities and organisations. In this regard, women’s rights NGOs and specialist women’s support services play an important role in guaranteeing that the rights of victims are safeguarded by multi-agency co-operation. Other general principles established under this article include the need for measures of protection and support to be based on a gendered understanding of violence against women, and to focus on women’s safety and human rights, taking into account the relationship between victims, perpetrators, children and their wider environment, and addressing their needs holistically. Specialist support services must aim to ensure the empowerment and economic independence of women victims of violence and avoid their secondary victimisation. This provision equally stresses the importance of ensuring that access to services is not subject to the victim’s willingness to press charges or testify against the perpetrator.

83. GREVIO notes with satisfaction that multi-agency co-operation is very well established in Austria around domestic violence and stalking, particularly in relation to police barring orders. Once law-enforcement agencies evict an alleged domestic violence perpetrator from the family residence and temporarily bar him from returning, they inform the nearest violence protection centre of the measures taken, which then contacts the victim and offers support. In parallel, the perpetrator is referred to an anti-violence counselling centre, which he must contact within five days. In many regions across the country, anti-violence counselling centres and victim-protection organisations co-operate around victim safety issues. This includes the sharing of information on any further acts of violence or on the rates of perpetrator drop-out from the counselling. Violence protection centres conduct a risk assessment and submit the results to the public prosecutor’s office, if the case is further investigated.

84. Co-operation between law enforcement and the violence protection centres plays a central role in victim protection in Austria and occurs not only when an emergency barring order is issued but also when one is suspended, exceptions are granted, or such orders are violated. Moreover, the notification requirement applies equally to a case of stalking that does not yet meet the threshold

for an emergency barring order. This allows the centres to proactively contact victims, which GREVIO welcomes, noting however concerns around the inconsistent use made by the police of this rather new possibility.

85. Moreover, the Violence Protection Act 2019 reintroduced multi-agency risk-assessment conferences (MARACs), called “Security Police Case Conferences”, into Article 22, paragraph 2, of the Security Police Act. GREVIO welcomes the fact that these conferences are now firmly established in all nine provinces in Austria and are convened in cases where a person is considered to pose a serious risk of committing or repeating a criminal offence against an individual. In each province, a team is set up to conduct these case conferences, comprising representatives of the regional law-enforcement agency, the regional criminal police directorate, the local violence protection centre and the local counselling centre for perpetrators. Women’s rights NGOs welcome the re-introduction of the conferences, but regret that representatives of women’s shelters are often excluded, despite their important role in the system of protection and support from domestic violence in Austria.⁷⁵

86. GREVIO welcomes the possibility for family court judges to participate, in connection with a related, pending family law case, in the Security Police Case Conferences. It notes, however, that participation is left to the discretion of the judge. Another promising initiative is the ongoing co-operation between violence protection centres and family courts in high-risk cases. This is of crucial relevance for well-founded decisions on custody and visitation rights in the context of domestic violence and should be expanded to cases of medium and lower risk. In order to fully enable family courts to benefit from relevant information on a case, the recent move towards greater multi-agency co-operation should be expanded to include more systematic information sharing between family courts and criminal courts.

87. A sector that has been identified by practitioners in the field as largely excluded from the move towards greater multi-agency co-operation is the healthcare sector.⁷⁶ It would be important to institutionalise its participation in any multi-agency co-operation, not only in cases of domestic violence but also in cases of rape and sexual violence, forced sterilisation and forced abortion or FGM. Beyond ensuring holistic support for victims, it would strengthen the detection and care system and the sharing of interprofessional experiences and perspectives.⁷⁷

88. GREVIO notes that no one-stop-shop services for victims of the forms of violence covered by the scope of the Istanbul Convention exist, neither for adults nor for children. The current situation often places the burden on the victim to navigate a network of various institutions with different tasks and responsibilities. Options should be explored on how to group as many services as possible under one roof.

89. Last, GREVIO notes that the use of multi-agency co-operation for forms of violence such as sexual violence and rape, digital manifestations of violence outside of a domestic violence scenario, forced marriage and FGM is yet to be explored.

90. GREVIO encourages the Austrian authorities to increase their efforts to expand multi-agency co-operation by including the healthcare sector and family courts in such co-operation mechanisms. Moreover, GREVIO encourages the Austrian authorities to also make better use of existing multi-agency co-operation models 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-shop services.

75. See the NGO submission by Alliance Living FREE of violence, p. 21.

76. See the NGO submission from the Federal Association of Violence Protection Centres, pp. 19-20.

77. See the GREVIO baseline evaluation report on Iceland, paragraph 130.

2. General support services (Article 20)

91. General support services, such as social services, health services and housing or employment services must be equipped to offer support and protection to women victims of gender-based violence of all ages and backgrounds. Article 20 of the Istanbul Convention requires parties to ensure that these services are adequately resourced and that the staff are adequately trained on the different forms of violence against women and are able to respond to victims in a supportive manner, in particular those that women and girls turn to first (often health and social services).⁷⁸ Their interventions are often decisive for victims' onward journey towards a life free from violence and thus form a core element of a trust-based system of protection and support.

a. Social services

92. Since the baseline evaluation report, Austria, which has a strong social welfare system, has continued to mainstream the issue of violence against women into the help and support provided by social welfare services. GREVIO welcomes in particular the fact that the Austrian Labour Market Service has introduced, in collaboration with women's rights NGOs, dedicated projects in support of women victims of domestic violence striving for economic independence after ending an abusive relationship. These include job training, counselling and targeted advice, which GREVIO welcomes. Moreover, the Labour Market Service co-operates with the violence protection centres in cases where migrant women, who otherwise may not be allowed by their husband or family to leave their apartment alone, are provided with counselling and advice when they attend a mandatory German class at the Labour Market Service. GREVIO commends the authorities on this good practice.

93. In the field of housing, the city of Vienna is continuing its unique practice of reserving state-owned apartments for rent by women victims of domestic violence and homeless women, which GREVIO welcomes. It is concerned, however, that this practice is not replicated across other cities and regions in Austria, putting women willing to leave an abusive relationship or those moving out of a domestic violence shelter under significant strain. As housing falls within the competence of the regions/municipalities in Austria, it would be important to incentivise local governments to address the housing needs of women victims of violence in line with the obligations under the Istanbul Convention in order to enable them to rebuild their lives.

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.**

b. Healthcare services

95. In its baseline evaluation report, GREVIO had highlighted the efforts made to involve the public health sector in actively reaching out to victims of domestic violence, including the obligation placed on most hospitals to set up victim-protection units.⁷⁹ It had noted, however, that these had not been set up nationwide.

96. GREVIO welcomes that victim-protection units have meanwhile been set up at almost all hospitals that are legally required to do so. GREVIO notes that in some instances these units operate jointly with child-protection units. However, it is unclear whether victim-protection units operate with a gendered understanding of domestic violence, meaning that it is a form of violence that affects women disproportionately. To foster such understanding among staff, initial and in-house training on

78. Explanatory Report to the Istanbul Convention, paragraph 127.

79. Victim protection units comprise a team of relevant professionals (such as gynaecologists, surgeons, psychologists and nurses) with the aim of training and raising awareness of hospital staff on domestic violence and enabling the early detection thereof (see Article 8e of the Hospital Act).

gender-based violence related issues should form a mandatory part of training for staff of victim-protection units. GREVIO further notes that there is no obligation for co-operation with violence protection centres, representing a missed opportunity for multi-agency co-operation with bodies external to hospitals.⁸⁰ Last, GREVIO considers that synergies and co-operation between victim-protection units and the newly established forensic examination centres should be explored.⁸¹ The latter hold much potential for women victims of domestic violence who wish to have forensic evidence taken and referrals should systematically be made.

97. As regards the systematic screening of women and girls in hospital settings with a view to identifying exposure to gender-based violence, GREVIO notes with concern that this is not a standard feature, including in emergency visits for relevant injuries. However, GREVIO welcomes that advanced training courses and guidelines for established physicians are available, and efforts are underway to embody the topic of violence protection as a standard in all curricula for healthcare professionals. When victims of violence are identified, referral to specialist support services is a priority in the national guidelines for practice in dealing with victims of violence. However, women's rights NGOs indicated to GREVIO that this is not always or systematically applied in practice.⁸² A good example is the practice set up at the Regional Hospital Innsbruck, which introduced a project called "I need to see Dr Viola".⁸³ Patients can approach any member of hospital staff and ask for Dr Viola, which indicates to staff that the person feels threatened, faces sexual harassment or violence and is in need of protection and support. Information cards are placed discreetly in the hospital's toilets, thus informing patients of this possibility.⁸⁴

98. As regards the identification of victims of domestic and other forms of violence by general practitioners, GREVIO has not been able to assess to what extent this is done in a standardised matter and whether training is available. It would be of utmost importance to include the healthcare sector (emergency services, gynaecology and obstetrics departments, pharmacists, general practitioners and all other relevant healthcare services) in efforts to ensure victim identification. Standardised care paths would be required for systematic screening, diagnosis, treatment and forensic documentation and subsequent referrals to appropriate specialist support services.

