

FRANET

**Victim Support Services in the EU:
An overview and assessment of
victims' rights in practice**

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DISCLAIMER: This document was commissioned under contract as background material for a comparative analysis by the European Union Agency for Fundamental Rights (FRA) for the project 'Victim Support Services in the EU: An overview and assessment of victims' rights in practice'. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

1. Part A:

The information presented in this phase is primarily based on analysis of the country specific reports received in phases 1 and 2 of the project; the general overview of the situation of victim support in Member States (phase 1) and the more in depth exploration of the situation, including promising practices which offer support to victims of crime in different ways (phase 2). Information has also been taken from secondary sources such as the 2009 APAV study on Victims in Europe.¹ While phase 2 of the project was divided into two parts, focussing firstly on generic victim support services and secondly on specialised areas of victim support, this third phase of the project, comprised of Parts A and B, will focus principally on the structure or lack thereof of generic victim support services; although a limited number of questions relate to specialised areas of victim support. For this part, please provide detailed, concise answers. For guidance purposes, sample answers are often provided, which primarily draw on information provided in country-specific reports from phases 1 & 2 of the project. When returning your report to the FRA, please ensure that all sample answers have been deleted, as these are for guidance purposes only and should not form part of your response. In addition, in cases where your country is one of the examples provided, please review and revise the information as necessary, as the information provided may be outdated.

¹ Aa, S. van der et al. (2009), *Project victims in Europe – Implementation of the EU Framework Decision on the standing of victims in the criminal proceedings in the Member States of the European Union*, Lisbon (see http://www.apav.pt/vine/images/report_vine_eng.pdf).

2.1 Scenarios

In the following situations, please describe the referral system (from police to victim support organisation) in the current victim support structure in your country; including whether police routinely refer the victim to a support service; where is the victim referred and who deals with the case in the end (as a guideline, keep to 2 or 3 sentences (maximum) per question within each scenario. Please choose either 'Yes' or 'No' for questions a. and c of each scenario, in addition to questions 6-13 and provide comments in the 'Description' field. For questions b and d, please provide your comments directly in the 'Description' field).

	Scenario	Questions	Yes	No	Description (max 1-3 sentences)
1	A female who has been beaten by her partner and calls the police	a. Do the police routinely refer the victim to a support service?	X		Depending on the type of crime the police provide different information sheets for victims, on psychosocial and legal guidance, on the victim hotline (<i>Opfernotruf</i>), on victim protection services, and/or on further support for victims of crime. ² In case of an eviction/barring order (<i>Betretungsverbot/Wegweisung</i>) the police is legally obliged to inform the victim support services according to § 38a (4) Security Police Act (<i>Sicherheitspolizeigesetz, SPG</i>) ³ . ⁴ In other cases, the complaint may be transferred to victim support organisations after a declaration of consent by the victim. The latter case, however, happens only rarely (in Vienna). ⁵
		b. If yes, please name the service(s)	-	-	Centres for the protection from violence (<i>Gewaltschutzzentren</i>)/ Domestic Abuse Intervention Centre Vienna (<i>Wiener Interventionsstelle gegen Gewalt in der Familie</i>), Women's Shelters (<i>Frauenhäuser</i>). ⁶

² Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request. These information sheets are available at the authors of this report.

³ Austria, Bundesgesetz über die Organisation der Sicherheitsverwaltung und die Ausübung der Sicherheitspolizei (*Sicherheitspolizeigesetz - SPG*), BGBl. Nr. 566/1991.

⁴ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁵ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁶ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

		c. Do the police routinely contact this service on behalf of the victim?	X		Immediately after an official act according to § 38a Security Police Act (<i>Sicherheitspolizeigesetz, SPG</i>), the Centre for the Protection from Violence (<i>Gewaltschutzzentrum</i>) is contacted by the police. The victim is informed about this procedure. ⁷
		d. Which support service would in the end deal with such a case?	-	-	Centres for the protection from violence (<i>Gewaltschutzzentren</i>)/ Domestic Abuse Intervention Centre Vienna (<i>Wiener Interventionsstelle gegen Gewalt in der Familie</i>), Women's Shelters (<i>Frauenhäuser</i>). ⁸
2	A teacher reports the sexual abuse of a child to the police	a. Do the police routinely refer the victim to a support service?	X		Information sheet on victim protection services is handed out. This information sheet comprises extensive information on victim support services in the provinces, as well as the telephone number of the victim helpline. ⁹
		b. If yes, please name the service(s)	-	-	Youth Welfare Service (<i>Jugendwohlfahrt</i>), centres for the protection of children (<i>Kinderschutzzentren</i>). ¹⁰
		c. Do the police contact this service on behalf of the victim?	X		The police) contacts them. The Youth Welfare Service might also contact the centre for the protection of children. ¹¹
		d. Which support service would in the end deal with such a case?	-	-	Centres for the protection of children (<i>Kinderschutzzentren</i>). ¹²

⁷ Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

⁸ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁹ Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request. Information sheets regarding victim support organisations available at: <http://www.justiz.gv.at/internet/html/default/2c94848535a081cf0135a4a0496e002d.de.html>.

¹⁰ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹¹ Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

¹² Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

3	A person calls the police following a burglary in their apartment	a. Do the police routinely refer the victim to a support service?	X		There is obligatory assistance to victims after offences against property (<i>Vermögensdelikte</i>). Obligatory instruction of victims according to § 10 and § 66 et seq Criminal Procedures Act (<i>Strafprozessordnung, StPO</i> ¹³) and the “general first aid obligation” (<i>Erste Allgemeine Hilfeleistungspflicht</i>) according to § 19 Security Police Act (<i>Sicherheitspolizeigesetz, SPG</i>). The information sheet on victim protection services is handed out. ¹⁴ According to the White Ring, a routinely referral happens only rarely. In rural areas this happens seldom. ¹⁵
		b. If yes, please name the service(s)	-	-	White Ring. ¹⁶
		c. Do the police contact this service on behalf of the victim?	X		Yes, by using a declaration of consent. ¹⁷ The first officer on the scene remains with the victim, and according to wishes by the victim contacts a person of trust, and if needed a doctor or the psychosocial emergency unit. Further information and further aid is provided via the information sheets. ¹⁸
		d. Which support service would in the end deal with such a case?	-	-	White Ring. ¹⁹

¹³ Austria, Strafprozessordnung 1975 (StPO), BGBl. 631/1975, 30 December 1975.

¹⁴ Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

¹⁵ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹⁶ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹⁷ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹⁸ Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

¹⁹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

4	A person is the victim of a racist attack by a gang of youths	a. Do the police routinely refer the victim to a support service?	X	Generally, the information sheet on the victims helpline is handed out, which comprises information on what the victims helpline offers and how it can be contacted. ²⁰ According to the White Ring such referral happens only rarely. Usually the victim herself/himself establishes the contact. ²¹	
		b. If yes, please name the service(s)	-	-	White Ring; association ZARA "Civil Courage and Work Against Racism" (<i>Zivilcourage und Anti-Rassismus-Arbeit, ZARA</i>). ²²
		c. Do the police contact this service on behalf of the victim?		X	The White Ring reports that the police do not contact the victim support service on behalf of the victim. ²³ The first officer on the scene remains with the victim, and according to wishes by the victim contacts a person of trust, and if needed a doctor or the psychosocial emergency unit. Further information and further aid is provided via the information sheet. ²⁴
		d. Which support service would in the end deal with such a case?	-	-	The White Ring, possibly together with the association ZARA "Civil Courage and Work Against Racism" (<i>Zivilcourage und Anti-Rassismus-Arbeit, ZARA</i>). ²⁵

²⁰ Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

²¹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

²² Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

²³ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

²⁴ Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

²⁵ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

5	An elderly person is mugged on the way home from collecting their monthly pension and is in urgent need of financial assistance	a. Do the police routinely refer the victim to a support service?	X		This referral is not made consistently. In urban areas referrals are more common than in rural areas. ²⁶ The police hands out the information sheet on victims of crime (<i>Verbrechensopfer</i>), which comprises information on the Victims of Crime Act and the relevant contact information of the Centres for the Protection from Violence. ²⁷
		b. If yes, please name the service(s)	-	-	White Ring. ²⁸
		c. Do the police contact this service on behalf of the victim?		X	The White Ring reports that the police do not contact the victim support service on behalf of the victim. ²⁹ The first officer on the scene remains with the victim, and according to wishes by the victim contacts a person of trust, and if needed a doctor or the psychosocial emergency unit. Further information and further aid is provided via the information sheet. ³⁰
		d. Which support service would in the end deal with such a case?	-	-	White Ring. ³¹
6a	In relation to how police deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.		X		There is an internal document on guidelines how to deal with persons with disabilities, which acts as an internal working tool of the police. ³²

²⁶ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

²⁷ Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

²⁸ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

²⁹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

³⁰ Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

³¹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

³² Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

6b	In relation to how victim support services deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.		X	<p>There are no specialised victim support organisations for persons with disabilities. There are only a few cases known, but the estimated number of unreported cases is high. There is also a lack of specialised personnel. Individualised measures are offered in particular cases.³³</p> <p>But there are several organisations, depending on the disability in question, which are not specialised on victim support as such but offer advice, e.g. Federal Social Office – offices in the provinces, Austrian Association of Hearing Impaired Persons.³⁴</p>
7a	In relation to how police deal with victims, are there special measures in place for victims who are migrants with illegal residency status ³⁵ ? If yes, describe them. If no, please provide a justification/explanation.		X	Depending on the way of how the person became a victim there are information sheets in different languages or advice in the mother tongue, e.g. violence in the family, or victims of trafficking. ³⁶
7b	In relation to how victim support services deal with victims, are there special measures in place for victims who are migrants with illegal residency status ³⁷ ? If yes, describe them. If no, please provide a justification/explanation.		X	There is no specific service provided. Such measures are not covered by government funding. ³⁸
7c	Are migrants with illegal residency status excluded from accessing support from victim support organisations in practice?		X	According to its Statute, the White Ring is competent for all victims of crime. Migrants with illegal residency status are supported by the White Ring within its competence just like other persons that are victims of crime. This hold true for all other victim support organisations. ³⁹

³³ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

³⁴ Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

³⁵ Please note that that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is 'migrants in an irregular situation.' For the purposes of these guidelines however, reference will be made to 'migrants with illegal residency status.'

