

# Austria

## National Child Protection Legislation

### National Legislation

- Age of a Child – **Under 18 years**

[Civil Code of Austria](#)

**Art. 21**

- (1) Minors and persons who, for a reason other than their minority, are unable to take care of all or some of their affairs themselves are subject to the special protection of the law. They are called persons entitled to protection.
- (2) Minors are people who have not yet reached the age of eighteen; if they have not yet reached the age of fourteen, they are minors.

- Age of Consent – **16 years**

[Penal Code of Austria](#)

Consolidated federal law: Entire legal provision for the Criminal Code, version dated 05.12.2020

**Section 207b. Sexual abuse of adolescents**

- (1) Anyone who has not yet reached the age of 16 and is not yet mature enough for certain reasons to understand the significance of the process or to act according to this insight, taking advantage of this lack of maturity and age-related superiority, a sexual superiority Performs an act, has such a person carried out on him or induces such a person to carry out a sexual act on a third party or to have it carried out on him by a third party is subject to imprisonment of up to one year or a fine of up to 720 daily rates punish.

- **Mandatory reporting requirements**

[Criminal Procedure Code of Austria](#)

**Section 78. Notification requirement**

- (1) If an authority or public agency becomes aware of the suspicion of a criminal offense that affects its legal sphere of activity, it is obliged to report it to the criminal police or the public prosecutor's office.
- (2) There is no obligation to notify pursuant to Paragraph 1,
  1. if the notification would impair an official activity, the effectiveness of which requires a personal relationship of trust, or
  2. if and for as long as there are sufficient reasons to believe that the criminal offense will soon cease to exist due to damage-correcting measures.
- (3) In any case, the authority or public agency must do everything necessary to protect the victim or other persons from danger; if necessary, a notification must also be made in the cases of paragraph 2.

### **Section 79.**

Insofar as there is a legal obligation to notify, the criminal police, the public prosecutor's offices and the courts are to be given copies of the files and other written records or to be granted access to files in order to investigate a criminal offense of a specific person ex officio or on request. Appeal to existing statutory confidentiality obligations is not permitted in this respect.

### **Section 80. Notification and Right to stop**

- (1) Anyone who becomes aware of the commission of a criminal act is entitled to report it to the criminal police or the public prosecutor's office. A victim (§ 65 Z 1) who has made a complaint must be given a written confirmation of the complaint free of charge.
- (2) Anyone who, on the basis of certain facts, can assume that a person is carrying out a criminal act, has carried it out immediately beforehand or that he is being sought because of the commission of a criminal act, is entitled to stop this person in a proportionate manner, but to report it immediately committed to the closest public security service body.

#### ▪ **Prohibition to hold certain positions / Misuse of Position of Trust**

##### [Penal Code of Austria](#)

Consolidated federal law: Entire legal provision for the Criminal Code, version dated 05.12.2020

### **Section 212. Abuse of authority**

#### (1) Who

1. With a minor related to him in descending line, his chosen minor child, stepchild or ward or
2. Anyone who, with a minor who is subject to his education, training or supervision, taking advantage of his position towards this person undertakes a sexual act or has it carried out by such a person or, in order to sexually arouse or satisfy a third party, induces a sexual act on oneself, is punishable by imprisonment of up to three years.

#### (2) Anyone who is to be punished

1. as a member of a legally regulated health profession or pastor with a professionally supervised person,
2. as an employee of an educational institution or is otherwise employed at an educational institution with a person cared for in the institution or
3. as a civil servant with a person entrusted to his or her official custody,

Taking advantage of his position towards this person, undertakes a sexual act or has such a person perform it on him or, in order to sexually arouse or satisfy himself or a third party, induces a sexual act on himself.

- (3) Anyone who commits sexual harassment in accordance with Section 218 (1a) under the circumstances of (1) or (2) shall be punished with a prison sentence of up to one year or a fine of up to 720 daily rates.

