

Austria – Report on femicide

1. Executive summary

This report presents findings and recommendations from a joint study conducted by the Austrian Federal Criminal Police Office and the Austrian Center for Law Enforcement Sciences (ALES) of the University of Vienna. The study involved an exploratory analysis of police files involving murder and attempted murder cases committed between 1 January 2018 and 25 January 2019 with a focus on femicides. The project was funded and assigned by the Austrian Ministry of the Interior following an accumulation of homicides involving female victims in December 2018/January 2019.¹

2. Femicide watch

Currently, there is no official national femicide watch in existence. Despite the increase of homicides involving female victims and, in particular, intimate partner homicides, no plans to create or assign such an observatory role have been announced.

The Association of Autonomous Austrian Women's Shelters (Autonome Österreichische Frauenhäuser) applies media monitoring to gather current statistical data on femicides and attempted femicides committed by (former) intimate partners, family members or other cases with close victim-perpetrator relationships.²

In general, the police publish yearly crime statistics, comprehensive security reports as well as informational summaries in the form of brochures. Since 2018, the brochures provide the actual number of female homicide victims including the amount of intimate partner homicides.³ In contrast, the detailed crime statistics and security reports still exclusively contain common information about homicides, without a clear distinction of victim gender or completed and attempted cases.⁴ In addition, the data currently provided in terms of perpetrator-victim relationship is insufficient. The data is split into the following five categories: 'family connections

¹ The project report can be accessed here:

https://ales.univie.ac.at/fileadmin/user_upload/p_ales/Projekte/STUDIE_Screening_Mordfaelle_FINAL.pdf.

Additional findings were published in the *Österreichische Juristenzeitung*, ÖJZ 2020/14-15, 647-660. The author currently conducts a follow-up study of the same cases on the basis of the prosecution and court files.

² Association of Autonomous Austrian Women's Shelters, Attempted femicides in 2021,

https://aoef.at/images/04a_zahlen-und-daten/Mordversuche_SchwereGewalt_2021_Liste-AOEF.pdf; Femicides in 2021, https://aoef.at/images/04a_zahlen-und-daten/Frauenmorde_2021_Liste-AOEF.pdf.

³ Austrian Ministry of the Interior, Crime statistics 2020, media information,

https://bundeskriminalamt.at/501/files/PKS_2020_HP_20210412.pdf; Crime statistics 2019, brochure,

https://bundeskriminalamt.at/501/files/Broschuere_PKS_2019.pdf; Crime statistics 2018, brochure,

https://bundeskriminalamt.at/501/files/PKS_18_Broschuere.pdf.

⁴ Austrian Ministry of the Interior, Security report 2019, Crime statistics and analysis,

https://www.bmi.gv.at/508/files/SIB_2019/3_SIB_2019_Kriminalitaetsbericht_2019_Statistik_und_Analyse.pdf, p. B 19. The Security report for 2020 has not been issued yet.

sharing a household', 'family connections not sharing a household', 'acquaintances', 'chance acquaintances' and 'no relationship'. Numbers along these categories are exclusively commonly provided for male and female victims and completed and attempted murders.⁵ In consequence, the statistics in their current form do not allow sufficient analysis on the basis of femicide research. Such indistinctive portrayal in the statistics as well as in the security reports renders femicides invisible. In 2018, when the number of female murder victims reached its peak within the last ten year, the security report analysed that "the number of reported murder cases decreased [...]".⁶ Despite the security report's yearly length of more than 350 pages including the annex, fields like violence against women, intimate partner violence, domestic violence or femicides are neither analysed nor mentioned therein.⁷ To the contrary, other types of crime like cybercrime, money laundering, cultural property crime, human trafficking, people smuggling, drug-related crime and extremist crime are considered important enough to be treated not only in the general security reports but also in additional special reports.⁸

Crime statistics and analytical reports influence a society's perception of the pressing and immediate phenomena currently posing a threat to society. Crime statistics serve as the basis for strategic, operational and organizational police measures in criminal matters. They further influence crime prevention activities and the organization's agenda setting.⁹ The crime report serves as information to the Austrian parliament about matters posing a threat to internal security and the police authorities' focus areas.¹⁰ The non-treatment of femicides and other forms of violence against women therefore shows that these types of crime, despite their number and seriousness, are neither handled as a priority nor as a major security threat by the authorities.

⁵ Ibid., p. B 22.

⁶ Austrian Ministry of the Interior, Security report 2018, Combating and preventing crime, https://www.bmi.gv.at/508/files/SIB_2018/1_SIB_2018_Hauptteil_web.pdf, p. 10.

