The Austrian Code of Criminal Procedure (StPO) provides for no gender differentiation of victims or offenders.

In this connection particular mention should be made to the requirement in Austrian criminal proceedings to comply with ECHR which has constitutional status, guarantees the right to a fair trial and prohibits discrimination (Article 14).

Moreover, Article 7 (1) of the Austrian Constitution (B-VG) provides that all nationals are equal before the law. Privileges based upon birth, sex, estate, class or religion are excluded.

Concerning the issue of compensating victims raised in the resolution of the Commission on Crime Prevention and Criminal Justice, reference must be made to the option of joining criminal proceedings as a private party pursuant to Section 67 StPO, according to which victims “are entitled to claim compensation for any damage caused by a criminal act or reimbursement for the infringement upon their rights protected by the Penal Code.”


In this connection, mention should also be made of the institution of trial assistance: Pursuant to Section 66 (2) StPO, victims in Austria in the meaning of Section 65 (1) (a) or (b) StPO are entitled to receive psychosocial and legal trial assistance, insofar as such assistance is necessary to safeguard the victims’ rights during the trial whereas paying maximum regard to their personal concernment.

Victims in the meaning of Section 65 (1) (a) StPO are any persons who could have been subjected to violence of dangerous threat by an intentional criminal act, or whose sexual integrity could have been violated.

Victims in the meaning of 65 (1) (b) StPO are the spouse, the registered life partner, relatives in direct line, the brother or sister of the person whose death could have been caused by a criminal act, or other relatives who witnessed the act. A qualification as victim pursuant to Section 65 (1) (b) StPO presupposes in addition, that the relevant person was him/herself a witness of the criminal act. In addition to the status of family member, this victim term relates to the severity of personal concernment when directly confronted with the criminal act.

As a general reference with respect to the issue violence against women, mention should be made to Austria’s official ratification on 14 November 2013 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO). The Convention is expected to enter into force during next year.

At present, an inter-ministerial working group headed by the Federal Chancellery/Department Women, also including participation by the Federal Ministry of Justice is preparing a National
Action Plan (NAP) concerning violence against women, which will also include provisions to implement and take into account the standards set forth in CAHVIO.

**Statistical data** of gender-related killings of women and girls are not available to the Federal Ministry of Justice; motivations of offenders are not recorded in the Electronic Justice Register (EJR).

Nevertheless, age, sex and nationality of a victim can be recorded in EJR since 28 September 2011. Since 1 December 2011 such data are transmitted with police reports and directly entered into EJR.

In criminal proceedings conducted in 2012, 278,160 persons were recorded as victims of a criminal act. 135,431 thereof were male and 86,875 female, with this information remaining unknown or being not recorded for 55,854 victims. Thus, of all victims whose sex was recorded, 60.9% are male and 39.1% female. A comparison of victims and offenders of criminal acts shows that the number of male defendants in criminal proceedings in 2012 was higher than that of male victims of a criminal act.

Comparing victims and offenders¹ (all crimes):

<table>
<thead>
<tr>
<th></th>
<th>Victims</th>
<th>%</th>
<th>Offenders</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>278,160</td>
<td></td>
<td>301,100</td>
<td></td>
</tr>
<tr>
<td>Sex recorded</td>
<td>222,306</td>
<td></td>
<td>286,384</td>
<td></td>
</tr>
<tr>
<td>Female thereof</td>
<td>86,875</td>
<td>39.1%</td>
<td>62,065</td>
<td>21.7%</td>
</tr>
<tr>
<td>Male thereof</td>
<td>135,431</td>
<td>60.9%</td>
<td>224,319</td>
<td>78.3%</td>
</tr>
</tbody>
</table>

¹ The offenders on this chart represent the number of defendants in proceedings conducted in 2012 according to EJR (codes BAZ (forwarded to district prosecutors), UT (unknown perpetrators), St (known perpetrators).