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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Information received from Austria on follow-up to the concluding observations on its seventh periodic report*

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* The present document is being issued without formal editing.

I. Introduction

1. Austria herewith provides, as requested by the Committee, information on follow-up to the Committee's priority recommendations (see paras. 19, 25 (a) and 39). In that context, Austria also takes the opportunity to share information on other recommendations given by the Committee in its seventh report.

II. Follow-up information on the concluding observations (CAT/C/AUT/CO/7)[1]

Legal status of the convention
Information relating to paragraphs 8 and 9

2. Please refer to the comments on the network of human rights coordinators in para. 18, 19.

Definition and criminalisation of torture
Information relating to paragraphs 10 and 11

3. The foreseen penalty ranging from one to ten years in prison is the common basic threat of punishment under the Austrian Criminal Code (CC, Strafgesetzbuch - StGB) for crimes of comparable gravity. This basic threat of punishment applies, for example, in case of assault causing death (§ 86 CC), robbery (§ 142 CC) or serious sexual abuse of a person under the age of 14 pursuant (§ 206 CC). This range of penalties shall enable courts to pass decisions that are as specific as possible to the individual case. It also reflects the independence of the judiciary.

4. In addition it has to be pointed out that according to § 39a (2) no. 4 CC a penalty of imprisonment of a minimum of one year is substituted by a minimum penalty of imprisonment of two years if the perpetrator has intentionally committed an offence by using violence or making dangerous threats under the stipulated circumstances in § 39a (2) no. 4 CC.

5. Furthermore, in this context, the provisions for determining the sentence in §§ 32ss CC have to be taken into account. According to § 32 CC sentencing is based on the culpability of the perpetrator. In sentencing the perpetrator, the court has to take into account the aggravating (§ 33 CC) and mitigating factors (§ 34 CC), if these are not already elements of the offence, and give due consideration to the implications of the punishment and other anticipated consequences of the offence on the future life of the perpetrator in society. Particular consideration is to be given to the extent to which the offence reflects the perpetrator's hostile or indifferent attitude towards legally protected interests and to what extent the offence can be attributed to external factors and motives that could also prompt another person connected to the legally protected interest to commit the offence. According to § 32 (3) CC, in general, the punishment for the offence will be more severe the greater the damage or harm for which the perpetrator bears responsibility or, if the perpetrator has not caused the damage or harm but is nevertheless culpable for it, the more the perpetrator has violated existing duties, the more the perpetrator has planned and prepared the offence, the more inconsiderately the perpetrator has executed the offence, and the less caution would have been needed to prevent the offence.

6. The aggravating and mitigating circumstances are listed in §§ 33 and 34 CC in a non-exhaustive manner. The aggravating circumstances include, for example, the fact that the perpetrator acted out of racial, xenophobic, or other particularly reprehensible motives, especially those that are directed against one of the groups of persons listed in § 283 (1) no. 1 CC (i.e. a group of persons defined by existing or missing features relating to race, skin colour, language, religion or ideology, nationality, descent or national or ethnic origin,

[1] Adopted by the Committee at its seventy-ninth session (15 April - 10 May 2024).

gender, disability, age, or sexual orientation) or any member of such groups specifically because of their membership to that group (§ 33 (1) no. 5 CC), the fact that the perpetrator acted out of religiously motivated extremist motives (§ 33 (1) no. 5a CC) or the fact that he acted maliciously, cruelly, or in a manner that was particularly agonising to the victim (§ 33 (1) no. 6 CC).

7. The Austrian Criminal Code therefore ensures in a sufficient manner that the penalties for torture are appropriate and take into account their grave nature in accordance with Art. 4 (2) of the Convention.

Statute of limitations
Information relating to paragraphs 12 and 13

8. The Austrian system of limitation periods does not provide for any offence-specific limitation periods, but they are linked to the threat of punishment in the general part of the CC.

9. The limitation periods for criminal liability (§ 57 (1) and (3) CC) regarding the offence of torture (§ 312a CC) are:

- § 312a (1) CC (threat of punishment: 1-10 years imprisonment): 5 years
- § 312a (2) first case CC (threat of punishment: 5-15 years imprisonment): 10 years
- § 312a (2) second case CC (threat of punishment: 10-20 years imprisonment or imprisonment for life): no statute of limitations

10. Hence, if torture resulted in the death of the victim there is no statute of limitation. However, after a period of 20 years, a penalty of imprisonment for life is substituted with imprisonment between 10 to 20 years (§ 57 (1) CC). The limitation period for enforcement of sentences is linked to the duration of the custodial sentence imposed in the specific judgement (§ 59 CC).

11. The Austrian system of limitation periods is based on reasonable fundamental legal policy considerations: One of the main reasons is the decrease in the need for punishment with increasing temporal distance from the offence. Special preventive aspects to avoid future breaches of the law recede into the background if there is a long period of good behaviour after the offence, just as general preventive aspects become less important as the memory of the offence fades. In addition, procedural considerations must also be taken into account: Despite the rapid development of forensic methods, the presentation of evidence is more difficult many years after the offence and misjudgements are more likely than in the case of a judgement close to the time of the offence.[2] Austrian criminal law also has the overall aim to prevent the state from bringing criminal charges for an indefinite period of time. § 9 of the Code of Criminal Procedure (CCP; Strafprozessordnung - StPO) therefore enshrines a comprehensive requirement to speed up criminal proceedings. The prosecuting authorities are obliged to conduct proceedings efficiently and economically as a consequence of Art. 6 of the ECHR.[3]

12. In addition, it should also be noted that § 58 CC provides for numerous cases where the limitation period is extended, e.g. if the person commits another offence during the limitation period that is based on the same malicious tendency, the statutory limitation period does not expire before the limitation period for the further offence has expired.

13. Austria therefore has a balanced and well-coordinated system of limitation periods, which also ensures appropriate limitation periods for the offence of torture.

[2] *Marek* in *Höpfel/Ratz*, WK² StGB Vor §§ 57-60 Rz 3.
[3] *Schallmoser* in SbgK preliminary remarks to §§ 57 to 60 margin no. 14.

Fundamental legal safeguards
Information relating to paragraphs 14 and 15

14. The Ministry of Justice (MoJ) has set up a lawyer on-call service with the Austrian Bar Association. This service (Verteidigungsnotruf) gives arrested accused persons and accused persons who have been brought in for immediate questioning the opportunity to contact a defence lawyer during the first questioning and after being taken to prison until a decision is made on the (first) imposition of pre-trial detention.

15. In principle, the on-call legal service always includes an initial consultation with an on-call defence lawyer free of charge, then, depending on the individual case, a telephone or personal consultation at the request of the accused, if necessary legal representation at a hearing pursuant to § 164 CCP (usually before the criminal investigations department) or § 174 (1) CCP (in court regarding the requirements for pre-trial detention) as well as other actions necessary for an appropriate defence (such as an application to the court for the appointment of a legal aid lawyer). With the exception of the initial consultation, which is free of charge, the legal on-call service for accused persons who have been arrested or brought in for immediate questioning is generally subject to a fee, unless the accused declares that they are unable to bear the costs for reasons that are also relevant in connection with the granting of legal aid (§ 61 (2) CCP), being unable to attend the hearing to be conducted (§ 174 (1) CCP) or generally for all actions within the scope of the legal on-call service for accused persons in need of protection (§ 61 (2) no. 2 CCP).

16. § 164 (2) CCP was repealed, which allowed a questioning to be conducted if waiting for the arrival of the defence would have caused an inappropriate extension.[4]

Training

17. Detention and legal protection law is an integral part of the initial training for future judges and public prosecutors. It is a central component of the judicial examination, which all future judges and prosecutors must pass before beginning their duties. Furthermore, the legal framework governing detention and the rights of defendants in criminal proceedings is regularly and thoroughly addressed in numerous continuous training activities in criminal law.

18. The curriculum for basic police training as well as the curriculum for middle management provides for an interdisciplinary approach to the rights of detained persons. A more detailed description of the individual training areas can be found in Annex I.

Austrian Ombudsman Board
Information relating to paragraphs 16 and 17

19. The Austrian Ombudsman Boards (AOB) independence is guaranteed by constitutional law: During their renewable term of six years, the three members of the AOB cannot be deprived of their office, nor removed or dismissed. Their election by Parliament ensures democratic legitimacy. Each of the three largest political parties represented in Parliament has the right to nominate one member for election by Parliament. In practice, this guarantees the right of the opposition to nominate at least one AOB member. The AOB has a separate budget; human and financial resources have been significantly increased over time to further strengthen the AOB's independence. In March 2022, the Global Alliance of National Human Rights Institutions granted the AOB "A" status as a National Human Rights Institution for five years, thus certifying it as fully compliant with the Paris Principles.

[4] Federal Law Gazette I No. 34/2024.

Monitoring of detention facilities - priority recommendation
Information relating to paragraphs 18 and 19

On the legal implementation of the recommendation in Austrian law

20. Recommendation 19 aims to ensure that the State party takes all necessary measures to ensure effective follow-up and implementation of the AOB's recommendations as part of its monitoring activities as a national preventive mechanism.

21. Austrian federal constitutional law (Art. 148c Bundesverfassungsgesetz - B-VG) generally stipulates that the implementation of recommendations made by the AOB in the area of federal administration must either comply with the AOB's recommendations within a period of time to be determined by federal law and inform the AOB accordingly or provide written reasons as to why the recommendation was not complied with ("comply or explain"). § 6 of the Austrian Ombudsman Act 1982 (Volksanwaltschaftsgesetz - VolksanwG) sets this deadline at eight weeks. This regulation on dealing with AOB recommendations generally applies in the area of federal administration, i.e. both for AOB recommendations on maladministration in the federal administration and for those within the scope of preventive control ("national preventive mechanism" or "NPM") pursuant to Art. 3 OPCAT. The tasks of the AOB as NPM are described in more detail in Art. 148a (3) B-VG.