#### ▪ **Criminal Law - Defamation**

##### [Penal Code of Austria](#)

Consolidated federal law: Entire legal provision for the Criminal Code, version dated 05.12.2020

### **Section 111. Defamation**

(1) Anyone who denigrates another person in a way that is perceptible to a third party with a contemptible quality or conviction, or accuses him of dishonorable behavior or of behavior contrary to good morals that is likely to make him contemptible or belittled in public opinion, is with To punish imprisonment of up to six months or a fine of up to 360 daily rates.

(2) Anyone who commits the act in a printed work, on the radio or in any other way, whereby the defamation becomes accessible to a broad public, is to be punished with imprisonment of up to one year or with a fine of up to 720 daily rates.

(3) The perpetrator shall not be punished if the allegation is proven to be true. In the case of paragraph 1, the perpetrator is not to be punished even if circumstances are proven from which there are sufficient reasons for the perpetrator to consider the allegation to be true.

### **Section 112. Proof of truth and proof of good faith**

Proof of truth and proof of good faith are only to be included if the perpetrator relies on the correctness of the assertion or on his good faith. Proof of truth and proof of good faith regarding facts of private or family life and criminal acts which are only prosecuted at the request of a third party are not permitted.

### **Section 113. Accusation of an already dismissed criminal offense**

Anyone who accuses another person of a criminal act in a manner that is perceptible to a third party, for which the sentence has already been carried out or for which the sentence has been temporarily postponed, or for which the sentence has been temporarily postponed, is subject to imprisonment for up to three months or with To punish a fine of up to 180 daily rates.

### **Section 114. Impunity for exercising a right or coercion due to special circumstances**

(1) If an act mentioned in Section 111 or Section 113 fulfills a legal obligation or a right is exercised, the act is justified.

(2) Anyone who is compelled by special circumstances to make an assertion corresponding to Section 111 or Section 113 in the form and in the manner in which it happens shall not be punished unless the assertion is incorrect and the perpetrator is the offender could have been aware of this by exercising the necessary care (§ 6).

### **Section 115. Insult**

(1) Anyone who publicly or in front of several people insults, mocks, abuses the body or is threatened with physical abuse, is subject to imprisonment of up to three months or a fine, if he is not threatened with a more severe penalty according to another provision to punish up to 180 daily rates.

(2) An act is committed in front of several people if it is committed in the presence of more than two people different from the perpetrator and the attacked person and who can perceive it.

(3) Anyone who allows himself to be carried away only by indignation at the behavior of another person into insulting, ridiculing, abusing or threatening him with ill-treatment in a manner that is excusable in the circumstances, is excused if his indignation, especially with regard to the time that has elapsed since its occasion, is generally understandable.

## Statute of Limitations

### [Penal Code of Austria](#)

Consolidated federal law: Entire legal provision for the Criminal Code, version dated 05.12.2020

#### **Section 57 – Limitation of criminal liability**

- (1) Criminal acts that are threatened with imprisonment of ten to twenty years or with life imprisonment, as well as criminal acts after the twenty-fifth section do not expire. After a period of twenty years, however, the threatened life imprisonment is replaced by a prison sentence of ten to twenty years. Paragraph 2 and Section 58 apply accordingly to the deadline.
- (2) The criminal liability of other offenses expires by statute of limitations. The limitation period begins as soon as the activity threatened with a penalty is completed or the behavior threatened with a penalty ceases.
- (3) The limitation period is twenty years, if the act is not threatened with life imprisonment, but with more than ten years imprisonment;  
Ten years, if the act is threatened with a prison sentence of more than five years, but not more than ten years;  
Five years, if the act is threatened with a prison sentence of more than one year, but not more than five years;  
Three years, if the act is threatened with no more than six months, but not more than one year;  
A year, if the act is threatened with no more than six months imprisonment or only with a fine.
- (4) When the statute of limitations begins, expiry and preventive measures also become inadmissible.