³⁶ Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

³⁷ Please note that that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is 'migrants in an irregular situation.' For the purposes of these guidelines however, reference will be made to 'migrants with illegal residency status.'

³⁸ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

³⁹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

8	Is access to victim support services dependent on a victim making a formal complaint to competent authorities (e.g. the police)?		X	No, a formal complaint at the police is not necessary. A formal complaint is not prerequisite for support by the White Ring. In many cases the victims remain anonymous. ⁴⁰
9	In practice, do victim support services afford preferential treatment to victims who have agreed to cooperate with a police investigation into the crime they have experienced (e.g. by dealing with them more rapidly than victims who are not cooperating with a police investigation)?		X	At the White Ring, all victims receive support, no matter whether they file a complaint or not. However, some types of support depend on the participation of the victim in the criminal proceeding (this holds especially true for legal support services). A complaint to the police is a formal requirement for the provision of financial aid. This holds true for other victim support services as well. ⁴¹
10a	In reference to part 'c' of questions 1-5, in the event that police contact victim support services on the victim's behalf, is there an automatic transfer of the victim's data? ⁴²		X	<p>§ 56 (1) Security Police Act (<i>Sicherheitspolizeigesetz, SPG</i>) allows the transfer of data to the relevant victim support services, as far as this is necessary for the protection of the endangered persons in cases of § 38a SPG and if the victim agrees.⁴³</p> <p>The White Ring reports that only the most important data is transferred after the formal consent. Usually, the complaint is transferred.⁴⁴</p>

⁴⁰ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request. Confirmed by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

⁴¹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁴² For example, personal data (name, address etc.) as well as any relevant details relating to the incident being transferred rather than having to be supplied again by the victim.

⁴³ Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

⁴⁴ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

10b	If the answer to 10a above is yes, is the police obliged to obtain the victim's permission/consent for the data transfer?	X	<p>According to § 56 (1) 1 Security Police Act (<i>Sicherheitspolizeigesetz, SPG</i>) the security offices are only allowed to transmit data if the victim – regarding sensible data explicitly – agrees, whereby a repeal is always possible and leads to the inadmissibility of further use of data.</p> <p>See above for an exception to this rule, namely § 38a Security Police Act regarding evictions (<i>Betretungsverbote</i>).⁴⁵</p> <p>According to a decree by the Federal Ministry of Interior (<i>Bundesministerium für Inneres, BMI</i>) the police transfers the eviction/barring order (<i>Betretungsverbot/Wegweisung</i>) to the Centres for the protection from violence (<i>Gewaltschutzzentren</i>) even without a formal consent by the victim.⁴⁶</p>
10c	Is there a legal basis for the communication/transfer of the victim's data? What is it?	X	<p>§ 56 (1) Security Police Act (<i>Sicherheitspolizeigesetz, SPG</i>): The security offices are only allowed to transmit data if</p> <ol style="list-style-type: none"> 1. the victim – regarding sensible data explicitly – agrees, whereby a repeal is always possible and leads to the inadmissibility of further use of data; 2. national offices, as if it is explicitly foreseen by law or it is a relevant prerequisite for the addressee for its official tasks; 3. to a victims protection service (§ 25 (3) SPG), if it is necessary to protect endangered persons, whereby personal data only regarding the endangering person and endangered person as well as the documentation are to be transmitted - § 38 a (5).

⁴⁵ Information confirmed by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

⁴⁶ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

2.2 Institutional aspects: role of state in victim support structure

In the following section, please complete/verify the information requested in the following tables, placing your country in the appropriate category, or, where information is provided, checking the accuracy of the information and revising as necessary (i.e. by moving your country name from the incorrect column to the correct column along with a justification).

2.2.1 Models of generic victim support

Generic victim support organisations are for the present purposes defined as “**not limited to helping a particular type of victim of crime**”. With the above definition in mind, please:

a) Review the list and short description of structure of generic victim support organisations operational in your country provided for in Annex 2 and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned. **Countries listed in Annex 2 shaded in green (and in category ‘A’ below) have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations. These countries should provide a short list (in Annex 2) of the main organisation(s) providing victim support in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list). As a default, please select the area ‘Domestic violence and stalking’.**

b) Place your country in one of the following categories (A, B, C, D or E) and provide an explanation about why your country should be placed in that group. For each group, one example has been provided for guidance purposes. If your country is one of the examples provided, please review and revise the information as necessary, placing your country in a different group if the information provided is incorrect. **Please delete all examples from your response and insert your country name in only ONE column.** (Note: only country codes are listed. For full country names, please refer to Annex 1).

A: No generic victim support provider exists	B: At least one generic victim support service provider exists at national level. The main provider or structure is state run and state funded	C: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run but relies strongly on state funding	D: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run and does not rely strongly on state funding	E (OTHER) – if you cannot place your country in any of the other categories, please describe
		AT		
Explanation/justification:	Explanation/justification:	Explanation/justification:	Explanation/justification:	Explanation/justification:
		The White Ring, as the only generic victim support provider, is a non-governmental organisation but strongly relies on state funding. The		

	<p>major part of its budget is provided by the Austrian Ministry of Justice (<i>Bundesministerium für Justiz, BMJ</i>). These funds are provided for the funding of the Victim's Emergency Helpline, the psychosocial and legal guidance and the funding of the White Ring's Competence Centre for Victim Support (<i>Kompetenzzentrum Opferhilfe</i>), which serves as a communication and information platform for all authorities, organisations and persons active in the area of victim support. Further contributions stem from the Austrian Ministry of Interior (this funding is provided for trainings), as well as, from various federal provinces of Austria (these contributions are provided for administration costs and the financial support of victims). Private donations and membership fees, as well as legacies form also parts of the budget.⁴⁷</p>	
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⁴⁷ Information provided by the White Ring (*Weißer Ring*) on 25 February 2012 in response to an information request.

2.2.2 Public coordination of victim support services

Please answer the following questions by completing the tables. Two examples have been provided (for questions 1 & 2) for guidance purposes. **Please delete all examples from your response and insert your country name in only ONE column.** If your country is one of the examples provided, please review and revise the information as necessary. Please provide references to the full name of the Ministry or body in question in both English and the national language (Note: only country codes are listed. For full country names, please refer to Annex 1).

1. Please specify (by placing an 'X' in the relevant columns) which ministry or ministries have a role in victim support provision. In addition, please provide a short explanation in the comments field.						
	Ministry of Justice	Ministry of Health	Ministry of Labour/ Social Affairs	Ministry of Interior/	Any other	COMMENTS
AT	X		X	X	Federal Ministry for Economy, Family and Youth; Federal Chancellery/Federal Minister for Women and Civil Service	
2. Please provide a short description of which body (e.g. ministry, office for victims of crime, commission or any other body) has the overall or principal coordinating role in organising victim support services at national and federal level. If no one ministry or body has such a role, please provide an explanation/ justification.						
AT	Formally, no Ministry has the lead for advancing victim protection but every Ministry tackles different aspects within its competences. There is no umbrella organisation which is responsible at a political level for the coordination of the service providers. Formerly an inter-ministerial working group made up of all relevant ministries and victim support organisations existed, which worked jointly on common standards for victim support. This working group ceased to exist. ⁴⁸					
3. What is the legal basis for the type of victim support model that exists in your country (e.g. is it stipulated somewhere in a legal instrument that victim support services be state-run; state-funded etc.?)						
	According to § 25 (3) Security Police Act (<i>Sicherheitspolizeigesetz, SPG</i>), the Federal Minister of the Interior is entitled to contract victim support organisations to contact them regarding advice and immaterial support (§ 107 a Criminal Code (<i>Strafgesetzbuch, StGB</i> ⁴⁹). If a victim support service mainly gives support to women then the contract is to be done together with the Ministry for Health and Women (<i>Bundesministerium für Gesundheit und Frauen</i>), if it mainly deals with children then together with the Federal Ministry for social security, generations and consumer protection (– this should now be read in the light of Article VII Law on Federal Ministries (<i>Bundesministeriengesetz</i>), i.e. referring to the Federal Chancellery and the Federal Ministry on Economy, Family and Youth, meaning, that the					

⁴⁸ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁴⁹ Austria, Bundesgesetz vom 23. Jänner 1974 über die mit gerichtlicher Strafe bedrohten Handlungen (*Strafgesetzbuch - StGB*), BGBl. 60/1974, 29 January 1974.

competences are now with those ministries).

In practice psychosocial and legal guidance (*Prozessbegleitung*) is provided through grant agreements between the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) and victim support organisations. The legal basis for this is § 66 (2) last sentence Criminal Procedures Act (*Strafprozessordnung, StPO*).⁵⁰

⁵⁰ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

2.2.3 Funding:

Please answer the following questions by completing the tables. Please note that countries that do not have generic victim support service providers (i.e. that fall within category 'A' under question 2.2.2) should not answer questions c & e. For questions g-k, if your country does not have a generic victim support structure in place, please respond to the question with respect to a specialised area of victim support. **Please select one of the two specialised areas of victim support you focused on in your phase 2 country report to the FRA (see annex 3 for a list). As a default, please select the area 'Domestic violence and stalking'. If you choose to take another area, provide a short justification for why you have chosen that area.**

Important for all: Whether you answer questions g-k with respect to an organisation providing generic victim support or an organisation providing specialised victim support, please choose the biggest organisation (in terms of the organisation that receives most funding, helps most victims nationwide etc.).

