

Implementation report on the recommendations of the Committee of the Parties of 7 December 2021

Council of Europe Convention on Preventing and Combating Violence
against Women and Domestic Violence

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Recommendation 1

Encourages the Government of Austria to take further measures to implement the recommendations addressed to its authorities, in particular:

1. by developing a long-term action plan/strategy beyond a government programme giving due importance to all forms of violence covered by the Convention and based on consistent and on-going funding to allow for sustainable and comprehensive action;

In the area of protection against and prevention of violence Austria has so far placed the focus on **setting targeted strategic priorities**. This approach allows responsive action.

In its coordinating role the Ministry for Women at the Federal Chancellery endeavours to lead the institutions in charge at a federal and regional level to set appropriate strategic goals, and supports implementation of the same within its means and capabilities. Important tools in this endeavour are **coordinating platforms and interdisciplinary working groups**. For an overview of the current networking platforms please refer to the *subchapter on "Cross-disciplinary networking and cooperation"* in the *Thematic Evaluation Report (June 2023)*, p. 38 et seq. Involving experts from victim protection organisations (in particular) is considered crucial in this regard to reveal deficiencies and in order to identify potential fields of action.

Gaps also become visible through **well-founded surveys and studies**. The study results and their recommendations for action are used to develop targeted measures.

- For example, a model concept for setting up clinical forensic medical examination centres was drafted in the study "*Die Versorgung Österreichs mit Gewaltambulanzen*" [providing clinical forensic medical examination centres for Austria]. Work is currently in progress to implement this concept. The goal is to provide low-threshold access to services throughout Austria where victims of physical and/or sexual violence can undergo medical examination independent of legal proceedings and free of charge. The centres' mission is to ensure diagnostic measures that can be used in criminal proceedings and their services are to be closely linked to the victim support

programme. After completion of a geographically limited pilot phase a rollout of clinical forensic medical examination centres throughout Austria is planned.

- Some of the recommendations of "*Untersuchung Frauenmorde – eine quantitative und qualitative Analyse*" [investigation into killings of women - a quantitative and qualitative analysis] are currently being implemented or have been implemented as well.

For more details on the recently completed studies please refer to the *Thematic Evaluation Report (June 2023)*.

In summary, Austria's anti-violence policy is based on the findings gathered as mentioned above, which is reflected by the prioritisation of the topic of violence against women in the current Government Programme, in specific government decisions (e.g. in MRV 59/16 of 12 May 2021 or, most recently, in MRV 61a/1 of 2 June 2023) and in the Violence Protection Summits, which have been held every year since 2020.

Recommendation 2

Encourages the Government of Austria to take further measures to implement the recommendations addressed to its authorities, in particular:

2. by developing data categories for use by the law enforcement agencies and the criminal justice sector 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;

The **Federal Office of Criminal Investigations/Ministry of the Interior is working on the implementation of this recommendation**, of which the GREVIO delegation was informed during their evaluation visit in October 2023.

The Ministry of Justice and the Datawarehouse Team (DWH Team) of the Federal Computing Centre (BRZ) provide federal statistics from the case automation system "**Verfahrensautomation Justiz (VJ)**" upon request at any time and regularly. With regard to criminal cases, data from the case automation system, including perpetrator data (e.g. gender, age, nationality), victim data (gender, age, nationality, civil claimant status) and metadata on investigations and criminal proceedings (e.g. competent court/public prosecutor, subject of the case, closing of cases, procedural steps and duration of proceedings, etc.) is available for analysis already at this point.

Where the data material proves to be insufficient, continuous **enhancements** are being developed, with the human resources required for data collection and data management (office staff, decision-making officers for issuing injunctions, etc.) having to be taken into account at all times. In addition, extensions of the interface to the Ministry of the Interior are implemented to minimise the workforce required (most recently the "prejudice motive" offence identifier – an expansion is planned for 2024 due to the increased statistical requirements. Keeping a "list of facts" in criminal proceedings (which would certainly cover various statistical requirements) would require considerable human resources, even though data can be taken over from the criminal police.