#### **Section 58. Extension of the limitation period**

- (1) If a success related to the offense occurs only after the activity threatened with a penalty has been completed or the behavior threatened with a penalty has ceased, the limitation period does not end before it has either expired from the onset of the success or since one and a half times, but at least three years have elapsed.
- (2) If the perpetrator again commits a punishable act during the statute of limitations which is based on the same harmful inclination, the statute of limitations does not come into effect before the statute of limitations for this act has expired.
- (3) The limitation period does not include:
  1. the time during which the persecution cannot be initiated or continued according to a statutory provision, unless otherwise stipulated in the Federal Constitutional Law, [Federal Law Gazette No. 1/1930](#) and Paragraph 4
  2. the time between the first interrogation as a suspect, the first threat or exercise of coercion against the perpetrator because of the offense (§§ 93 para. 1, 105 para. 1 StPO), the first public prosecutor's order or application for the implementation or approval of the 8th The main part of the StPO regulated investigative measures and evidence to clarify the suspicion directed against the perpetrator, the order of a search or arrest, the application for the imposition of pre-trial detention or the introduction of the indictment and the final termination of the proceedings;
  3. the time until the completion of the 28th birthday of the victim of a criminal offense against life and limb, against freedom or against sexual integrity and self-determination, if the victim was a minor at the time of committing a crime;
  4. the probationary period according to Section 203 (1) of the Code of Criminal Procedure, the deadlines for the payment of a sum of money including any compensation for damages and for the provision of charitable services including any compensation for the consequences of

the offense (Sections 200 (2) and (3), 201 (1) and (3) Code of Criminal Procedure), as well as the time of the submission of a request from the public prosecutor's office in accordance with section 204 (3) of the Code of Criminal Procedure up to the notification of the conflict regulator about the settlement agreements and their fulfillment (section 204 (4) of the Code of Criminal Procedure).

- 3a) Any suspension of the statute of limitations that occurred in accordance with the preceding paragraphs remains effective, even if the act would have already been statute-barred at the time of the suspension under the new law due to a later amendment to the law.
- (4) If the offense is only prosecuted upon request or with the authorization of a person entitled to do so, the running of the statute of limitations is not inhibited by the fact that the prosecution is not requested or the authorization is not granted.

## **Sexual Offenses Against Children**

### **Penal Code of Austria**

Consolidated federal law: Entire legal provision for the Criminal Code, version dated 05.12.2020

#### **Section 10**

#### ***Offenses against sexual integrity and self-determination***

#### **Section 201 - Rape**

- (1) Anyone who coerces a person with violence, through deprivation of personal freedom or through threats with present danger to life or limb (Section 89) to undertake or tolerate sexual intercourse or a sexual act equivalent to sexual intercourse is subject to imprisonment from two to ten years.
- (2) If the act results in serious bodily harm (Section 84 (1)) or pregnancy of the raped person, or if the raped person is put in an excruciating state for a long period of time or is degraded in a special way, the perpetrator is the perpetrator with imprisonment of five to fifteen years, but the act results in the death of the raped person, punished with imprisonment of ten to twenty years or with life imprisonment.

#### **Section 202 – Sexual coercion**

- (1) Anyone who, in addition to the cases under Section 201, compels a person to perform or tolerate a sexual act by means of violence or dangerous threats shall be punished with imprisonment for a term of six months to five years.
- (2) If the act results in serious bodily harm (Section 84 (1)) or pregnancy of the coerced person, or if the coerced person is put in an agonizing state for a long period of time or is degraded in a special way, the perpetrator is with imprisonment of five to fifteen years, but the act results in the death of the coerced person, punishable with imprisonment of ten to twenty years or with life imprisonment.

#### **Section 205. Sexual abuse of a defenseless or mentally impaired person**

- (1) Anyone who is a defenseless person or a person who, because of a mental illness, because of a mental handicap, because of a profound disturbance of consciousness or because of another serious mental disorder equivalent to one of these states, is unable to see the meaning of the process or to admit to this insight act, exploiting this condition by making sexual intercourse with her or an act equivalent to sexual intercourse, or using her to undertake or tolerate sexual intercourse or a sexual act equivalent to sexual intercourse with another person or to sexualize

himself or a third party arouse or satisfy, tempts to undertake a sexual act on oneself that can be equated with coitus is punishable by imprisonment from one to ten years.