For the year 2012, please specify the exact amount of funding:	Amount (in EURO)		
a Budgeted by the state for compensation	3,632 Mio Euro. ⁵¹		
b Paid out by the state for compensation	3,086 Mio. Euro. ⁵²		
c Budgeted by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims)	Regarding c and d: for legal and psychosocial guidance of the three groups of victims (children and youth as victims of sexual and physic violence, women as victims of male violence and trafficking and victims of situative violence) there was a budget of 4.900.000€ in 2012. Furthermore 330.000 € were budgeted for the <i>Opfernotruf 0800 112 112</i> and the European hotline. ⁵³		
d Budgeted by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.			
e Paid out by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims).	Regarding e and f: for legal and psychosocial guidance of the three groups of victims (children and youth as victims of sexual and physic violence, women as victims of male violence and trafficking and victims of situative violence) 4.886.629,13 were spent, furthermore 330.000 for the <i>Opfernotruf</i> and the European hotline. ⁵⁴		
f Paid out by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.			
Reimbursement by the state of expenses incurred	Yes	No	Comments
g Are there any victim support organisations that request money from victims who benefit from services? If yes, please name one such organisation and specify (under comments) whether there is a standard fee or whether this is decided on a case by case basis.		X	N/A
h With respect to your chosen organisation, is the organisation reimbursed by the state for expenses incurred through the provision of support to victims? If yes, please specify the criteria for reimbursement	X		Only if the White Ring grants a pre-financing for psychotherapy a

⁵¹ Information provided by the Federal Ministry of Labour, Social Affairs and Consumer Protection (*Bundesministerium für Arbeit, Soziales und Konsumentenschutz, BMASK*) on 1 July 2013 in a response to an information request.

⁵² Information provided by the Federal Ministry of Labour, Social Affairs and Consumer Protection (*Bundesministerium für Arbeit, Soziales und Konsumentenschutz, BMASK*) on 1 July 2013 in a response to an information request.

⁵³ Information provided by the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013.

⁵⁴ Information provided by the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013.

(e.g. per victim?).			<p>declaration of assignment is signed by the victim stating that in case he/she receives compensation according to the Crime Victim Act (<i>Verbrechensopfergesetz</i>⁵⁵), this claim is transferred to the White Ring.⁵⁶</p>
<p>i If the answer to h is 'yes', please specify whether the organisation is reimbursed regardless of the victim's nationality (yes or no) and provide a short explanation in the comments field. More specifically, is a difference made between reimbursement for support provided to a) country nationals; b) EU country nationals and c) third country nationals?</p>	X		<p>See above. No difference is made for reimbursements for support provided to a) country nationals; b) EU country nationals and c) third country nationals.⁵⁷</p>
<p>j Further to question i, is the organisation reimbursed for providing support to victims with illegal residency status? Please provide a short explanation under 'comments'.</p>	X		<p>Until 1 April 2013, third country nationals with irregular status have had no right to apply for compensation according to the Crime Victim Act (<i>Verbrechensopfergesetz</i>). Consequently, the possibility for reimbursements as outlined above in question h did not exist for victims with illegal residency status. The White Ring thus reported that there was no access to state compensation.⁵⁸</p> <p>However, with the entry into force of the amendment to § 1 para. 7 Crime Victim Act (<i>Verbrechensopfergesetz</i>) victims with</p>

⁵⁵ Austria, Bundesgesetz vom 9. Juli 1972 über die Gewährung von Hilfeleistungen an Opfer von Verbrechen (Verbrechensopfergesetz - VOG), BGBl. 288/1972, 28 July 1972.

⁵⁶ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁵⁷ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁵⁸ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

			illegal residency status may now claim compensation in case they are victims of human trafficking according to § 1 para. 7 Crime Victim Act (<i>Verbrechensopfergesetz</i>). Therefore, the reimbursements outlined in question h are also possible for victims with illegal residency status.
k Are there any factors that would discourage the victim support organisation in practice from supporting third country nationals? Please specify under comments.		X	No difference is made regarding the victim's residency status. ⁵⁹

2.2.4 Capacity:

For the year 2012, please specify the number of victims of crime that:	No of persons:
a Applied for compensation from state sources.	863 new applications and 555 applications for continuation of compensation. ⁶⁰
b Received compensation from state sources.	995 persons. ⁶¹
c Approached generic victim support services (i.e. services not restricted to a particular category or categories of victims)	No data available. ⁶²
d Approached specialised victim support services (i.e. services not restricted to a particular category or categories of victims)	No data available. ⁶³ The Federal Social Office (<i>Bundessozialamt</i>) reported that 903 persons made use of a psychotherapy. ⁶⁴

⁵⁹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁶⁰ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁶¹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁶² Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁶³ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁶⁴ Information provided by the Federal Social Office (*Bundessozialamt*) on 25 June 2013 in response to an information request.

2.2.5 Official/academic studies on victims

Have any official or academic studies been published in your country in the last 5 years on the following (note: please provide a full reference for the study (following the FRA style guidelines) and provide a link if available online):

	Yes	No	Reference	Short description of the study's objectives and findings (2-3 sentences)
Studies on under reporting of crime?		X		
Other national studies related to victims of crime (specify)	X		<p>Austria, Österreichisches Institut für Familienforschung an der Universität Wien (2011), Gewalt in der Familie und im nahen sozialen Umfeld. Österreichische Prävalenzstudie zur Gewalt an Frauen und Männern, available at: www.gewaltinfo.at/uploads/pdf/bmwfi_gewaltpraevalenz-2011.pdf.</p> <p>Haller, B. (2012), "High-Risk Victims", Tötungsdelikte in Beziehungen Verurteilungen 2008-2010, available at: www.frauen.bka.gv.at/DocView.axd?CobId=46530.</p> <p>Austria, Frauen:Rechte jetzt! NGO-Forum CEDAW in Österreich (2012), UN-Konvention zur Beseitigung jeder Form von Diskriminierung der Frau (CEDAW), NGO-Schattenbericht in Ergänzung des 7. und 8. Staatenberichts der österreichischen Regierung an den CEDAW-Ausschuss, available at: www.frauenrechte-jetzt.at/images/cedaw_schattenbericht_2012_final_lang.pdf.</p> <p>Starzer B./Hirtenlehner H.</p>	<p>The results are based on a study interviewing 1.292 women and 1.042 men between the ages of 16 and 60. Data was collected regarding experiencing of psychological or physical violence, sexual harassment and sexual violence.</p> <p>The study analyses 39 court acts regarding attempted or finalised acts of killing (former) partners between 2008 and 2010. The study showed that 300.000 women are at risk to become a victim of such an attempted or finalised act of killing by a (former) partner.</p> <p>The CEDAW shadow report shows, that statistical data on violence against women is not or not sufficiently available.</p> <p>"The results of interviewing victims in</p>

		<p>(2011), Gestalt! Eine empirische Analyse der Erfahrungen und Bedürfnisse von Stalking-Opfern in Oberösterreich Schriftenreihe der Weisser Ring, Band 7 "Viktimologie und Opferrechte", Weisser Ring Forschungsgesellschaft Studienverlag, Innsbruck/Wien/Bozen.</p> <p>Planitzer J. et al. (2011) COMP.ACT AUSTRIA, Possibilities to Obtain Compensation for Trafficked Persons in Austria, available at: www.lefoe.at/tl_files/lefoe/Study_Compensation_Austria%204.pdf.</p>	<p>Upper Austria are presented. The focal point of interest is the expectations of victims of stalking regarding criminal law and their assessment of the present legal instruments."</p> <p>"Compensation has only been granted effectively in those cases where victims of human trafficking were able to receive psychosocial victim assistance services. An actual payment of compensation was only obtained if the perpetrators' assets had been seized during criminal proceedings. [...] The analysis of the legal situation according to the Victims of Crime Act in Austria revealed that third country nationals only have an access to filing this legal claim if they legally resided in Austria at the time of the offense."</p>
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2.3 Victim Helplines

Please complete the information in the following table, providing details on whether the country has a national victim support helpline, who funds it, operates it etc. Where the answer is 'no', please provide a short justification or explanation of the situation in the comments field. For example, for question 3, if the helpline does not operate 24 hours a day, 7 days a week, place an X in the 'No' column and specify the operating hours under 'Comments'. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-15), please answer the question directly in the 'Comments' field. Please provide information for 2012. Where this is not possible, please provide a justification and give data for the latest year possible.

	EXAMPLE: AUSTRIA	Yes	No	Comments
1	Is there a helpline? If yes, please provide the name of the helpline and the contact details for the helpline (including the name of the body who runs it, contact phone number etc.) under 'Comments'.	X		The Victim's Emergency Helpline 0800 112 112 (<i>Opfer-Notruf 0800 112 112</i>) is run by the victim support organisation White Ring (<i>Weisser Ring</i>) and has operated since July 2007 on behalf of the Austrian Federal Ministry of Justice (<i>Bundesministerium für Justiz, BMJ</i>). ⁶⁵
2	Does it operate 24/7? (If no, specify the days and times of operation under 'Comments').	X		

⁶⁵ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

3	Does it operate nationwide? (If no, name the city or federal state in which it operates).	X		
4	Is the helpline free of charge?	X		
5	Does the helpline target all victims of crime? If no, please specify (under comments) which categories of victims can approach the helpline.	X		
6	Is the helpline state run (if no, describe the non-state actor(s) who runs it under 'Comments')		X	The helpline is operated by White Ring but on behalf of the Federal Ministry of Justice (<i>Bundesministerium für Justiz, BMJ</i>). ⁶⁶
7	Is the helpline funded by the state?	X		Federal Ministry of Justice (<i>Bundesministerium für Justiz, BMJ</i>). ⁶⁷
8	Is the international EU victim support telephone number 116-006 available? ⁶⁸ If no, provide a justification and/or specify whether plans to implement this are underway.		X	Since autumn 2011 the EU victim support telephone number is connected to the Victim's Emergency Helpline 0800 112 112 (Opfer-Notruf 0800 112 112), which is run by the White Ring. ⁶⁹
Comments				
9	Please give a brief description (1-2 sentences) of the services provided by the helpline.	The Helpline offers emotional support for persons who have been affected directly or indirectly by crime; crisis intervention by telephone, arrangement of immediate emergency measures if necessary; clearing, that is competent information relating to professional advice- and care-services; if applicable, arranging of contacts to other supporting organisations on behalf of the victim; providing information and advice on victims' rights (rights in criminal proceedings, rights with regard to the following of the proceedings, compensation claims, etc.); and delivering information and advice on psychosocial services. ⁷⁰		
10	What was the operational budget (in EUR) for the helpline in 2012? Please specify under 'Comments'	330.000 Euro. ⁷¹		
11	How many people were employed to run the helpline in 2012?	The helpline is run by staff of the White Ring experts working on a fee-basis: there were 3 experts working until March 2012 and there are 4 experts working since April 2012. Employed staff of the White Ring also provides counselling on the helpline, further 10 persons provide counselling on a fee-basis. Management and administration is done by staff of the White Ring. The actual costs incurred for the helpline are invoiced. ⁷²		

⁶⁶ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁶⁷ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁶⁸ In 2010 the EU introduced an EU harmonised phone number (116 006) designated for use by victims of crime who need assistance in EU countries.

