



WINNER SILVER AWARD

Austria's Psychosocial and
Legal Court Assistance for
Victims of Violence during
Criminal and Civil Procedure,
2006

§ 66(2) of the Criminal
Procedure Act and § 73b
of the Civil Procedure Act

Austria is a world pioneer in introducing a legally enshrined right to not only legal, but also psychosocial court assistance for victims of violent crimes. The key objective of this legislation is to safeguard the rights of victims and to empower them in the context of court proceedings. The Ministry of Justice entrusts specialised victim support organisations with a needs assessment, as well as the provision of court assistance. It provides the required funding to implement these measures and to ensure a high level of quality within the contracted organisations as well as the training of law enforcement and judicial staff to improve their responses to gender based violence cases.



In preparation of and during criminal proceedings, this law applies to all victims of violent crimes as well as their relatives, and also applies in cases of dangerous threats and encroachment of sexual integrity. Since 2009, victims who received assistance in this context are also entitled to psychosocial court assistance in related civil proceedings. Most beneficiaries of this provision are survivors of gender based violence and sexual abuse. The uptake of court assistance is steadily increasing, which indicates high demand and high acceptance among survivors who express particular appreciation for the chance to access psychosocial court assistance. Since 2008, the total number of beneficiaries has more than doubled, reaching around 6900 in 2013. Additionally, the law has created several positive “side effects“. Support organisations have noted a significant increase in survivors’ willingness to testify in court. In addition, improved dialogue, greater trust and better understanding between victim support organisations and the legal profession/judiciary has been expressed as a key benefit of the law beyond its original objective. Regular monitoring

The “mini trial” (*Minigericht*) developed by the *Gewaltschutzzentrum Steiermark* helps survivors of all ages understand and prepare for judicial proceedings.



and evaluation is ensured through regional round tables for law enforcement, judicial staff and victim support organisations.

The introduction of the right to court assistance in the criminal and civil procedure acts was the outcome of years of advocacy by organisations working with survivors of sexual and intimate partner violence, who were acutely aware of the need. Despite a progressive legal framework in Austria – particularly with regards to intimate partner violence – survivors are faced with important challenges in bringing perpetrators to justice through the legal system.

While this measure in itself is only one element of a legal framework and judicial system that can ensure that perpetrators are brought to justice, it is exemplary with regard to its focus on effectively empowering survivors. It is easily transferable to other countries, provided there is legislation on intimate partner violence and sexual violence and political will to allocate the necessary resources.

Police officers receive training on intimate partner violence in Austria. From the documentary film *Showing the Red Card: Women on the Frontline (Austria)*, Patrick Burge, 2008.