- (2) Anyone who, in addition to the case of Paragraph 1, abuses a defenseless or mentally impaired person (Paragraph 1) taking advantage of this condition by performing a sexual act on him or by having him perform a sexual act on him or her for a sexual act with another person or, in order to sexually arouse or satisfy a third party, to perform a sexual act on oneself is punishable by imprisonment from six months to five years.
- (3) If the act results in serious bodily harm (Section 84 (1)) or pregnancy of the abused person, or if the abused person is put in an excruciating state for a long period of time or is degraded in a special way, then the perpetrator is with imprisonment of five to fifteen years, but the act results in the death of the abused person, punishable by imprisonment of ten to twenty years or life imprisonment.

#### **Section 205a. Violation of sexual self-determination**

- (1) Anyone who undertakes sexual intercourse with a person against their will, taking advantage of a predicament or after previous intimidation, or a sexual act that is equivalent to intercourse, is, if the act is not threatened with more severe punishment according to another provision, with imprisonment up to two years to punish.
- (2) A person shall also be punished who, in the manner described in Paragraph 1, to undertake or tolerate intercourse or a sexual act equivalent to intercourse with another person or to sexually arouse or satisfy himself or a third party causes a sexual act to be equated with cohabitation involuntarily to undertake on oneself.

#### **Section 206. Serious sexual abuse of minors**

- (1) Anyone who undertakes sexual intercourse with an underage person or a sexual act that can be equated with sexual intercourse shall be punished with imprisonment from one to ten years.
- (2) Anyone who induces an underage person to undertake or tolerate sexual intercourse or a sexual act that is to be equated with sexual intercourse with another person or in order to sexually arouse or satisfy himself or a third party is to induce an underage to be equated with intercourse shall also be punished to undertake sexual act on oneself.
- (3) If the act results in serious bodily harm (Section 84 (1)) or pregnancy of the minor, or if the minor is put in an excruciating state for a long period of time or is degraded in a special way, the perpetrator is the perpetrator with imprisonment of five to fifteen years, but results in the death of the minor, with imprisonment of ten to twenty years or life imprisonment.
- (4) If the age of the perpetrator does not exceed the age of the underage person by more than three years, the underage person is neither put into an agonizing state for a long period of time, nor is it particularly degraded and the act does not result in serious bodily harm ( Section 84, Paragraph 1) or the death of the minor, the perpetrator is not to be punished according to Paragraphs 1 and 2, unless the minor has not yet reached the age of 13.

#### **Section 207. Sexual abuse of minors**

- (1) Anyone who, apart from the case of Section 206, carries out a sexual act on an underage person or allows an underage person to carry out a sexual act on him shall be punished with imprisonment for a term of between six months and five years.
- (2) Anyone who induces an underage person to engage in a sexual act (Paragraph 1) with another person or, in order to sexually arouse or satisfy himself or a third party, to undertake a sexual act on himself shall also be punished.

- (3) If the act results in serious bodily harm (Section 84 (1)) or if the underage person is put in an excruciating state for a long period of time or is humiliated in a special way, the perpetrator is subject to imprisonment from five to fifteen years, but it results in the death of the underage person, punishable by imprisonment from ten to twenty years or with life imprisonment.
- (4) If the age of the perpetrator does not exceed the age of the underage person by more than four years, the underage person is neither put into an agonizing state for a long period of time, nor is it particularly degraded and is not one of the consequences of para occurred, the offender is not to be punished according to Paragraphs 1 and 2, unless the underage person has not yet reached the age of twelve.