⁶⁹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁷⁰ Confirmed by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁷¹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁷² Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

12	What form(s) does the helpline take? E.g. just phone-line; email, web forum, walk-ins	Phone-line, email.
13	Of the possible ways to access the helpline, what is the most frequently used by persons contacting the helpline?	Phone-line. ⁷³
14	Who operates the helpline? (e.g. Professional staff such as psychologists or lawyers; volunteers etc.)	Information and advice is provided by a team of psychologists and lawyers. ⁷⁴ There are no volunteers included; the staff works on a fee-basis. ⁷⁵
15	Please specify the number of times the helpline was contacted in applic. If this information is not available, please provide a reason under 'comments'.	In 2012 the Victim's Emergency Helpline documented 12,150 calls. In this number calls are included that could not be answered, because the Helpline was already busy. The number also includes the calls to the EU victim support telephone number 116-006. ⁷⁶

⁷³ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁷⁴ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁷⁵ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁷⁶ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

2.4 Obligation of police to provide information

		Yes	No	Comments (max 2-3 sentences)
1	Are police legally obliged to provide all victims with information concerning victim support services? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		The legal basic principles result – among others – out of § 25 (3) SPG. This norm entitles the Federal Ministry of the Interior to contract victim protection services to advise and assist (potential) victims of violence, in the sense of prevention (<i>Interventionsstellen</i>). Based on that § 38 a (4) SPG states that the organs of the public security services are obliged to inform persons endangered by violence about these institutions. Furthermore there are obligatory norms on informing victims in § 10 and 66 et seqq StPO and the First General Obligation to Aid (<i>Erste Allgemeine Hilfeleistungspflicht</i>).
2	Are police legally obliged to provide all victims with information concerning compensation? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		§ 14 Victims of Crime Act (<i>Verbrechensopfergesetz</i>).
3	Are police legally obliged to provide all victims with information concerning their rights and role in criminal proceedings? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		§ 66 (1) Z 3 StPO connected to § 70 (1) StPO.
4	Are victims who do not understand or speak the language provided with free of charge interpretation in the language of their choice (e.g. during any interviews or questioning of the victim by the police)	X		§ 66 (1) Z5 StPO connected to § 56 StPO.
5	Are victims notified about their right to receive information about:			
	(a) any decision not to proceed with or to end an investigation or not to prosecute the offender;	X		Yes, according to § 66 (1) Z4 StPO.
	(b) the time and place of the trial, and the nature of the charges.	X		Yes, according to § 66 (1) Z4 StPO.
	(c) any final judgment in a trial	X		If the victims use their right according to § 66 (1) StPO then yes. ⁷⁷

⁷⁷ Information confirmed by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 and the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013 in response to an information request.

2.5. Training of practitioners on dealing with victims of crime

Please complete the information in the following table, selecting either 'yes' or 'no' and providing a short explanation in the comments field. Where 'Yes' or 'No' answers are not applicable, 'NA' has been inserted. In these instances, please answer the question directly in the 'comments' field.

With respect with how to deal with victims of crime, Is systematic training of the following categories of professionals who come into contact with victims of crime carried out (if yes, please indicate under 'comments' the nature of the training and whether it is on dealing with all victims or just certain categories of victims (e.g. victims of domestic violence):				
		Yes	No	Comments (max 2-3 sentences)
1	Police	X		<p>Systematic training is carried out in the basic and further training of all police officers. Furthermore, there are specially trained officers regarding victims of domestic crime and sexual abuse of children.⁷⁸</p> <p>Further training (<i>Fortbildung</i>) is provided by the White Ring, Centres for the protection from violence (<i>Gewaltschutzzentren</i>)/ Domestic Abuse Intervention Centre Vienna (<i>Wiener Interventionsstelle gegen Gewalt in der Familie</i>) in the course of the training at the Federal Security Academy (<i>Sicherheitsakademie</i>).⁷⁹</p>

⁷⁸ Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

⁷⁹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

2	Prosecutors	X	<p>Already in the education of future judges and prosecutors there are events concerning dealing with victims of crime, organised together with victim support organisations. Participation is compulsory. Topics are the Act for the Protection from Violence (<i>Gewaltschutzgesetz</i>⁸⁰), injunctions (<i>einstweilige Verfügungen</i>), protection of victims and the Victims of Crime Act (<i>Verbrechensopfergesetz</i>), dealing with traumatised persons as well as legal and psychosocial guidance of victims. Furthermore the Judges and Prosecutors Public Services Act (<i>Richter- und Staatsanwaltdienstgesetz, RStDG</i>⁸¹) foresees a compulsory service of two weeks in a victim protection service or care institution. The general obligations mentioned in § 57 <i>RStDG</i> (impartiality, etc) of judges and prosecutors specifically foresee an obligation to further training (<i>Fortbildung</i>). There are several further training events, which also foresee dealing with victims in civil and criminal proceedings.</p> <p>Furthermore Austrian judges and prosecutors have the possibility to attend several international trainings within the European Judicial Training Networks (EJTN) and within the Academy of European Law (ERA).⁸²</p> <p>Further training (<i>Fortbildung</i>) is done in the course of the education of future judges and prosecutors. The topics covered are dealing with victims of minor age in civil and criminal proceedings.⁸³</p>
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⁸⁰ Austria, Bundesgesetz, mit dem die Exekutionsordnung, die Zivilprozessordnung, das Außerstreitgesetz, das Gerichtliche Einbringungsgesetz 1962, das Strafgesetzbuch, die Strafprozessordnung 1975, das Strafvollzugsgesetz, das Tilgungsgesetz 1972, das Staatsanwaltschaftsgesetz, das Verbrechensopfergesetz, das Strafregistergesetz, das Sicherheitspolizeigesetz und das Allgemeine Bürgerliche Gesetzbuch geändert werden (Zweites Gewaltschutzgesetz - 2. GeSchG), 8 April 2009, BGBl. I 40/2009.

⁸¹ Austria, Bundesgesetz über das Dienstverhältnis der Richterinnen und Richter, Staatsanwältinnen und Staatsanwälte und Richteramtsanwärterinnen und Richteramtsanwärter (Richter- und Staatsanwaltschaftsdienstgesetz - RStDG), 1 January 2008, BGBl. 305/1961.

⁸² Information provided by the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013 in response to an information request.

⁸³ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

3	Judges		X	See point 2 above. Judges and prosecutors have the same education in Austria. Furthermore, the further education trainings (<i>Fortbildung</i>) are generally open for judges and prosecutors. ⁸⁴ Further training (<i>Fortbildung</i>) is done in the course of the education of future judges and prosecutors. Topics covered are dealing with victims of minor age in civil and criminal proceedings. ⁸⁵
4	Court staff		X	Not provided according to the White Ring. ⁸⁶ In the basic training court staff is trained regarding social competence, keeping up dignity, behaviour regarding parties at the courts (<i>Parteienverkehr</i>), behaviour in conflict situations, etc. Behaviour regarding parties at the courts and conflict management are an important part – also time wise – in the training. Also in further training the correct and adequate behaviour regarding parties at court is an important part and there are several trainings regarding this topic and communication. ⁸⁷
5	Are Victim Support Organisations involved in this training? If yes, how are they involved? (e.g. they provide input through lectures; they fund the training; they organise and run the training themselves etc.)		X	Victim Support Organisations are included partly. They provide input through lectures, e.g. at the Federal Security Academy (<i>Sicherheitsakademie</i>). ⁸⁸ Regarding training of judges and prosecutors victim support organisations are regularly involved in trainings – at their own seminars and also in seminars of judges and prosecutors. ⁸⁹ Regularly by presentations, information events, joint workshops, e.g. White Ring, Centre for the protection from violence, etc. ⁹⁰

⁸⁴ Information provided by the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013 in response to an information request.

⁸⁵ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁸⁶ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁸⁷ Information provided by the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013 in response to an information request.

⁸⁸ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

⁸⁹ Information provided by the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013 in response to an information request.

⁹⁰ Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

6	Is systematic training of victim support staff carried out on how to deal with victims of crime? If yes, please indicate the nature of the training,	X		<p>For the judiciary: see the answers to the questions above.⁹¹</p> <p>Specifically for the target groups by psychological, psychosocial and psychotherapeutical trainings, regular network meetings with intervention centres regarding violence in the family.⁹²</p> <p>The White Ring holds trainings for the police twice a year. These trainings include victim rights, needs of victims, and dealing with victims of crime of any kind.⁹³</p>
7	Please briefly list any other category of officials coming into contact with victims that receive systematic training on how to deal with victims of crime (e.g. lawyers, restorative justice services etc.)	NA	NA	

⁹¹ Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

⁹² Information provided by the Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*) on 22 March 2013 in response to an information request.