22. In accordance with the federal structure of the Austrian administration, the federal regions are free to decide whether to introduce a maladministration control system for the federal regions administration and, if so, whether to declare the AOB responsible for this or create their own institutions. Art. 148i B-VG obliges the federal regions to create a control mechanism for preventive control in accordance with Art. 3 OPCAT for the federal regions administration. The federal regions have two options for fulfilling this obligation: they can either declare the AOB responsible for the federal regions administration (Art. 148i (1) B-VG), or provide for their own similar institution and equip it with reporting obligations and the possibility of issuing recommendations (Art. 148i (3) B-VG). For preventive control pursuant to Art. 3 OPCAT, the possibility of issuing recommendations that trigger an obligation to respond (Art. 148c B-VG) must be mandatory in order to fulfil the requirements of the OPCAT.

23. All federal regions have fulfilled this obligation by declaring the AOB responsible for the tasks of the NPM in the area of federal regions administration. The legal status of the NPM in the area of federal regions administration includes the possibility of issuing recommendations that trigger an obligation to respond (i.e. the above-mentioned "comply or explain", as regulated in Art. 148c B-VG for the federal administration).

24. In summary, the federal and federal regions administrations now have a legal basis for effectively following up on the recommendations of the AOB in the area of preventive control in accordance with Art. 3 OPCAT. As a result, the Guidelines on national preventive mechanisms adopted by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/OP/12/5) referred to by the CAT Committee are fully complied with.

On the practical implementation of the recommendation in Austria

25. In practice, regular and structured cooperation between the so-called human rights coordinators of the federal ministries and the federal regions plays a key role. This network was established in 1999 on the basis of a decision by the Council of Ministers and provides for the appointment of a human rights coordinator in each federal ministry and in each federal regions government office. These experts are responsible for raising awareness of human rights in their respective areas of work. Also with the help of the network, Austria's state reports are prepared pursuant to the various human rights treaties as well as the follow-up of state reviews, and thus the implementation of international human rights obligations, is organised and accompanied. The AOB's recommendations and their implementation are also regularly discussed at the network's meetings, which usually take place every six months, as well as in ongoing cooperation by electronic or written means. As a rule, the human rights coordinators of the Federal Chancellery and the Federal Ministry for European and International Affairs organise a meeting of all human rights coordinators with representatives

of civil society once a year in order to facilitate a regular, structured dialogue with, but also within, civil society. The AOB also takes part in these meetings.

26. Finally, the Human Rights Advisory Board (Menschenrechtsbeirat) established at the AOB should also be mentioned. This advisory body comprises of representatives from civil society, the federal ministries and the federal regions. Therefore, a structured dialogue between the authorities and civil society takes place in this advisory board, together they advise the AOB and also exchange information with the commissions of the AOB.

Practical implementation of the recommendations in the federal ministries concerned

27. The preventive control by the NPM, in particular by the interdisciplinary commissions of the AOB, is seen as an opportunity for an intensive exchange of different perspectives. The human rights discourse is deepened at all levels through the visits and observations of the commissions and any subsequent written referrals by the AOB.

28. The federal ministries are constantly endeavoured to answer the NPM's questions and to deal with criticism, suggestions and recommendations and implement them where necessary. Criticism, but also feedback on successes, for example, provides important information on the impact of the activities of the security authorities and is therefore used productively as a stimulus for organisational reflection and further development. The final discussions held by the AOB commissions during visits also appear to be particularly important. These discussions directly raise awareness of human rights requirements, which would have less effect in the context of written correspondence about the commissions' perceptions.

29. There are also recommendations in the AOB‘s annual reports on preventive human rights monitoring to the National Council and the Federal Council - but not recommendations pursuant to Art. 148c B-VG. These statements, often also referred to as recommendations, are discussed on an ongoing basis (including via written correspondence/examination procedures) with the NPM and implemented where possible and necessary.

30. The AOB's suggestions and recommendations concerning the Federal Ministry of the Interior (MoI) are always subject to an evaluation of the underlying facts and a technical review of the possibilities for implementation. The suggestions, questions, criticism or recommendations are received and examined by the Department for Fundamental and Human Rights Affairs at the MoI and referred to the relevant specialist departments before feedback or further dialogue with the AOB takes place. This also applies to the summarised annual presentation in the AOB‘s preventive human rights monitoring report to the National Council and the Federal Council.

31. Suggestions and recommendations are then often implemented as part of ongoing processes.

32. In addition, regular working meetings between the MoI and the AOB have taken place and continue to take place, which have contributed significantly to the intensification of understanding and clarification of individual issues in the sense of an active, goal-oriented and constructive dialogue and have proven to be a platform for a rapid and unbureaucratic exchange of information between the AOB and the MoI. This form of co-operation is best practice in the field of preventive human rights protection.

33. The suggestions and recommendations of the AOB as NPM concerning the area of the Federal Ministry of Justice (MoJ) are also received centrally and forwarded to the responsible specialist departments for technical examination of the implementation options.

34. Compliance with human rights standards is a fundamental and undisputed concern of the Austrian prison administration. Efforts are therefore constantly being made to improve and modernise prison conditions. The AOB is always involved in these efforts with its human rights expertise (the most recent examples are the working group on juvenile detention and the working group on the crisis situation in the execution of sentences and custodial measures) and there is a good exchange of information. However, the unrestricted and prompt implementation of recommendations is often limited in terms of funding and personnel.

35. The exact measures taken by the respective ministries regarding the recommendation issued by the AOB (especially the most recent shadow report) can be found in Annex I.

Asylum and non-refoulment
Information relating to paragraphs 20 and 21 (a)

36. The Extradition and Mutual Assistance Act (Auslieferungs- und Rechtshilfegesetz - ARHG) ensures in a sufficient manner that no one be extradited to another State where there are substantial grounds for believing that the individual concerned would be in danger of being subjected to torture (Art. 19 and 13).

Information relating to paragraph 21 (b)

37. Conducting fast and high-quality asylum procedures is a main objective of Austria. A particular focus of the Federal Office for Immigration and Asylum (Bundesamt für Fremdenwesen und Asyl - BFA) is on accelerated procedures, especially for asylum seekers from safe countries of origin. In 2023, the average duration of asylum procedures was 5.5 months despite the high workload, as many asylum procedures for nationalities far removed from asylum could be decided quickly. Although there was a massive decline in asylum applications in 2024, at the same time more complex procedures were handled for asylum seekers from countries of origin requiring more thorough examination. This led to an increase in the duration of procedures to around 7.8 months. Against this backdrop, the increase in staff at the BFA is an important measure in order to continue to keep the duration of procedures as short as possible while still making high-quality decisions.

Information relating to paragraph 21 (c)

38. In the area of federal care for foreigners in need of assistance and protection, all necessary measures are taken to ensure adequate, needs-based care and to identify any vulnerabilities as soon as possible. An already established three-part (initial) admission process to the Federal Basic Welfare Support (Bundesgrundversorgung - Bundes-GVS) within 72 hours of arrival serves to recognise vulnerabilities.

39. This process includes an initial medical examination by doctors and specialised medical staff, an individual admission interview and a (if necessary group-led) welcome interview. As far as possible, the interviews are conducted in the patient's native language and consideration is given to gender specificity. During this phase, the psychological condition is also clarified and, for example, potential victims of human trafficking are informed about the possibility of seeking professional support from specialised counselling centres (such as the LEFÖ association).

40. If an increased need for support is identified during this initial assessment or later in the asylum procedure, the Bundes-GVS will provide accommodation in a specialised support facility. In addition, information material from counselling centres for potential victims of human trafficking is provided in several languages at the federal support centres (LEFÖ, MEN VIA). If the special needs arise later in the context of accommodation in a facility of a federal region, these are clarified and the appropriate measures are initiated.

41. The benefits of basic care also include securing health care by paying health insurance contributions. Furthermore foreigners in need of assistance and protection have full access to the health care system in Austria (just as Austrian citizens).

42. The Federal Agency for Reception and Support Services (BBU GmbH) cooperates closely with specialised associations, NGOs and international organisations in the field of human trafficking and gender-based violence (e.g. LEFÖ, MenVia, Drehscheibe, IOM, EUAA, FEM Süd). In the course of this, joint training modules are made available to BBU GmbH employees and the range of services is constantly being expanded in order to identify potential victims as soon as possible and provide them with adequate support.

Information relating to paragraph 21 (e)

43. The Federal Agency for Reception and Support Services Establishment Act and the Federal Office for Immigration and Asylum Procedure Act have been amended[5] to guarantee the full independence of the legal assistance and representation provided by the BBU GmbH to asylum seekers, in accordance with the decision taken by the Austrian Constitutional Court[6].

Information relating to paragraph 21 (f)

44. Since 2021, legal advice at first instance has been provided by BBU GmbH. Foreigners can be granted free legal advice in open proceedings in the area of responsibility of the BFA, subject to the de facto possibility. This includes support in obtaining an interpreter and counselling on the prospects of the asylum procedure. If no legal advice is provided, the foreign national must be provided with legal and procedural information free of charge upon request.

Information relating to paragraph 21 (g)

45. Basic welfare support is a joint task of the federal and federal region governments according to the Basic Welfare Support Agreement (Grundversorgungsvereinbarung - GVV, Art. 15a B-VG). In the approval procedure, the federal government is responsible for accommodation in a federal care facility (§ 2 Grundversorgungsgesetz - Bund 2005 – GVG-B 2005). Once the procedure has been approved, responsibility is transferred to the federal regions basic welfare services. All foreigners in need of assistance and protection are therefore initially accommodated and cared for in federal care facilities. Only after an "allocation", which is made in individual cases by agreement between the federal government and the respective federal region (§ 6 GVG-Bund), are they accommodated in federal region care facilities. The aim is to distribute them in proportion to the resident population (Art. 1 (4) GVV). It should be noted that the federal government has to accommodate underage foreigners and that it can take months before they are taken over by the federal regions basic care centres (depending on available places and the quota to be fulfilled). There is no special guardianship regulation for unaccompanied minor foreigners (UMF). The area of youth welfare is the responsibility of the federal regions. Pursuant to § 207 of the Austrian Civil Code (Allgemeines Bürgerliches Gesetzbuch - ABGB), the child and youth welfare organisation of the federal region in which a minor is apprehended assumes custody of the minor, which is why § 12 (4) of the Aliens Police Act (Fremdenpolizeigesetz 2005 - FPG) stipulates that the child and youth welfare organisation must be contacted immediately if an UMF is apprehended.