99. Moreover, GREVIO welcomes the fact that in Vienna, Graz, Salzburg and Innsbruck, persons who are without health insurance receive free medical treatment at dedicated clinics, including gynaecological examinations.⁸⁵ This is an important provision for women victims of violence who may be in an irregular situation or for other reasons without health insurance. It would be important for all women in such a situation to have such low-threshold access to healthcare available throughout the country.

100. The Violence Protection Act 2019 introduced an obligation for medical doctors and other healthcare professionals to report to law enforcement if they have a reasonable suspicion that a serious act of violence has been committed, resulting in the death, serious injury or the rape of a person, or that children have been neglected or abused. Exceptions can be made if the victim is an adult and expressly refuses that a report be made, there is no imminent danger to the victim or another person or forensic evidence has been secured. GREVIO welcomes this differentiated approach to reporting, which ensures a balanced approach between respecting the victim's wishes and protecting them from further serious harm. However, cases have been brought to GREVIO's attention where the wishes of rape victims who did not want to report to the police were ignored or where victims were not informed that the hospital had reported their case to the police.⁸⁶ As GREVIO has had occasion to note, it is essential to apply the principle of informed consent when medical staff report incidents of violence to law-enforcement agencies outside of those cases where there is a reasonable suspicion that there is an imminent danger to the victim or another person,

80. For more information, see the NGO submission by the Federal Association of Violence Protection Centres, pp. 22-23.

81. See Article 25, Support for victims of sexual violence.

82. Information obtained during the evaluation visit.

83. See: www.tirol-kliniken.at/page.cfm?vpath=standorte/landeskrankenhaus-innsbruck/ich-muss-zu-dr-viola.

84. See: <https://tirol.orf.at/stories/3131866/>.

85. See: www.derstandard.at/story/3000000199468/in-der-virgilambulanz-werden-nichtversicherte-in-salzburg-kuenftig-behandelt.

86. See the NGO submission by the Federal Association of Violence Protection Centres, p. 30.

or where the victim is a child.⁸⁷ Failure to act in accordance with victims' wishes in cases of rape undermines their trust in the health sector. GREVIO welcomes, in this context, the introduction of that a new "victim protection toolbox", which includes guidelines, checklists and standards, that has been issued to general practitioners and hospital staff on the detection, documentation and referral of women victims of domestic violence and on the reporting obligations pursuant to the Violence Protection Act 2019.⁸⁸

101. Last, GREVIO learned that the general shortage of psychologists and psychiatrists in Austria poses a significant problem for victims of violence who require therapy. Affordable psychotherapy is rare and waiting lists are long, for children and adult victims of violence alike. The Austrian authorities are aware of this shortage and have taken measures to alleviate the situation. GREVIO welcomes, in this context, the provision of free psychological treatment to all persons with health insurance in Austria from 1 January 2024. The challenge will be to train a sufficient number of psychologists.

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 with 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.**

3. Specialist support services (Article 22)

103. Specialist support services ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs and are an equally important cornerstone of a trust-based system of protection and support. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. They need to be able to address the different types of violence covered by the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

104. In Austria, a range of specialist support services for women victims of violence has been in existence for some time now, frequently fully or partially funded by the Austrian authorities. In its baseline evaluation report, GREVIO had, however, noted shortcomings in respect of the number of domestic violence shelters, urging the authorities to increase capacity. This situation has improved, with additional capacities having been created, including different forms of emergency housing for women victims of violence in some regions. However, variations from province to province persist.⁸⁹ While GREVIO was informed that in Vienna no woman is turned away from a domestic violence shelter, the situation in other provinces, including more rural areas, is more dire. Placing women who have made the decision to leave an abusive relationship on waiting lists, as is the practice for example in Tyrol, may put her and her children at increased risk.

105. While asylum-seeking women and women with irregular migration status are accepted at shelters in Vienna, this is not the case in all regions in Austria. In some provinces, asylum-seeking

87. See GREVIO's first thematic evaluation report on Albania, paragraph 98; GREVIO's baseline evaluation reports on Estonia, paragraph 141; on Cyprus, paragraph 161; and on Norway, paragraph 148.

88. See: <https://toolbox-opferschutz.at>.

89. Information obtained during the evaluation visit.

women who are victims of domestic violence are housed in asylum accommodation centres provided by the state. However, GREVIO's attention was drawn to the fact that these centres do not reach the level of protection these women would require, especially when they are high-risk cases.⁹⁰ GREVIO is concerned about the conditions under which women asylum seekers find themselves in non-specialist and/or mixed structures, where they may be exposed to greater risks of violence. This risk is all the higher as staff are often not trained to recognise and respond to violence against women. GREVIO underlines that asylum-seeking women victims of violence need specialist accommodation that only women's shelters can provide, which should include minimum quality standards and a level of security that is proportionate to the risk they face.

106. Women with disabilities equally find it harder to be granted access to a women's shelter, as not all shelters are wheelchair-accessible and barrier-free or able to accommodate their specific needs. Moreover, shelters rarely accept women with substance abuse issues and/or mental health issues who are victims of violence, and a dedicated shelter for these women does not exist. The only choice they are presented with is finding accommodation in a homelessness shelter for a maximum duration of three months. As GREVIO has had occasion to note, emergency accommodation for the homeless is not suitable for women victims of violence, and even less so when they have children, as homeless shelters are often mixed-sex and lack specific approaches and protocols for the prevention of violence and for the provision of protection and support to victims of domestic violence. Generalist structures cannot replace specialist shelter spaces for women victims of violence, and preference must be given to the expansion of the latter, rather than adapting the former.⁹¹ In addition, there seems to be a real need for more dedicated shelters for girls and young women victims of violence, together with the specialist support they require, as well as for LGBTI women victims of violence.⁹²

107. GREVIO welcomes the recent decision by the Austrian authorities to invest €12 million over four years to increase the number of shelter places, including transitional accommodation after a shelter stay. A working group has been set up to that end, consisting of representatives of all nine provinces and the federal government, as well as violence protection centres and other relevant stakeholders.

108. As for the financing of shelters, GREVIO noted that women must financially contribute to their stay unless they receive social welfare or minimum state support.⁹³ This poses a problem for some women who cannot afford this share, or whose financial situation is further strained by this obligation. Shelters should be available for every woman fleeing violence and abuse without there being financial barriers to overcome, however small the contribution required may be.

109. Regarding specialist support services for forms of violence such as FGM or forced marriage, GREVIO welcomes an increase in their number since the baseline evaluation, and notes that these developments have also been praised in the conclusions made by the Committee of the Parties to the Istanbul Convention following its recommendation to expand these types of services.⁹⁴ Qualitative and quantitative studies on the prevalence of forced marriage in Austria have revealed that there are an estimated 200 cases per year, based on the number of victims that seek counselling

90. Information obtained during the evaluation visit.

91. GREVIO baseline evaluation report on Germany, paragraph 175, and on France, paragraph 154.

92. Information obtained during the evaluation visit, and NGO submission by the Association of Intersex People Austria, p. 3.

93. In German: *Mindestsicherung*.

94. See the Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Austria (IC-CP/Inf(2018)1), 30 January 2018; the Conclusions on the implementation of recommendations in respect of Austria adopted by the Committee of the Parties to the Istanbul Convention (IC-CP/Inf(2021)5), 7 December 2021; and the Austrian authorities' implementation report on the conclusions by the Committee of the Parties, Federal Chancellery, December 2023; all available at: www.coe.int/en/web/istanbul-convention/austria.

from the specialist NGOs on that topic established in Graz, Vienna and Innsbruck.⁹⁵ Prevention through awareness raising among families and training of relevant professionals on warning signs was found to be key to decreasing the number of cases, followed by the need for more emergency accommodation places for victims of forced marriage, as they are not always accepted at women's shelters.

110. A recent study on FGM revealed that there are 11 000 women and girls victims of FGM in Austria and around 3 000 women and girls at risk of this form of gender-based violence.⁹⁶ These figures demonstrate the need for awareness raising and support services for victims of this form of violence, which the Austrian authorities are investing in, as GREVIO notes with satisfaction. A co-ordination centre on FGM was established in 2022 as part of an initiative by the Federal Chancellery, providing information for relevant professionals and conducting awareness-raising activities within FGM-practicing communities.⁹⁷ Specialist counselling centres for victims of FGM have been established in Vienna, Graz, Salzburg, Innsbruck and Linz, and FGM outpatient clinics have been set up in Vienna, Graz and Linz. Another study on the prevalence of FGM in Austria is underway.

111. Moreover, GREVIO notes with satisfaction that the Austrian authorities have increasingly placed their focus on the digital dimension of violence against women. Its growing prevalence is mitigated in parts by an increase in recent years in the capacity of violence protection centres to respond to online and offline manifestations of violence. GREVIO welcomes the fact that the additional workload created by the complex prevention and protection needs resulting from online and technology-facilitated violence (stalking, sexual harassment, psychological violence) is being accounted for in terms of funding and staff ratios.⁹⁸

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.