⁹³ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

2.6 Rights of victims in criminal proceedings

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. In cases where your country has already been placed in a particular category as an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary.

2.6.1 Definition of victim

Please provide a definition of the term victim in your country:

	Description	Explanation (max word count 200)
1	What is the main or generic legal definition of the term 'victim' (as provided for in national legislation)?	<p>Relevant legal definitions are provided for in § 65 Criminal Code (<i>Strafgesetzbuch, StGB</i>):</p> <p>§ 65 Criminal Code 1. "Victim" a. every person, who is subject to violence or endangering threats (<i>gefährliche Drohung</i>) because of an intended crime or could be affected in his/her sexual integrity b. the spouse, registered partner, cohabitee, relatives in direct line, brother or sister of a person, whose death could have resulted from a crime or other dependents (<i>Angehörige</i>) who were witnesses of the crime; c. every person who was subject to damage because of a criminal act or was otherwise affected in his/her legal goods protected by criminal law,</p> <p>§ 65 Criminal Code includes further legal definitions relevant for the rights of victims:</p> <p>§ 65 Criminal Code 2. "private party" (<i>Privatbeteiligter</i>) is every victim, who declares that he/she wants to take part in the proceedings, to receive compensation for the damage or suffered affections</p> <p>3. "private claimant" (<i>Privatankläger</i>) is every person, who brings a claim (<i>Anklage</i>) or application to start the trial (<i>Antrag auf Einleitung des Hauptverfahrens</i>) regarding a criminal act, which is not to be followed ex officio (<i>von Amts wegen</i>)(§ 71),</p> <p>4. "Subsidiary claimant" (<i>Subsidiarankläger</i>) is every private party, who keeps a claim up, that has been withdrawn by the prosecutor.</p>
2	Is there a separate definition of 'vulnerable victims' (as separate from the main or generic definition of 'victim')?	No.
3	Are parents, children, other family members, same sex partner & first responders included under the main definition of the term victim? If not, are they included as 'indirect' victims or similar?	As quoted above under point 1 spouses, registered partners, partners, relatives in direct line, brother or sister are listed as victims in the main definition, if the person was killed by a criminal act.

2.6.2. Decision not to prosecute

With regard to victims' rights to review a decision not to prosecute, please answer the following:

	Yes	No	Comments (Max word count 80 words)
If the prosecutor decides to discontinue a case, does the victim have the right to file for a review of the decision not to prosecute?	X		Yes, according to § 66 (1) Z 8 Criminal Code (<i>Strafgesetzbuch, StGB</i>) connected with the claim to continue the case according to § 195 Criminal Procedures Act (<i>Strafprozessordnung, StPO</i>).
Who undertakes this review?	-	-	According to § 196 StPO the courts decide in non-public hearing. No appeal is possible against this decision.
Does the victim have the right to institute private prosecution in cases where the prosecutor drops charges? If yes, under what circumstances?	X		A subsidiary claim (<i>Subsidiaranklage</i>) is possible. According to § 67 (6) 2 StPO private claimants have the right to upkeep the prosecution according to § 72 StPO, if the prosecutor decides to discontinue the case. ⁹⁴
Does the prosecutor's office have a dedicated hotline or mechanism whereby victims can inquire about the progress of a case?		X	There is no dedicated hotline, but the victim has the possibility to be represented according to § 66 (1) Z1 StPO and has the right to inspect the files according to § 66 (1) Z 2 StPO. ⁹⁵

2.6.3. Right to be heard

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Some examples have been provided.

	Yes	No	Comments (Max word count 80 words)
Do victims have a right to be heard during criminal proceedings?	X		Yes, according to § 66 (1) Z7 StPO.
Do victims have a right to supply evidence during criminal proceedings?	X		According to § 67 (6) Z1 StPO private parties (<i>Privatbeteiligte</i>) have the right to request evidence (<i>Beweise beantragen</i>). So only if a victim decides to join the criminal proceedings as a private party, then this right exists.
Is there a right for vulnerable victims to be questioned & testify in court in a protected manner – e.g. are screens in place when victims testify/video link available or other measures to separate victim from accused? Please specify whether this applies to all victims or just certain categories of victims (please specify):	X		According to § 165 StPO this is possible for all witnesses, if their minor age or mental/emotional condition require it.

⁹⁴ Information provided by the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013 in response to an information request.

⁹⁵ Information provided by the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013 in response to an information request.

2.6.4 Rights of victims at trial

The International Criminal Court (ICC) has created a special unit for victims and witness to provide support before, during and after the trial. Services are delivered by professionals who are often salaried employees of the court, and includes persons with expertise in trauma, including trauma from sexual violence. When providing testimony victims may also have support from family members, psychologists or legal representatives. These specialists are also able to advise prosecutors on appropriate security arrangements for victims and the court must take measures to protect the safety, physical and psychological well-being, dignity and privacy of victims. The statute allows for identities not to be made public, testimony to be provided by electronic means and the hearing to be confidential. The statute also calls for the court to establish principles relating to “reparations to victims, including restitution, compensation and rehabilitation” and to establish a trust fund which “works for victims by mobilizing people, funding opportunities for the benefit of victims and implementing court-ordered reparations awards.”

With the example of the ICC special victims’ unit in mind, please answer the following questions, choosing ‘yes’ or ‘no’ and providing a short description. If the answer is no, please provide a justification. Where ‘Yes’ or ‘No’ answers are not applicable (i.e. questions 2-4), ‘NA’ has been inserted. In these cases, please answer the question directly in the ‘Description/justification’ field.

		Yes	No	Description/justification (max 1-3 sentences)
1	Looking at your own criminal court system, is there a special unit or service for victims of crime providing support?		X	In the area of criminal courts there is no specific unit to support victims. But there is the possibility of ordinary legal and psychosocial guidance. ⁹⁶
2	Is there a separate waiting area for victims at court?	X		According to the Handbook on “Waiting in Court” victims should be given a separate waiting area. ⁹⁷
3	Is special seating reserved for victims at trial?		X	The court decides within the leading of procedure (<i>Verhandlungsleitung, Sitzungspolizei</i>). There are no rules foreseen in the security guidelines or concerning the architecture. ⁹⁸
4	What other services are available?	NA	NA	See question 1. ⁹⁹
5	Who provides the services (e.g. professional or specialised staff; volunteers etc)?	NA	NA	See question 1. ¹⁰⁰
6	In reference to question 5, do the service providers provide advice to prosecutors with respect to the safety, physical and psychological well-being, dignity and privacy of victims?		X	The criminal courts (<i>Landesgerichte</i>) conduct regular round table meetings regarding legal guidance (<i>Prozessbegleitung</i>). This

⁹⁶ Information provided by the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013 in response to an information request.

⁹⁷ Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) (2008), Planung und Gestaltung von Wartebereichen in Gerichtsgebäuden, available at: www.justiz.gv.at/internet/file/2c9484852308c2a601240ac6e25b07f4.de.0/handbuch_wartebereiche.pdf, p. 28.

⁹⁸ Information provided by the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013 in response to an information request.

⁹⁹ Information provided by the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013 in response to an information request.

¹⁰⁰ Information provided by the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013 in response to an information request.

				communication platform is for networking of the staff working within the area of psychosocial and legal guidance and for discussion and solutions of recent problems. ¹⁰¹
7	Do they provide advice to judges with respect to the the safety, physical and psychological well-being, dignity and privacy of victims?		X	See the answer to question 6. ¹⁰²
8	Are the rights and protections that should be afforded to victims mentioned in the founding law (e.g. a statute) establishing the court?		X	The rights of victims and the protection of victims are laid down in the Criminal Procedures Act (see also answers to questions 9 and 10).
9	Do victims have the right to be accompanied by support persons during the trial?		X	According to § 66 (2) StPO victims of crime have the right to psychosocial and legal guidance, insofar this is necessary for guaranteeing their procedural rights. Psychosocial guidance includes the preparation of the victims regarding the trial and the linked emotional burden as well as accompanying them to interrogations in the investigation and main procedure. Legal guidance comprises the legal advice and representation by an attorney. The Federal Minister of Justice is allowed to contract well established institutions with these tasks. ¹⁰³
10	Can victims access & copy trial records		X	According to § 66 (1) Z2 StPO – victims – regardless of their status as private party to the proceedings – have the right to the inspection of files (<i>Akteneinsicht</i>), including the right to copy trial records.

¹⁰¹ Information provided by the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013 in response to an information request.

¹⁰² Information provided by the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013 in response to an information request.

¹⁰³ Information provided by the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) on 12 April 2013 in response to an information request.

2.6.5 Legal aid for victims:

Experts consider provision of legal advice the area where there is most room for improvement in the area of victim support activities, with significant advances needed to ensure free and easily accessible legal advice for all victims. With this in mind, please answer questions 1 -5 in the table below selecting only **one option** (a, b, c or d) for each question and providing a description under 'comments'. **Please specify what criteria, if any, entitle a victim to avail of certain categories of legal aid. There may be several criteria (as in the example below – please be as detailed as possible. If none of the descriptions match the situation in your country, please choose 'd' and provide a short explanation of the situation.**

Categories of legal aid		A: Available to all victims of crime as a fundamental right of victims	B: Available to certain categories of victims; e.g. only victims of serious crime, only victims who are nationals of that country etc. (please specify which victims are entitled to such advice):	C: Subject to other criteria; e.g. an economic 'means test' (please specify):	D: Other (please specify)
1. Free legal advice	Place X in appropriate column	X			
	Comments:	Victim support organisations provide free legal advice to all victims of crime in case the organisations have legal expertise. ¹⁰⁴			
2. Free legal representation	Place X in appropriate column		X		
	Comments:		Only for victims in the sense of §65 Z1 a und b Criminal Code: 1. "Victim"		

¹⁰⁴ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

			<p>a. every person, who is subject to violence or endangering threats (<i>gefährliche Drohung</i>) because of an intended crime or could be affected in his/her sexual integrity</p> <p>b. the spouse, registered partner, cohabitee, relatives in direct line, brother or sister of a person, whose death could have resulted from a crime or other dependents (<i>Angehörige</i>) who were witnesses of the crime;</p> <p>c. every person who was subject to damage because of a criminal act or was otherwise affected in his/her legal goods protected by criminal law.</p>		
3. Exemption from court fees	Place X in appropriate column				X
	Comments:				<p>Contrary to the civil procedures there is no obligation of legal representation for victims in criminal proceedings, and there are generally no costs, as there are no court fees to be paid and there is no obligation to pay the costs if the accused is acquitted.</p>

					<p>If the private party wishes to have legal representation, then it is to be paid by the private party itself (or through a legal insurance).</p> <p>If the legal representation of a private party is in the interest of the administration of justice (<i>Rechtspflege</i>) then legal aid can be given, if there is no legal guidance already in place.¹⁰⁵</p>
4. Exemption from or reimbursement for expenses related to interpretation and/or translation	Place X in appropriate column	X			
	Comments:	According to § 66 (1) Z 5 Criminal Procedure Act (<i>Strafprozessordn</i>			

¹⁰⁵ Information provided at the Government Information Website "Help.gv.at", available at www.help.gv.at/Portal.Node/hlpd/public/content/291/Seite.2910410.html.