46. The responsible child and youth welfare organisation is informed when an UMF arrives at a federal care facility. As part of the implementation of the Reception Directive7, a temporary representative or a representative for unaccompanied minors will have to be appointed within 15 days in accordance with Art. 27. A representative may act for up to 30 minors; in situations of disproportionately large numbers of asylum applications, up to 50 minors may be looked after. Interministerial consultations between the MoJ and the MoI take place on an ongoing basis in this regard.

47. There is an exception in the case of partial care in the area of legal representation in immigration and asylum proceedings (§ 16 BFA-Verfahrensgesetz – BFA-VG). If a UMF files an application for international protection, the responsible legal counsellor becomes the legal representative in accordance with § 49 BFA-VG (§ 10 (3) and (6) BFA-VG) from the time of arrival at an initial reception centre, regional office or branch office. The representation remains in place until it is transferred to the locally responsible child and youth welfare organisation after the procedure has been approved and the child has been assigned to a care facility of a federal region (§ 10 (3) and (6) BFA-VG).

[5] Federal Law Gazette I No. 134/2024.

[6] No. G 328/2022 of 14.12.2023.

[7] Directive (EU) 2024/1346 of the European Parliament and of the Council of 14.5.2024 laying down standards for the reception of applicants for international protection.

48. In the areas of care and upbringing as well as other legal representation and asset management, separated children initially have no ex-lege guardians. However, once an UMF has been assigned to basic care in a federal region, the competent district authority (child and youth welfare organisation) immediately applies to the competent district court for custody in accordance with the general rules of civil law (§§ 209, 211 ABGB). Until a decision is made by the district court, custody in the area of care and upbringing is de facto and legally exercised by the child and youth welfare organisation in accordance with § 211 ABGB.

49. An exception to the general rules of distribution described above is made in the case of unaccompanied unemanicapted minors (UUMF). If they are apprehended in Vienna, they are taken to a crisis centre of the Vienna Child and Youth Welfare Service, and the care and upbringing is de facto and legally immediately exercised by the City of Vienna (§ 211 ABGB), additionally custody of the UUMF is applied for. This procedure is based on a resolution of the Federal Regions Conference of Youth Welfare Officers of 28.10.2012 (VSt - 7027/2) and on Resolution No. 135 of the Federal-Regions Coordination Council (Bundes-Länder-Koordinationsrates) pursuant to Art. 5 GVV of 15.12.2011 of all child and youth welfare agencies for the protection of this particularly vulnerable group and is handled similarly in other federal regions. However, in view of the fact that the City of Vienna has overfulfilled its reception quota, the majority of refugee apprehensions in Vienna and the much higher number of UMF compared to UUMF, this practice cannot be extended to UMF.

Information relating to paragraph 21 (h)

50. The developments of the migration situation in 2022 and 2023, which manifested itself not only in the influx of displaced persons from Ukraine but also in a massive increase in asylum applications, had an enormous impact on the basic welfare system. Due to the tense migration situation and the high utilisation of all federal care facilities, it was essential to use all available capacities in order to fulfil the legal mandate to ensure the necessary care for foreigners in need of assistance and protection and to prevent homelessness. However, even in times of crisis, BBU GmbH always endeavours to comply with internal quality, care and hygiene standards. The number of asylum applications has fallen sharply in the meantime and the capacity utilisation of all federal care facilities is currently around 50%.

51. BBU GmbH developed a BBU-wide child protection concept (together with UNICEF and multidisciplinary experts), which is applied in all federal care facilities where minors are accommodated. These facilities have trained child protection officers who act as contact persons for minors. The best interests of the child are prioritised when making decisions on care and support procedures.

52. UMF are accommodated separately from adults in specially designated federal care facilities. Female UMF are always accommodated in an area for women travelling alone. Care is provided by specialised staff in accordance with a specific care system. A care ratio of at least 1:15 applies and they are responsible for the UMF‘s assigned to them. In order to achieve a high level of social competence, communication skills and language skills a special focus is taken on forming diverse care teams in terms of professional backgrounds and experience. At the federal care facility in Traiskirchen, remunerated parents are also involved in the care of minors in close coordination with the child and youth welfare agency. Increased daily structuring measures are being implemented for UMF, including German courses, workshops on topics such as health, hygiene, addiction prevention, coming of age, violence prevention, sex education, sports and leisure activities. School lessons are offered directly on site at the federal care facility in Traiskirchen. At all other locations, co-operation agreements have been concluded with the relevant educational institutions to guarantee integration into the school system within the legally stipulated period.

53. When transferring UMF from a federal care facility to a federal region care facility, individual needs are considered as much as possible, e.g. special medical needs, connection to other family members, etc. The aim is to transfer them to a federal region care facility as soon as possible.

54. "Transit facilities" are reception centres where refugees only stay for a short time until they are allocated longer-term accommodation. These temporary reception centres are assigned to the federal government (see g). An exception is the immediate care and asylum

application after the apprehension of an UUMF. In Vienna, they are temporarily accommodated in the "Drehscheibe" crisis centre set up especially for refugee children until a long-term place in a shared flat is found. The "Drehscheibe" is a suitable shared flat with social workers and a low supervision ratio. Less than 1% of the UMF assigned to Vienna are placed with foster parents. The offer exists, but due to a lack of willingness on the part of potential foster parents, it is not utilised more. There are no "transit facilities" for asylum seekers in Vorarlberg. Also there are currently no foster families available for UMF; they are cared for in child and youth welfare centres in the federal region.

55. UMF who have fled Ukraine as displaced persons are an exception. In contrast to asylum seekers, displaced persons do not undergo an asylum procedure and are immediately admitted to federal region basis welfare support after their need for assistance has been assessed. The distribution to all federal regions is also planned for displaced persons.

Information relating to paragraph 21 (i)

56. Departure from mandatory EU secondary law is permissible on the basis of Art. 72 TFEU if it is necessary to maintain public order and security. "Public order" and "internal security" are only jeopardised if the functioning of the state's institutions and its important public services and the survival of the population are impaired. The emergency ordinance has not been utilised to date despite the high influx in recent years. Even if the emergency clause is used, it can only be applied subject to special guarantees.

57. When applying § 36 et seq. of the Asylum Act (Asylgesetz 2005 - AsylG), compliance with the ECHR and adherence to its principles always applies. Due to the constitutional status of the ECHR, compliance with the principle of non-refoulement is therefore always ensured.

Information relating to paragraph 21 (j)

58. The possibility of recognising the suspensive effect by the BFA in certain cases (e.g. flight from a safe country of origin, threat to public safety and order) corresponds to the current legal situation.

59. A legal remedy against the decision to extradite a person has suspensive effect (§ 31 (6) ARHG). This also applies to surrender procedures relating to a European Arrest Warrant (§ 21 (1) of Federal law on judicial cooperation in criminal matters with the Member States of the European Union - EU-JZG).

60. On 11.6.2024, the new EU asylum and migration pact came into force, a package of 10 EU legal acts, most of which will apply from June 2026 or must be implemented by this date and affect the entire area of asylum and migration. In order to ensure compliance with EU law in Austria, legal changes and measures must be taken at national level in a wide variety of areas.

Diplomatic assurances
Information relating to paragraphs 22 and 23

61. In the area of extradition proceedings, a specific case-by-case examination is already provided for in § 19 ARHG, which is applied by the courts. The case law of the Supreme Court[8] has repeatedly stated that diplomatic assurances cannot provide sufficient protection against the specific risk of a violation of Art. 3 ECHR in the presence of reliable international reports on the existence of a practice contrary to the Convention in the requesting state. In such cases, the general human rights situation in the receiving state precludes the acceptance of any assurance from the outset. Moreover, a diplomatic assurance may only be relied upon if it is suitable for eliminating the danger for the person concerned; in the court's view, it must be binding and reliable.

[8] OGH 13 Os 27/15t, EvBl 2015/115, 803.

Conditions of detention - priority Recommendation
Information relating to paragraphs 24 and 25 (a)

62. Considering its obligation to ensure a prison service, which complies with the law and respects human rights, it is of great importance to the Directorate General to provide and safeguard the organisational framework conditions (staff, financial means, spatial capacities, etc.) that are necessary for the implementation of all recommendations.

63. During the pandemic the occupancy rate could be reduced below 90 % by measures such as the postponement of the enforcement of prison sentences or the increased use of electronically monitored house arrest. In the post-pandemic phase the occupancy rate is rising again, but is continuously evaluated and controlled within the framework of the classification system for inmates and by organising the places of detention in order to prevent overcrowding in individual prisons as far as possible. Due to renovation measures, mainly of Austria's biggest penitentiary, Wien-Josefstadt prison, the associated capacities are however currently reduced.

64. The introduction of electronically monitored house arrest as an alternative to detention in a prison on 1.9.2010 was an attempt to prevent or at least curb a further increase in the number of people detained in a prison. On 15.3.2024, 319 inmates, which is 3.4% of all inmates were serving their sentence in electronically monitored house arrest. A further expansion of electronically monitored house arrest as well as further reforms of the Penitentiary Code to relieve the burden on prisons is currently being considered. In addition to the legal measure to expand electronically monitored house arrest (see Annex I for para. 18, 19 "Overcrowding"), a further measure is the promotion of "detention in the home country", whereby inmates who have not established their residence in Austria are transferred there following a court decision in their country of origin.