⁷ Austrian Ministry of the Interior, Security report 2019, Combating and preventing crime, https://www.bmi.gv.at/508/files/SIB_2019/1_SIB_2019_Hauptteil_V20200817_praes.pdf.

⁸ Austrian Ministry of the Interior, Graphs and statistics, <https://bundeskriminalamt.at/502/start.aspx>; Austrian Ministry of the Interior, Report on extremist and terrorist crime, <https://www.bvt.gv.at/401/>.

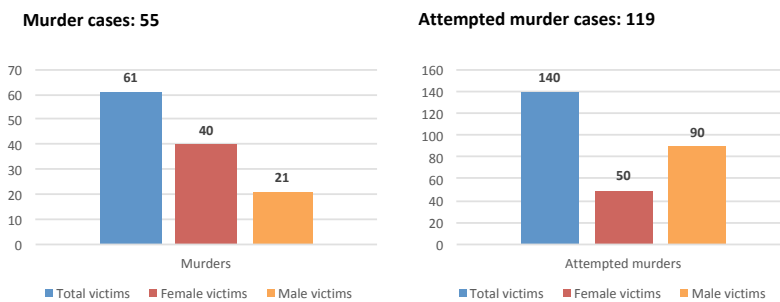
⁹ Austrian Ministry of the Interior, Security report 2019, Combating and preventing crime, https://www.bmi.gv.at/508/files/SIB_2019/1_SIB_2019_Hauptteil_V20200817_praes.pdf, p. 60.

¹⁰ Ibid., p. 15.

3. Selected statistical findings¹¹

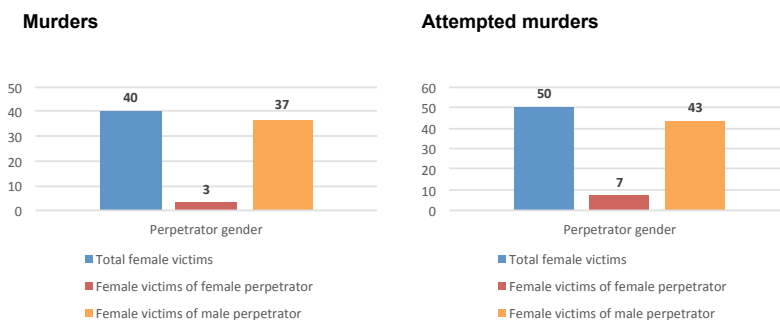
Amount of female victims in murder and attempted murder cases

Austria, 1 Jan 2018-25 Jan 2019



Perpetrator gender in murders and attempted murders involving female victims

Austria, 1 Jan 2018-25 Jan 2019

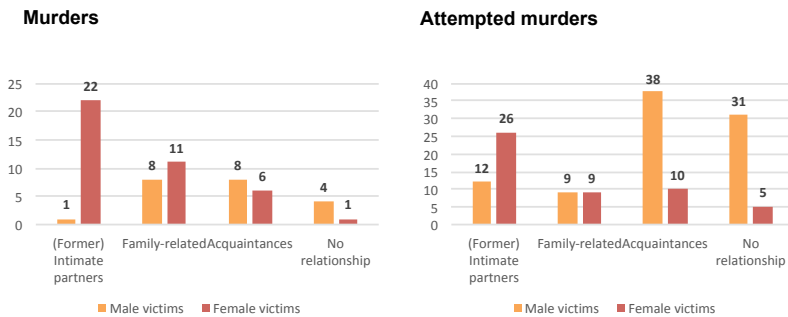


92.5% of completed murders and 86% of attempted murders involving female victims were perpetrated by a man.

¹¹ The analysis was based on police files involving murder and attempted murder cases committed between 1 January 2018 and 25 January 2019 with a focus on femicides. Police investigations in Austria regularly do not divide cases by various types of homicide for the purpose of the criminal investigations. Developments stemming from later stages of the criminal proceedings or decisions taken by other criminal justice authorities including legal re-qualifications of the case (e.g., from attempted murder to assault) have not been taken into account. Crime statistics gathered by the police and the judiciary in Austria are separate and not synchronized. In addition, the victim numbers from this study differ from the official police crime statistics as the latter are not linked to the date of the crime but to the termination of the criminal investigations (e.g., a crime committed in December might only count towards the crime statistic of the following year).