The issue of **principally different approaches of the police and the justice administration to the capturing of data** (event-based/offence-based recording according to perpetrators vs. criminal case registers kept by the courts/public prosecutors' offices) cannot be solved at a purely technical level. Therefore, time and again the statistics of the two Ministries show considerable differences which can, however, be explained (different cut-off dates/evaluation periods, statistics of cases opened vs. cases closed, different handling of serial offences, reports of mere suspicions as defined in Section 100(3a) of the Code of Criminal Procedure [*Strafprozessordnung/StPO*], consolidation/separation of cases).

On 1 October 2021 the third amendment to the decree "Guidelines for the prosecution of offences in the immediate social environment" entered into force. It introduced a **single Austria-wide definition of violence in the immediate social environment** to close data gaps that had existed and to stand up to international comparison:

Violence in the immediate social environment or offences committed within families (FAM offences, cf. also Section 4(3a) of the Ministry of Justice's Regulation on the Implementation of the Public Prosecutors' Act [*DV-StAG*]) means *offences committed with wilful intent against life and limb, offences against sexual integrity or self-determination and delinquency as defined in Sections 99, 105, 106, 106a, 107, 107a, 107b, 107c, 109 StGB to the disadvantage of a partner, spouse or registered partner of the accused, even after the relationship has ended. In the case of contradicting statements of the parties involved, cohabitation has to be assumed in the case of doubt.*

Offences against minor (adopted/foster) children of the accused or their spouse, registered partner or partner, against relatives in direct line or against the brother or sister of the accused also belong to this category. Other relatives (cf. Section 72 StGB) of the accused person are recorded only if the criminal police report that they live together in one household. The cases described above are considered the immediate social environment independent of the jurisdiction of the district or regional courts.

Accordingly, the definition draws on a family relation or comparable close relation (cf. Section 72(1) and (2) *StGB*) between the victim and the perpetrator. In the register kept by the public prosecutors and courts the relevant cases are **marked with the "FAM" offence identifier**. The single definition ensures equal use of the FAM code by the different prosecution authorities and *subsequently* by the courts to achieve harmonisation in this regard.

By means of an **identifier analysis in the case automation system** it is now possible, for example, to identify the number of cases opened, indictments, alternative measures and the court (specifically: alternative measures available under Section 200 *StPO* and temporary withdrawals from prosecution as defined in Sections 201, 203 and 204 *StPO*),

convictions, acquittals, cases closed and investigation proceedings not initiated pursuant to Section 35c of the Public Prosecutors' Act [StAG] for this category of offences. However, the definition of "violence in the immediate social environment" and the ensuing use of the FAM code does not identify *actual cases of specific* family relations between a specific victim and a specific perpetrator, but a relation within the defined group of close relations or relatives in general. Moreover, such an analysis from the case automation system will show a fuzziness that is inherent in the system.¹

¹ It should be specified that, after a case has been marked with the FAM code, all offences relating to the marked case and, unless specified in detail when the entry is made, also all persons charged in those proceedings will be marked with this code by the case automation system. As a consequence, this means that the relevant analyses will include offences which are not subsumed under the definition of "violence in the immediate social environment" per se (e.g. offences against property) and that an analysis of the register alone will allow no final assessment as to whether the violent offences listed (with possibly several perpetrators, several charges and several victims) actually concern a victim relation in the immediate social environment.

Recommendation 3

Encourages the Government of Austria to take further measures to implement the recommendations addressed to its authorities, in particular:

3. by further institutionalising the national co-ordinating body by equipping a government entity mandated and fully resourced to monitor and evaluate policies and other measures taken in implementation of the Convention;

In addition to comprehensive external monitoring by GREVIO the measures are also being evaluated at a national level.

In particular, during numerous **networking meetings with expert practitioners** the measures in place are critically reflected upon and suggestions for improvements are made.

Also the **reform proposals** which are drafted every year and published by the Federal Association of Violence Protection Centres contribute considerably to the external evaluation of the measures taken.

Moreover, **studies** on different topics are commissioned on a regular basis. The letter by which a study is commissioned will point out that the study report is to contain **recommendations for action for politics and administration**.

In addition, all bills of legislation or regulations as well as major projects are discussed with a view to the envisaged goals and measures. The **impact assessment** tool uses indicators to measure target achievement. An internal evaluation of the relevant project has to be carried out after a maximum of five years. The actual effects will then be compared to the initial assumptions. Important information on the assumed interdependencies and potentials for improvement can be derived from that comparison.