65. The prerequisite for classification (allocation to a suitable form of accommodation and treatment) is that the judgement is legally binding. The classification must be carried out within 6 weeks (§ 134 Penal Procedure Code, Strafvollzugsgesetz - StVG) by the MoJ. The classification evaluates the following factors for the suitability of transfer: duration of the penalty, offence, character, and personal circumstances of prisoners. As described in the Seventh Periodic Report submitted by Austria, the MoJ developed a classification system to facilitate transfers for an equal national distribution of prisoners. The idea is that an online application of the Integrated Prison Administration indicates live occupancy rates of all prisons. If a facility is overcrowded, prisoners can be transferred to a less crowded facility under consideration of the classification system.

66. Due to the current maximum occupancy level, we are furthermore working with various special transports to relieve the burden on the prisons.

67. In the near future, some inmates may however not be transferred to the assigned prison, but to another suitable prison until a place is available in the destination prison. In the case of such a temporary stay medical care is still guaranteed in the best possible way before the transfer to the assigned institution. Additionally, within the framework of the legal provisions (§ 71 StVG), also a transfer to a hospital can be taken into consideration. However, it must be stated that Austria currently has sufficient capacities in forensic-therapeutic centres due to corresponding construction and rededication measures in recent years.

68. Due to overcrowding as a result of intensified border controls (human trafficking) penitentiaries close to the Austrian border, such as the Eisenstadt detention centre are supported as best as possible by relocations to prisons nearby. In the Eisenstadt prison itself, two-person detention rooms were temporarily occupied by three (in rare cases by four) persons. For this reason, folding beds were purchased from the Red Cross, which can be put aside during the day for a higher comfort, more privacy and sufficient freedom to move in the detention room. As a last development it can be mentioned that in the former juvenile prison Gerasdorf fresh capacities will be available due to the new juvenile prison Münnichplatz in Vienna.

69. Following the general refurbishment in 2016, the detention rooms in Eisenstadt prison are very spacious, have their own shower facilities and have sufficient air space and daylight.

70. The Austrian prison administration is of course obliged to and generally does observe all rules and guidelines when accommodating prisoners - depending on their prison status, gender, nationality and religion. In regrettable exceptional cases, it may not have been possible to comply with the separation requirement due to overcrowding.

71. On 1.7.2024, the Task Force Belagsmanagement was set up by the Directorate General for the Execution of Sentences and Measures involving Deprivation of Liberty. The purpose of the Task Force is to ensure a regionally coordinated approach to changes in places of detention in order to be able to react as quickly as possible to occupation developments in the various correctional facilities and to utilise the occupation capacities evenly in the best possible way. This is an essential and important measure to prevent peaks of occupation in individual facilities. The task force consists of a main coordinator and four regional coordinators comprising of prison managers, who develop coordinated proposals in consultation with the assigned prisons and submit them to the Directorate General.

72. In addition, construction measures are being carried out according to budgetary possibilities, which also include the expansion of the capacity rate. These major construction projects include, in particular, the forensic therapeutic centre in Göllersdorf (expansion of the surface area by approx. 100 capacities) and the new construction of Klagenfurt prison (expansion of the surface area by just over 100 capacities). Other construction measures that the Directorate General considers necessary for the penal system and the execution of custodial measures are also continuously reviewed and implemented in accordance with budgetary possibilities. Capacity extensions have a very high priority in all budgetary decisions made by the Directorate General.

Information relating to paragraph 25 (b)

73. Each year, the prisons are allocated posts that are sufficient to fulfil the statutory mandate. 96.7% of the posts for prison guards are filled (as of 1.3.2024). The Directorate General is constantly endeavouring to fill the remaining vacant posts and is continuing the measures taken to date to make the various job profiles in the penal and correctional system more attractive, such as targeted public relations work and the expansion of measures to recruit newcomers to the prison service (in particular to increase the proportion of women and persons with a migration background). Hereby, the focus is also on the fact that the Austrian justice system is an attractive employer and that the Judicial Guard offers varied, versatile and in-depth training with state-of-the-art equipment, which is also recognised internationally. Financial incentives are provided where possible (e.g. by increasing the training contribution for trainee law enforcement officers as part of the last reform of civil service law, upgrading the salary of social workers, regulating the remuneration of inspection services). Furthermore, the Prison Academy regularly (almost monthly) organises an "Online Recruiting Day", most recently on 20.3.2024. The Austrian justice system's website[9] also presents the job profiles of psychologists, social workers and clerks, as well as job advertisements for these areas and corresponding career paths. Finally, the recruiting campaign "Professions for Professionals" was launched on 1.1.2024, which sets new and more targeted accents in the recruitment process for the entire justice administration.

74. Due to the recruiting measures implemented, there was an increase of +30.64% in applications in the area of judicial guards (executive branch) between 2023 and 2024 (up to and including June). There was even an increase of almost 43% in the number of actual applicants. This shows that the implemented recruiting measures are having an impact. This is also reflected in the fact that 180 more posts have been filled in the executive service alone. Since 2020, a total of 112 additional permanent positions (executive and civilian staff) have been created.

75. Overall, the number of permanent posts increased from 3,701 to 4,165 between 2010 and 2024, resulting in an increase of 464 permanent posts in the area of prisons.

76. For this reason, the staffing ratio in the executive branch is currently (as of 1.9.2024) around 94% - despite the introduction of the long-requested "heavy labour regulation" for

[9] www.justiz.gv.at/karriere.

executive staff (in force since 1.1.2023) - which is also better than five years ago (when it was 91%).

77. Outside the area of permanent posts - namely the purchase of additional civilian staff (specialised services; incl. medical staff) via the Justice Support Agency (JBA) - notable successes have also been achieved in the last five years: 264.36 (FTE) more orders to the JBA for filling. 163.32 more orders have currently been fulfilled. The largest increase in staffing capacity has been in the areas of occupational therapy, psychiatry, psychology, nursing staff and social work. Unfortunately, the shortage of doctors is a challenge for society as a whole that also affects the prison system. The acquisition of doctors has long been a high priority. With effect from 1.1.2025, a separate guideline for doctors in accordance with § 36 (2) of the Contractual Employees Act 1948 (Vertragsbedienstetengesetz 1948 - VBG) came into force for the conclusion of special contracts for the medical service in the prison system, which can make it more attractive for doctors to work in the prison system.

78. The Recruiting Officers (operating since 1.7.2023) have also been supported by a civilian employee since 14.4.2025 in order to be able to increase recruiting measures relating to the civilian and medical sectors.

79. The working platform "Making work in the penal system more attractive" was set up with experts from the various areas and the participation of key stakeholders (Ministry for Culture, Public Service and Sports - BMKÖS; Austrian Public Employment Service - AMS; staff representatives).

80. The project "Dienstplanoptimierung" aims to deploy existing personnel efficiently in order to prevent the closure of operations to compensate for executive personnel shortages in other areas, particularly in connection with escorts or other necessary security-related measures. The project was initiated in December 2023 and its first phase relating to the executive area was completed in spring 2024. It is now to be continued.

81. Additional support is also provided, for example through company kindergartens (the creation of a company kindergarten is currently being developed at the forensic therapeutic centre in Asten) and measures to promote the health of employees (prisons/forensic therapeutic centres take numerous measures in this regard, such as sports activities, yoga, massages, etc.).

82. To increase security in the institutions, more investment in protective and security equipment is being made.

83. In order to further develop the range of workplaces for top athletes and trained coaches in the public sector, the MoJ and the BMKÖS jointly developed "Justiz Athleta" for the implementation of top-class sport in the penal system. More information on this can be found in Annex I.

Information relating to paragraph 25 (c)

84. Please refer to Annex I para. 18, 19 "Psychiatric, Psychological and Medical Care".

Information relating to paragraph 25 (e)

85. Since 2022, the heads of the institutions have been instructed to draw up an annual resource, target and performance agreement (RZLV) for training and further education measures for the new calendar year. The RZLV serve as a basis for the quarterly controlling meetings.

86. In view of an impact-oriented administration, specifically the goal of a modern, effective and humane prison system with a special focus on (re)integration and recidivism prevention, concrete measures and goals must be formulated with regard to the length of inmates' employment and the number of inmates in all types of educational measures/education rates in order to track and, if necessary, adapt them.

87. The current RZLV 2023-2026 of the Directorate General (Prisons Division) can be found in Annex I.

88. Regarding this recommendation, it may also be referred to "lack of staff" (para. 18, 19) in Annex I.

Information relating to paragraph 25 (f)

89. There is no legal ban on "individual placement". However, every placement must be reported to the court and leads to the patient being represented by the patient ombudsman („Patientenanwalt“), who represents the patient in exercising their rights, particularly in the mandatory and immediately initiated judicial review proceedings. Physical and medication-related restrictions must be reported to the patient ombudsman and also lead to judicial review proceedings at the request of the patient ombudsman or the patient.

Deaths in custody
Information relating to paragraphs 26 and27 (a)

90. In case of a death, occurring at a prison or a police custody detention facility such institution is obligated to immediately inform the respective responsible public prosecution office. The public prosecution office, on its part, has to order an autopsy to verify the exact cause and circumstances of death. Depending on the results of the autopsy, the public prosecution office decides whether the case is further investigated or discontinued.

91. In addition, all deaths are reported to the MoJ, whereby the records are managed by an employee.

Information relating to paragraph 27 (b)

92. Every prison and forensic therapeutic centre has a suicide prevention concept, which is updated every two years and submitted to the specialist group on suicide prevention in the prison system. After a thorough review, outstanding concepts are awarded a "good practice seal" (list in Annex I).