4. Support for victims of sexual violence (Article 25)

113. Under Article 25 of the Istanbul Convention, parties are required to provide a set of holistic services to victims of sexual violence, including immediate medical care and trauma support, combined with forensic examinations, as well as short- and long-term psychological counselling and therapy to ensure the victim's recovery. Such services should be provided by trained and specialised staff in an appropriate manner to respond to the victims' needs, preferably within rape crisis or sexual violence referral centres established in sufficient number throughout the country to ensure their easy access. The recommendation is to set up one of the above-mentioned centres per every 200 000 inhabitants.⁹⁹

114. The provision of rape crisis centres, which provide dedicated counselling services for victims of sexual violence in Austria, has significantly increased since the baseline evaluation procedure, which GREVIO notes with satisfaction. While previously such services existed in only five of the nine provinces, they have now been rolled out to all provinces in Austria, widening the geographic range

95. Potkanski-Palka Monika, "Forced Marriage in Austria. Results of the qualitative study '(...) there was no love': Forced marriage and gender-based violence in Austria", *SIAK-Journal – Magazine for Police Sciences and Practice* (4/2018), pp. 47-58, available at: https://bmi.gv.at/104/Wissenschaft_und_Forschung/SIAK-Journal/SIAK-Journal-Ausgaben/Jahrgang_2018/files/Potkanski_4_2018.pdf; and Haller Birgitt et al., Institute for Conflict Research, Forced Marriage in Austria, 2023, available at: www.integrationsfonds.at/mediathek/mediathek-publikationen/publikation/forschungsbericht-zwangsheirat-in-oesterreich-17094/. Another study is forthcoming: <https://gmr.lbg.ac.at/forced-marriages-lagebericht-zwangsverheiratung-in-oesterreich/>.

96. See: www.diepresse.com/18065766/11000-genitalverstuemmelte-frauen-in-oesterreich.

97. See: <https://fgm-koordinationsstelle.at/>.

98. For more details on Austria's measures against online and technology-facilitated forms of violence against women, see the state report, pp. 68-69.

99. Explanatory Report to the Istanbul Convention, paragraph 142.

of these services.¹⁰⁰ While these centres implement an important part of Article 25 of the convention by providing counselling, GREVIO notes that the availability of forensic examinations for victims of sexual violence is still fragmented across the country. So far, dedicated forensic examination centres¹⁰¹ for victims of sexual violence and rape, and for victims of domestic violence, exist in the eastern regions of Austria (Vienna, Lower Austria, Burgenland, Styria, Carinthia) and in Tyrol. They are complemented by mobile teams, which can travel to the victim's location, if necessary. GREVIO was informed that further such centres are planned for Salzburg for 2024, but no concrete plans exist so far for the remaining provinces of Vorarlberg and Upper Austria.¹⁰² GREVIO considers it necessary to expedite the setting up of the planned centres. In the interim, the established pathways and procedures for the reception and treatment of victims of sexual violence/rape within the existing medical services need to be followed systematically in order to ensure that forensic examinations are carried out by trained and specialist staff, free of charge and in a victim-sensitive manner, and that victims are provided with sufficient trauma care, psychological assistance and legal assistance. Rape kits should be available at all hospitals, which does not appear to be the case in some of the smaller hospitals. Equally importantly, the storage time of the forensic evidence lifted should be harmonised across the country.

115. GREVIO strongly encourages the Austrian authorities to set up further sexual violence referral centres in an even geographical 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.

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 and rape within the existing medical services are always followed in practice.

C. Substantive law

117. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law, which aim to create the necessary legislative framework to prevent further victimisation of women and girls and to ensure robust intervention and prosecution by law-enforcement agencies. This section focuses on progress made with respect to selected provisions of the convention in the area of substantive law, notably, Article 31 on custody, visitation rights and safety and Article 48 on the prohibition of mandatory alternative dispute resolution processes or sentencing in cases of violence against women.

1. Custody, visitation rights and safety (Article 31)

118. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights, to ensure that the exercise of these rights does not harm the rights and safety of the victim or children. This provision contributes directly towards their trust in the authorities because it offers essential protection from post-separation abuse.

119. In its baseline evaluation report, GREVIO had considered that the legal framework in place in relation to child custody and visitation rights provided an excellent basis for the implementation of Article 31 of the convention in Austria, requiring courts to take into account the fact that a parent inflicted harm on the child or a person close to the child when determining visitation rights.¹⁰³ However, legal practitioners had indicated that one parent's abuse of another was not always

100. For more detailed information on their services and statistics, see NGO submission by the Federation of Autonomous Women's Counselling Centres against Sexual Violence (BAFÖ), pp. 7-9.

101. In German: *Gewaltambulanz*.

102. See: www.diepresse.com/17894184/neue-gewaltambulanzen-starten-im-osten-oesterreichs.

103. Article 187, paragraph 2, of the Austrian Civil Code.

considered a factor in such decisions, and that contact rights were granted to the abusive parent even when protection orders were in force. GREVIO thus had strongly encouraged the Austrian authorities to step up measures to ensure that the safety and needs of child witnesses of domestic violence are guaranteed in child custody decisions.

120. Since the baseline evaluation report, guidelines for judges have been made available for child custody and visitation rights cases in the context of domestic violence, which GREVIO welcomes. Moreover, supervised visitation continues to be practised in Austria in the form of “visitation cafés”. The family court assistance continues to support family law judges in proceedings concerning visitation rights, including by assisting in handovers of children between parents in cases with a history of abuse and conflict and sharing their observations with the courts. However, legal practitioners have drawn GREVIO’s attention to the fact that there is not enough capacity for supervised visitation.¹⁰⁴ This needs to be addressed in order to enable family law judges to make wider use of this tool as well as other measures available from family court assistance more often.

121. GREVIO regrets to note, however, that according to legal practitioners, visitation rights continue to prevail over women’s and children’s protection rights. Women victims of domestic violence who have obtained protection orders and/or are staying at a women’s shelter with their children may still be obliged by courts or other authorities to enable visitation between their children and the abusive parent.¹⁰⁵ GREVIO is concerned not only by the burden this places on women victims of violence who have children, but also by its implications for women and children as they engage with youth welfare authorities and family courts. On the one hand, women victims are required by the youth welfare authorities to keep their children safe by leaving an abusive relationship and/or seeking protection through barring or protection orders. On the other hand, women victims may be required in subsequent family court proceedings to demonstrate their ability to co-operate and communicate with the perpetrator of violence, in order not to be positioned as “attachment intolerant”, that is, intolerant towards the other parent’s relationship with the child.

122. As regards custody proceedings, GREVIO welcomes the fact that the wishes and the will of the children concerned are taken into account by family courts¹⁰⁶ and that even young children are heard in person in proceedings concerning custody and visitation rights, if at all possible. GREVIO welcomes the awareness among family court practitioners of the fact that the “parental alienation syndrome” – a term coined to suggest alienating behaviour by one parent against the other that frequently results in court attention placed on the behaviour of a women victim instead of that of an abusive parent – is devoid of a scientific basis. It notes, however, with concern that other, related concepts, such as the alleged inability to tolerate a child’s bond with the other parent,¹⁰⁷ are used with similar effects by court-appointed experts, invoked by fathers and taken up by family courts in their decisions on custody and visitation rights. It appears that the experts called to give their assessment are not systematically trained on the dynamics of intimate partner violence, including the psychological impact of witnessing violence on the child and the fact that joint parenting lends itself to being the means for the abuser to continue to maintain control and domination over the mother and the children. Training initiatives for court-appointed experts are therefore needed to improve this situation.

123. GREVIO underlines that the safety of the non-abusive parent and any children involved must be a central factor for judges when deciding on custody and visitation arrangements.¹⁰⁸ A robust risk assessment and screening for a history of domestic violence, including intimate partner violence against the other parent, is essential to ensure that threats to the safety and well-being of the non-abusive parent and the child can be identified and that child contact decisions do not

104. NGO submission by the Federal Association of Violence Protection Centres, pp. 43-44.

105. Information obtained during the evaluation visit.

106. Article 108 of the Act on Non-Contentious Proceedings stipulates that if a child from age 14 expressly refuses contact with a parent, this decision must be respected by the family courts.

107. In German: *Bindungsintoleranz*.

108. See GREVIO baseline evaluation reports on North Macedonia, paragraph 239; on Poland, paragraph 191; and on San Marino, paragraph 142.

facilitate the continuation of abuse and control.¹⁰⁹ Moreover, co-operation and information sharing in cases of custody and visitation rights between the family courts on the one hand, and the criminal courts and law enforcement on the other, needs to be reinforced, so family law judges have all relevant elements at hand for their decisions. Ample research has shown that child custody and visitation decisions that do not take instances of domestic violence duly into account may expose women to post-separation abuse.¹¹⁰ More awareness among the Austrian judiciary that shared custody and visitation rights may perpetuate the abuse of a woman through such arrangements is necessary and should be implemented through training initiatives and the promotion of the above-mentioned guidelines for judges.