		<p><i>ung, StPO)</i> victims - regardless of their status as private party to the proceedings – have the right to translation support, for which § 56 StPO is applicable.</p>			
<p>5. Reimbursement for loss of earnings, travel and accommodation costs with regard to role in criminal or civil proceedings</p>	<p>Place X in appropriate column</p>	<p>X</p>			
	<p>Comments:</p>	<p>The Fee Claiming Act 1975 (<i>Gebührenanspru- chsgesetz 1975¹⁰⁶</i>) states in § 3, that costs for traveling and staying at the place of giving witness statements are reimbursed as well as compensation for time lost, if it results in a financial loss.</p>			

¹⁰⁶ Austria, Bundesgesetz vom 19.2.1975 über die Gebühren der Zeugen und Zeuginnen, Sachverständigen, Dolmetscher und Dolmetscherinnen, Geschworenen, Schöffen und Schöffinnen (Gebührenanspruchsgesetz – GebAG), 1 January 2008, BGBl. Nr. 136/1975.

	The state	A victim support service	Both	Other (explain)
<p>2. Who provides legal aid? place 'X' in one column only</p>		X		<p>Various victim support services are contracted by the Federal Ministry of Justice (<i>Bundesministerium für Justiz, BMJ</i>) according to § 66 (2) Criminal Procedure Act (<i>Strafprozessordnung, StPO</i>) to provide legal guidance.</p> <p>For all over Austria these institutions are:</p> <p>White Ring (<i>Weißer Ring, gemeinnützige Gesellschaft zur Unterstützung von Verbrechenopfern und zur Verhütung von Straftaten</i> ,www.weisser-ring.at).</p> <p>Association NEUSTART (Verein NEUSTART – Bewährungshilfe, Konfliktregelung, Soziale Arbeit www.neustart.at),</p> <p>Association LEFÖ (LEFÖ – Interventionsstelle für Betroffene von Frauenhandel (www.lefoe.at)).</p>

2.7 Compensation

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer: e.g. for question 2.7 (2), please select 'Yes' or 'No' and under comments, specify what measures victims can ask for during criminal proceedings. In cases where your country has already been placed in a particular category as an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary; i.e. by moving your country from the 'Yes' column to the 'No' column and vice versa.

	Victims' rights with regard to compensation	Yes	No	Comments and sources (max 2-3 sentences)
1	Do victims have the right to ask for compensation during criminal proceedings?	X		They have the right to receive compensation by joining the procedure as a private party according to § 67 Criminal Procedures Act (<i>Strafprozessordnung, StPO</i>).
2	Aside from compensation, do victims have the right to ask for other measures during criminal proceedings (e.g. return of property, reimbursement of expenses, measures for physical protection)?	X		For example the private party has a right to payment of the costs of his/her attorney. ¹⁰⁷
3	Is compensation paid by the offender?	X		Yes, in case the victim decided to act as a private party and asks for compensation during the criminal proceedings.
4	Is there such thing as a 'victims of crime fund' that convicted persons must contribute to?		X	
5	Does compensation paid by the offender under a 'victims of crime fund' go towards victim support services?		X	
6	Is compensation paid by the state?	X		According to the Victims of Crime Act (<i>Verbrechensopfergesetz</i>).
7	Will the State advance payment of the compensation if the offender does not pay? Under which conditions?		X	The compensation paid to the victim during criminal proceedings (if the victim decided to join the proceedings as a private party) is never advanced by the state, as it is a claim of purely civil law nature.
8	Does a compensation order exist?		X	
9	Do prosecutors have the power to mediate between the offender and the victim?	X		Regarding some (minor) criminal acts an out-of-court offence resolution (<i>außergerichtlicher Tausgleich</i>) can be suggested within a diversion. This is done by the private association New Start (<i>Neustart</i>), the public prosecutor

¹⁰⁷ Information provided by Federal Ministry of Justice on 10 May 2013 in response to an information request.

				receives documentation about doing it or of the causes hindering it. Regulated in §§ 198 et seqq StPO.
10	Do prosecutors have the duty to attempt to obtain compensation from the offender?	X		According to experts, the duty for prosecutors to obtain compensation between offender and victim (may also take the form of mediation between victim and offender to obtain compensation) is available in AT, BE, NL & FR, CZ, FI, DE, HU, LT, LU, PL, RO, SL, SE. In Austria this is possible through the out-of-court offence resolution (see 9. above).
11	Is compensation, when paid by the offender to the victim, taken into account in decisions to prosecute?	X		Diversion can take place, if the offender is willing to pay compensation to the victim. Then no formal prosecution takes place, and the offender remains without (further) criminal record (<i>unbescholten</i>).
12	Is compensation, when paid by the offender to the victim, taken as a mitigating factor in sentencing?	X		Compensation for damages is a mitigating circumstance, which is taken into account when deciding on the fine, according to § 34 para.1 Z 15 Criminal Code (<i>Strafgesetzbuch, StGB</i>).
13	Is there a limit from the time of the crime within which claims for compensation would have to be made? If yes, what is the time limit?	X		A declaration to join the proceedings has to be made until the end of the proceedings of taking evidence (<i>Beweisverfahren</i>), but can already be made during the investigative process (at the public prosecutor or police), whereby the law does not foresee specific formal criteria (§ 67 StPO).
14	Do third country nationals have the right to apply for compensation?	X		According to § 1 para. 7 Crime Victim Act (<i>Verbrechensopfergesetz</i>), third country nationals residing legally in Austria (or onboard of an Austrian ship or airplane) have the right to apply for compensation in case the offence occurred after 30 June 2005
15	Do third country nationals with irregular status (i.e. residing in the country illegally) have the right to apply for compensation?	X		According to § 1 para. 7 Crime Victim Act (<i>Verbrechensopfergesetz</i>) third country nationals with irregular status only have the right to apply for compensation in case they are victims of human trafficking (this norm entered into force on 1 April 2013).

16	Are there exceptions prescribed in law for different types of crimes? If yes, what are they?	X		The only prerequisite is, that damage (<i>Schaden</i>) has occurred. ¹⁰⁸
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¹⁰⁸ Information provided by the Federal Ministry of Justice on 10 May 2013 following an information request.

2.8 Cross border support

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-12), please place your answer directly in the 'Description' field.

	Victims' rights with regard to cross border support	Yes	No	Description (max 2-3 sentences per question)
1	Is there a formal system of cross-border referral of victims (to a victim support organisation in the state in which the victim lives) when the victim who has approached the VSO or competent authority is resident in another state?	X		Information provided in previous report: "As founding member of the European association 'Victim Support Europe' the White Ring cooperates with victim support and other White Ring-organisations throughout Europe. The overall coordination of victim support is provided by the organisation established in the victim's country of residence."
2	Can victims of crime report crimes in their own country if the crime was committed in another state?	X		Yes, according to § 25 (6) Criminal Procedures Act (<i>Strafprozessordnung, StPO</i>) regulating the mutual judicial assistance procedure (<i>Rechtshilfeverfahren</i>). ¹⁰⁹
3	Are victim support services made available to all victims, regardless of legal status, country of origin or nationality?	X		Yes, there is no difference made. ¹¹⁰
4	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.	n.a.	n.a.	There is no formal procedure established. In individual cases contacts are established with known victim support organisations in other countries. This happens on the own initiative of the victim support organisations. ¹¹¹
5	Is information made available to victims in different languages by the police? If yes, which languages?		X	N/A
6	Is information made available to victims in different languages by victim support services? If yes, which languages?	X		Domestic Abuse Intervention Centre Vienna (<i>Wiener Interventionsstelle gegen Gewalt in der Familie</i>): Albanian, Arabic, Bosnian, Bulgarian, Chinese, Croatian, English, French, German, Hungarian, Italian, Macedonian, Persian, Polish, Rumanian, Russian, Romany, Serbian, Slovenian, Slovak, Spanish, Turkish. ¹¹² Weißer Ring: German. ¹¹³ Verein NEUSTART: German, English. ¹¹⁴ LEFÖ: Albanian, Amharic, Arabic, Bambara, Bosnian, Bulgarian, Chagga,

¹⁰⁹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹¹⁰ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹¹¹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹¹² Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹¹³ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹¹⁴ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