Perpetrator-victim relationship

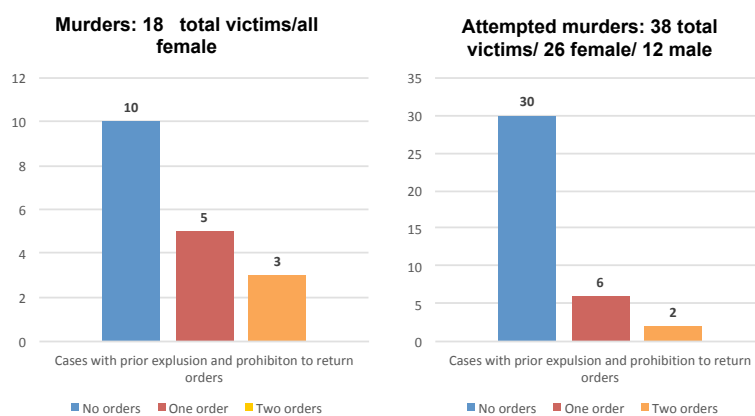
Austria, 1 Jan 2018-25 Jan 2019



82.5% of female murder victims and 70% of female victims of attempted murder were in a close relationship with the perpetrator (intimate partners or family-related). Among the female victims of intimate partner homicides, 21 were killed by a male intimate partner and one victim was killed by a female intimate partner.

In comparison, 42.9% of male murder victims and 23.3% of male victims of attempted murder were in a close relationship with the perpetrator (intimate partners or family-related).

Intimate partner killings – Prior expulsion and prohibition to return orders



The last graph¹² shows the amount of (completed and attempted) intimate partner killings in which an expulsion and prohibition to return order against the perpetrator in protection of the same victim had been issued at some point prior to the killing. Among the eight murder cases involving prior expulsion and prohibition to return orders, in two cases the order had still been in place at the time of the killing. In addition, in three cases an order had been in place approximately one month prior to the killing. Against three of the perpetrators, expulsion and prohibition to return orders had been issued in protection of former intimate partners.

Among the eight attempted murder cases involving prior expulsion and prohibition to return orders, in one case the order had still been in place at the time of the attempted killing. Against one perpetrator, an expulsion and prohibition to return order had been issued in protection of a former intimate partner.

- *Homicide-suicides in older persons*

The intimate partner killings involving female victims included four cases of homicide-suicides in older persons. In all four cases, perpetrators and victims were above 65 years old. All of the victims suffered from severe dementia, alzheimer's disease or other physical diseases. Three of the perpetrators committed suicide afterwards and one of them stated having considered one. All of the perpetrators served as caregivers to the victims. None of the cases involved a (known) history of domestic violence.

- *Potential misogynist hate crimes by strangers*

A qualitative analysis of the attempted murder cases¹³ revealed indicators of a potential misogynist motivation in two cases. In both cases the perpetrator and the victim were strangers and no alternative motive became apparent during the investigations. Both perpetrators had prior criminal conduct against women as a victim group. Contrary to other cases committed by strangers, victim gender was not random but intentionally selected. In the one case, the perpetrator applied a severe degree of violence and, as was later discovered, had also attacked another woman prior to the attempted murder. In the other case, the victim reported degrading treatment by the perpetrator.

¹² The number of intimate partner killings in this graph has been reduced by five cases of homicide-suicides in older persons without a history of violence (see bullet-point below).

¹³ The qualitative analysis was limited to the attempted murder cases due to resource and time constraints. Since often no particular effort is put in additional investigations regarding the perpetrator's motive in Austria, an analysis of cases including victim statements appeared more useful.

3.1. Recommendations for police and criminal justice work in Austria to enhance prevention

- *Systematic use of evidence-based risk assessment tools*

In particular, the high amount of intimate partner killings involving prior expulsion and prohibition to return orders points out the necessity to strengthen the risk assessment process. In all these cases, the victim had previously sought help from the authorities and ideally, proper risk assessment should have led to stronger crime prevention or victim protection measures.

Already in 2007, CEDAW Communications No. 6/2005 and No. 5/2005 found failures in the authorities risk assessment of intimate partner violence cases. Evidence-based risk assessment in the form of scientifically developed and evaluated tools is only conducted by victim protection organisations. Still today, the police and criminal justice authorities heavily rely on personal experience rather than systematic evidence-based risk assessment. This also concerns the information gathering process as the basis for proper risk assessment. The study showed that victim interviews are not conducted on a formalized basis but rather rely on such information, which the victims themselves provide. However, this bears the risk of missing critical information for risk assessment.