#### **Section 207a. Pornographic representations of minors**

- (4) Anyone who has a pornographic depiction of a minor (para. 4)
  1. Manufactures or
  2. Offers, procures, leaves, demonstrates or otherwise makes accessible to another  
Is punishable by imprisonment for up to three years.
- (2) Anyone who produces, imports, promotes or executes a pornographic depiction of a minor (Paragraph 4) for the purpose of dissemination or commits an act under Paragraph 1 on a commercial basis shall be punished with imprisonment of six months to five years. Anyone who commits the act as a member of a criminal organization or in such a way that it results in a particularly serious disadvantage for the minor is to be punished with imprisonment of one to ten years; Likewise, anyone who creates a pornographic depiction of a minor (Paragraph 4) using severe force or who intentionally or grossly negligently endangers the life of the depicted minor (Section 6 Paragraph 3) shall be punished.
- (3) Anyone who procures or owns a pornographic depiction of a minor underage person (Paragraph 4 Nos. 3 and 4) shall be punished with imprisonment of up to one year or with a fine of up to 720 daily rates. A prison sentence of up to two years is to be imposed on anyone who procures or owns a pornographic representation of an underage person (Paragraph 4).
- (3a) According to Paragraph 3, anyone who knowingly accesses a pornographic representation of minors on the Internet is also punished.
- (4) Pornographic representations are minors
  1. realistic depictions of a sexual act on an underage person or an underage person on himself, on another person or with an animal,
  2. realistic images of an event with an underage person, which, given the circumstances, gives the impression that it is a sexual act on the underage person or the underage person on himself, on another person or with an animal,
  3. realistic images
    - a) a sexual act within the mean of no. 1 or an event within the meaning of no. 2, but with responsible minors, or
    - b) the genitals or pubic area of minors.  
as far as it is sensationally distorted, reduced to itself and detached from other expressions of life, which serve the sexual arousal of the viewer;
  4. Pictorial representations, the observation of which - as a result of a change in an image or without the use of such - gives the impression, under the circumstances, that it is an image according to items 1 to 3.
- (5) According to Paragraphs 1 and 3, whoever is not to be punished
  1. produces or owns a pornographic representation of an adult minor with his or her consent and for his or her own use

2. produces or owns a pornographic depiction of an underage person under Paragraph 4 No. 4 for his own use, provided that the act does not involve any risk of the depiction being disseminated.
- (6) Who is not to be punished
1. in the cases of Paragraph 1, Paragraph 2, first case and Paragraph 3, produces, owns, or offers, procures, surrenders, demonstrates or otherwise makes a pornographic representation of an adult minor of himself or herself or offers it to others for their own use
  2. owns a pornographic representation of himself by an underage minor.

#### **Section 207b. Sexual abuse of adolescents**

- (1) Anyone who has not yet reached the age of 16 and is not yet mature enough for certain reasons to understand the significance of the process or to act according to this insight, taking advantage of this lack of maturity and age-related superiority, a sexual superiority Performs an act, has such a person carried out on him or induces such a person to carry out a sexual act on a third party or to have it carried out on him by a third party is subject to imprisonment of up to one year or a fine of up to 720 daily rates punish.
- (2) Anyone who undertakes a sexual act on a person who has not yet reached the age of 18, taking advantage of a predicament of this person, has such a person carried out or induces such a person to perform a sexual act on a third party to be carried out or to be carried out by a third party is punishable by imprisonment for up to three years.
- (3) Anyone who induces a person who has not yet reached the age of 18, by means of payment, to perform a sexual act on him or a third party or to have him or a third party perform on him, is subject to imprisonment up to three years to punish.