Recommendation 4

Encourages the Government of Austria to take further measures to implement the recommendations addressed to its authorities, in particular:

4. by continuing to reduce the disparity in terms of levels of service provision for the different forms of violence covered by the Convention through the further provision of accessible support services, in adequate geographic distribution, for victims of forced marriage and female genital mutilation, and the increase in the capacity of specialist support services to accommodate victims of domestic violence with mental health issues, intellectual or physical disabilities, with a history of substance abuse and irrespective of their residence status.

General remarks

Numerous measures recently taken have been described in the *Thematic Evaluation Report (June 2023)*. Reference is also made to the verbal statements provided during the evaluation visit in October 2023.

In order to give an **overview of the protection and support organisations** in Austria, the "[hilfsangebote-bei-gewalt-gegen-frauen.at](https://www.hilfsangebote-bei-gewalt-gegen-frauen.at)" **website** was set up in the summer of 2023. The website provides a filter function to help find suitable counselling centres in each Austrian region. In addition, the search results can be limited to certain forms of violence or the type of support offered. Counselling centres can be searched for by the following forms of violence: exploitation (women trafficking), cyberviolence, domestic violence/invasion of privacy, sexual violence, stalking, female genital mutilation (FGM), forced marriage or abduction.²

² Some regions have their own website providing contact details for assistance and support offers, e.g. the State of Tyrol: regarding [women trafficking and forced marriage](#), regarding [sexual violence and FGM/C](#).

On a general note, it should be added that the police are taking anti-violence measures, including in connection with the implementation of security police case conferences, independent of the cultural, socio-economic or other background. The factors listed in Recommendation 4, such as mental health issues, disabilities or residence status, are taken into account when making decisions by endeavouring in each case to ensure and warrant optimum protection of those affected.

When organising a security police case conference, the police must decide on a case-by-case basis which authorities and organisations that are relevant with a view to protection of those affected should attend the case conference, e.g. public prosecutors, child and youth services, as well as violence protection centres and women's shelters. The variety of attendants ensures that aspects such as forced marriage or genital mutilation will also be taken into account when developing adequate measures of protection.

It should be added that in high-risk cases the victim protection unit at the Federal Office of Criminal Investigations may be called in, e.g. where relocating persons at risk to a safe house in a different region is considered necessary as a reasonable safety measure.

When reviewing the lawfulness of a protection and mobile restraining order, the factors listed in Recommendation 4 are taken into account by the security police in their decision-making process as well.

Support services for victims of forced marriage

With respect to the expansion of support services for women and girls affected by forced marriage we would like to mention that the **framework contract with the "Intervention Centre for Trafficked Women" (IBF) was expanded in 2021 on the basis of the "Anti-Violence Package 2021"**. Since then the Intervention Centre's annual funds have increased by 50%. The contract was expanded to include the following additional services:

- outreach services in the digital space, if necessary in public space (to adapt outreach social work to the changed reality of lives due to social media) throughout Austria
- expansion of support services for women with disabilities and trans women (to cover an increased need for counselling)
- expansion of police training (to the States of Salzburg, Carinthia, Tyrol, Vorarlberg, Styria and Upper Austria; courses had previously been offered only in Vienna and Lower Austria)
- attendance at security police case conferences (to cover additional consultancy and cooperation in connection with security police case conferences)

- expansion of support services towards an autonomous life (including establishing apartments for independent living and a "buddy programme")
- expansion of networking and public relations work

On a supplementary note, the Ministry of Foreign Affairs (and the local Austrian Missions in particular) **take action in cooperation with the coordinating body against abduction and forced marriage in cases of international abduction or abandonment abroad**. In such cases the Ministry of Foreign Affairs liaises between the Austrian Missions abroad and the competent authorities in Austria and/or other Austrian players, such as NGOs. The scope for concrete actions of the Ministry of Foreign Affairs includes, e.g., contacting local support organisations, providing assistance with leaving the country, *inter alia* by issuing emergency passports, and contacting other (EU) missions.

