The judiciary in Austria

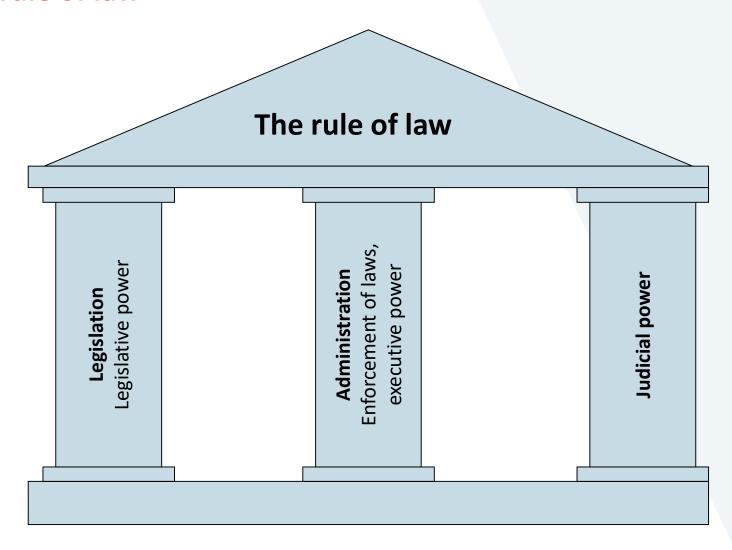


Directorate for European and International Affairs Vienna, 2021

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The rule of law



Press clippings

Unverständlicher Vorwurf ORichter fällt klaren Freispruch

Hilfe für begabten Schüler endete für Lehrer vor Gericht Er wollte einem hochbegabten Schüler ein Zeugnis neu schreiben. Das rief den

helfen, wollte ein formales Hindernis aus dem Weg schaffen. Und nur deshalb ließ

Staatsanwalt auf den Plan und erhob Anein Direktor eines Wiener Gymnasiums ter fällte einen klaren Freispruch. klage wegen Amtsmissbrauch. Der Rich-

US-Anwalt des Milliardärs fordert sofortige Einstellung:

Wende im Auslieferungskrimi um Oligarch Dmytro Firtasch? Exil lebenden Oligarchen fordert den

Das juristische (und politische) Tauziehen um den ukrainischen Milliardar Dmytro Firtasch ist um eine Facette reicher! Der US-Anwalt des im Wiener

sofortigen Stopp des Auslieferungsverfahrens. Begründung: Der Bundesstaat Illinois sei dafür gar nicht zuständig.

Geschworenenurteil nicht rechtskräftig Lebenslange Haft für 20 Morde in Syrien!

Wegen 20-fachen Mordes musste sich ein Asylwerber in Innsbruck verantworten. Er hatte schwer verletzte Soldaten der syrischen Armee durch gezielte Schüsse getötet. Urteil: lebenslange Haft!

57 Justizwachebeamte wurden 2016 durch Häftlinge verletzt

kommt es immer wieder zu realt sind. Übergriffen und Straftaten.

stetter auf Anfrage bestätig- ten hinsichtlich Drogen. te. Etwa jedes fünfte Verbre-

2016 in Österreichs Strafan- vermerkt. Hierbei handelt es letzt. stalten verübt, wie lustiz- sich vor allem um positive minister Wolfgang Brand- Harntests bei den Inhaftier-

chen wird dabei von Häftlin- lustizwache von Gefange- Häftlinge das Leben.

In Österreichs Gefängnissen gen verübt, die unter 21 Jahnen tätlich angegriffen, 48 Mal kam es dabei zu Verlet-Zusätzlich wurden in den zungen. Insgesamt wurden Wien, Harte lungs, raue Sit-Haftanstalten 673 Vorfälle 57 Bedienstete in den landesten: 505 Straftaten wurden nach dem Suchtmittelgesetz weit 40 Strafanstalten ver-