93. In the assessment, the following evaluation criteria are given special consideration, taking into account realistic feasibility, good integration into the prison structure and representation of multi-professionalism:

- Dealing with information on new admissions or transfers (information on possible suicide risk in papers, etc.)
- Clarification of possible suicidal behaviour by specialist services as soon as possible after admission (who, when?)
- Countering the higher risk of new admissions (especially in pre-trial detention) in the first weeks/months of detention
- Dealing with VISCI
- Clarification of possible suicide risks triggered by "critical prison events" (main trial, long prison sentence, classification, transfer, refusal of conditional release, change in medication, etc.)
- Clarification of possible suicide risks triggered by "critical life events" (divorce, separation, death, serious or life-threatening illness of relatives or prisoners themselves)
- Concrete specific focal points or measures for prevention (e.g. listeners, video-monitored detention rooms, suitable psychiatric wards, etc.) Specific training or further training for staff
- Announcement of a contact person for suicide prevention issues

94. See also para. 24, 25 and para. 18, 19 "Suicides in detention" in Annex I.

Information relating to paragraph 27 (c)

95. In the last 6 years (from June 2019 onwards), there have been a total of 160 deaths in the Austrian penal system, 43 suicide, 90 natural death, 23 overdose, 3 accidents, 1 unknown.

96. No signs of third-party guilt were found in any of the cases. Investigation proceedings have been initiated, but the decision to order an autopsy is an individual decision by the public prosecutor's office.

97. In the last 11 years (from 2014 to 2024) there have been a total of 14 deaths of people in police custody across Austria. In 8 cases it was suicide and in the other 6 cases it was a sudden (health-related) death.

98. In all cases, a medical examination was carried out and a subsequent report was made to the public prosecutor. Since no signs of third-party guilt were found in any of the cases, the public prosecutor did not initiate any investigative measures.

Juvenile justice
Information relating to paragraphs 28 and 29 (a)

99. In Austria, both general criminal law and the Juvenile Courts Act (Jugendgerichtsgesetz - JGG) already provide a wide range of options for ending criminal proceedings without a conviction or deprivation of liberty. Alternative non-custodial measures for juveniles continue to be promoted.

Information relating to paragraph 29 (b)

100. The MoJ is in favour of abolishing solitary confinement. A corresponding draft bill has already been submitted for political coordination, no agreement was reached on it.

Information relating to paragraph 29 (c)

101. The JGG already provides for the exclusion of pre-trial detention in district court proceedings, regular detention reviews (even after charges have been brought), the introduction of pre-trial detention conferences (including statements by the juvenile court assistance on their appropriateness if none are scheduled), the introduction of social network conferences and, last but not least, the abolition of conditional mandatory pre-trial detention and the possibility of bearing the costs of socio-therapeutic residential facilities, so that pre-trial detention for juveniles may only be imposed as a last resort. This recommendation has therefore been fully met.

Detention pending deportation
Information relating to paragraphs 30 and 31 (a)

102. Detention pending deportation is only imposed as a last resort. Therefore it is provided that individual reasons against detention must be taken into account, which ensures a proportionality test and subsequently a justification in a comprehensible manner in each case.

103. The proportionality test must determine whether detention pending deportation is necessary in the individual case or if a less severe measure is a sufficient precautionary measure. Criteria such as a valid place of residence, risk of absconding and criminal offence can play a role. In the case of the so-called "less severe measure", the persons concerned are accommodated at a location determined by the authorities and/or are subject to certain reporting obligations or must provide security deposits.

104. An appeal is permitted against any decision to impose detention pending deportation and the Federal Administrative Court can repeal detention pending deportation at any time and order release. In addition, the authority must review the proportionality of the detention pending deportation ex officio every 4 weeks.

105. In Austria, minors under 14 may not be taken into custody pending deportation. Minors between the ages of 14 and 18 may only be taken into detention pending deportation in justified exceptional cases, which are decided on a case-by-case basis, and only if appropriate accommodation and care is guaranteed.

106. Statistical data:

- In 2022, 3,439 detentions and 634 lenient measures were issued;

- In 2023, 3,767 detentions and 363 lenient measures were issued;
- In 2024, 3,427 detentions and 295 lenient measures were issued;
    - 1 male minor (age category: 14-16 years),
    - 2 male minors (age category: 16-18 years) and
    - 1 female minor (age category 16-18 years).
- Average length of detention of all detainees awaiting deportation: 21 days and 16 hours.
- Average length of detention of underage detainees awaiting deportation: 19 days.

Information relating to paragraph 31 (c)

107. Security detentions of persons in police detention centres (PAZ) are examined in detail and several times and repeatedly during their detention. If a mental illness is present (and the other strict prerequisites described in para. 32, 33 are met), action is taken in accordance with the Involuntary Placement Act (Unterbringungsgesetz - UbG).

108. Persons who are detained by the police are placed in preventive detention for the duration of their behaviour if they pose a danger to themselves and/or others. Persons detained who are not to be transferred to a psychiatric institution due to a mental illness are only taken into preventive detention if their behaviour poses a threat to themselves or others.

Forensic psychiatric facilities
Information relating to paragraphs 32 and 33 (a)

109. The Involuntary Placement Act has only recently undergone a comprehensive amendment and only permits involuntary placement in psychiatric hospitals or departments under very restrictive conditions. The essential prerequisite are the presence of a mental illness and a related serious and significant threat to their life or health or the life or health of others. Involuntary Placement may only be the last resort (§ 3 (1) and (2) UbG).

110. Restrictions on freedom of movement in the context of the execution of the Involuntary Placement Act are only permitted under the narrow conditions of § 33 UbG. In particular, all measures are subject to a strict requirement of proportionality (§ 33 (1) UbG). Both the involuntary placement itself as well as further restrictions on freedom of movement during involuntary placement are subject to judicial review. In addition, strict documentation obligations and notification obligations to the legal representatives apply (§ 33 (3) UbG).

111. A mental disability alone is not a reason for involuntary placement. RIn accordance with the general requirements of § 3 UbG, the involuntary placement of mentally disabled persons is only permissible if symptoms of mental illness exist alongside the mental disability[10] and the other strict requirements (danger to self or others, proportionality) are also met. The requirement for the proportionality of measures, as expressed in Recommendation 33 (b), is therefore already reflected in the existing legal framework (§§ 3, 33 UbG).

112. To summarise, in view of the strict general requirements of the UbG, which are undoubtedly in line with the constitutional principles (Federal Constitutional Act on the Protection of Personal Freedom [Bundesverfassungsgesetz über den Schutz der persönlichen Freiheit - PersFrG] and Art. 5 ECHR), it seems inappropriate to generally exclude the group of mentally disabled persons from its provision. In particular it should be noted that the UbG aims not only to protect the general public, but also the mentally ill person concerned. The primary aim of the UbG is to protect the personal rights and dignity of mentally ill persons who are admitted to a psychiatric hospital or department (§ 1 UbG).

[10] Case law of the Supreme Court, see RS0075908.

Information relating to paragraph 33 (b)

113. Net beds, other cage like beds or similar means of isolation are neither used in prisons nor in forensic therapeutic centers. Isolation and transfer to solitary confinement is only carried out if the patient poses a risk to themselves or others due to their acute mental state. This situation is monitored by camera surveillance and the measure regularly checked for necessity through personal contact with care staff. This ensures that although the patient is alone in a room, there is always contact with the outside world. Every 24 hours, a doctor must monitor the continuation of the placement.

114. The above-mentioned measures are systematically recorded and monitored (are part of the cockpit report), evaluation and routine monitoring is carried out by the Chief Medical Officer in the first step and then by the internal audit department in the second step. These two institutions are located in different departments.

Information relating to paragraph 33 (c)

115. This recommendation is already reflected in the current legal framework: In addition to the judicial review under the UbG and Nursing Home Residence Act (Heimaufenthaltsgesetz – HeimAufG), particular reference should be made to the criminal law provisions of §§ 83-85, § 92, § 107b and § 205 CC and the low-threshold option of appealing to the patients advocate.

Information relating to paragraph 33 (d)

116. Four times a year, there is a training programme lasting several days for all care staff working in the medical field (including prison officers). In addition indoor training, supervision and quality circles are provided. This means that, on average, a training course, a training session or a case discussion is held every month. The latest development is the launch of the Critical Incident Reporting System programme (CIRS), which is used to process critical medical situations and make them available to everyone.

Measures from the federal regions

117. In Vorarlberg, training courses for medical staff in the hospitals („Landeskrankenhäuser“) on standards and methods of caring for people with disabilities, in particular people with mental and/or psychosocial disabilities, are already organised as part of their training. Recurring training courses are organised depending on the specialist department. De-escalation training and recurring training sessions are also organised for both medical and non-medical staff. Ongoing monitoring of the implementation of measures that restrict freedom promotes staff awareness. There are also guidelines and instructions for employees, such as the information guide on dealing with cognitively impaired people or people with dementia. A "hospital passport" (Krankenhauspass) was also developed in collaboration with the Disabled Persons' Association, which records the specific needs of patients.

118. In Vienna, the Vienna Health Association, in cooperation with the Office for Women's Health and Health Goals of the City of Vienna, organises regular training courses for all health professionals on the topic of "Violence makes you ill"(Gewalt macht krank). The focus is also on victim protection.

Information relating to paragraph 33 (e)

119. The high degree of specialisation in the area of care ensures that staff in forensic psychiatric facilities act professionally and appropriately, excluding torture and violence. De-escalation training and recurring training sessions are also organised in these facilities.

120. The staffing ratio enables a high level of presence. In the forensic area, every personal contact with patients is shared by at least two members of staff. The continuous presence of security staff and a video surveillance system in the forensic area provide additional monitoring and protection measures.

Investigation of allegations of ill-treatment and prosecution and punishment of perpetrators
Information relating to paragraphs 34 and 35 (a)

121. With regard to the MoI, the Investigation and Complaints Office for Allegations of Police Ill-Treatment (Ermittlungs- und Beschwerdestelle Misshandlungsvorwürfe - EBM) should be named.

122. Pursuant to an amendment of the Federal Act on the Establishment and Organization of the Federal Bureau of Anti-Corruption (Bundesgesetz über das Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung - BAK-G)[11], the EBM began its work on 22.1.2024.