#### **Section 208. Moral danger to persons under sixteen years of age**

- (1) Anyone who undertakes an act that is capable of endangering the moral, emotional or health development of persons under the age of sixteen in front of an underage person or a person under the age of sixteen who is under his or her upbringing, training or supervision in order to thereby harm himself or herself Sexually arousing or satisfying third parties is punishable by imprisonment of up to one year or a fine of up to 720 daily rates, unless the circumstances of the case make it impossible for the minor or person under sixteen to be at risk.
- (2) A person shall also be punished who, except in the case of Paragraph 1, in order to sexually arouse or satisfy himself or a third party, causes an underage person to perceive a sexual act.
- (3) Anyone who, in order to sexually arouse or satisfy himself or a third party, causes an underage person to perceive a criminal act according to Sections 201 to 207 or 207b, is punishable by imprisonment for up to two years.
- (4) If the age of the perpetrator in the first case of Paragraph 1 and Paragraph 2 does not exceed the age of the minor by more than four years, the perpetrator is not to be punished according to Paragraphs 1 and 2, unless the minor would not have reached the age of twelve.

#### **Section 208a. Initiation of sexual contacts with minors**

- (1) Anyone who intends to commit a criminal offense to an underage person pursuant to Sections 201 to 207a (1) no.1,
  1. By way of telecommunications, using a computer system, or
  2. In any other way while deceiving this intentionproposing a personal meeting or arranging one with her and taking a concrete preparatory action for holding the personal meeting with this person is punishable by imprisonment for up to two years.

- (1a) Anyone with an underage person with the intention of committing a criminal act according to Section 207a Paragraph 3 or 3a in relation to a pornographic representation (Section 207a Paragraph 4) of this person, by means of telecommunications or using a computer system Establishing contact is punishable by imprisonment of up to one year or a fine of up to 720 daily rates.
- (2) According to Paragraphs 1 and 1a, whoever voluntarily and before the authority (Section 151 Paragraph 3) has learned of his fault, abandons his project and reveals his fault to the authority, is not to be punished.

### **Section 211. Incest**

- (1) Anyone who has sexual intercourse with a person who is directly related to him is punishable by imprisonment of up to one year or a fine of up to 720 daily rates.
- (2) Anyone who seduces a person to whom he is related in the descending line to cohabitation shall be punished with imprisonment of up to three years.
- (3) Anyone who has sex with his brother or sister shall be punished with a prison sentence of up to six months or a fine of up to 360 daily rates.
- (4) Anyone who has not yet reached the age of nineteen at the time of the act is not to be punished for incest if he has been seduced into the act.

### **Section 212. Abuse of authority**

- (1) Who
  - a. With a minor related to him in descending line, his chosen minor child, stepchild or ward or
  - b. With a minor who is subject to his education, training or supervision, taking advantage of his position towards this person with a minor who is subject to his education, training or supervision, taking advantage of his position towards this personundertakes a sexual act or has it carried out by such a person or, in order to sexually arouse or satisfy a third party, induce a sexual act on oneself, is punishable by imprisonment of up to three years.
- (2) Anyone who is to be punished
  - a. as a member of a legally regulated health profession or pastor with a professionally supervised person,
  - b. as an employee of an educational institution or otherwise as an employee in an educational institution with a person cared for in the institution or
  - c. as a civil servant with a person entrusted to his or her official custody,Taking advantage of his position towards this person, undertakes a sexual act or has such a person carried out on him or, in order to sexually arouse or satisfy himself or a third party, induce a sexual act on himself.
- (3) Anyone who commits sexual harassment in accordance with Section 218 (1a) under the circumstances of (1) or (2) shall be punished with a prison sentence of up to one year or a fine of up to 720 daily rates.

### **Section 213. Pimping**

- (1) Anyone who induces a person to whom he is in one of the relationships specified in Section 212, under the conditions specified there, to engage in a sexual act with another person or brings about the personal rapprochement between the two persons to undertake a sexual act is with To punish imprisonment up to three years.
- (2) If the perpetrator acts in order to obtain a financial advantage for himself or for another person, he shall be punished with imprisonment from six months to five years.

#### **Section 214. Paid mediation of sexual contacts with minors**

- (1) Anyone who brings about the personal rapprochement between an underage and another person to undertake a sexual act in order to gain a financial advantage for himself or for another person shall be punished with imprisonment from six months to five years.
- (2) Anyone who, apart from the case of Paragraph 1, brings about the personal rapprochement between a minor and another person in order to perform a sexual act in order to obtain a financial advantage for himself or for another person shall be punished with imprisonment of six months to two years.