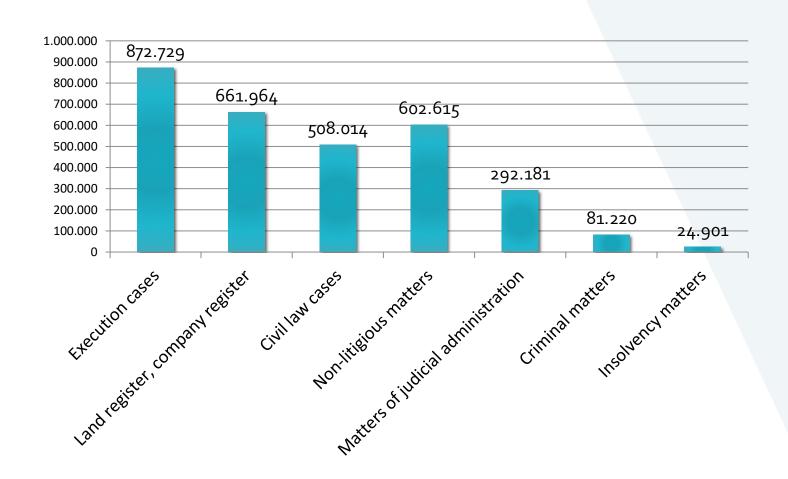
Die Gefängnisse sind in Österreich durchschnittlich zu 91 Prozent belegt, Hinter 96 Malwurden Beamte der Gittern nahmen sich zehn



Causes of "getting in contact" with a court

- Criminal offence
- Lawsuit
- Inheritance
- Family disputes (divorce, maintenance)
- Adoption
- Guardianship
- Land register (acquisition/funding of property)
- Company register (registration of a business)
- Debts
- Tenancy disputes
- Appeal against administrative decisions

Number of court cases (2019)



Mission of the Austrian judiciary



We uphold legal certainty and stability under the rule of law, guarantee an independent administration of justice, act in a socially responsible manner fully respecting fundamental rights and human rights, and so ensure that Austria is an attractive business location with a sound justice system.

Who/what is part of the judiciary?

- Federal Ministry of Justice
- Civil courts, criminal courts
- Administrative courts
- Public prosecution offices
- Penal institutions (prisons)
- Probationary services
- Family and juvenile court support

Court organisation (civil and criminal law cases)



District courts in Austria (as of 1 January 2021)

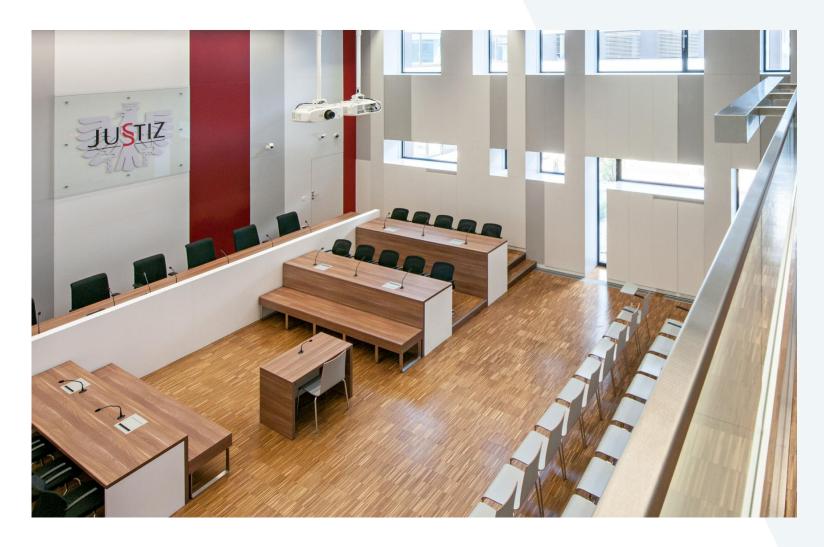


The judiciary close to citizens: **115 District Courts** (*Bezirksgerichte*) ensure legal certainty and satisfaction with the justice system in Austria (as of 1 January 2021).