				Chinese, Croatian, Czech, Edo, English, Eshan, Farsi, Foula, French, Hungarian, Italian, Jula, Kambe, Kikamba, Kunma, Liso, Luganda, Lunyakole, Lutoro, Makagne, Mandinka, Ndiago, Nyanja, Pare, Pegeon, Polish, Portuguese, Rumanian, Russian, Serbian, Serer, Slovak, Soninke, Spanish, Swahili, Taita, Toucouleur, Turkish, Wolof, Yoruba. ¹¹⁵
7	Do victim support services offer interpretation or translation services? If yes, in which languages?	X		See answers given at 6 above. ¹¹⁶
8	Does the main generic victim support organisation in your country maintain contact with victim support organisations in other countries? If yes, how? (E.g. through formal cooperation agreement; international consultative forums or conventions etc.)	X		The White Rings hold contacts via Victim Support Europe. ¹¹⁷
		Description (max 2-3 sentences per question)		
9	What is the mechanism for victims to apply for compensation once they are back in their own country?			Victims have the right to submit an application in the Member State of residence according to the EU Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims. The national authority may serve as assisting authority. The actual modus operandi is very diverse for different countries. The procedures are hampered by numerous factors (e.g. payment for the translation of documents). ¹¹⁸
10	What is the number of victims accessing victim support services who are non-nationals of the state?			The documentation does not include data on citizenship. Thus, there is no data available. ¹¹⁹
11	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.			There is no mechanism established. In most cases the information is given by the police. ¹²⁰
12	Are there any measures put in place for the protection of a victim's right to privacy when dealing with cross border victims?			No. ¹²¹

¹¹⁵LEFÖ, available at: www.lefoe.at/tl_files/lefoe/Lefoe_IBF_Behoerdenfolder.pdf

¹¹⁶ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹¹⁷ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹¹⁸ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹¹⁹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹²⁰ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹²¹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

2.9. The role of volunteerism in victim support

From the research carried out in phases 1 & 2, one of the most striking features of the more robust generic victim support systems in Europe is the crucial role played by volunteers.

- a. With this in mind, please provide an overview (max 500 words) of the tradition of volunteerism in the area of the victim of support in your country; i.e. outlining whether such a culture exists, what is the historical background for why it does or does not exist; how is the situation changing and focusing on any discernible trends; explaining also the typical profile of volunteers who work in the field - e.g. well educated? Professional background - working in a particular field (e.g. legal, social work); typical tasks? (E.g. provision of legal/psychological advice? Or restricted to informing victims of rights etc.). How many hours a week do volunteers typically give of their time? Are numbers of volunteers increasing or decreasing?

The White Ring has traditionally been a purely voluntary victim support organisation. Today, this organisation has more than 300 volunteers in Austria and mandatory trainings as well as supervised assistance are offered for them. The utilisation of volunteers varies regionally in Austria. Often the volunteers are people from the police, or people active in the legal, psychological or social sector, who are working for the White Ring as counsellors and also do additional volunteer work occasionally. Many volunteers are retired people who want to get involved. The main fields of activity of volunteers are: victim counselling, accompanying victims in court proceedings, public relations (information desks, information events) and cooperation with the White Ring Research Association (e.g. creating a bibliography on victimology). The regional offices of the White Ring (provincial directors, field executives) are organised as volunteers. The number of volunteers remains stable in Austria. Some of the volunteers are very active, while some are less active. It is not possible to specify the time given by volunteers.¹²²

- b. If there is no tradition of volunteerism in the area of the victim of support in your country, please outline (in max 500 words) any recent initiatives or attempts in the area of victim support to encourage a greater culture of volunteerism.

N/A

2.10. The tradition of social work

In max 400 words, please provide an overview of whether there is a tradition of social work in your country, and if so, in what way (if any) is it linked to the victim support services structure in your country. In your answer, please include the level of education of a typical social worker (e.g. is university or third level education necessary?).

Since the late 19th century there have been education possibilities in the area of social work. These changed a lot over the years. In 1962/63 the schools for advanced social occupation (*Lehranstalten für gehobene Sozialberufe*) were established. Now social workers are trained at universities of applied science (*Fachhochschulen*) (formerly an education of three years; now the education lasts four years and ends with the degree Mag.FH.). Many victim support organisations employ a variety of social workers.¹²³ There is hardly any literature on the development of social work in Austria, there is mainly one book from 1992: Steinhauser, E. (1992), *Geschichte der Sozialarbeiterausbildung*, Vienna: Österreichisches Komitee für Soziale Arbeit.

¹²² Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹²³ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

2.11. Promising practices in the area of victim support

From the following list of promising practices (detailed explanations found under Annex 1), please identify whether there is a similar practice in your country (yes or no) and provide a brief explanation/description. If you have identified other promising practices not similar to the ones presented here, please provide details under '16' – 'Other promising practices'.

	Promising practice	Does a similar practice exist in your country?		Short description of the practice in your country, outlining similarities; differences etc. If there is no such practice, please provide a justification for this (e.g. this is not an issue; it is dealt with in other ways; it is a gap that still needs to be addressed)
		Yes	No	
1	Initiative to provide cross-border victims of crime with basic information: In May 2009, the Inter-Regional Crime Prevention working group of the <i>Grande Région</i> (LU, FR, DE, BE) published a basic information guide for victims, detailing what to do in the event one is a victim of a crime or an accident.		X	This is not an issue.
2	Assistance to tourist victims of crime: e.g. In Ireland, the Irish Tourist Assistance Service (ITAS) is specialist service offering immediate support and assistance to tourists who are victimised while visiting Ireland. The Service is free and confidential. ITAS is run by staff and volunteers who speak a variety of languages.		X	This is not an issue.
3	Schemes for compensatory fines to help fund support services: In addition to other funding sources, several EU Member States generate money for generic victim support services through a 'Victims of Crime fund' or the like, whereby persons convicted of an offence pay a fine to help the funding of services for victims of crime (for example, in BE, LT, NL, PL & SE).		X	This is not an issue; compensation is provided by the State through the Victims of Crime Act..
5	In some countries, victims can be accompanied in court by victim support services, ensuring a fuller realisation of victims' rights and helping to prevent secondary victimisation.	X		Yes, in the course of psychosocial counselling for victims according to § 65 Z 1 lit a and b Criminal Procedures Act (<i>Strafprozessordnung, StPO</i>).
6	In some countries, victims are provided with free psychosocial and legal assistance throughout the entire criminal proceedings.	X		Yes, in the course of psychosocial counselling for victims according to § 65 Z 1 lit a and b Criminal Procedures Act (<i>Strafprozessordnung, StPO</i>).
7	Some countries have legal clinics that provide free legal assistance to victims of crime.		X	This is not an issue; free legal assistance is provided in the course of counselling for victims.

8	Some countries are exploring new and innovative ways of disseminating information to victims of crime in the form of web-based material, using social media and e-support etc. e.g. In SE, the Crime Victim Compensation and Support Authority initiated web-based information site called the Trial School which uses narrators' voices, texts, photographs, films and 3D animations to explain what happens at a court trial. Victim Support Finland (RIKU) operates a mobile phone service providing advice to crime victims through automatic text messages, while in NL; the Victim Support fund has a website and a smart phone app to guide victims to support organisations.	X		The White Ring is currently developing a website for victims in the course of the project "Infovictims". The website will be finished by the end of 2013. ¹²⁴ The State run web portal "www.help.gv.at" provides detailed information on support for victims of crime. Available at: www.help.gv.at/Portal.Node/hlpd/public/content/291/Seite.2910000.html.
9	Some countries have created a 'Victim's Charter' which, not a legally binding document in itself, rather aims to describe the criminal justice system to a victim of crime, setting out victims' rights and providing clear information in relation to various aspects of criminal proceedings, state agencies, victim support organisations etc. (e.g. what happens when a crime is reported; what to expect during the investigation process, which agencies are involved in providing support etc.).		X	There is no such Charter. Yet, on the provision of information on support for victims of crime see the information provided above at 8.
10	In SE referral from the police works effectively since several local BOJ victim support services operate on the same premises as the local police station which also is seen as a way to quickly identify victims. All police districts, in over 100 districts around Sweden, have a Crime Victim Emergency Service. People who have training in and experience of the issues faced by victims of crime are available at these offices.	X		In Austria, the police are obliged to refer victims of violent crimes happening in flats to victim support organisations.
11	The multi-disciplinary, national referral system introduced in Bulgaria with regard to trafficking might be considered a promising practice.	X		There is also a close cooperation between the association LEFÖ-IBF and the police. The police regularly refer victims of trafficking to the victim support organisation LEFÖ. ¹²⁵
12	As part of the National Social Roma Inclusion Strategy in HU, Roma victim support volunteers are recruited to work in the volunteer support network. There is also a network of on-site legal aid stations led by an active member of the local Roma community, while the attorneys of the organisation are available online and provide free legal advice via Skype. Their area of operation also includes legal support to victims of hate crime.		X	It is difficult to assess, whether this is a gap or not, as there is a severe lack of data on this issue.
13	Police forces in England and Wales have policies on dealing with repeat victimisation. An example of such a policy is the Thames Valley Police policy on repeat victimisation (drafted and audited in accordance with Human Rights Act 1998): Sample Extract from the policy:	X		The Domestic Abuse Intervention Centre Vienna (<i>Wiener Interventionsstelle gegen Gewalt in der Familie</i>) runs the project MARAC (Multi Agency Risk Assessment

¹²⁴ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹²⁵ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