124. In order to measure progress, monitoring the practice of civil courts and other competent authorities in this area, in particular through data collection on the number of cases in which custody and visitation rights have been limited, restricted or denied because of a child witnessing violence, should be introduced.

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 consider the negative impact that violence against women has on children and recognise it as jeopardising their best interests, 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.**

2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

126. Article 48, paragraph 1, of the Istanbul Convention requires parties to prohibit the mandatory participation in any alternative dispute resolution processes, including mediation and conciliation, in relation to cases of all forms of violence against women covered by the convention. This provision stems from the principle that violence against women is a manifestation of unequal power relations and that victims of such violence can never enter the alternative dispute resolution processes on an equal footing with the perpetrator. To avoid the re-privatisation of such violence and to enable the victim to seek justice, it is the responsibility of the state to provide access to adversarial court proceedings on the basis of robust criminal and civil law provisions.

127. In Austria, public prosecutors and courts are required by law to examine whether alternative ways of settling criminal cases are possible. In its baseline evaluation report, GREVIO had

109. It is noteworthy that in the case of *Bîzdîga v. the Republic of Moldova* (Application No. 15646/18, 17 October 2023), the European Court of Human Rights held that in proceedings concerning the custody and visitation rights regarding children in a domestic violence context, the primary focus must be on the best interests of the child, and an assessment of any risks of violence or other forms of ill-treatment therefore has to form an integral part of such proceedings. For this reason, it found that an alleged history of domestic violence was a relevant and even mandatory factor to be considered in the assessment made by the domestic authorities when deciding on contact rights (paragraph 62). In the recent case of *Luca v. the Republic of Moldova* (Application No. 55351/17, 17 October 2023), the Court found a violation of Article 8 of the European Convention on Human Rights on account of the failure of the Moldovan authorities to take into account incidents of domestic violence in the determination of child contact rights.

110. Research shows that in cases with a domestic violence context, for many women and children violence intensifies after separation, that child contact (including court-ordered contact) is a means of perpetuating violence, even where there are high levels of supervision, and that child contact can be used by male abusers as a way of continuing control over women victims. See Thiara R. and Harrison C. (2016), “Safe not sorry: Key issues raised by research on child contact and domestic violence”, Women’s Aid; and Mackay K. (2018), “Child contact as a weapon of control”, in Lombard N. (ed.), *The Routledge Handbook of Gender and Violence*, pp. 145-158.

expressed its concern that the Austrian system of alternative dispute resolution in criminal cases replaced court proceedings instead of flanking them. GREVIO therefore strongly encouraged the Austrian authorities to ensure that victim-offender mediation does not replace criminal justice in cases of violence against women and invited them to collect data on the number of cases that are dealt with through diversionary measures, broken down by type of measure.

128. Since the baseline evaluation report, the use of alternative dispute resolution processes or sentencing in the context of criminal proceedings continues, albeit to a lesser extent. For example, in cases that concern the continuous use of force (Article 107b of the Criminal Code, which criminalises the typical course of conduct in domestic violence cases), only 82 cases were considered suitable for victim-offender mediation in 2021, compared to over 600 such cases that went to trial in the same year. In 2023, approximately 20% of cases of intimate partner violence were dealt with through victim-offender mediation.¹¹¹ This demonstrates that victim-offender mediation is not the standard course of action in cases concerning intimate partner violence. Data on the number of cases of other forms of violence against women that are dealt with through alternative forms of dispute resolution, broken down by type of measure, have not been made available to GREVIO.

129. Cases of severe violence and cases of sexual violence that carry a sentence of more than three years' imprisonment are excluded from victim-offender mediation.¹¹² This means that cases of rape through the use of force, threat or coercion are excluded,¹¹³ but cases of a violation of sexual self-determination (non-consensual sexual acts) are in theory eligible for mediation, which GREVIO considers worrisome.¹¹⁴ No data were made available to GREVIO to show in how many cases of sexual violence mediation was resorted to.

130. While victim-offender mediation is not mandatory in criminal cases and the victim can refuse this form of dispute resolution, lawyers and practitioners active in the field indicated to GREVIO that women at times feel pressured to agree and may not experience the process as one where they truly have a choice, as refusing to participate may mean that the case is discontinued without any consequences for the suspect.¹¹⁵

131. GREVIO welcomes the fact that there are several safeguards in place in order to ensure that a given criminal case is appropriate for victim-offender mediation.¹¹⁶ In addition, the offender must be willing to accept responsibility for his acts and be willing to deal with their causes, provide reparation and undertake to refrain from repeating the same behaviour.¹¹⁷ Victims must be informed of their right to be accompanied by a person of trust and the right to apply for free legal and/or psycho-social support and suitable victim-protection facilities. Moreover, the association Neustart, which is tasked with carrying out victim-offender mediation, equally screens cases after reception for their suitability, including through risk assessments. The association deals with approximately 1 400 cases of victim-offender mediation each year that concern violence in intimate partnerships. Between 50 and 70 cases are rejected annually because the association does not consider them suitable for mediation. Victim-offender mediation and other forms of alternative dispute resolution are recorded for a period of five years in a central register, which is intended to guide and inform future decisions on alternative dispute resolution mechanisms.

111. Information obtained during the evaluation visit.

112. Article 198 of the Code of Criminal Procedure.

113. Article 201 of the Criminal Code.

114. Article 205a of the Criminal Code.

115. Information obtained during the evaluation visit.

116. Pursuant to Article 198 of the Code of Criminal Procedure, the following criteria need to be met:

- a criminal sanction is not necessary to prevent the suspect from committing criminal acts;
- a criminal sanction is not necessary to counteract other persons committing criminal acts;
- the guilt of the suspect is not regarded as grave according to paragraph 32 of the Austrian Criminal Code;
- the crime did not result in the death of a person (except for negligent acts);
- no penalty of more than five years imprisonment is prescribed;
- crimes against sexual integrity with a penalty of more than three years' imprisonment are excluded;
- the interests of the victim must be examined and promoted.

117. Article 204 of the Code of Criminal Procedure.

132. In family law cases, courts are legally required to work towards out-of-court settlements between the parties. The applicable provisions do not contain an exception thereof for cases with a history of domestic violence,¹¹⁸ and it appears that no safeguards are in place, such as an active screening of cases for domestic violence. While out-of-court settlements in civil proceedings are not mandatory for the parties, legal practitioners indicated to GREVIO that victims at times feel pressured to agree to settlements. Sufficient safeguards should be put in place to ensure the free and informed consent of the victim to such processes, that any settlement concerning custody and visitation rights in the context of domestic violence ensures the safety of the mother and the children involved¹¹⁹ and that no direct or indirect pressure is placed on the victim. GREVIO welcomes in this context that the recent handbook for family law courts on dealing with cases of violence in connection with custody and visitation rights advises against settlements in such cases.

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, to enable them to take this into account when assessing whether to propose a case of violence against women or domestic violence for alternative dispute resolution measures.

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.

D. Investigation, prosecution, procedural law and protective measures

135. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions in a manner that validates women's and girls' experiences of violence, that avoids their secondary victimisation and that offers protection throughout the different stages of proceedings. The provisions covered in this section are fundamental to the delivery of protection and justice for all women and girls at risk of or who have experienced gender-based violence.

1. General obligations (Article 49) and immediate response, prevention and protection (Article 50)

136. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages. Those in law-enforcement officials or the judiciary actors often do not prioritise incidents of violence against women and domestic violence, thereby contributing to the impunity of perpetrators and reinforcing the misconception that this type of violence is "acceptable" in society.¹²⁰ A consequence of assigning low priority to incidents of violence against women and domestic violence are delays in initiating investigations and judicial processes, which in turn may lead to the loss of vital evidence and to an increased risk for the victim of repeated violence. For these reasons, Article 49 of the convention requires parties to ensure that investigations and judicial proceedings are conducted without undue delay, while at the same time respecting the rights of victims during each stage of these processes. Article 50 further reinforces these obligations by requiring that law-enforcement agencies react promptly and appropriately in cases of violence against women, including by offering victims immediate protection and by engaging in the prevention of violence. GREVIO reports focus on the application of Article 50 at key stages of the criminal justice process, notably reporting, investigation, prosecution and conviction, all of which are key contributors to victims' sense of support, protection and justice.

118. Section 13(3) of the Act on Non-Contentious Proceedings.

119. See Article 31, Custody, visitation rights and safety.

120. Explanatory Report to the Istanbul Convention, paragraph 255.

a. Reporting to, immediate response and investigations by, law-enforcement agencies

137. In its baseline evaluation report, GREVIO had observed that most investigations of cases of domestic violence and violence against women centre on the statement of the victim and it had strongly encouraged the Austrian authorities to systematically collect evidence from other sources. Moreover, there had been no standardised procedure for obtaining forensic evidence after sexual or domestic violence across the country, lessening the evidence base for cases of these types of violence. While GREVIO had welcomed the fact that victims of sexual violence and rape were able to request being interviewed by a woman police officer, it had observed that this had been difficult to ensure in practice, as the percentage of female law-enforcement officers stood at only 14% at the time.