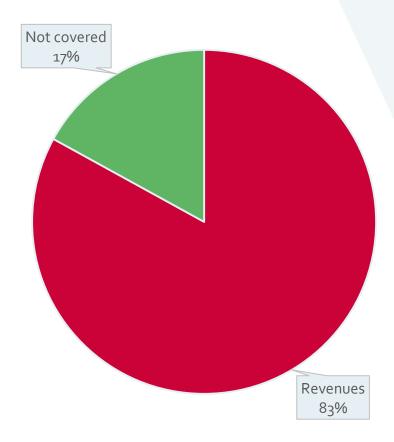
Administrative courts

- 9 + 2 model (since 1 January 2014)
 - 9 regional administrative courts (*Landesverwaltungsgerichte*)
 - 1 for each federal state (Bundesland)
 - 2 administrative courts at federal level:
 - Federal Administrative Court (Bundesverwaltungsgericht)
 - Federal Finance Court (*Bundesfinanzgericht*)
- 2 Supreme Courts for the public law sector:
 - Constitutional Court (Verfassungsgerichtshof)
 - Supreme Administrative Court (Verwaltungsgerichtshof)

Courtroom at the Justice Centre in Eisenstadt



Budget 2019 (EUR 1.661 billion)



Duration of civil court proceedings (months)

District courts

Regional courts

Year	Cases	Ø
2014	50,659	8.8
2015	48,193	8.5
2016	45,266	8.7
2017	42,600	8.3
2018	42,484	8.7
2019	42,188	8.5
2020	37,042	9.4

Year	Cases	Ø
2014	11,235	19.1
2015	10,454	19.4
2016	10,788	20.8
2017	9,971	17.7
2018	10,444	18.6
2019	10,309	18.6
2020	9,216	18.0

Duration of criminal court proceedings (months)

District courts

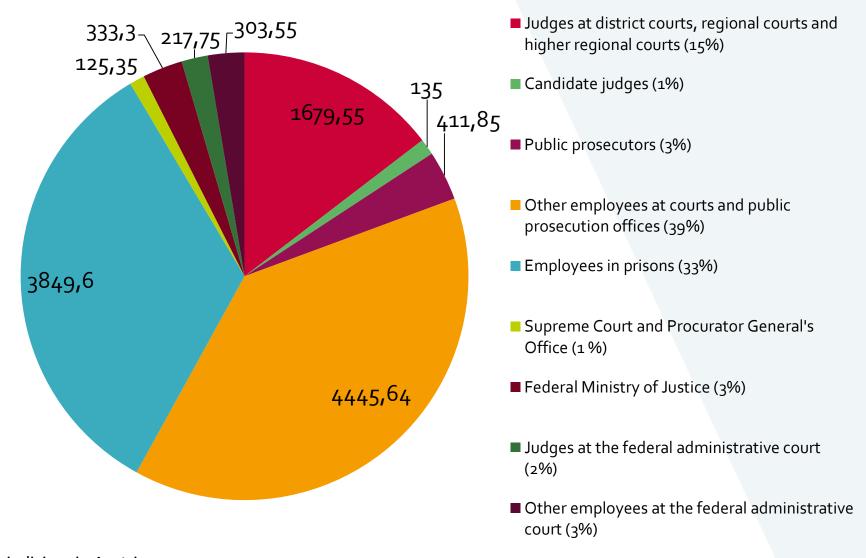
Regional courts

Ø

Year	Cases	Ø
2014	165,329	5.5
2015	164,152	5.1
2016	173,690	4.5
2017	184,817	4.8
2018	179,809	4.8
2019	181,802	4.3
2020	144,295	5.5

459 3.8 156 3.9 006 4.2 102 3.8 4.2 581 905 4.1 484 4.3

Staff of the justice system (status as at 1 July 2020)



Other legal professions



- Lawyers
- Notaries
- Tax consultants
- Public accountants

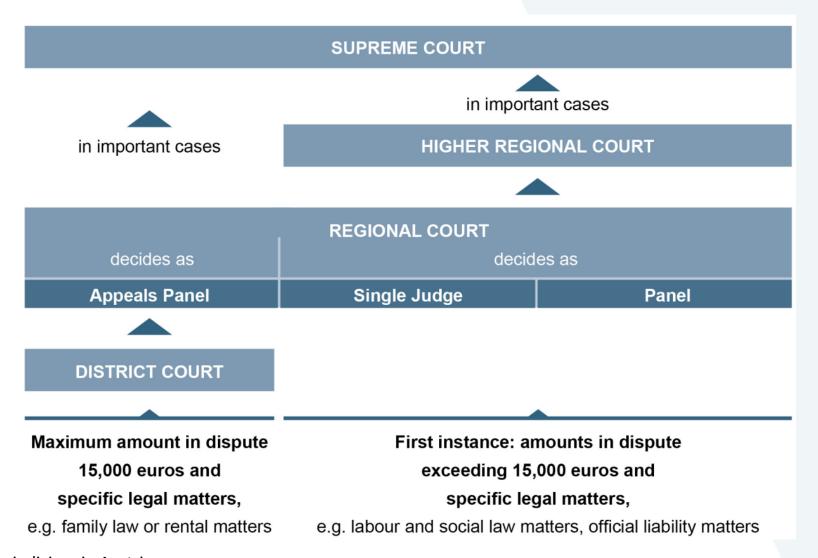
How to become a judge (civil/criminal) or public prosecutor