	<p>1. Rationale</p> <p>1.1 Research and organisational experience indicate that victims of crime and other incidents may be targeted for subsequent victimisation. This is particularly relevant in relation to offences of burglary, assault, domestic violence and hate crime.</p> <p>1.2 Repeat incidents often occur soon after the initial victimisation; therefore it is important to take preventative measures quickly. Likely victims must be identified immediately and subject to a targeted crime reduction initiative.</p> <p>1.3 Every victim should be asked whether they have been subject to other offences. The primary means to prevent repeat victimisation is to arrest and prosecute the offender, although other tactical options are available [...].¹²⁶</p>			Conference) for the protection of victims being at high risk of domestic violence. ¹²⁷
14	Many countries have practices in place to respect the rights of victims during court proceedings, particularly with regard to their rights to privacy and protection; e.g. the trial being conducted behind closed doors; witness' testimony being taken so they do not come into contact with accused (e.g. in SI, taking of testimony using technical devices (protective screen, voice disguising devices, transmission of sound from separate premises and other similar technical devices); ban on use of images related to the victimisation; other measures undertaken by judges or prosecutors (or jury?) in respect of victims' rights? (e.g. jurors in FR swear an oath pledge not to betray the interests of the victim).	X		The Criminal Procedures Act (<i>Strafprozessordnung, StPO</i>) provides for numerous victim rights: information rights, protection rights, rights for the protection of the private sphere, participation rights, compensation, right to support, right to respectful treatment.
15	In some countries, police, prosecutors and judges work for victim support organisations in an official capacity that forms part of their training (e.g. in Austria)	X		More specifically, they work as volunteers for the White Ring. ¹²⁸
16	Other promising practices: please include any other promising practices in your country with regard to victim support and enabling victims' to exercise their rights.	NA	NA	<p>The Regional Courts of Appeal (<i>Landesgerichte</i>) organise round tables for psychosocial and legal guidance for the purpose of networking and exchange.</p> <p>The Advocacy of Children and Juveniles (Kinder- und Jugendanwaltschaft, KiJA) and the Federal Ministry of Justice (<i>Bundesministerium für Justiz, BMJ</i>) run a project on the considerate examination of victims of sexual violence of minor age (project currently on hold).</p> <p>In 2011, CompAct Austria conducted a study on the</p>

¹²⁶ <http://www.thamesvalley.police.uk/pub-policiesandprocedures-repeat-victimisation.pdf>

¹²⁷ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹²⁸ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

				compensation for victims of trafficking.
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2.12 Role of the victim in practice

When it comes to perceiving or conceptualising victims of crime, certain ideal types or models can be distinguished. Based on your research and responses so far, please choose one from the following 4 descriptions of the role of the victim in the criminal justice system of your country (if possible indicating the most common view of legal practitioners (judges, prosecutors, lawyers) in your country. (If you believe that there are different perceptions of victims depending on various types of criminal offences, please consider cases of violent crimes.):

	Please choose the most appropriate description of how the victim is perceived in the criminal justice system	Place X in the appropriate box (choose only one)	Explanation (maximum word count 200)
1	The victim is seen essentially as a witness.		
2	In addition to 1, if the victim has suffered damage as a consequence of a criminal offence, importance is attributed to allowing the victim to claim compensation within the framework of criminal proceedings.		
3	In addition to 1 or 2, the victim is seen as a person who has suffered moral harm and therefore is in need and deserving of help.		
4	In addition to 1, 2 & 3, the victim is perceived as a person whose rights have been violated by the criminal offence and who therefore is entitled to see that justice is done and, to that end, to participate in criminal proceedings.	X	<p>Given the rights of victims described throughout this report, the role of victims could in general best be described as this is done for point 4. In the following the deliberations for this choice are summarised.</p> <p>Victims are definitely not seen only as witnesses (point 1) as they have a series of rights that go beyond such a role. Victims may claim compensation within the framework of criminal proceedings (point 2), but in practice victims are often referred to civil proceedings for this purpose.¹²⁹ The sum of rights granted to victims through the Criminal Procedure Code (<i>Strafprozessordnung, StPO</i>) indicates that it is generally accepted in law that they deserve help (point 3). Victims may also join the criminal proceedings as private party (point</p>

¹²⁹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

			4).	
<p>In the new EU Victims' Directive, the Commission refers to the varying roles of victims in criminal proceedings in each Member State as being determined by one of the following criteria.¹³⁰ With regard to the following descriptions, please choose 'yes' or 'no' for each concerning the role of the victim in the criminal justice system of your country, and provide a short explanation.</p>				
	Description of victims' role in EU Directive	Yes	No	Explanation (maximum word count 200)
1	The national system provides for a legal status as a party to criminal proceedings;	X		The victim may join the criminal proceedings as private party. De facto, the victim has few means available in case of a violation of rights. ¹³¹
2	The victim is under a legal requirement or is requested to actively participate in criminal proceedings, for example as a witness	X		The victim is under a legal obligation to testify, unless he/she makes use of the right not to testify according to § 156 Criminal Procedures Act (<i>Strafprozessordnung, StPO</i>). ¹³²
3	The victim has a legal entitlement under national law to actively participate in criminal proceedings and is seeking to do so, where the national system does not provide for a legal status as a party to the criminal proceedings.	X		Victims who participate as private party (<i>Privatbeteiligte</i>) may keep up a claim that has been withdrawn by the prosecutor. They may thus become subsidiary claimant (<i>Subsidiarankläger</i>) according to § 72 Criminal Procedures Act (<i>Strafprozessordnung, StPO</i>).

¹³⁰ See Recital 20 Of the Victims' Directive, p 11 (<http://register.consilium.europa.eu/pdf/en/12/pe00/pe00037.en12.pdf>).

¹³¹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹³² Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

IMPORTANT:

In accordance with question 2.2.1b, if you have identified your country as belonging to category 'A'; please respond only to questions 3.3 and 3.4 of part B.

In accordance with question 2.2.1b, if you have identified your country as belonging to any category other than 'A'; please respond only to questions 3.1 – 3.3 of part B.

2 Part B:

3.1 Establishment of generic victim support organisations*¹³³

3.1.1 Please outline who (i.e. state or non-state actor) took the initiative for first setting up victim support services.

Non-governmental organisations with a background in women rights and children rights. Setting up victim support services was also as a result of research in victimology (trauma research). There was also a strong lobbying and ministerial networking in order to implement victim rights in the criminal procedures.¹³⁴

3.1.2 Where did the money come from to support this first attempt?

Federal Ministry of Interior (*Bundesministerium für Inneres, BMI*), Act for the Protection from Violence 1997 (*Gewaltschutzgesetz 1997*).¹³⁵

3.1.3 What were the circumstances leading to the establishment of the victim support service(s)?

The main reasons were socio-political. The establishment of the first women's shelter in 1978 was a result of the women's movement in the 1970s.¹³⁶ Domestic violence continued to be a widespread phenomenon taking various manifestations in the Austrian society. This necessitated the establishment of further support services.

¹³³ Questions marked with * should NOT be answered by countries falling into category 'A' (in accordance with question 2.2.1)

¹³⁴ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹³⁵ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹³⁶ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

3.1.4 Quality standards

	Yes	No	Description (max 3-5 sentences)
Do formally adopted key performance indicators exist in relation to the quality of services provided by generic victim support services? If yes, please describe them.	X		An inter-ministerial working group adopted quality standards for counselling for women, children and situational violence. ¹³⁷

3.2 Personnel (professional staff and volunteers)*:

Taking the below as an example, please provide information with regard to professional staff and volunteers working in the area of generic victim support in 2012 (if more than one organisation dealing with generic victim support please produce a separate table for each organisation).

Country	Name of organisation	Professional staff		Volunteers		
		# staff	hours contracted per week	# volunteers	hours contracted per week	Value of volunteer work
AUSTRIA	White Ring	13 ¹³⁸	Changing ¹³⁹	300 ¹⁴⁰	Unknown ¹⁴¹	Unknown ¹⁴²

¹³⁷ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹³⁸ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹³⁹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹⁴⁰ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹⁴¹ Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

¹⁴² Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

3.3 Services provided by the state:

From the below list, please answer 'yes' or 'no' if the following general services are provided directly by the state free of charge to victims and provide a short description – **to be answered by all.**

Services provided to victims by the state (free of charge)	Yes	No	Description
a Free legal advice by courts or free legal assistance		X	Legal guidance is provided by victim support services, but financed by the Federal Ministry of Justice (<i>Bundesministerium für Justiz, BMJ</i>).
b Free health/psychological assistance (e.g. crisis intervention centres)		X	This is provided by victim support services (which are partly financed by the State).
c Emergency financial assistance		X	This is provided by victim support services. The White Ring, for instance, funds necessary expenditures in cases where the victim faces financial difficulties. If necessary this organisation also grants interest-free loans.
d Court accompaniment/support services	X		Victim support services are (partly) financed by the State.
e Other (specify)		X	N/A

3.4 (Failed) Attempts to establish national generic victim support service provider**143

Please describe whether there has ever been any attempt to establish a generic victim support service organisation in your country, specifying the year in which it was established and who attempted it (i.e. state or non-state actor). Why did it not succeed? If you cannot identify such an attempt, please explain the absence of the establishment of such an organisation (historical reasons etc.) and identify whether there is any discussion at government level/media etc. concerning the need to establish/improve services for victims.

N/A

¹⁴³ **This question should ONLY be answered by countries falling into category 'A' (in accordance with question 2.2.1).

Annex 1 – Country codes

Code	Name of country
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia
UK	United Kingdom

Annex 2 –list of generic victim support organisations by country

In accordance with question 2.2.1a, please review the list and short description of structure of generic victim support organisations operational in your country and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned.

Countries shaded in green have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations. These countries should please provide a short list of the main organisation(s) providing victim support in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list). As a default, please select the area 'Domestic violence and stalking'.

	Name/short description of organisation(s)
AT	The White Ring (<i>Weisser Ring</i>) (NGO) is the main general victim support organisation operating in Austria. Today, the White Ring operates out of a federal office in Vienna and nine branches in all Austrian provinces, as well as 14 representation offices at regional level.

Annex 3 –list of specialised areas of victim support chosen in phase 2 (for countries with no generic victim support organisations)

BG	Domestic violence and stalking and trafficking in human beings.
EL	Domestic violence and stalking and trafficking in human beings.
IT	Trafficking in human beings and sexual abuse of children
LT	Domestic violence and stalking and trafficking in human beings.
LV	Sexual abuse of children and stalking and trafficking in human beings.
RO	Sexual abuse of children and stalking and trafficking in human beings.
SI	Domestic violence and stalking and trafficking in human beings.