138. Since the baseline evaluation procedure, forensic examination centres have been established in the eastern regions of Austria,¹²¹ which contribute to the collection of evidence in cases of sexual violence, rape and domestic violence. Moreover, law-enforcement agencies have guidelines available on various topics related to violence against women, which include provisions on evidence collection.¹²² The solid levels of training of all law-enforcement officials on domestic violence and other forms of violence against women contribute to their better understanding of causes, dynamics and consequences of violence.¹²³ The number of women police officers rose to 24% in 2023, increasing the likelihood that a woman victim of violence can be interviewed by a police officer of the same sex, if she so wishes.¹²⁴ However, this is much less likely in small towns or rural areas than in larger cities. Continuous efforts are thus needed to encourage more women to join the police force.

139. GREVIO welcomes these improvements but considers that further measures are necessary to ensure that women victims of violence can place their full trust in the criminal justice system. GREVIO received indications from women's rights NGOs active in the field that there are still instances where women are not being taken seriously by law-enforcement officers, where their reports of violence are trivialised or where the risks they face are not recognised by the authorities.¹²⁵ This is corroborated by a recently published study on cyberviolence against women, which found, among other things, that victims of digital forms of violence did not feel that they were taken seriously by the police.¹²⁶ Despite significant psychological stress and real concern for their safety from digital stalking, for example, women are asked to collect evidence themselves, for example by keeping a diary on messages and calls received, in order to demonstrate to police the serious nature of their case.¹²⁷

140. The low number of police barring orders issued for cases of stalking confirms that more awareness is needed of this pervasive form of violence against women, which is confirmed by the above-mentioned study on cyberviolence.¹²⁸ The study further identified the securing of evidence as a particular problem in cases of digital forms of violence against women; it is laborious but not helped by a lack of resources within the police. GREVIO welcomes the fact that specialised cybercrime officers are being trained in the police force, who will be aware of the digital forms of violence against women. The authorities' long-term goal is to have at least one cybercrime officer at every police station across the country. Moreover, in 2023, a pilot project was started at several public prosecutors' offices across the country, where competence centres for cybercrime were

121. See Article 25, Support services for victims of sexual violence.

122. State report, pp. 58-59.

123. See Article 15, Training of professionals.

124. See: <https://kurier.at/chronik/wien/frauen-in-der-fuehrung-nur-11-prozent-der-polizei-top-jobs-sind-weiblich/402783772>.

125. Information obtained during the evaluation visit.

126. Magdalena Habringer et al., "(No) space: cyberviolence against women in (former) partnerships", University of Applied Sciences Campus Vienna, pp. 3-4, June 2023, available at: www.fh-campuswien.ac.at/forschung/projekte-und-aktivitaeten/kein-raum-cyber-gewalt-gegen-frauen-in-ex-beziehungen.html.

127. Information obtained during the evaluation visit.

128. See Article 52, Emergency barring orders.

instituted. GREVIO is hopeful that this trend in specialisation of law-enforcement personnel on cybercrime will contribute to a more efficient investigation of digital forms of violence against women.

141. As to reporting violence to the police, GREVIO welcomes the fact that standardised questionnaires are being used by the police for certain forms of violence against women, which have been drawn up in collaboration with the violence protection centres. There are now 1 200 domestic violence contact officers within the police, who receive further and continuous relevant training in addition to the standard training on domestic violence. The aim is to have one contact officer at every police station across the country, with the aim of further improving the police response to domestic violence. GREVIO welcomes this initiative and considers that it would be an excellent opportunity to broaden their specialisation on other forms of violence against women, in particular on rape and sexual violence.

142. Turning to the circumstances of reporting violence against women, GREVIO notes that police stations would greatly benefit from a victim-friendly set-up, such as calm and friendly interviewing rooms where victims and police officers are undisturbed and can feel at ease during the process. Alternatively, taking witness statements at violence protection centres or other victim support organisations could be envisaged, in line with Article 18 of the Istanbul Convention, which requires parties to allow, where appropriate, for a range of protection and support services to be located on the same premises. Practitioners working in the field have also raised issues in connection with the quality of the transcript of witness statements, which currently are a summary rather than a verbatim transcript and do not always offer an adequate reflection of the victim's statement.¹²⁹ In the light of the importance of the victim's statement, improvements in the quality of the transcripts are necessary. A video recording or verbatim transcript of the witness statement could contribute to eliminating ambiguities and help the case advance to trial. This would be all the more important as it is currently not possible to report violence online, where the victim could submit in her own words what had happened.

b. Effective investigation and prosecution

143. GREVIO welcomes the fact that in reaction to its baseline evaluation report, the "Guidelines for the prosecution of offences in the close social environment" for public prosecutors have been updated, expressly with the aim of addressing the relevant findings by GREVIO while also taking into account the principles established by the European Court of Human Rights in its case *Kurt v. Austria* [GC] (Application No. 62903/15, 15 June 2021).¹³⁰

144. Specialist prosecution units for cases of violence in the immediate social environment (domestic violence and violence against children, for example) exist at public prosecutor's offices with at least 10 full-time prosecutors. Practitioners active in the field informed GREVIO that this specialisation has proven to be effective in practice.¹³¹ Specialisation also exists for cases of rape and sexual violence, but shortcomings have been identified by GREVIO in relation to the initial and in-service training of public prosecutors.¹³² While there is a general requirement in the Code of Criminal Procedure to expedite criminal proceedings, cases of violence against women are not prioritised. According to information received from legal practitioners, this at times results in delays and lengthy proceedings. Measures should be taken to ensure swift investigation into, and effective prosecution of, all cases of violence against women and domestic violence, such as prioritisation through fast tracking, benchmarking or other initiatives, without, however, compromising the thoroughness of the investigation.

c. Conviction rates

129. NGO submission by the Federal Association of Violence Protection Centres Austria, pp. 51-52.

130. State report, p. 8., and information obtained during the evaluation visit.

131. NGO submission by the Federal Association of Violence Protection Centres Austria, p. 51.

132. See Article 15, Training of professionals.

145. In its baseline evaluation report, GREVIO had expressed concern regarding the extensive use by public prosecutors' offices of preliminary settlements applied in relation to reported offences of domestic violence and stalking, including the imposition of a fine, community service, a period of probation and victim-offender mediation.¹³³ It noted that there was a lack of data on the overall number of domestic violence cases that are dealt with through preliminary settlements and therefore invited Austria to collect such data, broken down by the type of measure.

146. Since the baseline evaluation round, Austria has introduced a right for victims to express their views on an envisaged preliminary settlement of a given case.¹³⁴ However, experts active in the field indicated to GREVIO that this right is insufficiently implemented in practice, as victims are often only informed of preliminary settlements when they have already been offered to the suspect or been carried out, if they are informed at all. With a view to building the trust of women victims of violence in the criminal justice system, GREVIO stresses that victims' rights should be rigorously implemented in practice.

147. GREVIO welcomes that the Austrian Supreme Court, in a recent case concerning the criminal law consequences for a perpetrator of negligent bodily harm, clarified that a reasoned decision was required by criminal courts for alternatives to custodial sentences.¹³⁵ The Supreme Court criticised the fact that the victims' interests had not been given any consideration by the lower court. It thus took a similar stance as the European Court of Human Rights (the Court) in a recent judgment, where it held that the commutation of a 10-month prison sentence for sexual violence to community service violated the victim's rights under Articles 3 and 8 of the European Convention on Human Rights.¹³⁶ The Court observed that while community service has become an integral and useful component of modern penal policy, there was also a broad international consensus on the need to stand firm on sexual abuse and violence against women, which is why domestic courts need to pay particular attention when deciding to apply community service instead of prison for such crimes.¹³⁷

148. Turning to conviction rates in cases of rape and sexual violence, a study analysed 50 court cases of rape and sexual violence from the year 2016.¹³⁸ It noted positively more victim-sensitive questioning and a decrease in rape myths in court judgments in 2016 compared with the last relevant study of 1990.¹³⁹ It found that while those perpetrators convicted of rape and sexual violence received significantly longer prison sentences in 2016 than in 1990, the acquittal rate amounting to about one third of the accused has remained the same. Not surprisingly, the study found that the more evidence was presented, the more likely a conviction was, which underlines the importance of the roll-out of forensic examination centres across the country.¹⁴⁰ For the time

133. In German: *Diversion*.

134. Article 206 of the Code of Criminal Procedure.

135. Supreme Court, 15 Os 116/23g, 8 November 2023, summary available at: www.ogh.gv.at/entscheidungen/entscheidungen-ogh/diversion-durch-das-gericht/.

136. *Vučković v. Croatia*, Application No. 15798/20, 12 December 2023, available at: <https://hudoc.echr.coe.int/eng?i=001-229399>.