123. The EBM is responsible for nationwide investigations of every alleged or possible case of ill-treatment within the area of responsibility of the MoI. Its mandate encompasses allegations of inhuman or degrading treatment against any official of the MoI authorised to exercise command and coercive power while acting in the performance of official duties. It further includes criminal investigations in all cases of life-threatening use of arms and direct coercive force resulting in death.

124. The EBM investigates in criminal matters under the direction of the public prosecutor. In disciplinary matters below the threshold of criminal liability, the EBM reports the results of its investigations to the responsible disciplinary supervisor.

125. A series of legal and organisational measures support the EBM's independence from undue influence in investigations. Among these measures is the integration of the EBM in the BAK, which is part of the Ministry of the Interior (MoI) but incorporated outside of the Ministry's Section II, Directorate General for Public Security. Apart from the political leadership at ministerial level, all security agencies are under the command and supervision of the Directorate General for Public Security. The BAK's organisational position is therefore outside of the "regular" hierarchy of the security agencies. This is of particular relevance for the EBM in its sensitive area of investigation to be able to operate free from interference in the investigations. Any instruction regarding the handling of a specific case under investigation at the EBM, must be issued in writing and comprise a statement of reasons. Instructions to the EBM must further be submitted to the independent Advisory Board.

126. Another measure is the establishment of an independent Advisory Board at the MoI. The President of the Constitutional Court nominates the chair and vice-chair of the Advisory Board. The Austrian Bar Association, the Austrian Medical Chamber, Universities and Civil Society Organisations nominate further board members. The MoI and the Ministry of Justice select the nominating Civil Society Organizations from organisations working in the field of human rights and victims' rights.

127. With a view of safeguarding fundamental and human rights, the EBM's Advisory Board is primarily responsible for accompanying structural and transparent monitoring of activities of the EBM. Its competencies include accessing evidence, reporting to the public, issuing of recommendations, identifying needs for organisational optimisation and reviewing of potential instructions to the EBM. The Advisory Board further functions as another contact point for the submission of complaints (§ 9b BAK-G) and it is not subject to instructions (§ 9c BAK-G). The Director of the BAK and the Head of the EBM are obliged to be available for regular meetings with the Advisory Board and the BAK is obliged to support its activities (§ 9c (2) and (4) BAK-G).

128. Additional measures to support the EBMs independence are the inclusion of an interdisciplinary team, the special training of employees and the deployment of permanent staff. Further regulations of relevance are concerning instructions and the strict limiting of secondary employment of staff.

129. To date, the MoJ has not become aware of any cases within the scope of its specialised supervision in which allegations of ill-treatment were not promptly and independently

[11] Federal Law Gazette I No. 107/2023.

investigated, properly prosecuted and punished and/or victims were not properly compensated - to the extent provided for by law.

Information relating to paragraph 35 (b)

130. The EBM is obliged to initiate investigations ex officio if there are reasonable grounds to believe that an act of torture or ill-treatment has been committed within the EBM's area of responsibility (see a).

Information relating to paragraph 35 (c)

131. Staff members who are subject to allegations of ill-treatment will not be suspended immediately. Depending on the individual case, the circumstances must be examined by the respective superiors or the investigating authority and the service authority must be informed of any circumstances. If the requirements under civil service law (§ 112 (1) Beamtendienstrechtsgesetz 1979 – BDG 1979) are met, the relevant service authority must impose a provisional suspension.

132. The EBM must also inform the service authority of facts that are relevant for the assessment of a provisional suspension (§ 112 BDG 1979) or a leave of absence. Subsequently, the service authority shall decide on appropriate measures.

Information relating to paragraph 35 (e)

133. In the year 2024 a total of 514 proceedings were initiated by the EBM. 505 proceedings related to allegations of ill-treatment and nine to allegations of the use of coercive force resulting in death or the life-threatening use of weapons. 392 proceedings (around three quarters) were already concluded by the judiciary by the end of the year, 187 ended with discontinuation („Einstellung“ § 190 CCP). In 202 cases, no proceedings were initiated ("refraining from initiating preliminary proceedings" § 35c of the Public Prosecution Act, Staatsanwaltschaftsgesetz - StAG). Charges were brought in two cases and one further case was settled with a diversion.

134. With regard to the MoJ, it can be stated that for statistical reasons, the internal instruction of 25.6.2018 on the procedure in case of allegations of ill-treatment filed against security authorities and prison officials provides for specific codes that courts and Public Prosecutor's Offices have to enter into the judicial process automation system (Verfahrensautomation Justiz, a database which supports courts and Public Prosecution Offices). Therefore, the corresponding reporting obligations for statistical purposes were no longer needed. However, all relevant cases of misconduct of prison officers are reported to the MoJ because of "special public interest". In the meantime also the reporting obligation concerning the aggravating factor stipulated in § 33 (1) o. 5 CC has been revoked. Since the code "VM" for all crimes acted out of racial, xenophobic or other particularly reprehensible motives has to be entered into the judicial process automation the corresponding reporting obligation was no longer needed.

135. The MoJ together with the MoI annually publishes a Security Report (Sicherheitsbericht[12]) which also contains statistical data on allegations/complaints against law enforcement (police) officials. For statistical evaluation it has to be taken into consideration that the majority of cases resulted in a minor injury during the arrest of a person or through the use of a pepper spray. In many of these cases not even an allegation of ill-treatment was raised and cases were reported to the Public Prosecutor's Office for assessment whether the used force was proportionate. This explains why there are many cases but only a few met the statutory requirements for filing an indictment against the Law Enforcement Official.

136. Detailed statistics would only be possible by introducing a general obligation to report allegations of ill-treatment in accordance with the CAT. In view of the identifiers introduced in the judicial process automation system and the ongoing endeavour to keep the reporting obligations to the Federal Minister of Justice as low as possible, this is currently not being considered.

[12] Available on https://www.bmi.gv.at/508/start.aspx.

Universal jurisdiction
Information relating to paragraphs 36 and 37

137. With regard to acts of torture (within the meaning of §§ 312a, 312b and offences under Section 25 CC), § 64 (1) no. 4c CC already provides for far-reaching domestic jurisdiction, including for foreign offenders (see § 64 (1) no. 4c (c) CC).

Treaty of 1982 between Austria and Liechtenstein – priority recommendation
Information relating to paragraphs 38 and 39

138. Persons imprisoned in Austria for Liechtenstein in accordance with the aforementioned treaty have the same rights and legal protection options as other persons imprisoned in Austria. In order to (re)state this fact, a interpretative declaration was signed jointly by Austria and Liechtenstein on 12.3.2025[13]. The original and a working translation can be found in Annex II and III.

Electrical discharge weapons
Information relating to paragraphs 40 and 41

139. In the area of the MoI, it can be stated that tasers are generally not part of the regular equipment of law enforcement officers in the Austrian police force. Only specially trained members of special and support units (e.g. EKO Cobra, WEGA, Rapid Intervention Groups) have Tasers in the law enforcement field/patrol service. Since autumn 2024, an open-ended trial has also been taking place at three police stations, with members receiving even more extensive training. In the police detention centres (PAZ), only specially selected and trained law enforcement officers are authorised to use the taser. These specially trained law enforcement officers do not carry the taser with them at all times. The tasers are locked separately in the PAZs and are only issued by the authorised (on-duty) law enforcement officers when required. In the deployment and training regulations as well as in the training and annual further training, the highest value is placed on observing the principles of necessity and proportionality, which also includes subsidiarity and advance warning. Every use of the taser is investigated by the judicial authorities and also evaluated within the organisation. The EBM is obliged to conduct prompt, impartial and thorough investigations if there are indications or allegations of disproportionate or unnecessary use of tasers in the EBM's area of responsibility (see para. 26, 27 above) that qualify as allegations of ill-treatment. These measures are also likely to have contributed to the fact that there have been no known incidents of possible misuse or complaints in this regard to date.

140. All taser models used in Austria were also examined by the University of Technology Graz, Institute for Health Care Engineering with its associated European testing centre for medical devices, and the findings of the study were also taken into account in the regulations, training and further education. All conceivable measures were therefore taken to minimise the (health) risks for the persons concerned.

141. For the area of the MoJ, it can be stated that the authorisation of use, the types of use, risks of injury, the necessary qualification and the annual training of prison officers with this service weapon, the medical care of detainees after a deployment and a reporting obligation in connection with the review of such deployments are regulated in the decree on the introduction of the Taser X2 as a service weapon in regular operation. Please refer to Annex I for relevant passages.

142. The Single Point of Contact has been set up in the General Directorate for the Execution of Sentences and Measures involving Deprivation of Liberty in the MoJ and is available 24/7. All incidents that jeopardise the security and order of prisons are reported immediately to the Directorate General; this also includes the use of service weapons.

[13] Federal Law Gazette III No. 51/2025.

143. Regulations for the procedure in the event of suspected cases of ill-treatment against prison officers are set out in the decree of 25.6.2018.[14] The procedure described under point B. applies mutatis mutandis to allegations of ill-treatment against prison officers. Reference is made to the supplementary statements in other decrees.[15]

Intersex persons
Information relating to paragraphs 42 and 43

144. Recommendations described in para. 43 (a)-(c) are supported from a medical point of view.

145. In the last legislative period, a draft bill was drawn up on which no agreement could be reached within the government. In the current legislative period, this preliminary work will be followed up and a new attempt will be made for a relevant legislative initiative.

146. The current government programme states the following regarding intersex people: "Clear regulations to protect intersex minors from interventions that are not necessary for health reasons, with the involvement of self-representation organisations (e.g. AGS and VIMÖ) and the expansion of awareness-raising measures for healthcare staff in order to provide better information about intersexuality."

147. As part of the implementation of the government programme, various approaches such as the introduction of institutional and national boards for multi-professional decision-making in the best interests of children and with comprehensive information for those affected are being examined.

