

Special Rapporteur on violence against women, its causes and consequences; collection of information on prevention activities, including through the collection of data of femicide or gender-related killings of women – AUSTRIAN answers

a) The existence of, or progress in, the creation of a national femicide watch and/or observatory on violence against women, or any plans to do so.

The National Coordination Body publishes available official data on femicide and other forms of violence against women on its website: <http://www.coordination-vaw.gv.at/daten/>;

Cases of Femicide during the ongoing year are being counted by the Austrian association „Verein Autonome Österreichische Frauenhäuser“ based on media reports and are published under <https://www.a oef.at/>

In the framework of the Task Force „penal law“ that took place between May 2018 and March 2019, experts and representatives from NGOs have developed numerous measures to improve victim protection. A total of 57 measures were adopted by the Council of Ministers.

Under the „Protection Against Violence Act 2019“, which became effective as per 1st January , the following measures were implemented in the area of the Security Police Act to improve victim protection:

- Establishment of the general prohibition of entry and within the perimeter of 100 meters for the threateners.
- Establishment of the general prohibition of convergence to the person at risk and within the perimeter of 100 meters for the threateners.

Possibility of conducting a security police case conference

Establishment of centres for prevention of violence from 1st January 2021 for the counselling of the threateners in order to prevent violence

Further amendments were, amongst other, made in the Penal Code, the Juvenile Court Act, the Name Change Act, the Criminal Procedure Code, the Execution Code and the professional group laws.

b) Other measures or research and studies undertaken to prevent femicide or-gender related killings of women, or homicide of women, by intimate partners or family members.

- Austria is currently participating in an EU survey on gender based violence.
- The homepage of the Federal Ministry of Internal Affairs contains comprehensive information on domestic violence ("safe at home"): Psychological support, behavioral advice for victims, information about police activities in this context, links to violence protection centers, women's helplines, information offer for men and children.
- Advertisements in daily newspapers and print media to reach the target group
- All police stations were provided with an information brochure addressed to victims of violence, containing offer about support facilities related to the entire federal territory and also aligned to the respective federal state.
- Creation of a simplified application procedure for interim injunction for people at risk who are stuck in their homes during the pandemic after a ban on entering and approaching, These endangered persons receive a "brief application for interim injunction" from the executive, they can fill it out and return the application to the executives. The police will forward this application to the competent civil court for processing.
- Carrying out a representative survey on the development of crime during the Corona Lockdown, in particular on violence in the private sphere. Findings from this survey will flow into future prevention work and will be used for measures in the event of further lock-downs. Due to COVID-19, CIS Austria in Vienna, central office for human smuggling / human trafficking, carried out online (video) training and awareness-raising measures together with the victim protection organization LEFÖ-IBF (Intervention Center for Trafficked Women) on the subject of illegal migration and human trafficking in the context of violence against women. These trainings and measures are also carried out for the employees of the Federal Office for Immigration and Asylum, the reception centres for refugees, the basic care facilities and the police detention centre as well as for the Austrian Integration Fund. Furthermore, the CIS Austria in Vienna participates in national and international Europe-wide campaigns against human trafficking / migration with a focus on attacks on women (violence, rape, abuse) during their smuggling and in the destination countries in the context of human trafficking.

c) Information on the results of analysis of femicide cases, including the review of previous court cases and actions undertaken in this respect.

In April 2019, the Federal Ministry of Justice has passed Guidelines for the Public Prosecution Offices on the prosecution of criminal offenses in the close social circle, with an aim to guarantee a better handling of criminal proceedings related to violence in the close social circle – which comprises most cases of violence against women.

The aim of these guidelines is to raise awareness of public prosecutors dealing with violence in the close social circle on the characteristics of such cases as well as to give practical advice on how

to handle specific challenges related thereto. This includes improving the co-operation with police, aspects that must be taken into account in particular by on-call prosecutors, when deciding upon detention as well as collecting evidence.

The guidelines implement GREVIO¹ recommendations and were co-ordinated with the Federal Ministry of the Interior.

Currently, the Federal Ministry of Justice is – in coordination with victim protection organizations – in the process of tightening these Guidelines, in particular with a view to gathering and documenting the factual circumstances of a case comprehensively for the decision upon detention, including a „check list“ for on-call prosecutors.

In Public Prosecutor's Offices with more than 10 prosecutors, a special competence for criminal proceedings related to violence in the close social circle is obligatory.

Throughout the **COVID-19-pandemic**, the criminal prosecution of perpetrators and the access to the courts for victims of domestic violence is and is secured at all times. There are and there were no restrictions in this respect. Moreover, courts have provided protection by issuing interim injunctions for protection against violence and of privacy. Specific measures were passed to make it easier for victims of violence to obtain such interim injunctions during the pandemic, namely by extended powers of representation for victim protection and support facilities as well as the possibility for victims, who are in quarantine, to file a court application via the police.

Victim support organisations are advised on Covid-19 measures at court and prosecution services and are updated regularly.

The website of the Austrian Federal Ministry of Justice (<https://www.justiz.gv.at/home/covid-19~7a5.de.html>, in German language) offers a Covid-19 sub-link for the public, containing (i) general information on Covid-19 specific measures at court and prosecution services, (ii) a Covid-19 Q & A section, and (iii) specific information on Covid-19 related laws, respective amendments and ministerial orders. Links were set to Covid-19 awareness raising websites from other ministries and NGOs.

In order to draw attention to the increased risk of domestic violence due to restrictions and to disseminate the support services available and further measures taken, press conferences were held by the Minister for Women's Affairs, the Minister for Family Affairs and the Minister for Justice.

¹ Group of Experts on Action against Violence against Women and Domestic Violence, responsible for monitoring the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) by the Parties.

d) Administrative data (by numbers and percentage) on homicide/femicide or gender-related killings of women for the last 3 years (2018-2020)

The statistical data available from the Police-Record Crime statistics are as follows.

Completed homicide (§§ 75, 76, 77, 79 and 86 penal code)					
Number of victims	male	female	total	share male	share female
Year 2018	42	44	86	48,8%	51,2%
Year 2019	37	40	77	48,1%	51,9%
Jan-Oct 2020 provisionally	25	29	54	46,3%	53,7%

§ 75 Penal Code.: Murder

§ 76 Penal Code: Manslaughter

§ 77 Penal Code: Killing on request

§ 79 Penal Code: Killing a child at birth

§ 86 Penal Code: Bodily injury resulting in death