137. *Ibid.*, paragraph 56. In the case at hand, the Court noted that the domestic courts never took into consideration the consequences of the offences on the victim – PTSD and the resulting long periods of sick leave – or the perpetrator's threats and demeaning behaviour towards her and his apparent lack of remorse or any effort to compensate her for the damage caused. The Court found it "concerning that despite the repeated nature of the serious sexual violence suffered by the applicant, the appeal court chose to replace [the perpetrator's] prison sentence with community service without giving adequate reasons and without considering in any way the interests of the victim, which the domestic courts are obliged to take into account when deciding on the sentence to be imposed in a particular case ... Such an approach by the domestic courts, in the Court's view, may be indicative of a certain leniency in punishing violence against women, instead of communicating a strong message to the community that violence against women will not be tolerated. Such leniency may in turn discourage victims from reporting such acts, whereas according to the scarce data available in this context, violence against women is worryingly common and remains seriously underreported".

138. Institute for Conflict Research, "Evaluation of Sexual Crimes", Birgitt Haller, March 2018, available at: <https://ikf.ac.at/schwerpunkte/sicherheit/gewalt/2018-evaluierung-sexualstraftaten>.

139. Occasionally, the study came across judgments from 2016 that replicated rape myths; in one case, the fact that the victim had undressed in front of the perpetrator and other people beforehand was considered a mitigating factor for the rapist and a "provocation" by the victim. Another finding of the study was that the percentage of the accused who were convicted for rape or sexual violence was higher if the victim did not previously know him.

140. See Article 25, Support for victims of sexual violence.

being, however, GREVIO notes with grave concern the persistently low charging and conviction rates for rape, which do not appear to have increased since 2016.¹⁴¹

149. In this context, GREVIO notes that while rape through force, coercion or threat is punishable with two to 15 years or life imprisonment (Article 201 of the Criminal Code) in Austria, the violation of a person's sexual integrity (Article 205a, criminalising sexual acts committed against the will of a person) carries a punishment of only up to two years' imprisonment. GREVIO notes the wide discrepancy between the statutory punishments for force-based rape, on the one hand, and sexual acts against the will of a person, on the other hand. It reiterates that according to Article 36 of the Istanbul Convention, sexual intercourse without the consent of the victim constitutes rape and shall give rise to effective, proportionate and dissuasive sanctions.¹⁴² It is the fact that the act is carried out without the consent of the victim that should determine the punishment, whether this is committed by someone who employs violence or abuses his position of power over the victim.¹⁴³

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 providing a more detailed verbatim transcript in order to ensure further case building.

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.

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.

2. Risk assessment and risk management (Article 51)

153. Many perpetrators of domestic violence, rape, stalking, sexual harassment, forced marriage and other forms of violence covered by the Istanbul Convention threaten their victims with serious violence, including death, and have subjected their victims to serious violence in the past, including non-fatal strangulation. The growing digital dimension to such violence further exacerbates women's and girls' sense of fear. Article 51 thus places concern for their safety at the heart of any intervention in such cases by requiring the establishment of a multi-agency network of professionals to protect high-risk victims without aggravating the harm experienced. It sets out the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces, on a case-by-case basis, according to standardised procedures and in co-operation with each other.

154. In the baseline evaluation report, GREVIO had observed that in some regions of Austria, multi-agency risk-assessment conferences had been carried out, and that a standardised risk-assessment tool had been tested in some areas of the country.

155. The Vienna Regional Police Directorate has since developed a new risk-assessment tool for domestic violence called PROTEEKT, which is currently being piloted. GREVIO notes, however, that there is still no harmonisation of risk-assessment tools for the different police districts across the country. The police are obliged to conduct a risk assessment when at a call-out for domestic

141. State report, pp. 72, 73 and 78.

142. Article 45 of the Istanbul Convention, Sanctions and measures.

143. See GREVIO baseline evaluation reports on Bosnia and Herzegovina, paragraph 221; on Liechtenstein, paragraph 193; on Poland, paragraph 218; and on Serbia, paragraph 186.

violence, in order to assess which measure(s) to take (such as the issuance of a barring order or arrest). If a police barring order is issued, the victim is referred to a violence protection centre, which then carries out their own risk assessment and shares it with the authorities for further consideration. Where the violence protection centres consider that the risk to life and limb of a victim is high, they can propose that a Security Police Case Conference is convened. This enables all relevant professionals, including victim-protection NGOs and anti-violence counselling centres, to share information and discuss how to deal with a high-risk perpetrator, including deciding what further preventive measures need to be taken.

156. In addition, Austria has introduced a Central Violent Offenders Register since the baseline evaluation procedure, which can be consulted by the authorities in cases of domestic violence in order to see whether the suspect has previous convictions for violent crimes or previously issued barring or protection orders.¹⁴⁴ This information is taken into account when a risk assessment is conducted. GREVIO welcomes this proactive approach by the Austrian authorities, which aims at obtaining a broader picture of a perpetrator's behaviour.

157. GREVIO takes this occasion to draw the Austrian authorities' attention to the issue of non-fatal strangulation,¹⁴⁵ which research has shown is an important risk factor in domestic violence cases. Victims of prior strangulation are seven times more likely to later become victims of murder¹⁴⁶ and that strangulation is a common method of killing in domestic violence settings.¹⁴⁷ If non-fatal, it is likely to cause serious permanent injuries, such as brain damage, as well as extreme distress to victims, who commonly feel like they are about to die.¹⁴⁸ Healthcare professionals in particular need to be trained on asking specific questions to victims on the side-effects of strangulation in order to detect this form of violence, as victims often have no recollection of having been strangled if they lost consciousness as a result.¹⁴⁹ Training is equally needed for legal professionals, in particular public prosecutors and judges, in order to raise their awareness of the seriousness and frequency of occurrence of non-fatal strangulation in domestic violence cases.¹⁵⁰

3. Emergency barring orders (Article 52)

158. Under Article 52 of the Istanbul Convention, in situations of immediate danger, the authorities are granted the power to issue an emergency barring order, ordering the perpetrator to leave the residence of the victim or person at risk for a specific period of time, and to prohibit the perpetrator from entering the residence or contacting the victim or person at risk. Emergency barring orders are

144. Article 58c of the Security Police Act.

145. Strangulation – the obstruction of blood vessels and/or airflow by external (often manual) pressure to the neck – causes decreased oxygen supply to the brain and can lead to unconsciousness and the loss of bladder control within seven to 15 seconds. These time spans are commonly accepted in the medico-legal field, and were first examined in a study from 1943: Kabat H. and Anderson J. P., Acute arrest of cerebral circulation in man: Lieutenant Ralph Rossen (MC), U.S.N.R.”. Arch NeurPsych. 1943; 50(5): 510-528, available at: <https://jamanetwork.com/journals/archneurpsyc/article-abstract/649750>.

146. Glass N., Laughon K., Campbell J., Block C. R., Hanson G., Sharps P. W. and Taliaferro E., “Non-fatal Strangulation is an Important Risk Factor for Homicide of Women”, The Journal of Emergency Medicine, Volume 35, Issue 3, 2008, pp. 329-335, available at: www.ncbi.nlm.nih.gov/pmc/articles/PMC2573025/.

147. See for example www.femicidecensus.org/reports/ for data from the UK.

148. White C., Martin G., Schofield A. M. and Majeed-Ariss R., “‘I thought he was going to kill me’: Analysis of 204 case files of adults reporting non-fatal strangulation as part of a sexual assault over a 3-year period”, Journal of Forensic and Legal Medicine, Volume 79, 2021, available at: www.sciencedirect.com/science/article/abs/pii/S1752928X21000135.

149. As manual strangulation leaves few marks on the victim's body, healthcare professionals as well as law-enforcement officers need to be specifically trained on how to recognise symptoms, including blood-red eyes, petechiae (tiny red spots on the neck and face) and involuntary urination and/or defecation. See the testimony of a nurse specialised in non-fatal strangulation cases: “When I see a patient, questions have to be asked, such as did you black out? When you came round, had you wet or pooped yourself? If you lose control of your bowel, that isn't fear. It means you are seconds away from death. It's embarrassing so a woman is unlikely to volunteer that information. If you haven't been properly trained, you're not capturing the evidence”. Available at: www.theguardian.com/society/2022/may/29/all-strangulation-of-women-is-serious-and-its-time-for-the-law-to-step-up.

150. In England and Wales, non-fatal strangulation was made a free-standing offence under the Domestic Abuse Act (2021), because the authorities had recognised the pervasiveness of this severe form of physical violence; see www.theguardian.com/society/2021/mar/01/campaigners-welcome-extra-protections-in-domestic-abuse-bill.

tools intended to prevent a crime and to put safety first.¹⁵¹ They should therefore be time-bound and incident-based, with the possibility of renewal in the case of continued danger. Longer-term protection should, however, be granted by a court by means of a protection order, upon application of the victim. An emergency barring order should in principle extend to children in need of protection and should have immediate effect.

159. In its baseline evaluation report, GREVIO had underlined the pioneering role Austria had in the establishment of a functioning system of emergency barring and protection orders as preventive measures in cases of domestic violence. At the time, police emergency barring orders had prohibited a perpetrator of violence from approaching certain premises, rather than from approaching the victim, leaving them unprotected once they leave those premises. GREVIO had thus considered general no-contact orders the better approach.