For other measures recently taken for the protection of victims of forced marriage please refer to the *Thematic Evaluation Report (June 2023)*, p. 40/41 (*Working group against abduction and forced marriage*), p. 42/43 (*Coordinating body against abduction and forced marriage*), p. 55 ("*Shirin spricht!*" [Shirin talks] project) and p. 59 (*DIVAN project*).

With respect to the information on the "DIVAN project" we would like to add the following: DIVAN offers women-specific psychosocial and legal counselling and support for migrants in the client's native language. One focus of the project is "violence in the name of honour". Girls and young women who are threatened by forced marriage or want to escape from a forced marriage may turn to the counselling team and will receive (long-term) assistance and support, including emergency accommodation provided by Caritas, where necessary.

Support services for victims of FGM/C

For measures recently taken for the expansion of support services for women and girls affected by FGM/C please refer to the *Thematic Evaluation Report (June 2023)*, in particular p. 15 (*FEM SÜD*), p. 41 (*FGM Advisory Board of the City of Vienna*) and p. 53 ("*Intact*" project, *reconstructive surgeries*).

As early as in 2021 a **coordinating body against female genital mutilation (FGM/C)** was established as a central point to combat FGM/C and support women and girls affected by FGM/C. For more details please see, *in particular*, p. 42 of the *Thematic Evaluation Report*.

In addition to publishing an annual progress report,³ several networking meetings with multipliers were organised.

Furthermore, the **Ministry of Education endeavours to take early action to prevent FGM/C**. The Ministry of Education, *inter alia*, introduced the following measures and initiatives:

- The Circular "*Reflexive Geschlechterpädagogik und Gleichstellung*"⁴ [gender-reflective teaching and gender equality] from 2018 addressed the issue of FGM/C and recommended that educational staff should be given knowledge and the necessary support in the best interests of the child.
- As of the academic year 2023/24 the topic of "culture of honour" has been sustainably integrated into the education and training programme of the Private University College of Teacher Education (PPH) Augustinum by the College's internal and regional communication. The Ministry of Education supports the integration of that topic through the expertise of Emina Saric⁵ at PPH Augustinum.
- Due to the universities' autonomy in developing their curricula, integrating that topic can only be encouraged. The WHO recommends that the topic of "genital mutilation" be dealt with as part of sexuality education for children aged between 12 and 15.⁶

In the training curricula for the primary level the topic of sexuality education is defined as part of the competences to be expected of future teachers.

At the secondary level, the topic of sexuality education can be found in all curricula for the subject of biology. The curriculum of the South-East Development Network can be taken as an example. The 'teaching methodology' module will teach students the following: "Students will be able to reflect on sensitive topics such as sexual abuse, homosexuality, pornography, sexualised violence, termination of pregnancy, in vitro fertilisation, etc."

- With regard to topics in the context of health promotion, including sexual health, the Ministry of Education is in contact with the Austrian Health Promotion Fund (FGÖ), the

³ See https://fgm-koordinationsstelle.at/wp-content/uploads/FGMC-Koordinationsstelle_Taetigkeitsbericht-2022.pdf (24 November 2023).

⁴ See https://rundschriften.bmbwf.gv.at/media/2018_21_lo.pdf (24 November 2023)

⁵ Emina Saric is the author of the handbook on "*Reflexive Geschlechterpädagogik und Gleichstellung unter besonderer Berücksichtigung des Themas "Gewalt im Namen der Ehre" – Basiswissen und Herausforderungen für Schulen*" [gender-reflective teaching and gender equality with a special view to the topic of "violence in the name of honour", basic knowledge and challenges for schools], Vienna 2021. The publication has been initiated by the Federal Ministry for Education, Science and Research (BMBWF) and also addresses FGM/C.

⁶ See https://www.bzga-whocc.de/fileadmin/user_upload/BZgA_Standards_English.pdf (9 November 2023).

"give - Service Centre for Health Promotion at Austrian Schools" and child protection centres.

At a conference for future school physicians FGM/C will be addressed (again).

In addition to the information provided on *p. 47 in the Thematic Evaluation Report (June 2023)* we would like to add the following with regard to the "Signal" project in the State of Vorarlberg. The "Signal" project in the healthcare and nursing sector, which is provided with annual funding in the amount of EUR 6,600, is to promote early detection of domestic violence. The information campaign is aimed at physicians and nursing staff to raise their awareness and sensitivity in order to detect cases of violence as early as possible and to offer victims the necessary assistance and treatment. This also includes information about FGM/C.