#### **Section 215. Surrender to prostitution**

Anyone who leads a person into prostitution is punished with a prison sentence of up to two years.

#### **Section 215a. Promotion of prostitution and pornographic performances by minors**

- (1) Anyone who recruits a minor, regardless of whether they are already engaged in prostitution, to exercise prostitution or to participate in a pornographic performance, or offers or mediates to another person for such a purpose, is subject to imprisonment from six months to five years punish. Likewise, anyone who exploits a minor who is engaged in prostitution or who participates in a pornographic performance in order to obtain a financial advantage for himself or another must be punished.
- (2) Anyone who commits the act against an underage person, within the framework of a criminal organization, using severe force or in such a way that the act endangers the person's life intentionally or through gross negligence (Section 6 (3)) or the act constitutes one results in a particularly serious disadvantage for the person is punishable by imprisonment from one to ten years.
- (2a) Anyone who knowingly watches a pornographic performance in which an adult minor is involved is punished with imprisonment of up to one year or with a fine of up to 720 daily rates. A prison sentence of up to two years is imprisonment for anyone who knowingly watches a pornographic performance in which an underage person is involved.
- (3) Anyone who undertakes a sexual act reduced to himself, detached from other expressions of life and serving the sexual arousal of a viewer on himself, on another person or with an animal, participates in a pornographic performance lets himself be carried out or in such a way displays his genitals or pubic area.

#### **Section 216. Pimping**

- (1) Whoever takes advantage of this person with the intention of obtaining ongoing income from prostitution for another person shall be punished with imprisonment for up to two years.
- (2) Anyone who intends to obtain continued income from prostitution for another person, exploits this person, intimidates them, prescribes the conditions for the practice of prostitution or exploits several such persons at the same time, is subject to a prison sentence of up to three years to punish.
- (3) Anyone who commits the act (paras. 1 and 2) as a member of a criminal organization shall be punished with imprisonment from six months to five years.
- (4) Anyone who intimidates a person from giving up prostitution shall also be punished with a prison sentence of six months to five years.

### **Section 217. Cross-border prostitution trade**

- (1) Anyone who induces a person, regardless of whether they are already engaged in prostitution, to prostitution in a state other than the one whose nationality they have or in which they have their habitual residence, or who recruits them for this purpose, is subject to a prison sentence of six months up to five years, if he commits the act commercially, to punish with imprisonment of one to ten years.
- (2) Anyone who induces or participates in prostitution by deceiving a person (Paragraph 1) with the intention of engaging in prostitution in a country other than the one of which he is a national or in which he is habitually resident If they are forced to move to another state by force or by a dangerous threat, or if they are carried to another state by force or taking advantage of their mistake about this project, they are punishable by imprisonment of one to ten years.

### **Section 218. Sexual harassment and public sexual acts**

- (1) Anyone who through a sexual act
  1. On a person or
  2. In front of a person in circumstances in which this is likely to cause a legitimate offense,if the act is not threatened with more severe punishment according to another provision, is to be punished with imprisonment of up to six months or with a fine of up to 360 daily rates
  - a) According to Paragraph 1, anyone who violates another person's dignity by intensely touching a part of the body that is assigned to the sex sphere is also punished.
- (2) Anyone who undertakes a sexual act publicly and under circumstances under which his behavior is likely to arouse justified annoyance through direct perception shall also be punished.
- (2a) Anyone who knowingly takes part in a gathering of several people with the aim of sexual harassment according to Paragraph 1 No. 1 or Paragraph 1a is subject to imprisonment of up to one year if such an act has occurred or to punish with a fine of up to 720 daily rates.
- (2b) Anyone who commits sexual harassment according to Paragraph 1 No. 1 or Paragraph 1a with at least one other person in an agreed relationship is punishable by imprisonment for up to two years.
- (3) In the case of paragraphs 1 and 1a, the perpetrator may only be prosecuted with the authorization of the injured person.