148. The data available to the Ministry of Health (MoH) does not allow any conclusions to be drawn about any lack of or insufficiently justified medical indication behind certain interventions. Due to the large number of constellations in which sex characteristics can deviate from a certain norm, it is also difficult to clearly delimit a corresponding population or patient group, as the categorisation into one of the "variations of sex characteristics (VdG)", often termed „DSD“, may differ from the potentially broader, human rights-based scope of the term. These ambiguities in the demarcation can also lead to cases that may potentially be deemed intersex being assigned different codes in some cases. The informative value of routine clinical documentation is therefore limited.

Counter-terrorism measures
Information relating to paragraphs 44 and 45

Democratic legislative process and strict respect of fundamental rights regarding the Counter-Terrorism Act (TeBG)

149. For Austria, the effective fight against terrorism while at the same time strictly respecting fundamental rights and freedoms and supporting victims of terrorism is an issue of highest priority. The terrorist attack in Vienna on 2.11.2020 was an unexpected and serious shock. In view of this tragic event, the Austrian Government announced its intentions to introduce a package of measures to combat and prevent terrorism. Furthermore, a fact-finding commission was installed to investigate the reactions of police, intelligence and judicial authorities as well as associations assigned with the task of deradicalisation to the conduct of K.F. prior and up to the attack (*Untersuchungskommission*). Political negotiations resulted in

[14] Decree of 25.6.2018 on the procedure in the event of allegations of ill-treatment against organs of the security authorities and prison officers, BMVRDJ-S880.014/0013-IV/2018.

[15] Decree of 6.5.2015 on the procedure in the event of reports on allegations of criminal misconduct by prison officers or serious incidents involving inmates in circumstances where misconduct cannot be ruled out a priori , BMJ-V65301/0002-III 1/2015 (eJABl Nr. 19/2015); Complementary Decree of 2.7.2025 on the procedure in the event of reports on allegations of criminal misconduct [..] , BMJ-GD13144/0001-II 1/2015 (eJABl Nr. 22/2015).

a draft law to combat terrorism.[16] The public consultation on the Draft TeBG ended on 29.1.2021. More than sixty individuals and institutions took the opportunity to comment on the Draft TeBG.[17] Furthermore, the Commission of Inquiry rendered its final report on 10.2.2021.[18] All comments on the Draft TeBG were carefully analysed and accordingly, several changes were made to the text as well as the explanatory notes. On 7.7.2021, the National Council passed the Federal Act amending the Criminal Code, the Code of Criminal Procedure 1975, the Penal Execution Act and the Court Organisation Act to combat terrorism (Terrorism Combating Act - TeBG). In its session of 15.7.2021, the Federal Council decided not to object to the National Council's decision on the law. The TeBG was promulgated on 27.7.2021.[19] The amendments of the CCP and the majority of the amendments of the CC entered into force on 1.9.2021. The amendments of §§ 52b and 53 of the CC (judicial supervision of terrorist offenders with case conference and electronic monitoring including the possibility of extended, also repeated, extension of the probationary period), of the Penal Execution Act and the Court Organisation Act entered into force on 1.1.2022. Further explanations and detailed information on the amendments can be found in Annex I.

150. The compliance of legislation on terrorism with (international) human rights standards has always been an issue of highest priority in Austria. The ECHR has the status of a constitutional law, therefore, when drafting new laws, the rights guaranteed within always have to be taken into account, not only as international obligations, but as directly applicable and enforceable rights. Pursuant to Art. 140 (1) no. 1 (d) B-VG read in conjunction with the first sentence of § 62a (1) of the Constitutional Court Act (Verfassungsgerichtshofgesetz - VfGG), a person who, as a party in a legal matter that has been decided by a court of first instance, alleges that his or her rights were violated due to the application of an unconstitutional law, may file an application that the law be repealed by the Constitutional Court as unconstitutional.

The role of independent courts and control mechanisms

151. In Austria, independent courts decide on the conviction or acquittal of an accused person after conducting the main trial of criminal proceedings. This also applies to criminal offences under § 247b CC and offences related to terrorism as well as measures of judicial supervision. It has to be emphasized that the new provision of § 52b CC explicitly stipulates "judicial supervision in criminal cases involving subversion crimes and terrorism as well as genocide, crimes against humanity and war crimes", which means that the decision whether electronic supervision is "absolutely necessary" is taken by an independent court and put under review at least once a year. Therefore, it is also the court's duty to convene a case conference (Fallkonferenz) before the end of the first half of the period of judicial supervision to assess the conduct of the offender during judicial supervision and to determine measures to ensure compliance with instructions.

152. Also, during pre-trial proceedings the public prosecutor has to apply for authorisation of certain investigation measures (such as search of certain places, physical examinations, surveillance of communication, video and audio surveillance of persons) by independent courts (§ 105 CCP).

153. Every measure of the public prosecutor is subject to judicial review. According to § 106 (1) CCP ("Objections because of violation of rights"/Einspruch wegen Rechtsverletzung) any person claiming to have their personal rights violated in investigation proceedings by the prosecution authority may also raise objections to the court if:

- the exercise of a right under the CCP has been refused or
- a investigative or coercive measure has been approved or executed in violation of provisions under the CCP.

[16] Ministerial draft for a federal law amending the Criminal Code, the Code of Criminal Procedure 1975, the Penitentiary System Act and the Court Organisation Act to combat terrorism [Draft TeBG].

[17] Publicly available on www.parlament.gv.at.

[18] Publicly available on www.bmi.gv.at/downloads/Endbericht.pdf.

[19] Federal Law Gazette I No. 159/2021.

154. Furthermore, the tasks of the Commissioner for Legal Protection (Rechtsschutzbeauftragter) provides additional control mechanisms during Austrian pre-trial criminal proceedings:

155. The Commissioner for Legal Protection is responsible for assessing and controlling certain directions, authorisations, approvals, and the carrying out of certain investigation measures in pre-trail proceedings (§ 147 (1) CCP) like e.g. undercover investigations (§ 131 (2) CCP), data matching using electronic data collection (§ 141 CCP) or video and audio surveillance of persons (§ 136 (1) no. 3 CCP). They need to hold special knowledge and skills in the area of fundamental rights and freedoms and must have been professionally active in the field of criminal law and criminal procedure law for a certain period. They are independent in the exercise of their duties and are not bound by any directives.

156. Instructions to public prosecution offices are only possible in cases mentioned by law and have to be given in writing (§ 29c et seq. of the Act of Public Prosecution Service = StAG). This includes, in particular, cases where a directive shall be given regarding the handling of a particular case and cases of repeated and supra-regional media coverage or repeated public criticism of the approach of the public prosecution office and the criminal investigation department or for reasons of bias. A copy of an instruction has to be given to the investigation file in the pre-trial phase and to the application aimed at a judicial decision in the trial phase and appeals procedure. In any case, measures of the public prosecution set because of an instruction, are also subject of judicial oversight.

157. Besides, acts of the Federal Minister of Justice are subject to parliamentary control. Furthermore, the Advisory Council for Ministerial Directions (Weisungsrat) has to advise the Federal Minister of Justice, who is the supreme body authorised to issue directives to the public prosecution offices. The members of the Advisory Council are independent in the exercise of their office and not bound by any instructions. If the Minister of Justice as a result does not take account of the statement of the Advisory Council on Directives, the statement including the grounds why it was not taken into account has to be published in the annual report of the Federal Minister of Justice to the National Council and the Federal Council on instructions they gave after the respective procedure was terminated.

158. The EBM's scope of investigation also extends to counter-terrorism operations (see also para. 34, 35 regarding personnel and subject matter responsibilities). The EBM is therefore obliged to conduct prompt, impartial and effective investigations into allegations of abuse or suspected cases in this context as well.

159. Finally, when investigating terrorism-related offences, it must be kept in mind that as a basic rule, all authorities involved in the handling of a criminal case (police, public prosecutor, court) are obliged to maintain objectivity and to inform the alleged offender of his procedural rights. Above all, judicial authorities are strictly bound to submit both incriminating and exonerating evidence. Non-disclosure of evidence and files is only admissible as long as it is to be assumed that the disclosure would jeopardise the purpose of the investigations.

160. The monitoring centre for electronically monitored house arrest must be commissioned by the court to carry out the monitoring (§ 52b (4) third sentence CC).[20]

Gender-based violence
Information relating to paragraphs 46, 47 (a) or (b)

161. The prosecution of all reported cases of violence against women is already ensured by law through ex officio proceedings (§ 2 (1) and (2) CCP). The conviction of such violent offences is case-specific and cannot be generally ensured, whereby reference must also be made to judicial independence both in the question of guilt and punishment. With regard to the "appropriate" level of punishment, it should generally be pointed out that the specific threat of punishment for an offence is determined by the legislator.

[20] § 52b (4) third sentence CC: The court shall commission the monitoring centre for electronically monitored house arrest to carry out the monitoring.

162. The MoJ published a decree on the guidelines for the prosecution of offences in the social environment[21]. Based on the observations of the particularities of criminal prosecution in this area (e.g. difficult evidence situation, in some cases longer periods of offences without objectified evidence; the use of the right not to testify) and the constant demand from NGOs (women's shelters, Vienna Intervention Centre, etc.) for a stricter examination of possible detention, the decree aims to provide public prosecutors with a summarised presentation of the special investigative requirements and current approaches to solutions, particularly in the area of domestic violence against women. The focus is on the comprehensive collection of evidence, co-operation between the public prosecutor's office and the criminal investigation department, the question of detention including the threat assessment of the accused and the special features of the public prosecutor's journal service. Particular importance is also on the explanations on determining the full facts of the case in order to obtain a reliable factual basis for assessing the probability of conviction and thus the final decision by the public prosecutor's office, taking into account all available evidence. The violence outpatient clinics, which are currently in trial operation, are also intended to provide reliable objective evidence through injury documentation (see below).