Expansion of shelters

The expansion of shelters all over Austria is currently being expedited. As a matter of principle, providing shelters for women affected by violence is the **constitutional-law responsibility of the Regional Governments**. Even though there are shelters in every region, practice has shown an additional need, in particular for temporary housing.

For the purpose of implementing measures to expand shelters **in cooperation between the Federal Government and the Regional Governments an agreement under Article 15a of the Federal Constitutional Act [Bundes-Verfassungsgesetz/B-VG] was concluded in 2023.**⁷

Under that agreement the Federal Government grants the Regional Governments a special subsidy in the aggregate amount of EUR 12 million for measures in the context of shelters. The primary purpose of the funds is to provide more temporary housing. By the end of 2025 at least 180 additional places throughout Austria are to be provided by means of the special subsidy, including at least 90 places for women affected by violence and 90 places for their children. A part of the funds may also be used for maintenance measures, such as to improve the quality or achieve accessibility of existing infrastructure. A substantial part of the funds will also be used for accompanying counselling and support in the context of temporary housing. Under the agreement a **federal steering group** will be established as

⁷ Agreement under Article 15a B-VG on shelters and supporting measures for women affected by violence and their children (Women's Shelter Agreement [*Frauen-Schutzunterkunfts-Vereinbarung/FSchVE*]).

well. The steering group's central goal will be to develop cross-regional recommendations for the shelters' security, protection, counselling and support concept.

Examples of regional expansion projects:

- Based on the 15a B-VG Agreement Vorarlberg⁸ plans to expand temporary (external) housing by 4 places for women and 4 places for children by 31 December 2025.
- Upper Austria⁹ has planned to provide 21 places for women and 36 places for children in temporary accommodations and shelters for women on the basis of the said 15a B-VG Agreement (and additional capital expenditure of EUR 1.9 million on the part of the State of Upper Austria).

In the summer of 2023, the new build of the women's shelter in Braunau, Upper Austria, was completed. The building, which replaces the women's shelter in Ried im Innkreis, and the family competence centre *Frauenhaus Steyr* are expected to be completed in 2024. Currently, suitable sites are being looked for and talks are being held with respect to the women's shelters planned in the regions of "Inneres Salzkammergut" and "Unteres Mühlviertel".

For more information on shelters and cross-regional admission of high-risk cases to women's shelters please refer to the *Thematic Evaluation Report (June 2023)*, p. 52.

Support services for women and girls with disabilities

As presented in the *Thematic Evaluation Report (June 2023)*, the "**National Action Plan on Disability 2022-2030**", which was adopted by the Federal Government in July 2022,

⁸ In Vorarlberg, the women's shelter is comprised of one emergency flat and three adjacent external flats. A total of 16 assisted housing places are available for women and their children (costs per year: approx. EUR 850,000). Women who have experienced gender-specific violence are also offered psychosocial counselling there to deal with the traumatic experience and to develop goals for the future. Vorarlberg has also implemented a tight and regionwide network offering housing support. Housing assistance for homeless people provides 230 places. To ensure professional housing counselling and mobile housing assistance and support some 40,000 hours of social work are provided every year. An eviction prevention office as well as several offers intended to facilitate access to affordable housing have been established.

⁹ In Upper Austria, 6 women's shelters (located in Linz, Wels, Steyr, Ried im Innkreis, Vöcklabruck and Braunau) offer a total of 127 places for women and their children. Those women's shelters also provide safe flats. In addition, Upper Austria provides 6 temporary flats for women, which are financed by the State of Upper Austria. The districts of Braunau, Freistadt, Perg and Gmunden provide one temporary flat each and two are available in the district of Kirchdorf. They provide accommodation for women and their children who are supported by the regional women's counselling centres.

contains separate subchapters on "Women with Disabilities" and "Protection against Violence and Abuse", including numerous specific goals and measures (*see p. 6/7 in the Thematic Evaluation Report*). Some recently implemented measures are also described in the *subchapter on "Support for women with disabilities" in the Thematic Evaluation Report (June 2023), p. 48/49.*

In Austria, all violence protection offers are, in principle, also available to women and girls with disabilities. The topic of "women with disabilities and empowerment" is taken into account both in connection with the general structural support of counselling centres and with respect to calls for proposals to fund projects, and other measures of the Ministry for Women as a cross-section issue.

