

EU FUNDAMENTAL RIGHTS DATABASE

National Standard

COUNTRY	DETENTION ISSUES	KEY PROVISION	LEGAL INSTRUMENT	NPM RECOMMENDATION	NPM RECOMMENDATION YEAR	NPM REPORT URL
Austria	Protection against violence	<p>Supervisory authorities have to protect prisoners from unlawful interferences with their rights and have to treat them in a way, that their dignity is safeguarded and protection of the person (Schonung der Person). They have to protect prisoners from injuries and health damages, if they are not able to do it themselves due to certain circumstances. A prisoner has to be held in solitary confinement if it is to be assumed, that he/she will inflict violence on other inmates. Solitary confinement is allowed if it is to be assumed that the prisoner might endanger his/her health or life through violence. Special security measures for persons who pose a risk of violence for other persons or items.</p> <p>It shall be monitored, that prisoners act like it is foreseen by this law. Provisions have to be taken, that no criminal acts are committed by prisoners or regarding prisoners. Measures for real time monitoring (Echtzeitüberwachung) have to be installed to prevent criminal acts by and regarding prisoners. This also applies regarding severe and serious endangerment of life or health of inmates. Officers may only use immediate force in certain circumstances, such as self-defence, to hinder flight of a detainee, etc. Violence has always to be kept at the necessary degree and only after prior announcement (unless the reasons for using violence would be endangered).</p>	Code of Conduct for Detention (Anhalteordnung), Penal Code (Strafvollzugsgesetz)	<p>The NPM advocates that the cells of juvenile detainees remain open longer on the weekends in the Innsbruck and Graz-Jakomini correctional institutions. To avoid violent assaults between juvenile detainees, there must be a structured and balanced daily routine with the shortest possible lock-up times. Personnel shortages may not adversely affect juveniles.</p> <p>The NPM asks for longer opening of cells in JA Innsbruck and Graz-Jakomini for juveniles on the weekend. To prevent violent incidents between juvenile prisoners there is a need for structured and well balanced daily routines with as short as possible times locked in cells. Personnel shortages shall not lead to disadvantages of the juveniles.</p>	2015, 2017	<p>https://volksanwaltschaft.gv.at/en/reports#anchor-index-2950</p> <p>, https://volksanwaltschaft.gv.at/en/reports#anchor-index-2950</p>

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<https://fra.europa.eu/en/databases/criminal-detention/home>

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