163. The revised second edition[22] focused on further improving communication between the public prosecutor's office and the criminal investigation department to fully clarify the facts of the case and the grounds for detention, threat assessment of the accused, as well as the specific situation of victims of domestic violence, on ensuring comprehensible documentation of public prosecutor's decisions and on interim legal innovations (e.g. § 38a Security Police Act, Sicherheitspolizeigesetz - SPG). In order to ensure that all aspects are already considered in the journal service when public prosecution orders are issued, a checklist-like presentation of the relevant circumstances was drawn up and attached.

164. The current third edition[23] of the decree further emphasises the principle of immediacy and the direct conducting of evidence by the public prosecutor's office by formulating the objectives of direct questioning of suspects by the public prosecutor's offices wherever possible and participation by the public prosecutor's office in security police case conferences (§ 22 (2) SPG). Participation in case conferences can be expedient in certain cases for the prompt networking of current investigation results and further investigative approaches.

165. The second focus of the new edition is on improving the data situation in relation to domestic violence. For the first time, the decree now provides for a standardised definition of domestic violence throughout Austria in order to close existing data gaps and to be prepared for international comparison. On this basis, scientific work and deliberations on further measures in the area of prevention can begin.

Promote the establishment of violence outpatient clinics

166. Particularly in proceedings relating to violence in the social environment and thus also violence against women, the earliest possible and well-founded objectification of injuries is a central topic of evidence. Timely and meaningful forensic/forensic-medical examinations of people affected by violence create an objective evidence base and thus increase the probability of conviction.

167. Existing projects for the documentation of injuries in victims of violence and abuse by the clinical forensic examination unit of the Diagnostic and Research Institute for Forensic Medicine at MedUni Graz, the Forensic Child and Adolescent Examination Unit FOKUS at Vienna General Hospital, the toolbox for doctors and an initiative of the Austrian Society for Child Protection Medicine are individual solutions, some without the involvement of forensic medical expertise. Only by a limited extent do they come close to a violence outpatient clinic by international standards.

[21] Decree of 3.4.2019 on the guidelines for the prosecution of offences in the social environment, BMVRDJ-S1068/0003-IV 5/2019

[22] Decree of 17.12.2020 on the guidelines for the prosecution of offences in the social environment, 2nd Edition, 2020-0.804.897.

[23] Decree of 1.10.2021 on the guidelines for the prosecution of offences in the social environment, 3rd Edition, 2021-0.538.674.

168. Interministerial discussions were held between the MoJ, MoI, Federal Chancellery/Directorate General for Women and Equality and MoH on the Violence outpatient clinics project. The jointly commissioned study on the status quo of forensic medicine and the creation of a concept for the establishment of violence outpatient clinics was presented at the violence protection summit on 6.12.2022.

169. As part of interministerial discussions on the topic of violence outpatient clinics/forensic medicine beginning in 2023, agreement was reached on the need to quickly proceed with the violence outpatient clinics project. An interministerial steering group was set up to define the key performance requirements for violence outpatient clinics.

170. The legal framework for the nationwide establishment of violence outpatient clinics for free and procedure-independent examinations for people affected by violence has been created in the form of the Violence Ambulance Promotion Act (Gewaltambulanzenförderungs-Gesetz - GewaltAFG[24]). The law came into force on 1.9.2024 (§ 5 GewaltAFG).

171. An administrative agreement was drawn up between the MoJ (in charge), Federal Chancellery/Directorate General for Women and Equality, MoI and MoH for the implementation of the two pilot projects initially agreed for three years (model regions East and South, first pilot outpatient clinics in cooperation with the Medical Universities of Graz and Vienna) and the corresponding funding agreements for Graz and Vienna were concluded.

172. The violence outpatient clinic in Graz was opened in May 2024, the one in Vienna at the beginning of 2025.

173. The aim is to gradually establish nationwide and 24/7 access to these low-threshold forensic clinical examination centres.

174. Victims of physical and/or sexual violence should be able to be examined free of charge and independently of the proceedings in these facilities. At the same time, the violence outpatient clinics ensure that the findings can be utilised in criminal proceedings and are directly linked to victim protection services.

175. In the final expansion stage, it should be possible to offer services to people affected by violence in Vienna, Lower Austria and northern Burgenland (model region East) as well as in Styria, Carinthia and southern Burgenland (model region South).

176. The pilot projects are now being scientifically evaluated for a nationwide roll-out, and preparations are currently being made to carry out the evaluation. For this purpose data was collected by the pilot projects, which will be provided to external evaluators. The data has been coordinated and contractually agreed between the ministries in the steering group and with the violence outpatient clinics.

177. Protective shelters are the responsibility of the federal regions, both in terms of legislation and enforcement, in accordance with Art. 15 (1) B-VG, unless there is a nationwide responsibility for care. In addition, the nationally responsible Intervention Centre for Trafficked Women (Interventionsstelle für Betroffene von Frauenhandel - IBF) provides shelters and support. The financial resources of the IBF are adjusted annually based on inflation and the number of trafficked persons receiving support. In addition, at least 180 additional places are being created nationwide by the end of 2025 through a special-purpose grant as part of the 15a agreement.

178. As it is not possible to anticipate the adoption of the 2025 federal budget by the National Council, it is currently not possible to make a statement about the amount of funding for the coming year. The close cooperation with NGOs in the area of gender-based violence will continue; in particular, reference is made to the violence protection strategy presented in July 2024 for coordination and networking with a focus on counselling for women affected by violence in Austria. Regular coordination and networking meetings with women's and girls' counselling centres, women's counselling centres for sexual violence, violence

[24] Federal Law Gazette I No. 79/2024.

protection centres and other relevant counselling centres are planned as part of the violence protection strategy. A coordination and networking day took place on 14.5.2024.

Measures of the federal regions

179. In Vorarlberg, the ifs women's emergency shelter (*ifs Frauennotwohnung*) has been installed with three flanking external flats. Women who are threatened and affected by violence can be quickly and easily accommodated with their children. A total of 16 supervised accommodation places are available. Women who have experienced gender-specific violence can also take advantage of psychosocial counselling regarding their experiences and the development of future prospects. Approximately EUR 850,000.00 per year are available for the women's emergency shelter and the external flats. The budget is provided by the Vorarlberg Social Fund. In addition, the ifs women's counselling centre, which offers help for women and girls affected by sexual violence, is subsidised by the federal region with around EUR 15,000.00 per year.

180. The (financial) support of violence protection centres for women in ***Vienna*** is constantly being expanded and is based on the following three core elements:

181. Almost complete and constant funding/support of the Vienna Women's Refuge Association (Verein Wiener Frauenhäuser) by the City of Vienna (Vienna Women's Service – Frauenservice Wien). Since January 2023, there has been an additional, fifth women's shelter, specifically for the needs of young women affected by violence. There are now a total of 228 places for women affected by acute violence and their children in Vienna's five women's shelters. In addition, there are 54 places in transitional housing as well as a generally accessible counselling centre for women affected by domestic and partner violence. This means that Vienna currently even exceeds the recommendation of 1 women's refuge place per 10,000 inhabitants.

182. 24-hour counselling service for women aged 14 and over affected by violence through the 24-hour Women's Emergency Hotline, a department of the Vienna Women's Service, i.e. a counselling centre within the Vienna City Administration. The 24-hour women's helpline provides telephone, personal and e-mail counselling, support and legal assistance for women and girls aged 14 and over who have experienced violence. All counselling services, networking, further training, lectures and awareness-raising and information campaigns are financed by the City of Vienna. The staff of this violence protection centre are employees of the City of Vienna. This means that the centre has been guaranteed to exist for over 25 years.

183. In addition, Vienna Women’s Service has funded other Viennese women's counselling and violence protection associations, in some cases since Frauenservice Wien was founded in 1992, in the form of three-year contracts, which gives these organisations a higher degree of security and planning certainty and requires fewer resources for annual applications. This should ensure that as many resources as possible are available for work with affected women and girls and that a stable and continuous counselling service is created for Viennese women.

184. The planned projects for 2025 in Vienna are in Annex I.

Training
Information relating to paragraphs 48 and 49 (a)

185. With regard to the MoI, it can be stated that the curriculum for basic police training as well as for middle management provides for an interdisciplinary examination of the rights of detained persons. In the subjects of human rights and security police behaviour, those legal, tactical and action-guiding skills are acquired that ensure that detainees and persons detained are treated in accordance with human rights. Human rights and fundamental freedoms comprise three teaching units in the basic training course. The NPM is trained in two teaching units. Criminal law and criminal procedural law are trained in six teaching units, findings and expert opinions on bodily injuries in four teaching units, criminalistics and appearance theory in two teaching units, and documentation of torture and human trafficking in two further teaching units.

186. With regard to the area of the MoJ, reference may be made to para. 14, 15 and the training of judges and public prosecutors.

187. The BAK-G foresees a special training for EBM employees to prepare staff for its sensitive field of investigation. The topics covered in this training include modules on human rights and applied psychology. The training addresses international investigation standards, among them the Istanbul Protocol. A further specific focus of the training is the prohibition of torture. Crosscutting issues of relevance such as "cop culture" are also addressed throughout the training

188. For medical training, it can be stated that healthcare professions in Austria are generally subject to a further training obligation. The recommended content can therefore be taught as part of further training programmes. This ensures that healthcare personnel are sufficiently qualified within the meaning of the UN Convention in question. See also para. 32, 33.

189. Doctors working for the MoI (police doctors, police medical officers) are trained for their work as part of a basic training programme accredited by the Austrian Medical Association (police medical curriculum).

190. One specific example is the outpatient clinic for victims of sexual abuse at Dornbirn City Hospital, where victims of sexual abuse can be examined by qualified specialist staff around the clock all year round. The medical staff are specially trained in forensic examinations (correct documentation, preservation of evidence, photo documentation, communication with victims, etc.). See also the comments on violence outpatient clinics para. 46, 47.