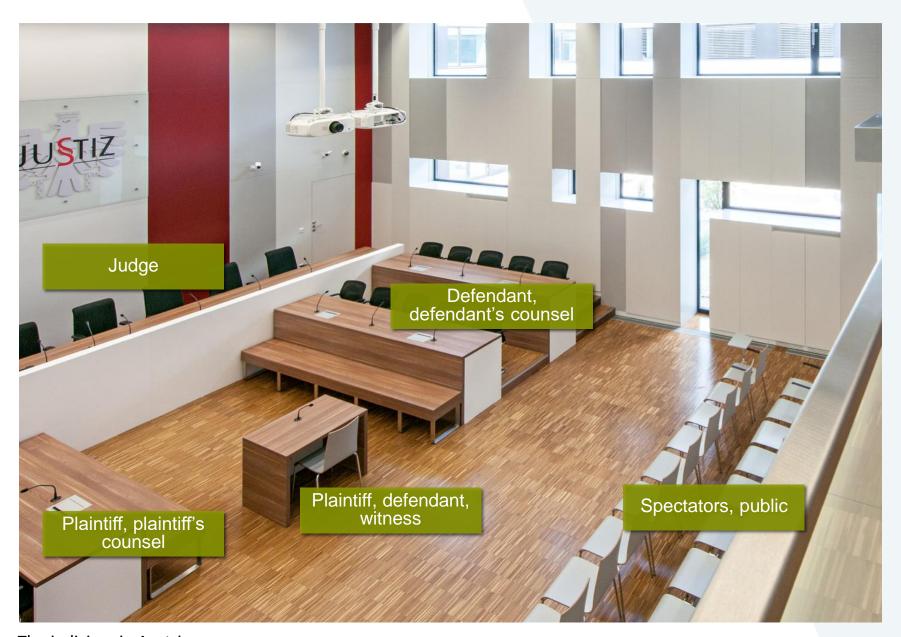


Principles of the administration of justice in Austria

- The right to a trial before a judge of law
- Judges are independent and cannot be removed or transferred from office
- Court rulings can (generally) be contested in appellate proceedings
- Participation of the people (lay judges)
- Right to a fair trial (European Convention on Human Rights)

Successive stages in civil law cases

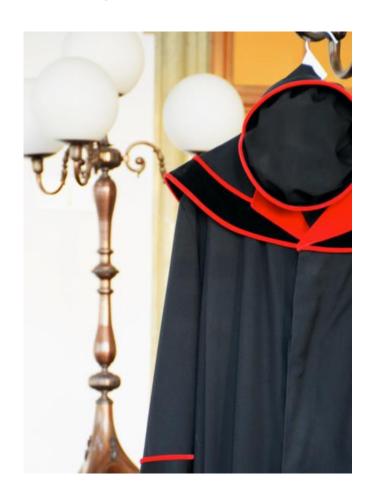




Historic courtroom at the Supreme Court



Public prosecution offices



- Separate from the court organisation
- Hierarchical structure
- Bound by instructions
- Conduct preliminary investigatons

- Bring charges (27%)
- Discontinue proceedings (60%)
- Close cases by imposing "diversion" (13%)