- *Multi-agency risk assessment conferences (MARAC)*

In 2018, the police authorities discontinued their participation in the MARAC project managed by the Vienna Intervention Centre against Domestic Violence (Wiener Interventionsstelle gegen Gewalt in der Familie). The project had been running since 2011. The police authorities' decision was based on an internal evaluation, which did not include any statistics or quality assessment of cases handled. Instead, the evaluation team conducted interviews with some of the law enforcement professionals involved regarding their personal experience with the project.¹⁴ Participation had been cancelled without substitution until 2020 and coincided with the highest numbers of female homicide victims in 2018 and 2019 so far.

With entry into force in 2020, case conferences were implemented into the Federal Security Police Act. The law now allows the police to hold multi-institutional conferences in individual high-risk cases. While the creation of a legal basis for the necessary exchange of personal information is a positive development, the law merely creates the option but not an obligation to actually organise such conferences or other forms of coordination efforts. Victim support organisations criticized that only a handful of case conferences have been held since 2020¹⁵ and that their requests to

¹⁴ Vienna Police Directorate, Evaluation report project ‚MARAC‘, https://www.polizei.gv.at/lpd_docs/1370.pdf.

¹⁵ Response to a parliamentary request for information concerning ‚MARAC case conferences to prevent severe and repeated violence, homicides and attempted homicides involving violence against women‘, 2506/AB 27. GP 3; 3rd Expert forum organized by the Alliance Life without violence (Allianz GewaltFREI Leben) on femicides, 11 September 2020, an audio protocol can be accessed here: <http://www.gewaltfreileben.at/de/>.

have them on a more frequent basis or in cases, which they identified as high-risk, have not been met. The police evaluation report points to the assumption that the police misinterprets the objective and use of such conferences. Therein, the conferences had been assessed as unsuitable to discuss cases, which require an immediate response by law enforcement. In addition, evidence-based risk assessment on the basis of victim statements as conducted by victim protection organisations has been qualified as being not objective since it would not take into account, inter alia, the perpetrator's statement. In their opinion, the police authorities have access to all the necessary information because they are in contact with the perpetrator, the victim and possible witnesses.¹⁶ This highlights the authorities' lacking understanding for the use of multi-agency risk assessment conferences as well as evidence-based risk assessment tools. MARAC should complement and improve crime prevention but is not intended to replace immediate action by law enforcement.

- *Comprehensive police reports including history of violence against women*

The study showed a strong limitation on the factual circumstances of the individual case in criminal investigations. For example, prior criminal incidents, in particular such involving violence against women, and/or expulsion and prohibition to return orders involving the same perpetrator had not been systematically included into the police reports. Police reports should consist of comprehensive case information including an analysis of patterns of violence, in particular violence against women, stemming from previous incidents involving the same perpetrator. Such analysis should not be restricted to incidents against the same victim but include other female victims. Currently, if information on prior incidents from the police database is included into the report, it only shows the type of crime (e.g., assault) but does not detail whether it could be qualified as violence against women (i.e., no information on victim gender, relationship and circumstances).

3.2. Recommendations for data collection, case reviews and strategy development

- *Creation of a research center and domestic homicide reviews*

While the joint study on femicides conducted by the Austrian Federal Criminal Police Office and the ALES of the University of Vienna was a positive step towards evidence-based policing, the approach to exclusively conduct isolated studies in this field is ineffective. The insufficient availability of data on femicides and violence against women requires a high effort in terms of resources and time for such studies. Since even basic descriptive data is not readily available, comparably

¹⁶ Vienna Police Directorate, Evaluation report project 'MARAC', https://www.polizei.gv.at/lpd_docs/1370.pdf, p. 9.

disproportionate efforts had to be spent on selecting the actual cases involving female victims from the total of cases and collecting basic socio-demographic data.

A permanent institutionalised research center integrated into the Federal Criminal Police Office, an academic institution or elsewhere, equipped with the necessary access privileges, could conduct ongoing analyses and case reviews. In this center, efforts in terms of data collection, case reviews, strategic development and inter-institutional cooperation and coordination could be pooled. The research center could further issue yearly publications and media campaigns highlighting the authorities' efforts in this field. Its expertise could also be included into risk assessments and criminal investigations in pending cases.

Another important aspect is that current coordination and review efforts with a focus on the criminal justice process do not or too little involve health authorities. The study showed a number of cases, in which the perpetrator suffered from various forms of mental illnesses and had been in contact with health authorities, partly also hospitalised, prior to the incident. In consequence, these findings highlight additional potentials for risk assessments to prevent femicides.