### **Section 219. Announcement to induce lewd traffic**

Anyone who publishes an announcement that is intended to induce lewd intercourse and the content of which is suitable to arouse legitimate nuisance is punishable by imprisonment of up to six months or a fine of up to 360 daily rates.

### **Section 220b. Prohibition of activity**

- (1) If the perpetrator has intentionally committed an offense against life and limb or liberty or a criminal act against the sexual integrity and self-determination of a minor and at the time of the offense was gainful employment or other activity in an association or another institution, which includes the upbringing, training or supervision of minors or other intensive contact with minors, he is to be prohibited from carrying out this and comparable activities for an indefinite period if there is a risk that he would otherwise be exploited an opportunity offered to him by such activity would commit another such criminal act with not only minor consequences.
- (2) If the perpetrator has committed a criminal act according to Paragraph 1 to the detriment of a defenseless person due to frailty, illness or mental disability and at the time of the offense exercised or intended to exercise gainful employment or other activity in an association or another institution that provided care such defenseless persons or otherwise intensive contact with such

defenseless persons, he is to be prohibited from exercising this and comparable activities for an indefinite period of time if there is a risk that he will otherwise take advantage of an opportunity offered by such an activity I will commit an act with not merely minor consequences.

- (3) The prohibition of activity begins with the legal force of the decision with which the prohibition is pronounced. The court has to check at least every five years whether the danger because of which the prohibition was imposed still exists. If circumstances subsequently arise or become known, if they had existed at the time of the judgment, no prohibition of activity would have been pronounced, the court has to lift the prohibition of activity.
- (4) Anyone who pursues an activity even though it is prohibited from exercising it according to the above provisions shall be punished with a prison sentence of up to six months or a fine of up to 360 daily rates.

### **Section 104a. Human Trafficking**

- (1) Anyone who recruits, houses or otherwise takes in, promotes, offers or passes on to another person with the intention of being exploited (Paragraph 3), using unfair means (Paragraph 2) against this person is with To punish imprisonment from six months to five years.
- (2) Unfair means are the use of force or dangerous threats, deception about facts, the exploitation of a position of authority, a predicament, a mental illness or a condition that makes the person defenseless, intimidation and the granting or acceptance of an advantage for the person Surrender of dominion over the person.
- (3) Exploitation includes sexual exploitation, exploitation through organ removal, exploitation of labor, exploitation for begging as well as exploitation for the commission of criminal acts.
- (4) Anyone who commits the act within the framework of a criminal organization, using severe force or in such a way that the act endangers the person's life willfully or through gross negligence (Section 6 (3)) or the act is a particularly serious disadvantage for the Person is punished with imprisonment from one to ten years.
- (5) Anyone who recruits, houses or otherwise takes in, promotes or offers or passes on a minor to another person with the intent that he or she is being exploited (Paragraph 3) shall also be punished with imprisonment of one to ten years.

### **Section 106a. Forced marriage**

- (1) Anyone who coerces a person to marry or to establish a registered partnership by means of a dangerous threat or threat of breaking off or withdrawing family contacts shall be punished with imprisonment from six months to five years.
- (2) Anyone who intends to force a person to enter into a marriage or to establish a registered partnership in a country other than the one of which they are citizens or in which they habitually reside shall also be punished (para . 1), induced by deception about this project or by force or by dangerous threats or threats to break off or withdraw family contacts to move to another state, or to move them to another state by force or taking advantage of their error about this project promoted another state.
- (3) Section 106 (2) applies accordingly.

### **Additional Information:**

<https://www.bmbwf.gv.at/Themen/schule/schulrecht/gvo.html>

[https://static.uni-graz.at/fileadmin/Akgl/ENGLISCH/NeinZuBelaestigung\\_engl\\_web.pdf](https://static.uni-graz.at/fileadmin/Akgl/ENGLISCH/NeinZuBelaestigung_engl_web.pdf)