

# **Committee of the Parties**



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

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## **Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Austria**

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The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence, (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Austria on 14 November 2013;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Austria adopted by GREVIO at its 11th meeting (26 – 29 June 2017), as well as the comments of the Government received on 1 September 2017;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency co-operation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and non-governmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken and progress achieved by the Austrian authorities in implementing the Convention and noting in particular:

- the long history of policy-making in the area of violence against women;
- the strong leadership Austria has shown in the past 20 years and its pioneering role in introducing a system of emergency barring and protection orders for victims of domestic violence which has led to a well-established and widely successful system of protection;
- the level of investment and knowledge displayed by many law enforcement officers of domestic violence as a gendered phenomenon resulting from successive training initiatives and a strong belief in their preventive role;
- comprehensive legislative changes, in particular in the area of criminal law, which have led to a comprehensive list of criminal offences as required by the Convention and extensive legal and psycho-social court assistance available to victims of violent crime and sexual offences;
- the level of recognition which the Austrian Government affords to women-to-women services – at federal and regional levels – which is demonstrated by high degrees of

- government funding for support services for women victims of gender-based violence run by NGOs and their recognition as valuable partners in the provision of services;
- efforts at improving the collection of data on the number and outcome of cases of violence against women across different sectors; and
- the highly developed and efficient system of welcoming and processing the claims of asylum-seekers in Austria with significant attention to the needs and concerns of women asylum-seekers.

A. Recommends in light of the considerations indicated in the preamble above, that the Government of Austria take the following measures identified in GREVIO's report<sup>1</sup> for immediate action to :

1. ensure that the provisions of the Convention are fully implemented with regard to all women, including women with disabilities, asylum-seeking women and women with insecure residence status (paragraph 5);
2. ensure that a set of comprehensive policies in the fields of prevention, protection and prosecution exist in relation to all forms of violence against women, in particular in relation to female genital mutilation and forced marriage (paragraph 10);
3. develop a long-term plan/strategy giving due importance to all forms of violence covered by the Convention and based on consistent and on-going funding to allow for sustainable and comprehensive actions (paragraph 18);
4. expand significantly the budget allocated to the Federal Ministry of Health and Women's Affairs for its work in the area of preventing and combating violence against women (paragraph 22);
5. provide the legal basis necessary to ensure adequate and consistent funding to the various specialist support service providers (paragraph 26);
6. assign the role of co-ordinating body to one or more fully institutionalised government entities, to equip these with clear mandates, powers and competences that are widely communicated, allocate the necessary human and financial resources to these entities and set up separate bodies for, on the one hand, the co-ordination and implementation of policies and measures, and for their monitoring and evaluation, on the other hand in order to ensure objectivity in the evaluation of policies (paragraph 37);
7. take measures to monitor the prevalence of the forms of violence against women not previously assessed, in particular forced marriage and female genital mutilation (paragraph 40);
8. develop data categories for use by the law enforcement agencies and the criminal justice sector on the type of relationship of the perpetrator to the victim that would allow the nature of their relationship to be more specifically documented and to ensure that these and any other data categories in use are harmonised across the various sectors (paragraphs 45 and 49);
9. ensure that in view of the disparity in terms of levels of service provision for the different forms of violence covered by the Convention, all specialist support services meet the demands of victims, irrespective of the form of violence they experienced or the particular realities and compounding difficulties they face. In particular, the Committee of the Parties recommends the Government of Austria to:

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<sup>1</sup> The number of the paragraph setting out GREVIO's proposals and suggestions in the report is indicated in brackets.

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- a. aim at a comprehensive strategy for service provision by conducting a needs assessment on the number, types and geographical location of services required by victims of all the different forms of violence;
  - b. ensure that sexual violence (including rape) counselling services are available in each of the nine provinces;
  - c. set up more specialist support services for victims of forced marriage and female genital mutilation;
  - d. set up adequate support services, including shelter accommodation, for women victims of domestic violence with mental health issues, intellectual or physical disabilities that require medical care or support;
  - e. ensure that domestic violence victims with a history of substance abuse receive access to adequate support services, including accommodation;
  - f. remove funding requirements and other bureaucratic obstacles that prevent access to services and shelters for asylum-seeking women and undocumented women and to ensure the same for recognised refugees and those with subsidiary protection; and
  - g. ensure financial and human resources are available to enable the above (paragraph 107).
10. ensure more is done to demonstrate a sensitive approach towards victims who report rapes and other forms of sexual violence, for example by setting up rape crisis or sexual violence referral centres in all nine provinces staffed by specially trained professionals (paragraph 157);
  11. introduce exceptions to the use of diversionary measures in domestic violence and stalking cases set out in the Criminal Procedural Code of Austria in order to offer effective criminal justice for all acts of violence against women (paragraph 163);
- B. Requests the Government of Austria to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 30 January 2021.
  - C. Recommends that the Government of Austria take measures to implement the further conclusions of GREVIO's baseline evaluation report.