Procedure when charges are brought

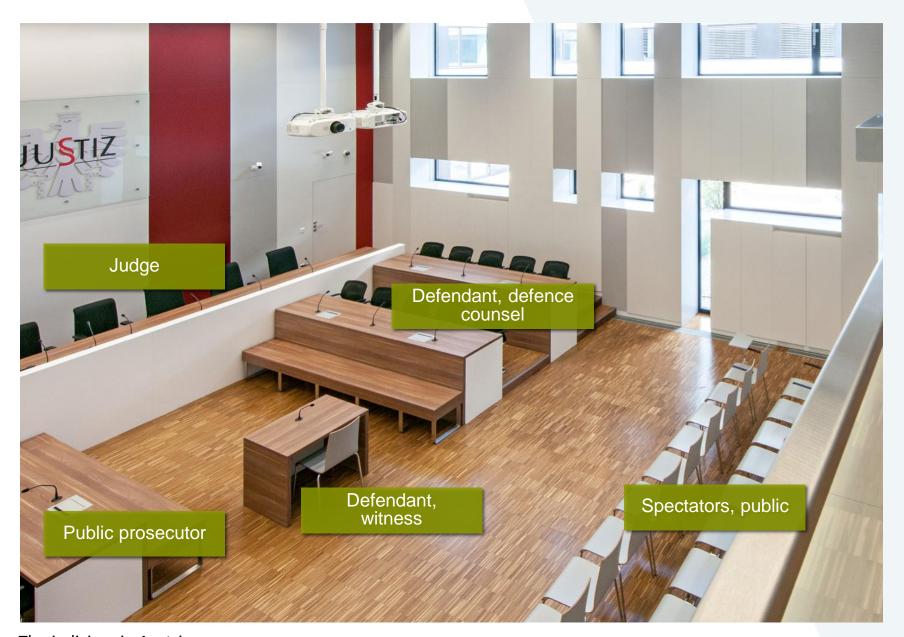
- Trial
- Verdict
 - Acquittal
 - Conviction
 - Fine
 - Imprisonment
 - The offender may be put on probation (all or part of the sentence)

Historic courtroom (*Großer Schwurgerichtssaal*) at the Regional Court for Criminal Matters Vienna (*Graues Haus*)



Jury box of historic courtroom at the Regional Court for Criminal Matters





Successive stages in criminal law cases

SUPREME COURT HIGHER REGIONAL COURT **Nullity Appeal** Appeal against Appeal against guilt and/scope of terms of punishment punishment **REGIONAL COURT Court of Lay Judges** Panel of 3 Judges Single Judge **Trial Jury** Appeal against guilt and/or scope of punishment **DISTRICT COURT** Minor offence carrying Crimes and offences carrying Serious crimes carrying a maximum prison term of a life sentence as a a maximum prison term of one year or a maximum 5 years maximum term fine of 360 daily rates

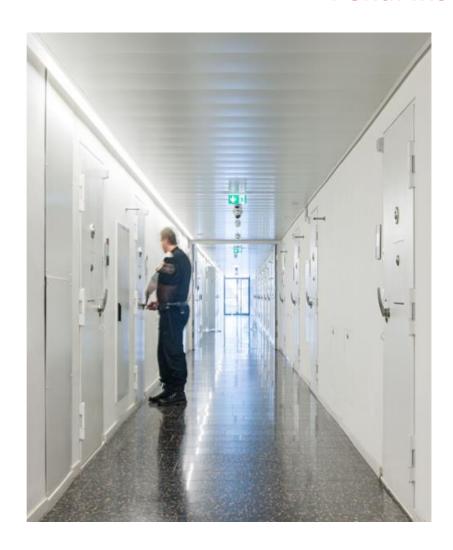
Specific proceedings in special cases

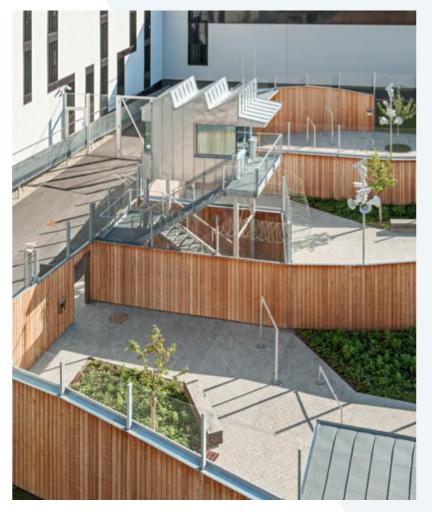
- Minors, i.e. children under the age of 14
- Juvenile offenders, i.e. persons aged 14 to 18
- Mental incapacity
- Drug offences
- Diversion

Consequences of a criminal offence

- Criminal record
- Notifications

Penal institution





Thank you for your attention and for your interest in the Austrian judiciary!

www.justiz.gv.at