160. In response, Austria amended Article 38a of the Security Police Act on emergency barring orders to include, in addition to a prohibition on approaching specific locations, a prohibition on approaching the victim.¹⁵² GREVIO welcomes the fact that the Austrian authorities implemented GREVIO's respective findings by introducing a no-contact order, resulting in broader protection for victims of domestic violence. In addition, the mandatory preventive intervention and treatment programme imposed on every person issued with such an order is a welcome development.¹⁵³ Moreover, an immediate prohibition on possessing weapons now automatically comes with a barring order. The number of barring orders issued is constantly on the rise: In 2020, 11 652 orders were issued; 13 690 in 2021; 14 643 in 2022; and 15 115 in 2023.¹⁵⁴

161. GREVIO welcomes the fact that the Austrian system of police barring orders goes beyond the requirements of the Istanbul Convention, as they can in principle be issued for any form of violence against women, and not only domestic violence as required under Article 52. In practice, police barring orders are mostly issued in cases of domestic violence and, to a lesser extent, in cases of stalking. Concerning the latter, GREVIO received indications from women's rights NGOs working in the field that it would be desirable, in specific cases of "stranger stalking", to be able to only apply for a no-contact order without at the same time issuing a prohibition on approaching a specific location. The reason is that in cases where a stalker does not know the residence address of the victim, a prohibition on approaching her home necessarily requires the address to be communicated to him, which should certainly be avoided. While it is true that victims can apply for a court protection order in such cases, the issuance takes much longer than an emergency barring order, creating a gap in their protection. GREVIO thus considers that this specific issue should be given consideration by the authorities.

162. The police are required to notify the violence protection centres of every case in which a police barring order has been issued, so they can proactively contact the victim. Even in stalking cases that do not reach the threshold for an emergency barring order, the violence protection centres must be notified, which GREVIO welcomes. It notes, however, that this requirement is not always observed in practice. GREVIO thus considers it of importance to remind law enforcement of the obligation to notify violence protection centres in cases of stalking. Moreover, no sharing of information is foreseen for cases of the continuous use of force or continuous harassment via telecommunication where a report has been made but no barring order issued. It would be important to add these to the list of offences triggering proactive outreach work from violence protection centres.¹⁵⁵

163. When children are directly affected by violence, the police are required to separately assess their level of risk for their possible inclusion in police emergency barring orders. However, where children witness violence between their parents, no barring order can be issued. GREVIO draws attention to the contradiction this presents in the light of the fact that under the Civil Code, witnessing

151. GREVIO baseline evaluation report on Denmark, paragraph 207, and on Malta, paragraph 218.

152. For a detailed description of the legal situation in Austria pertaining to emergency barring orders, see *Kurt v. Austria* [GC], cited above, paragraphs 45-53.

153. See Article 16, Preventive intervention and treatment programmes.

154. See: www.derstandard.at/story/3000000209362/mehr-als-15000-betretungsverbote-in-214sterreich-2023.

155. NGO submission by the Federal Association of Violence Protection Centres, pp. 63-64.

violence against a close family member constitutes an endangerment of the child.¹⁵⁶ Moreover, Section 38a, paragraph 4(1) of the Security Police Act does not include an absolute requirement to inform childcare facilities or schools of the issuance of a protection order, which should be amended – in particular in the light of the facts in the case of *Kurt v. Austria* [GC],¹⁵⁷ where a child was murdered at school by his father who had been issued with a police barring order shortly before. GREVIO considers it of paramount importance that schools and other childcare institutions are informed without exception of police barring orders, just like the Security Police Act requires that local Child and Youth Aid Services are informed thereof.

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.

4. Restraining or protection orders (Article 53)

165. Restraining and protection orders are designed to prolong the protection afforded to the victim and her children by emergency barring orders and may be considered complementary to the protection offered by the latter. Under Article 53 of the convention, victims of all forms of violence against women should be able to obtain a protection order available for immediate protection – without an undue financial or administrative burden being placed on the victim and irrespective of whether or not they choose to set in motion any other legal proceedings.

166. GREVIO welcomes the fact that following an amendment to the Enforcement Act, victims of violence can be represented by an appropriate victim representation organisation, such as the violence protection centres, when applying for a protection order. Moreover, offenders must attend mandatory violence prevention counselling when being issued an order under Articles 382b or 382c of the Enforcement Act.

167. According to information received by lawyers active in this field, protection orders are rarely issued for psychological violence “only”, as it is difficult for victims to make this physically invisible and sometimes subtle form of violence credible. However, recent judgments by the Supreme Court strengthen the protection of women victims of psychological violence and stalking through protection orders. In a case where a man repeatedly threatened his partner with physical violence, insulted and behaved aggressively towards her and the children, the court held that a protection order pursuant to Article 382b of the Enforcement Act could equally be issued in cases where psychological violence reached a certain gravity (the court used the term “psychological terror”).¹⁵⁸ In another case, the Supreme Court held that acts of stalking through surveillance via information and communication technology (ICT) equally constitutes a form of violence that can justify the issuance of a protection order, pursuant to Article 382d of the Enforcement Act.¹⁵⁹

168. While an application for a protection order under Article 382b of the Enforcement Act prolongs a police barring order until the court takes a decision, this is not the case for protection orders under Article 382d of the same act. Moreover, legal practitioners indicated to GREVIO that offenders should be informed of any extension of a police barring order following an application for a protection order, which currently does not always appear to be the case in practice.¹⁶⁰ Turning to sanctions for breaches of protection orders, GREVIO notes that here, again, victims of stalking are less protected than victims of domestic violence, as prohibitions on contact via ICT cannot be enforced by the police.¹⁶¹ Similarly, stalking offenders do not have to attend mandatory

156. See Article 31, Custody, visitation rights and safety.

157. *Kurt v. Austria* [GC], cited above, paragraphs 16-35.

158. Supreme Court, 7 Ob 161/23m, 24 October 2023, available at: www.ogh.gv.at/entscheidungen/entscheidungen-ogh/gewaltschutz-drohung-mit-gewalt-bewirkt-wegweisung-des-gefaehrders/.

159. Supreme Court, 7 Ob 38/23y, 22 March 2023, available at: www.ogh.gv.at/entscheidungen/entscheidungen-ogh/anti-stalking-und-gewaltschutzverfuegung-unzulaessige-ueberwachung-der-ehegattin/.

160. NGO submission by the Federal Association of Violence Protection Centres, p. 62.

161. Section 382d read in conjunction with section 382i of the Enforcement Act.

anti-violence counselling, which raises the question of why they should not benefit from receiving counselling.

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.**

5. Measures of protection (Article 56)

170. Article 56 of the Istanbul Convention is a key provision for building trust at the level of judicial proceedings for women and girls who have experienced or who are witness to any of the forms of violence covered by the convention. It sets forth a non-exhaustive list of procedures designed to protect victims of violence from intimidation, retaliation and secondary victimisation at all stages of proceedings, during investigations and at trial. The drafters intended this list to be indicative, and parties may adopt additional protection measures that are more favourable than those provided in the convention. Moreover, intimidation and secondary victimisation can occur not only at the hands of perpetrators but also when investigations and judicial proceedings are not based on a gendered understanding of violence against women, which is why the practical application of measures of protection should be firmly anchored in such an understanding.

171. In its baseline evaluation report, GREVIO had noted that the Code of Criminal Procedure defines victims of domestic violence and sexual violence as particularly vulnerable, triggering additional measures of protection such as the removal of the accused from the courtroom before the victim's testimony or the right to testify via video link. However, it observed a number of shortcomings in the practical implementation of measures of protection for women victims of violence, including a low number of courtrooms equipped for video transmission and a lack of separate entrances or waiting rooms for victims at court buildings, increasing their chances of encountering the accused in the context of court proceedings.

172. Since then, further measures of protection for victims of violence have been introduced through the Violence Protection Act 2019. GREVIO welcomes in particular the fact that victims of crimes must be informed of their rights, including the right to psycho-social support during the criminal proceedings, before they are questioned for the first time. Victims whose right to sexual self-determination has been violated, who are minors or who are eligible for an emergency barring order are considered as particularly vulnerable and have specific rights. These include requesting the assistance of an interpreter of the same sex, if available; the right to refuse to answer questions that concern details of the crime or their private sphere; the right to have a person of their trust attending the questioning; the right to have the trial held in camera; and the right to be questioned/testify via video link.¹⁶²

173. When it is considered that a victim cannot be questioned during the trial, the public prosecutor's office can order an audiovisual recording of the victim's questioning at the investigative stage, at which a judge, the defence counsel for the accused and the victim's legal representative are present. The defence can exercise their right to ask questions, which are conveyed to the victim by the judge. This recording can then be shown during the trial without the victim having to testify again, while ensuring respect for the accused's rights by allowing their legal representative to be present and asking questions during the testimony. GREVIO welcomes this victim-friendly approach, which can contribute significantly to avoiding secondary victimisation of women victims of violence, as it may reduce the number of times they have to repeat their witness statement and spares them from meeting their abusers in court. Moreover, experience has shown that victims of rape, domestic violence and other forms of violence against women often withdraw their statements or make use

162. Article 66a of the Code of Criminal Procedure.

of their right not to testify against the accused if they are a family member, which leads to high acquittal rates. The audiovisual recording before a judge can thus contribute to cases going to trial despite these factors, which GREVIO considers a promising practice.

