

**ISO: AT**

**COUNTRY: Austria**

MINISTRY: Federal Ministry of Labour, Social Affairs and Consumer Protection

OFFICE: Sozialministeriumservice, Federal Office of Social Welfare. The Federal Office of Social Welfare has a branch in every Bundesland.

NOTES: The principal organisation currently engaged in providing assistance to victims of crime is the Weiße Ring.

PHONE: Service unit of the Ministry of Social Affairs: 0043 158831

The general victim emergency call number: 0800 112 112, available support 24/7)

MAIL: [post.wien@sozialministeriumservice.at](mailto:post.wien@sozialministeriumservice.at)

ADDRESS: Babenbergerstrasse 5 A-1010 Vienna

WEB SITE: <http://www.sozialministeriumservice.at//>

Name of the law: Federal Act of 9 July 1972 on the award of aid to victims of crime, Austrian Official Federal Gazette No 288/1972 (Victims of Crime Act– VOG).

link to the law

Specific Law: NO

## FOLLOW UP:

Information provided by the Ministry of Justice to questionnaire prepared by EPAVT.

**1. The Name of the Office that in your country will be responsible for providing support services for victims of terrorism.**

Sozialministeriumservice: Address: Babenbergerstrasse 5; A-1010 Vienna

**2. The telephone number that can be made public to provide with specific information for victims of terrorism.**

Service unit of the Ministry of Social Affairs: 0043 158831

General victim emergency call number: 0800 112 112

**3. The Email that can be made public to provide with specific information for victims of terrorism.**

[post.wien@sozialministeriumservice.at](mailto:post.wien@sozialministeriumservice.at)

**4. What kind of information will this service provide?**

a. Information regarding specific emotional and psychological support

YES

b. Information regarding legal, practical or financial matters.

YES

c. Assistance with claims regarding compensation for victims of terrorism.

YES

d. How to become a party to criminal proceedings.

YES

**5. Will this office assist victims of terrorism in obtaining information from the country in which the terrorist attack took place if they are residents in your country and not in the Member State where the terrorist offence was committed?**

Like all other crime victims, victims of terrorism are covered by the Crime Victims Act (hereinafter VOG), Federal Legal Gazette 288/1972 and are compensated financially under its provisions. The procedure under VOG is identical for all applicants (Austrian or foreign citizens). It is an administrative procedure with the competent authority determining the relevant facts for deciding on the assistance applied for. The applicant shall participate in the procedure and provide the necessary information (including information for determining the damage done). Applications under VOG must be filed with the Ministry of Social Affairs which shall decide on such applications

**6. Do you foresee a specific law for victims of terrorism or do you foresee a modification of an already existing law?**

There is no need for a specific law for victims of terrorism. There is no need to supplement the existing provisions for victim protection contained in the Code of Criminal Procedure (hereinafter CCP) to implement Directive (EU) 2017/541 on combating terrorism because the relevant provisions of the Directive are already covered by current legislation. **7. Will the treatment be identical for national victims and foreign victims?**

YES

**8. Do you foresee to cover urgent expenses of victims for travel expenses, funeral expenses, repatriation of bodies, etc.?**

The service unit of the Ministry of Social Affairs is the assisting authority in crossborder cases within the meaning of Council Directive 2004/80 EC relating to compensation to crime victims. Special reference is made to Articles 5 and 6 of the Directive (assistance to the applicant, transmission of applications. The assistance or the information provided by the service unit of the Ministry of Social Affairs relates to the compensation foreseen in the VOG (in addition to current assistance this also includes crisis intervention, reimbursement of costs for psychotherapy and reimbursement of funeral expenses), and provides general information on other options of compensation.

**9. Do you intend to train psychologists to provide specific assistance to victims of terrorism in the short and long term?**

No

**10. Would the sharing of national experiences (France, Spain) via seminars or specific training be practical for you?**

No

**11. What information must a victim of an attack provide to your national authorities to obtain attention and support?**

In the framework of their duties, criminal police and public prosecutors are obligated to launch ex officio investigation procedures on any initial suspicion they become aware of concerning a crime, which is not to be prosecuted only as requested by an authorised person (Section 2 (1) CCP).

In this context, criminal police, public prosecutors and the courts are obligated to take into adequate consideration the rights, interests and special protection needs of crime victims, and to inform all victims about their essential rights in the proceedings and about all options to receive compensation and assistance (Section 10 (1) CCP).

According to Section 65, alinea 1 CCP the following persons are considered victims in criminal proceedings:

- a.) any person having been exposed to a deliberate criminal act or dangerous threat, having been compromised in his/her sexual integrity and self-determination, or whose personal dependency could have been exploited by such a criminal act,
- b.) the spouse, registered partner, life partner, any direct relative, the brother or sister or any other person entitled to maintenance of a person whose death could have been caused by such a criminal act, or other relatives who witnessed the criminal act,
- c.) any other person who could have suffered damage or could have been impaired by the criminal act in his/her legal interests to be protected by criminal law.

### Particularly vulnerable victims

Particularly vulnerable victims (Section 66a CCP) enjoy additional rights over and above the general rights of victims. Such vulnerable persons are in particular:

- Victims possibly compromised in their sexual integrity and self-determination,
- Minors (= persons not yet having reached the age of 18),
- Victims possibly exposed to violence in their flat. With all other victims, their special vulnerability must be examined on a case-by-case basis. In this context, the following factors shall be taken into account:

- Age of the victim,
- Mental and health state of the victim
- Nature and specific circumstances of the criminal act. Concerning the nature of the criminal act, special attention shall be laid on the legal interest being violated and on the extent of the damage being inflicted upon the victim in relation to the seriousness of the crime. Victims of terrorism are therefore particularly vulnerable victims and shall receive special consideration in any case-to case examination.

Upon request, victims in the meaning of Section 65, alinea 1 (a) or (b) shall be provided with psycho-social and legal procedural support, as required to safeguard their procedural rights, having maximum regard to their personal suffering (Section 66 Abs. (2) CCP). Psycho-social and legal procedural support shall be granted – taking account of the specific circumstances of each individual case – provided the information necessary for assessing the need for such support is made available by the victim.