Since the extension of contracts in 2021 the violence protection centres have been funded sufficiently to cover, *inter alia*, a potentially increased need for counselling of persons with disabilities. In addition, increased funding also allows the implementation of adequate (including structural) measures in terms of accessibility.

The Ministry for Women also supports 180 women's and girls' counselling and support centres, whose holistic counselling services are available to all women. In order to achieve accessibility, which aim has also been defined in the general terms and conditions for the grant, relocation to accessible premises will be funded upon request if covered by the budget.

The comprehensive [website of the nationwide women's and girls' counselling centres](#) has also been designed according to the concept of accessibility.

In addition, the nationwide women's helpline against male violence operated by the "Association of Autonomous Austrian Women's Shelters" (AÖF), an organisation funded by the Ministry for Women, offers emergency text service for the deaf supported by a relay service.

Grants have also been awarded to specific projects dealing with the topic of violence against women and girls with disabilities:

- In 2020/2021 the "Resources for women with disabilities affected by violence" project of the association NINLIL was funded. The project produced a comprehensive tool for action, the "Power Backpack". The tool provides special exercises for women with disabilities who have experienced violence to help them recognise violence, deal with trauma and get the help they need.
- In 2021/2022 the "Prevention - Barrier-free" project of the association Hazissa was funded. In the course of the project, materials for the prevention of violence were

prepared for children and adolescents with disabilities/impairments/barriers, as well as a handbook for education professionals.

Support services for women and girls with a history of substance abuse or mental health issues

With regard to this topic we would like to refer to the relevant information provided in Austria's Comments on GREVIO's report, which states: "Support structures also exist for victims of violence with a history of substance abuse or mental health issues, including accommodation in a shelter under certain conditions. In cases of therapeutic need for women who are exposed to domestic violence, accelerated admission can take place in an appropriate therapy facility, e.g. for drug addicts in Vienna."

On a supplementary note it should be added that Austria provides nationwide low-threshold access to support services.

Support services for women and girls, irrespective of their residence status

In Austria, there are numerous support services catering to women-specific needs of migrants, asylum seekers, women without a residence permit, women belonging to national or ethnic minorities, and those eligible for subsidiary protection. For more details on the recently implemented measures please refer, in particular, to the *subchapter on "Specialist support services catering to the specific needs of migrant or refugee women and girls or those belonging to national or ethnic minorities"*, p. 58 and the *subchapter on "Support for women with refugee background"*, p. 50 in the *Thematic Evaluation Report (June 2023)*.

Regional differences only exist with regard to **access to women's shelters**, with recognised refugees being treated like Austrian citizens and thus having access to women's shelters in general. Regulations concerning women who seek asylum or are eligible for subsidiary protection vary in the different Austrian states. If admission to a women's shelter is not possible, women-specific basic care infrastructure will normally be available in cooperation with the women's shelters.

Lower Austria, for example, resolved to enlarge the group of eligible persons in terms of the right of residence in Section 21(2) of the Lower Austrian Social Assistance Act 2000 [NÖ SHG

2000] on 7 July 2022 to offer assistance in the case of violence committed by relatives. As of entry into force of the regulation on 23 August 2022, all women who are legally resident in Austria (as defined in the Settlement and Residence Act [*Niederlassungs- und Aufenthaltsgesetz*] and the Asylum Act 2005 [*Asylgesetz 2005*]) may be admitted, unless they receive or could receive benefits under the basic care system. Asylum seekers, beneficiaries of subsidiary protection and persons holding a residence permit as defined in Sections 55, 56 and 57(1) Nos 1 and 2 of the Asylum Act 2005 and a Regulation pursuant to Section 62 of the said Act are eligible for benefits under the basic care system in Lower Austria. Accordingly, they may be admitted to the (Hollabrunn) basic care women's shelter and are not included in the group of eligible beneficiaries under the Lower Austrian Social Assistance Act. The amendment therefore ensures that women or girls who have been victims of violence may seek shelter either in a social assistance women's shelter or in a basic care women's shelter.

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