174. However, GREVIO received indications from judges, public prosecutors and lawyers working with women victims of violence that the technical capacities for video testimonies are still not sufficient and not available at some courts across the country, and that a lack of human resources are equally preventing this possibility from being used more often. While victims of sexual violence and children are essentially always testifying via video link, victims of domestic violence are not always granted their respective request. Public prosecutors informed GREVIO that they sometimes have to choose between waiting for an available time slot for the taking of the testimony from a victim of domestic or sexual violence, or going ahead with the proceedings, thereby ensuring that they are conducted more speedily, but without this important measure of protection for the victim.

175. More generally, GREVIO received indications from lawyers working in the field that women victims of the different forms of violence covered by the convention still sometimes have to encounter the perpetrator in the course of the judicial proceedings, or that certain other measures of protection are not observed.¹⁶³ GREVIO therefore suggests that 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, in order to identify possible gaps in their application in practice. Moreover, particular attention should be paid to women victims of violence who face intersectional discrimination and may need specific measures of protection and support in criminal proceedings. For women with physical disabilities, for example, barrier-free access to court buildings must be ensured, while women with intellectual disabilities may need information, instructions and questioning in easy-to-understand language and be offered breaks during hearings. For women who do not speak German, trained and qualified interpreters, if possible of the same sex, are of crucial importance.¹⁶⁴

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.

163. Information obtained during the evaluation visit.

164. On the importance of interpretation in cases of violence against women, see the recent judgment by the European Court of Human Rights in the case of *X. v. Greece*, Application No. 38588/21, paragraphs 74, 75 and 86, 13 February 2024.

Appendix I

List of proposals and suggestions by GREVIO

II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence

A. Definitions (Article 3)

1. 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 parties and in line with Article 3b of the Istanbul Convention. (paragraph 15)

B. Comprehensive and co-ordinated policies (Article 7)

2. 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. (paragraph 21)

C. Financial resources (Article 8)

3. GREVIO encourages the Austrian authorities to ensure adequate and long-term funding to the various specialist support service providers beyond domestic violence prevention centres. (paragraph 27)

D. Data collection (Article 11)

3. Social services

4. 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 of being able to track cases of violence against women during their passage through the different stages of the criminal justice system. (paragraph 36)

5. GREVIO encourages the Austrian authorities to pursue their efforts to improve the systematic and comparable collection of data by the healthcare 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. (paragraph 37)

6. 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. (paragraph 38)

III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution

A. Prevention

1. General obligations (Article 12)

7. 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. For this purpose, the Austrian authorities should make primary prevention of violence against women a priority in future action plans and measures. (paragraph 46)

8. 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. (paragraph 47)

2. Education (Article 14)

9. 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 in the formal curriculum. (paragraph 55)

10. GREVIO encourages the Austrian authorities to increase their efforts to teach children, in an age-appropriate manner, about 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. (paragraph 56)

11. 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. (paragraph 57)

3. Training of professionals (Article 15)

12. 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. (paragraph 68)

13. 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. (paragraph 69)

14. 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. (paragraph 70)

4. Preventive intervention and treatment programmes (Article 16)

b. Programmes for perpetrators of sexual violence

15. 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 long-term treatment programmes. (paragraph 80)

B. Protection and support

1. General obligations (Article 18)

16. GREVIO encourages the Austrian authorities to increase their efforts to expand multi agency co-operation by including the healthcare sector and family courts in such co-operation mechanisms. Moreover, GREVIO encourages the Austrian authorities to also make better use of existing multi-agency co-operation models 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-shop services. (paragraph 90)

2. General support services (Article 20)

a. Social services

17. 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. (paragraph 94)

b. Healthcare services

18. 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 with 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. (paragraph 102)

3. Specialist support services (Article 22)

19. 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. (paragraph 112)

4. Support for victims of sexual violence (Article 25)

20. GREVIO strongly encourages the Austrian authorities to set up further sexual violence referral centres in an even geographical 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. (paragraph 115)

21. 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. (paragraph 116)

C. Substantive law

1. Custody, visitation rights and safety (Article 31)

22. 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 consider the negative impact that violence against women has on children and recognise it as jeopardising their best interests, 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. (paragraph 125)

2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

23. 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. (paragraph 133)

24. 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. (paragraph 134)

D. Investigation, prosecution, procedural law and protective measures

1. General obligations (Article 49) and immediate response, prevention and protection (Article 50)

c. Conviction rates

25. 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 providing a more detailed verbatim transcript in order to ensure further case building. (paragraph 150)

26. 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. (paragraph 151)

27. 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. (paragraph 152)

3. Emergency barring orders (Article 52)

28. 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. (paragraph 164)

4. Restraining or protection orders (Article 53)

29. 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. (paragraph 169)

5. Measures of protection (Article 56)

30. 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. (paragraph 176)

Appendix II

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities

- National Co-ordinating body for the Istanbul Convention
- Federal Chancellery
- Federal Ministry of Arts, Culture, Civil Service and Sport
- Federal Ministry of Education, Science and Research
- Federal Ministry for European and International Affairs
- Federal Ministry of Finance
- Federal Ministry of Justice
- Federal Ministry of Social Affairs, Health, Care, and Consumer Affairs
- Federal Ministry of the Interior
- Representatives of the Tyrol Regional Government
- Representatives of the Vienna Municipality

Public bodies

- Austrian Integration Fund
- Child and Youth Welfare Service, Tyrol
- Child and Youth Welfare Service, Vienna
- Family court, Vienna
- Family court, Innsbruck
- Federal Agency for Reception and Support Services
- Federal Court of Audit
- Federal police
- Innsbruck regional criminal police
- Labour Market Service
- Members of the Committee on Equality, Austrian Federal Parliament
- Ombud for Equal Treatment
- Ombud's Office for Children and Youth, Innsbruck
- Ombud's Office for Children and Youth, Vienna
- Ombudsperson Board
- Public prosecution service, Innsbruck
- Public prosecution service, Vienna
- Regional criminal court, Innsbruck
- Regional criminal court, Vienna
- Vienna regional police
- Vienna Social Fund – Obdach Favorita

Non-governmental organisations

- African Women's Organisation, Vienna
- Alliance Living FREE of Violence
- Association Aranea – Counselling service for girls and young women, Tyrol
- Association Ninlil – Counselling service for women with disabilities, Vienna
- Association Sprungbrett – Counselling service for girls and young women, Vienna
- Association Women's Shelters, Vienna
- Die Möwe – Support for children victims of violence, Vienna
- EVITA – Counselling for women and girls, Tyrol
- Federal Association of Violence Protection Centres Austria

-
- Federal Association of Autonomous Rape Counselling Centres Austria
 - FEMA – Association of Feminist Single Mothers, Vienna
 - FEM Süd - Center for Women's Health, Vienna
 - Women* counselling Women*, Vienna
 - Women against Rape - Counselling service for women, Tyrol
 - Women* in Focus – Counselling service for women, Tyrol
 - iBUS – Counselling and Support for Sex Workers Innsbruck, Tyrol
 - LEFÖ – Counselling, Education and Support for Migrant Women, Vienna
 - Lila wohnt – Counselling service for women, Tyrol
 - Girls and Women's Counselling Centre, St. Johann in Tyrol
 - Girls' Counselling, Vienna
 - Network of Austrian Women and Girls' Counselling Services
 - Network of Autonomous Women's Shelters (AÖF)
 - Neustart – Counselling service for perpetrators of violence, Vienna
 - Orient Express – Counselling service for migrant women, Vienna
 - Austrian Women's Ring, Vienna
 - Psychosocial Care Service, Tyrol
 - VIMÖ - Association of Intersex People Austria
 - Violence Protection Centre, Vienna
 - Violence Protection Centre, Tyrol
 - Violence Protection Centre, Vorarlberg
 - Weisser Ring – Support for victims of crimes, Vienna
 - Women's Shelter, Tyrol

Civil society and other organisations

- Barbara Steiner, Attorney at law
- Patricia Hofmann, Attorney at law
- Sonja Aziz, Attorney at law
- Talia Cetin, Attorney at law
- University of Vienna, Institute for Criminal Law and Criminology

GREVIO, the Group of Experts on Action against Violence against Women and Domestic Violence, is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) by the parties.

Following the comprehensive stocktaking exercise set out in its baseline evaluation reports, GREVIO's first thematic evaluation round identifies progress made in building trust among women and girls by delivering support, protection and justice for any of the forms of violence against women covered by the Istanbul Convention. This report contains an analysis of developments in law and policy in respect of provisions of the convention relating to victim support and protection, criminal investigation and prosecution of acts of violence. It also covers developments in the determination of child custody and visitation rights in cases with a history of violence and wider preventive measures.

www.coe.int/conventionviolence

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union.

All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE