

# sophie

BildungsRaum  
für Prostituierte

## „Women at Work - Sex Work in Austria“

**Country Report within the framework of the  
Transnational Partnership KYRENE for the  
Development Partnership of SOPHIE – A Place of  
Education for Sex Workers.**

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This report was produced in October 2005. In the first half of 2007 the text was revised and parts of it updated to keep the information accurate.

# 1. General description of the country

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**Map: Austria and its Federal Provinces (*Länder*)**



## 1.1 General country information

Austria is a federal republic with nine provinces (*Länder*) since 1955. The capital is Vienna. It is situated right in the middle of Europe with its neighbouring countries Germany, Czech Republic, Slovak Republic, Slovenia, Italy, Switzerland and Liechtenstein. Austria is a member country of the European Union since 1995. Five parties are represented in parliament. The Social Democrats (*SPÖ*) gained most of the votes and formed a coalition government with the second largest party, the Peoples Party (*ÖVP*) in February 2007. The Greens (*Die Grünen*), the Freedom Party (*FPÖ*) and its offspring *Bündnis Zukunft Österreichs* (*BZÖ*) form the parliamentary opposition. Concerning the provincial governments four are led by Social Democrats (Burgenland, Salzburg, Styria and Vienna), three by the Peoples Party (Lower Austria, Tyrol and Vorarlberg), Upper Austria by the Peoples Party and the Greens and Carinthia by the BZÖ.<sup>1</sup>

In 2001 the total number of inhabitants of Austria was 8,032,926. The figure stems from the national census which is conducted every 10 years. 3,889,189 Austrians were male and 4,143,737 female.<sup>2</sup> Life expectancy is 75.5 for men and 81.2 for women. About half a million of residents are third- country nationals from outside the EU/ EEA<sup>3</sup> who have to apply for special residence status. The number of males/ females equals, about half of them have a long term residence status (permission to stay more then 3 years). If we consider the migrant population of Austria all together – in a broader sense then just nationality - we can resume that about 15% of the population have moved to Austria from abroad. The largest migrant groups are from Turkey and the area of former Yugoslavia followed by Germany and other neighbouring countries (especially Czech Republic and Slovak Republic) as well as Poland, Romania and Bulgaria. Refugees nowadays come to a large extent from Russia (conflict in the Caucasus). The number of asylum seekers has declined remarkably since May 2004 due to reform of national legislation and the enlargement of the European Union. The main

<sup>1</sup> In June 2005 the Freedom Party split into Freedom Party (*FPÖ*) and Alliance Future Austria, in German *Bündnis Zukunft Österreich* (*BZÖ*) but chances are generally seen low for them to establish despite in Carinthia.

<sup>2</sup> Statistik Austria, Jahrbuch 2003, Seite 56.

<sup>3</sup> European Union / European Economic Area.

language spoken is German with the minority languages Croatian and Slovenian. Major religion is Christian (with about 80% of roman-catholic belief).

## 1.2. General sex work information

According to the yellow pages<sup>4</sup>, there are various offers in the sex business in Austria:

**Chart: Yellow pages on sex work in Austria, October 2005**

Type of offer	numbers
Escort services and agencies	38
Nightclubs – Bars	183
Striptease	15
Gogo- Dance	2

Source: Herold yellow pages.

Two years later – in 2007 - the yellow pages show less entries and key words in the search mode such as “Gogo” or “brothel” are out of function. In addition a considerable part of the business is conducted via internet or adverts in printed media. It is not possible to make estimations on the exact offer there. As in any other place nowadays everything is highly flexible. If we take the example of a popular site for sex workers in Austria<sup>5</sup>, some 422 users were registered in June 2007 and posting news and adverts. A customer oriented site shows an average of about 370 new entries a month.

**Chart: legal status of sex workers**

	registered	unregistered
legal residence status	legal prostitution	illegal prostitution
illegal residence status		illegal prostitution

source: own illustration.

Basically there are two types of prostitution: legal or illegal prostitution. As soon as a person is legally resident in Austria he/she can register as a sex worker as long as all other legal provisions are met. Official residence status is automatically evident for all EU/EEA citizens and their spouses. Other citizens usually have to obtain some kind of residence permission. Registration for prostitution lies within the competence of the state authorities i.e. the police in Vienna. Therefore it is quite unlikely to obtain permission for prostitution without a residence permit. Talking about illegal prostitution, it means sex workers are not registered with the police and do either have a legal residence status or are in the country without a residence status. In the relevant literature the number of illegal prostitutes is regarded is approximated with two to ten times the number of registered sex workers.

Concerning the number of registered – official or legal – prostitutes numbers for the whole country do not exist. In Vorarlberg not a single sex worker is registered due to legislation in combination with local policy.

In Salzburg there are an estimated 1,000 sex workers with more than half of them working in Salzburg town, the other in the countryside. The most recent data and information are available here. An enquiry<sup>6</sup> in the provincial assembly (*Landtag*) on prostitution from June 2005 touched the following issues:

<sup>4</sup> Herold Superpages [www.herold.at](http://www.herold.at) 05/10/2005

<sup>5</sup> <http://www.sexworker.at> 18/03/2007.

<sup>6</sup> Nr. 37 der Beilagen zum stenographischen Protokoll des Salzburger Landtages.

- The last legal reform (*Landes-Sicherheitspolizeigesetz 2003*) is considered efficient by the police to fight illegal prostitution. Yet there are about 100 private apartments who are by and large out of police control and often run under the title of massage. That raises concern on health.
- 8 illegal brothels in the town of Salzburg and one in St. Johann were closed down.
- Individual registration instead of common registration through the brothel keeper would not make a difference in the opinion of the administration. Registration and police control of the brothels provide an efficient way. Multilingual information for migrant sex workers is considered necessary.
- At the moment it is not possible to have regular job contracts for prostitutes. This is seen as a problem which has to be solved on federal level. Self employment is possible but rather unknown. Therefore access to the unemployment insurance and services of the Labour Market Agency<sup>7</sup> is not given.
- In the opinion of the police the working conditions for women kept unchanged. More than 90% are migrants (e.g. from Moldova) who change/are exchanged very quickly. Constant information in combination with social work seems to be necessary. Women complain about the forced consumption of alcohol and the high tribute to the brothel keeper.
- Delinquencies against the Aliens law are decreasing with enforced controls, as the number of inquiries is increasing.
- St. Johann, one of the districts, offers counselling at the weekly health check and the NGO "Frauentreffpunkt" is willing to offer special support for sex workers let only the financial support is given.

188 female sex workers were registered in June 2004 in Linz, Upper Austria. Statistics from the Health Section of Linz<sup>8</sup> show that more than 90% were migrants as well.

**Chart: Nationality of registered sex workers in Linz 2004**

Nationality	numbers
Belarus	46
Romania	35
Hungary	18
Ukraine	15
Bulgaria	11
Slovak Republic	11
Russian Federation	9
Moldova	8
Czech Republic	9
Austria	7
others	19
total:	<b>188</b>

Source: Lena 2004, p. 10.

The First Viennese Women's Health Report<sup>9</sup> 1996 points out the special situation of female sex workers in Austria and Vienna: Prostitution is a taboo in our society, yet it can not be considered just a phenomenon of outsiders. Special attention derives from the higher risk sex workers are taking for their health. Half of the 1,500 registered prostitutes of Austria are living in Vienna and two thirds of the estimated 6,000 unregistered sex workers are expected to live here as well. In addition another 4,000 sex workers are likely to live and work in Austria without having contact to relevant institutions. After the fall of the Iron Curtain the percentage of migrant women rose significantly. A most recent report<sup>10</sup> notes that there are between 4,000 and 6,000 female sex workers likely to be in Vienna with 60 to 80% of them being migrants. This estimated figure was well repeated over years in public.

<sup>7</sup> Arbeitsmarktservice (AMS).

<sup>8</sup> LENA (2005): „Zwischen allen Welten. Szenepresenz, Brücken bauen, sich vernetzen“, Linz.

<sup>9</sup> Frauenbüro der Stadt Wien MA 57 (Hg.) (1996): „I. Wiener Frauengesundheitsbericht – Kurzfassung“, Wien.

<sup>10</sup> MA 57- Frauen (Hg.) (2005): „Situationsbericht Frauen in Wien 2005“, Wien.

The Ministry of Health and Women<sup>11</sup> reported that according to the Ministry of the Interior there are some 3,000 unregistered sex workers, at least 80% of them migrants. Since 2002 women from African origin are increasingly registered as prostitutes during their asylum procedure. The Austrian labour market is generally speaking de facto almost closed for asylum seekers but registration for prostitution can be obtained quite easily as well as some other self employed small businesses. Social problems might arise out of this income as asylum seekers are cared for in the federal states based on the so called *Grundversorgungsvereinbarung*<sup>12</sup>. This usually implies accommodation, health insurance, clothing and a minimum amount of pocket money for third-country nationals in need (to cut a long story short). In Spring 2007 problems arose with the income determination of prostitutes as the legal situation in Austria (*Sittenwidrigkeit*) does not allow any contracts and therefore no evidence of income can be produced by sex workers. In this context it endangers specifically migrant women of losing basic social support.

Actually registration in Austria lies with the local authorities (*Bezirkshauptmannschaften*) outside Vienna. It would therefore be necessary to conduct an in- depth research or interviews on the local situation.<sup>13</sup>

### A spell on history (herstory)

Hügel<sup>14</sup>, a medical doctor in Vienna wrote a policy paper on the regulation of prostitution in 1865. Starting with a general look on the history of prostitution – from the temples of Venus and Adonis in antique Greece – he finds the ever changing legislation from prohibition to acceptance quite inefficient. Ever since trying to regulate prostitution different ways have been applied in Vienna: material (women's shelter), moral (a penance shelter) or by police and clergy (commission). 1395 was the year of the first license for a women's house (*Frauenhaus*) in the town of Vienna, next to Josefsplatz<sup>15</sup>. A weekly payment to the city council was kept apart for medical treatment and a spare week before Easter. Later on the paid holidays of the women's house were extended to three weeks. Meanwhile a penance shelter in a monastery existed for women quitting their work in the women's house. It was destroyed during the siege of the Turks later on.

In the 15<sup>th</sup> century sex workers were so- called `free daughters` (*freie Töchter*) or `common women` (*allgemeine Weiber*). They had to wear a small yellow scarf on the shoulder to be recognized. They accompanied soldiers and were offered to high ranking guests of the city council then. Sexual services were part of the common hospitality. Evidence exists in the book keeping of that time. Even if free daughters participated in public celebrations some citizens of Vienna wanted the City Council to pass a law against marriage of free daughters. It was rejected because the way back into a bourgeois life should be kept open to free daughters and marriage was a matter regularized by the church anyhow.

In the middle of the 16<sup>th</sup> century again two women's houses (*Frauenhäuser*) were established, one in the suburb and the other in the city centre in Tiefer Graben. It was a common house for free daughters to live and work in with the permission of the authorities. At that times all moral issues were regulated by the church i.e. adultery, violence against women or gambling. With the reformation of Martin Luther and the scission of the church into Roman- Catholic and Protestant the power of the church declined. In 1528 the responsibility for prosecution of these crimes was transferred to the vice squad (*Sittenpolizei*). Hügel

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<sup>11</sup> bmgf – Bundesministerium für Frauen und Gesundheit, Sektion II (2004): „Sechster Bericht Österreichs an das Komitee für die Beseitigung der Diskriminierung der Frauen (CEDAW)“, Wien.

<sup>12</sup> This federal law agreement entered into force in 2004 to ensure minimum reception standards for asylum seekers and refugees in Austria.

<sup>13</sup> This unfortunately exceeded the time schedule for this report.

<sup>14</sup> Hügel, Dr. F. (1865): „Zur Geschichte, Statistik und Regelung der Prostitution. Social- medizinische Studien in ihrer praktischen Behandlung und Anwendung auf Wien und andere Großstädte.“, Wien.

<sup>15</sup> The location is next to the emperor's palace (Hofburg).

points out that a coherent way of legalization is the only way to safeguard public health. Under the reign of Habsburgs Queen Maria-Theresia a commission was set up to counteract against immorality. It opened the way for denunciation and corruption because all immoral acts (i.e. kissing of unmarried persons) were prosecuted. Even forced marriage was reported in order to keep sexual morality standards.

In 1850 a ministerial order installed the responsibility of police for registration and health checks of prostitutes in Vienna. Hügel in the end complains about the ambiguous situation between sufferance and punishment.<sup>16</sup>

Malkmus concludes in her dissertation<sup>17</sup> on the history of the legalisation of prostitution in Germany that ever since the debate is about how to regulate sex work. Still it is evident that prostitution existed in all major towns. Most probably it was the same for Austria as well up to Medieval Ages even if we do not have evidence for it. For sure the religious tradition was formative for the evolution of the existing laws and policies. Recapitulating an important point in the reception of prostitutes in society was the differentiation between decent, bourgeois (and married) women on the one side and sex workers on the other. Sadly enough this is still true for a large part of our society.<sup>18</sup>



Source: Josefina Mutzenbacher<sup>19</sup>

## Vulnerable groups

The ideal sex worker is a free self contained individual choosing freely to engage in sex work and thus being able to protect his/her and the client's health. But there are forms of prostitution strongly deviating from this ideal. For example drug addicts<sup>20</sup> trying to bankroll their addiction or boys and girls under majority age which is out of the questions a criminal offence. A recent thesis of two social workers<sup>21</sup> examined the situation of minors in Vienna. In co- operation with the STD- Ambulatorium<sup>22</sup> they conducted interviews with a small number of youth. They are concluding that developments in society such as a problematic labour market and poverty as well as the actual reception of female sexuality and other factors in the family background lead girls into prostitution.

<sup>16</sup> „... endlich auch auf dem Felde der Prostitution eine zeitgemäße Massregelung erwarten zu dürfen, wodurch jene beklagenswerthe Zwittersituation der Prostituierten, die sie immer zwischen gesetzlicher Strafe und Duldung schweben lässt, beseitigt werden würde.“ Hügel, 1865, Seite 65.

<sup>17</sup> Malkmus, Katrin 2005: "Prostitution in Recht und Gesellschaft", Frankfurt am Main.

<sup>18</sup> See Kugler, Iris "Prostitution und Menschenrechte"; Kugler, Iris: "Prostitution ein Überblick" und "Frauen und Sexarbeit in Österreich".

<sup>19</sup> Anonymous : "Josefine Mutzenbacher - Die Lebensgeschichte einer wienerischen Dirne, von ihr selbst erzählt", Wien.

<sup>20</sup> VWS streetwork in Vienna offers a Women`s Café, see: Verein Wiener Sozialprojekte 2004: "Bericht 2004", Wien.

<sup>21</sup> Tener, Carolin and Ring, Tina (2005), St. Poelten (undisclosed).

<sup>22</sup> The STD- Ambulatorium is part of the City Council of Vienna - MA 15 Health Affairs, a public ambulance for venereal diseases and compulsory testing centre for registered prostitutes.

### 1.3. General trafficking information

Austria is a country of destination as well as a country of transit into Italy, France and Germany for mainly women and children from Central and Eastern Europe. A reform of the Penal Code which entered into force in 2004 recognizes victims of trafficking according to common international standards. In 2004 about 150 women sought the help of a victim assistance shelter in Vienna and more than 300 cases were brought before court that year. Yet the numbers of convictions are declining and further improvements in the assistance of victims are recommended. The numbers for 2006 show a further decline in 137 prosecutions issued and 90 victims of trafficking being assisted in a shelter.<sup>23</sup> Also in 2004 too the National Task Force Against Trafficking in Human Beings started its work, coordinated by the Federal Ministry of Foreign Affairs. Different aspects are since worked on and recommendations made.

### 1.4. General data on health care

#### **Insurance system and general health**

Austria can be characterized as a corporatist social welfare state.<sup>24</sup> Especially in the 1970ies up to the middle of the 90ies virtually the whole population was covered by the social insurance scheme, the highest coverage rate being that of health insurance. It could – and still can – be obtained by two different ways: to have a regular job including social insurance or to be a family member (i.e. spouses, children or partner in life) of someone who has got a regular job. The situation is the same for self-employment. With an ever increasing number in atypical working conditions such as new forms of autonomy, minor employment or part-time jobs problems with social insurance rose. Another aspect was the rather conservative structure of Austrian society with many women staying away from the labour market in order to look after their families. The average employment quota<sup>25</sup> for men, aged between 15 and 65 years was 82.9% of the total population in 1990, but only 61.1% for women. In 2001 the gap was smaller with 75.9% men and 59.8% women participating in the workforce. A rise in divorce numbers also means an increasing number of women without social security who formerly relied on their husbands. Thirdly more and more people are impoverished and more likely to lose access to health care. Generally speaking the group of migrants, especially asylum seekers in the beginning of this century had limited access to health care. After a legislative reform implementing the EU directive on minimum reception standards for asylum seekers<sup>26</sup>, which entered into force in May 2004 the situation improved remarkably.

Sex workers are often part of the above mentioned groups who are more likely to lose social insurance. In practice the sole option for health insurance is via self-employment. But not every sex worker is capable, for example due to a foreign mother tongue or lack of information, to manage self-employment and self-insurance well.

A study from the Ministry for Women and Health<sup>27</sup> roughly estimates that there are 120,000 people without health insurance in Austria at the moment. Concerning the social security of women in prostitution a parliamentary inquiry tried to gain relevant data. The Minister of Social Affairs stated that 826 women held a health insurance as self-employed prostitutes, only 83 held were registered in the pension scheme. But the minister stated as well that it is likely many women use other forms of declaring their profession i.e. waitress or dancer and some use the possibility of “opting in” into the health insurance.

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<sup>23</sup> US State Department Report – Country Narratives [www.state.gov](http://www.state.gov).

<sup>24</sup> Tàlos, Emmerich and Wörster, Karl 1994: „Soziale Sicherung im Sozialstaat Österreich“, Vienna.

<sup>25</sup> see: Statistik Austria 2003: “Statistisches Jahrbuch 2003”, Seite 519.

<sup>26</sup> Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers [Official Journal L 31 of 06.02.03].

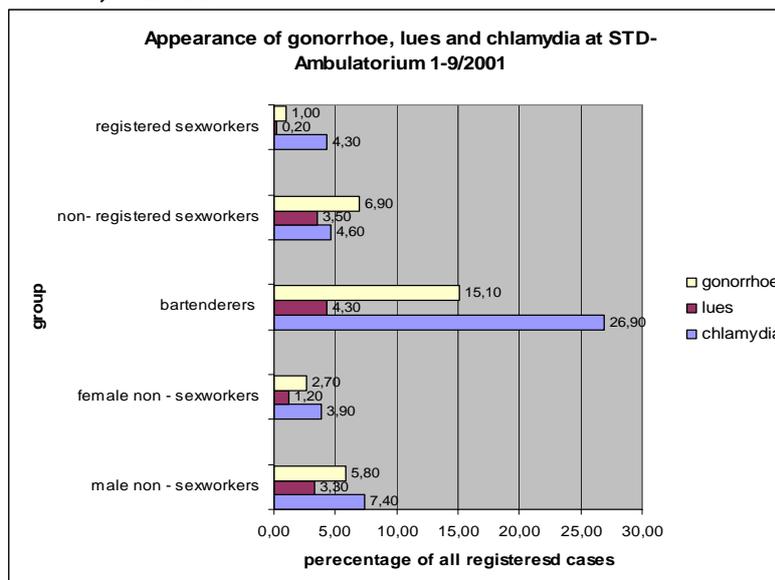
<sup>27</sup> Bundesministerium für Gesundheit und Frauen und Bundesministerium für Soziale Sicherheit Generationen und Konsumentenschutz 2004 „Quantitative und qualitative Erfassung und Analyse der nicht-krankenversicherten Personen in Österreich“, Wien.

## Sexually Transmitted Diseases- STDs

The Vienna Health Report 2001<sup>28</sup> reported in detail about venereal diseases. Between 1986 and 2000 the total number of compulsory registered venereal diseases (without HIV/AIDS) dropped from 2,969 to 469 cases. From 2000 on an increase of lues (syphilis) was registered. Gonorrhoea (*Tripper*) is still the most wide spread STD in Vienna. In 1990 the relation was 9:1 for gonorrhoea to lues infections. Ten years later the distribution changed into 1.5:1 (gonorrhoea: lues). In contradiction to the general decrease in STDs lues has spread in the aftermath of the HIV-pandemic in the 1990ies. 176 cases were registered 2000 but 95% were detected at an early infection stage. If we take a look at the numbers registered by the STD- Ambulatorium during the compulsory health checks of sex workers, the numbers – in contrast to the general trend - did not increase. The gender- distribution of new lues infections does not show a any specific tendency.

Mayerhofer<sup>29</sup> points out that in the very long run in war times and after a high rise in venereal diseases is typical i.e. Vienna had 19,000 cases registered in 1946. The figures dropped in the 1950ies and 60ies and tripled after the sexual revolution in 1968. As stated above numbers dropped again with the appearance of HIV/ AIDS. In 2001 the distribution of gonorrhoea and lues cases in Austria showed that three quarters of infections were registered in Vienna, non in Burgenland and the others were spread evenly among the other provinces. With the support of the data from the STD- Ambulatorium Mayerofer shows interesting indications of STDs: the group of registered female sex workers who conduct a compulsory health check every week have a lower risk in carrying Chlamydia, lues or gonorrhoea than men who are not sex workers. The same is evident for lues and gonorrhoea infection within the group of women not active in sex work. Only the numbers for Chlamydia were slightly (1%) higher. A significantly higher infection rate appeared with bartenders (*Bardamen*). These are in many cases non- registered sex workers who are – in a legal sense – bartenders but it is common sense that they offer sex as well. This twilight regulation seems to affect the health of these women in a bad manner. The second largest risk group are women in illegal prostitution.

**Graphic: Appearance of gonorrhoea, lues and Chlamydia at STD- Ambulatorium Vienna, 1-9/2001**



Source: Mayerhofer 2001, p.19.

<sup>28</sup> Magistrat der Stadt Wien, Bereichsleitung für Gesundheitsplanung und Finanzmanagement, Gesundheitsberichterstattung (2001): „Gesundheitsbericht Wien 2001/ Vienna Health Report 2001“, Bericht B1/2001, Wien.

<sup>29</sup> Mayerhofer, Silvia (2001): “Epidemiologischer Überblick über STDs in Wien und Österreich”, presentation held at the Forum venerologicum.

## HIV / AIDS

The UNAIDS/ WHO Epidemiological Fact Sheet for Austria<sup>30</sup> states that until 30 April 2004, 2,285 people have developed AIDS, and 1,345 had died since the beginning of the epidemic. One third of all AIDS cases got infected by injecting drugs, about half by male-to-male sex. Annually about 1.2 million Austrians are tested about half of them are blood donors. The infection rate for Austria is estimated between 9,000 and 13,000. HIV prevalence is five times higher in prisons. Aids Hilfe Wien stresses that 1-2 infections take place daily in Austria. For syphilis the report states between 1-4 cases/ 100,000 per year. Aids Hilfe Wien<sup>31</sup> stresses that two thirds of HIV infected persons are male, one third female. In 2004 between one to two persons were newly infected every day in Austria. The Vienna Health Report 2001 adds that the rate of new infections is well below those of Upper Austria, Vorarlberg, the Tyrol and Burgenland. The lowest rates by far are reported from Lower Austria and Carinthia.

### 1.5. General data on migration

**Chart: Citizen Status of population 2001**

Citizenship by country:	number
Austria:	<b>7,322,000</b>
abroad – total:	<b>710,926</b>
<b>Germany</b>	72,218
<b>Italy</b>	10,064
<b>other EU member states</b>	23,891
<b>Bosnia und Herzegovina</b>	<b>108,047</b>
<b>Former Republic of Yugoslavia (Serbia and Montenegro)</b>	<b>132,975</b>
<b>Croatia</b>	60,650
<b>Macedonia</b>	13,696
<b>Slovenia</b>	6,893
<b>Poland</b>	21,841
<b>Romania</b>	17,470
<b>Switzerland</b>	5,962
<b>Slovak Republic</b>	7,739
<b>Czech Republic</b>	7,313
<b>Turkey</b>	<b>127,226</b>
<b>Hungary</b>	12,729
<b>United States</b>	6,108
<b>others/ unknown</b>	76,104

Source: Statistik Austria, Jahrbuch 2003, Seite 56.

8.85% (total of 710.926) of the population resident in Austria in 2001 were foreigners by nationality. The largest group were 132,975 citizens of Serbia and Montenegro, followed with 127,226 by Turks and people from Bosnia and Herzegovina. If we take a look beyond the citizen status and talk about migrants as people who have moved to Austria in one point in their lives the numbers differ.

<sup>30</sup> UNAIDS/ WHO (2004): "Epidemiological Fact Sheets on HIV/ AIDS and Sexually Transmitted Infections – Austria – 2004 Update".

<sup>31</sup> Aids Hilfe Wien: "Aids Statistik" <http://www.aids.at> 04/10/2005.

**Chart: Citizenship at Birth**

Citizenship at Birth	total number	%
Austria:	<b>7.029.527</b>	<b>87.5 %</b>
born abroad – total:	<b>1.003.399</b>	<b>12.5 %</b>
<b>Germany</b>	140.099	13.9 %
<b>Italy</b>	26.099	
<b>other EU member states</b>	32.206	
Bosnia and Herzegovina	<b>134.402</b>	<b>13.4 %</b>
Former Yugoslavia	<b>143.077</b>	<b>14.3 %</b>
<b>Croatia</b>	38.808	
<b>Republic of Macedonia</b>	13.948	
<b>Slovenia</b>	21.021	
<b>Poland</b>	41.671	
<b>Romania</b>	39.044	
<b>Switzerland</b>	11.713	
<b>Slovak Republic</b>	15.981	
<b>Czech Republic</b>	54.627	
Turkey	<b>125.026</b>	<b>12.4%</b>
<b>Hungary</b>	30.953	
<b>United States</b>	7..371	
<b>others/ unknown</b>	127.353	

Source: Statistik Austria, Jahrbuch 2003, S. 56.

12.5% of the residence population of Austria in 2001 did not hold the Austrian nationality at the time of their birth. That means they were either born outside the country or are children from migrants living in Austria at the time of their birth. These would be so- called Second Generation of migrants. The major groups are again people from the Western Balkans and Turkey. If we take a look at a very special form of migration to Austria, namely asylum seekers and refugees major countries of origin in 2004 can be seen in the chart below.

**Chart: Top ten countries of origin of asylum seekers in 2004**

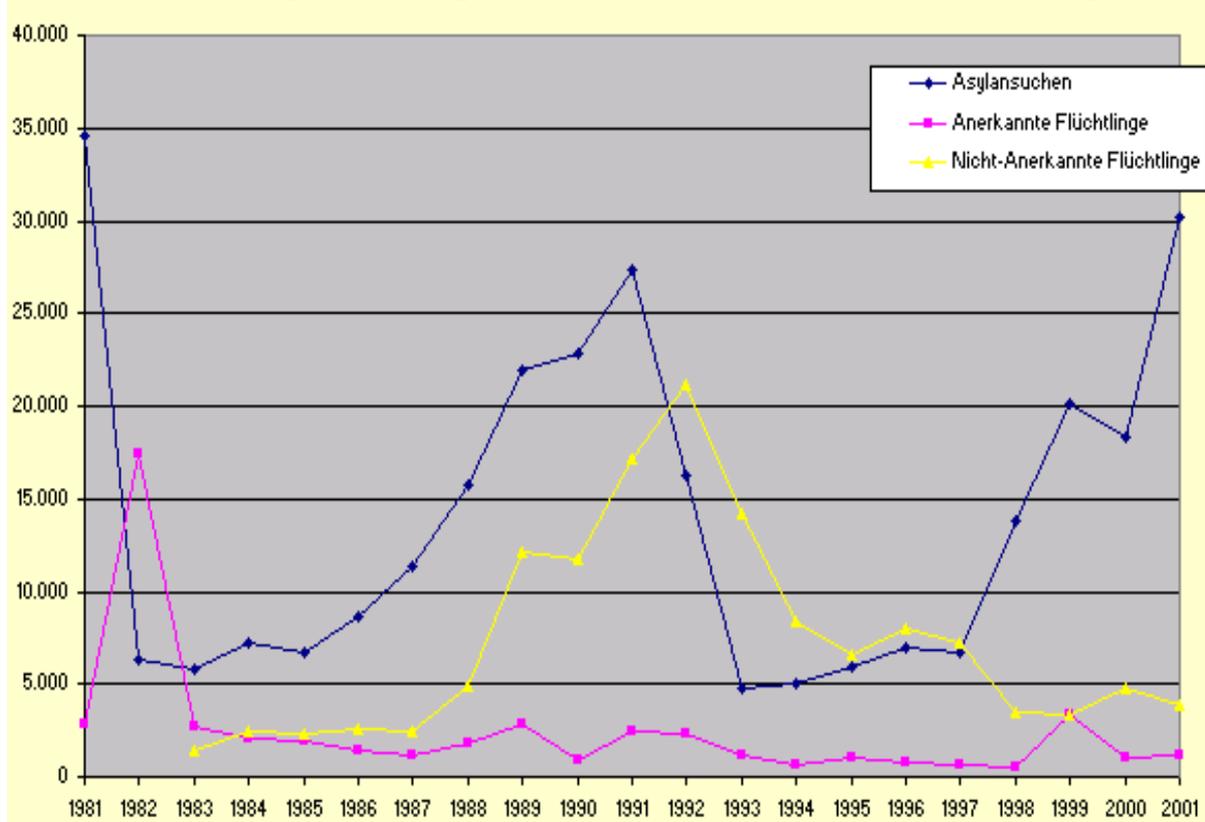
Citizenship	Asylum Applications	refugee status recognized (positive)	refugee status denied (negative)	Quota of positive applications per country*
<b>Russian Federation</b>	6,713	635	215	75%
<b>Turkey</b>	2,843	65	398	14%
<b>India</b>	2,823	0	651	0%
<b>Serbia and Montenegro</b>	2,521	164	1,028	14%
<b>Afghanistan</b>	2,360	294	156	65%
<b>Nigeria</b>	1,846	3	345	1%
<b>Georgia</b>	1,517	53	220	19%
<b>Iraq</b>	1,452	138	50	73%
<b>Moldova</b>	1,175	0	155	0%
<b>Armenia</b>	1,112	23	119	16%
total:	<b>24,326</b>	<b>1,375</b>		
<i>total in 2004:</i>	<b>32,364</b>	<b>1,829</b>		

\* The annual quota of positive applications (*Anerkennungsquote*) is the percentage of positive asylum decisions of a year in relation to the total amount of decision for a country.

Source: Ministry of the Interior "Asyl- und Fremdenstatistik 2004" (own translation).

The Chart above shows main countries of origin for asylum seekers in Austria in 2004. These were the Russian Federation with many people from the Caucasus Region – especially from the province of Chechnya seeking refuge. The second largest group is constantly in the last years from Turkey. Indian asylum seekers have had not a single recognition, the same as Moldova and with only three out of 345 a low quota for Nigeria. Conflict and/ or a problematic human rights situation keep Serbia and Montenegro, Afghanistan and Iraq in this chart. The figures for 2006 rate Serbia, the Russian Federation with about 2,500 asylum applications a year on top followed by Moldova, Afghanistan, Turkey, Georgia, Mongolia, India, Nigeria and Irak.

**Chart: Austrian asylum system 1981 – 2001: asylum seekers (*Asylansuchen*), refugees (*Anerkannte Flüchtlinge*) and refugee- status denied (*Nicht-Anerkannte Flüchtlinge*)**



Source: Österreichisches Forum für Migrationsstudien<sup>32</sup>.

Taking a look at the developments in the asylum system between 1981 and 2001 we can figure out that the number of asylum seekers ever was a changing one with peaks at actual war times. But the number of recognized refugees (*Asylberechtigte*)<sup>33</sup> according to the Geneva Convention was most of the time quite low beneath 4,000 annually. The figures since kept decreasing which seems to a large extent related to the last two accession rounds of the European Union. One of the results was the revalidation of the Dublin Conventions and other EU regulatives to the new member state. A further decrease in asylum application numbers are also likely to occur for Austria with the expansion of the Schengen area.

<sup>32</sup> <http://www.oefm.org/findit.html> 04/10/2005.

<sup>33</sup> The asylum procedure determines the status of an asylum applicant. In the end the state can either recognize the refugee status, or deny it.

## 3. LAWS

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Angelika Kartusch

This Chapter was prepared by Angelika Kartusch in 2005. Due to legal reforms thereafter *Marie-Theres Prantner* revised this chapter to update the information. It aims to provide an overview on the legal framework with regard to prostitution in Austria. The text of the laws cited in this report can be looked up under <http://www.ris.bka.gv.at/>.

Austrian law does not recognize prostitution as work. Accordingly, law and jurisprudence do not speak of “sex work”/“sex worker”, but use the terms “prostitution”/“prostitute”. The present report follows that terminology.

Austria applies a regulationist approach towards prostitution. As it will be shown in the subsequent chapters of the present report, prostitution does not constitute a criminal offence, nor is it recognized as work - its legal status lies somewhere in between. Certain forms of third party involvement in prostitution that are considered exploitative constitute criminal offences. Prostitutes are encompassed by the social security framework and have to pay income tax.

However, contracts on buying and selling sexual services are regarded void under prevailing jurisprudence. For this reason, prostitutes cannot enforce claims for payment against clients in court and they can't be employed as prostitutes. Their status as self-employed brings several disadvantages in the field of labour and social rights compared to employed persons.

Furthermore, a number of laws at the federal and provincial level establish a framework of strict regulations and restrictions with regard to the exercise and soliciting of prostitution. Non-compliance with the regulations and restrictions leads to administrative sanctions, including fines and/or imprisonment. In several cities the competence to enforce the regulations on prostitution lies with police authorities – another aspect which indicates that prostitution is far from being seen an accepted option of obtaining an income.

### 3.2. Legislation on prostitution in Austria – background and framework

In Austria, a broad range of relevant legal norms exists at different state levels (federal, provincial, municipal level). This fact can be explained by Austria's status as a federal state (*Bundesstaat*) and the division of legislative and executive competencies as laid down in the Federal Constitution.

The adoption of laws regulating the exercise of prostitution belongs to the competencies of the nine provinces<sup>34</sup> (including issues such as geographical and personal restrictions or prohibitions regarding the provision, soliciting or advertisement of sexual services, requirements for brothel licenses, registration duties, ...). The Constitution uses the term “vice police”/“*Sittlichkeitspolizei*” for these competencies.

As a rule, the enforcement of these laws lies with the municipal authorities<sup>35</sup>, except for provisions establishing administrative offences. Municipal authorities also have the power to

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<sup>34</sup> Bundes-Verfassungsgesetz (B-VG), BGBl 1/1930 (WV) idF BGBl I 121/2005/Federal Constitution, Art 15 (1).

<sup>35</sup> Bundes-Verfassungsgesetz/Federal Constitution, Art 118 (3) 8.

adopt further regulations on the exercise of prostitution for their municipality.<sup>36</sup> Administrative offences are to be enforced by provincial authorities (*Bezirksverwaltungsbehörde*) or, in cities where a Federal Police Direction (*Bundespolizeidirektion*) exists, by the latter.

Other areas of law directly or indirectly related to prostitution, such as tax law, social security law, civil contract law, health law, alien and asylum law, law of administrative offences or criminal law are regulated and enforced at the federal level.

### 3.3. Regulation of prostitution at the Provincial level

#### **Provincial laws regulating prostitution**

As already mentioned, the competence to adopt laws regulating prostitution lies at the provincial level. Thus, each of the nine provinces may independently regulate issues such as: if and to which extent street prostitution is allowed, whether prostitutes have to register with the authorities or if and under which conditions the operation of brothels is allowed. This section highlights some main features of provincial laws regulating prostitution.<sup>37</sup>

According to the jurisprudence of the Constitutional Court<sup>38</sup>, the term “vice police” - which provides the legal basis for the provincial prostitution laws (see section 3.2.) - encompasses prostitution only in so far as it appears in public. This interpretation is based on the assumption that prostitution is regarded a threat to the public moral (which vice police aims to protect), but only if it is visible to the public.<sup>39</sup> If prostitution is performed for gain (“*gewerbsmäßig*”), it is automatically regarded “public”. Consequently, the provincial prostitution laws may regulate prostitution only if it is visible to the public or committed for gain.<sup>40</sup>

Whereas some provinces have adopted specific prostitution laws (Carinthia,<sup>41</sup> Lower Austria<sup>42</sup>, Styria<sup>43</sup>, Vienna<sup>44</sup>), others have included provisions on prostitution in laws dealing with public order (Burgenland<sup>45</sup>, Salzburg<sup>46</sup>, Tyrol<sup>47</sup>, Upper Austria<sup>48</sup>) or vice police (Vorarlberg<sup>49</sup>). In the following, the term “prostitution laws” encompasses all nine provincial laws regulating prostitution.

All provincial prostitution laws apply and define the term “prostitution”, except for the Vorarlberg law which instead uses the morally connoted term “professional indecent sexual behaviour” (“*gewerbliche Unzucht*”). With minor differences, the provincial laws define

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<sup>36</sup> Bundes-Verfassungsgesetz/Federal Constitution, Art 118 (6).

<sup>37</sup> Other provincial laws regulating issues such as youth protection or public events (the latter encompass, among others, Go-Go and Striptease performances) also contain relevant provisions. These laws will however not be addressed in the present report.

<sup>38</sup> Constitutional Court (VfGH), Judgement B1289/88, 7 December 1988.

<sup>39</sup> Josef Demmelbauer, Andreas Hauer, Grundriss des österreichischen Sicherheitsrechts, Vienna 2002, pp 353f. Sexual behaviour which does not appear in public belongs to a person’s private life and is as such protected by Art. 8 of the European Convention on Human Rights (ECHR). Consequently, sex work which is visible to the public does not fall under the notion of private life (ibid, 354).

<sup>40</sup> Ibid, 354.

<sup>41</sup> Kärntner Prostitutionsgesetz/Carinthian Prostitution Act, LGBl 58/1990 idF LGBl 10/2005.

<sup>42</sup> Niederösterreichisches Prostitutionsgesetz/Lower Austrian Prostitution Act, LGBl 4005/89/1984 idF LGBl 4005/106/2006.

<sup>43</sup> Steiermärkisches Prostitutionsgesetz/Styrian Prostitution Act, LGBl 16/1998 idF LGBl 56/2006.

<sup>44</sup> Wiener Prostitutionsgesetz/Viennese Prostitution Act, LGBl 07/1984 idF LGBl 17/2004.

<sup>45</sup> Burgenländisches Landes-Polizeistrafgesetz/Burgenland Provincial Police Penal Act, LGBl 35/1986 idF LGBl 34/2001.

<sup>46</sup> Salzburger Landes-Polizeistrafgesetz/Salzburg Provincial Police Penal Act, LGBl 58/1975 idF LGBl 114/2006.

<sup>47</sup> Tiroler Landes-Polizeigesetz/Tyrolian Provincial Police Act, LGBl 60/1976 idF LGBl 10/2006.

<sup>48</sup> Oberösterreichisches Polizeistrafgesetz/Upper Austrian Police Penal Act, LGBl 36/1979 idF LGBl 61/2005.

<sup>49</sup> Vorarlberger Sittenpolizeigesetz/Vorarlberg Vice Police Act, LGBl 6/1976 idF LGBl 27/2005.

prostitution as exercising sexual acts or tolerating the exercise of such acts on one own body for gain (“*gewerbsmäßig*”).<sup>50</sup> “For gain” means that prostitution is performed repeatedly and with the intention to obtain an income.<sup>51</sup>

It should be noted that the Tyrolean law covers only heterosexual prostitution and that in Vorarlberg prostitution may be legally performed by women only. All nine laws encompass both, the exercise and the soliciting of prostitution.

The purchase of sexual services from a person under the age of 18 is a criminal offence under Austrian criminal law (see section 3.4.5.). Most provincial prostitution laws explicitly prohibit prostitution performed by persons under 18 (Carinthia, Tyrol, Vienna) or 19 (Burgenland, Lower Austria, Styria). If the person selling sexual services does not reach the requested age, it is the person itself though that is punishable under the provincial laws, not the client – despite the fact, that it is the client, who is committing a criminal act, if the person is under 18.

Many provincial prostitution laws also prohibit prostitution performed by persons for whom a legal guardian was appointed (Burgenland, Carinthia, Lower Austria, Styria, Tyrol, Vorarlberg, Vienna). And most prostitution laws (Burgenland, Carinthia, Salzburg, Styria, Tyrol, Vorarlberg, Vienna) explicitly request that the person holds a valid identity card that confirms that the person is free of venereal diseases and HIV/ AIDS, a requirement that already exists under Federal Law (see section 3.4.1).

The nine provincial laws can be basically divided into two categories:

1. Prostitution is prohibited unless it takes place in a licensed brothel: Carinthia, Salzburg, Styria, Tyrol and Vorarlberg.
2. Prostitution is allowed unless it is performed in certain protected areas or by protected persons: Burgenland, Lower Austria, Upper Austria and Vienna.

The following subsections aim to highlight some main points regulated in the nine provincial prostitution laws.

### **Brothel licensing system – Carinthia, Salzburg, Styria, Tyrol, Vorarlberg**

In Carinthia, Salzburg, Tyrol and Vorarlberg, exercising and soliciting prostitution is prohibited unless it takes place in a licensed brothel. This approach is in principle also pursued in Styria, with the exception that prostitution is also allowed in the apartments or rooms of clients (“*Hausbesuche*”).

In these five provinces, the operation of brothels is conditional upon the existence of a brothel licence to be issued by the authorities. The provincial laws regulate issues such as the application procedures, preconditions for receiving the licence, duties of the licence holder and reasons for withdrawal of the licence or closure of the brothel for the respective province.

Three provincial laws define the term “brothel”. In Carinthia and Styria, a brothel is defined as an establishment where prostitution is exercised.<sup>52</sup> According to the Salzburg law, a brothel is an establishment where either a) one or more persons are present whose appearance (such as clothes or gestures) permit the conclusion that they exercise or solicit prostitution in that establishment, or b) other circumstances, such as the existence of separated rooms or the presentation of sex films, permit the conclusion that that establishment serves the soliciting or exercise of prostitution.

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50 The Upper Austrian law defines prostitution as “soliciting or exercising relationships for the purpose of another person’s sexual satisfaction in order to obtain an income”.

51 The provincial laws differ with regard to the question whether or not the income has to be of a regular nature.

52 The Carinthian law specifies that in a brothel, prostitution is exercised by more than one person.

The Carinthian and Styrian laws also define “brothel-like establishments”: these are establishments where prostitution is not exercised, but solicited. The Carinthian law specifies that a brothel-like establishment is a place where one or more persons who are obliged to undergo regular health checks according to the Venereal Diseases Act (see section 3.4.1) stay regularly, or where due to other circumstances, such as the presentation of sex films or selling of drinks in club rooms, one may conclude that that place serves the soliciting of prostitution. The laws of the latter two provinces apply the same regulations and restrictions as for brothels to brothel-like establishments, including the requirement to obtain a licence.

All provincial laws limit the possibilities of advertising brothels. For example, the labelling or illumination of brothels in an obtrusive manner (Carinthia, Salzburg) or in a way that is extremely annoying to the general public (Styria) is prohibited. Carinthia, Salzburg and Vorarlberg prohibit any advertisement installations, such as showcases, that indicate the use of the building for the purpose of prostitution. Tyrolean law prohibits the recruitment of visitors from inside the brothel, any other kind of advertisement, any hint on the operation of the brothel or any labelling of the building that directly indicates its use as brothel.

In order to be eligible for a brothel licence, the provincial prostitution laws in general require that the applicant has achieved the age of majority,<sup>53</sup> is a citizen of an European Economic Area member state<sup>54</sup> and has not been convicted for certain enumerated criminal offences or punished for violations of the prostitution laws. In all provinces a permit may be issued only if the establishment of an individual brothel does not constitute a violation of public interests (such as health, youth protection, tourism, or the interests of the neighbourhood community). Furthermore, all laws except for Tyrol foresee that brothels are not allowed near certain protected buildings, such as schools, kindergartens, youth centres, churches, hospitals, playgrounds, or homes for elderly.<sup>55</sup> In Vorarlberg, Styria and Carinthia, brothels must not be located “near” such protected buildings, whereas Salzburg specifies that the geographical distance must be least 300 metres. The prostitution laws of Carinthia, Styria and Salzburg make the issuance of a licence also conditional upon conformity with sanitary regulations.

A unique requirement exists in Tyrol where the issuance of a brothel licence depends on the demand for a brothel. The law specifies that the criterion of demand shall be assessed with a view to the number of inhabitants, the demographical structure of the affected areas and whether a brothel exists in the neighbouring municipality. According to the Administrative Court’s jurisprudence, the need to avoid illegal street or apartment prostitution may be an indicator of demand for an officially permitted brothel. However, the mere existence of a certain percentage of men belonging to a certain age group among the general population does in itself not permit the conclusion that “demand” exists.<sup>56</sup>

In all five provinces minors are prohibited access to brothels. The Tyrolean law also states that prostitutes may not receive visitors in the brothels for purposes other than the exercise of prostitution. In some provinces, such as Carinthia and Vorarlberg, pimps are explicitly prohibited from entering brothels.

According to the prostitution laws of all provinces, except for Salzburg, the municipal authorities shall adopt directives that establish further regulations on the operation of brothels, in particular on issues such as opening hours, consumption of alcoholic drinks, or

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<sup>53</sup> Except for Vorarlberg, where the threshold is the age of 24.

<sup>54</sup> Except for Vorarlberg, which requires Austrian citizenship, and Salzburg, which does not limit the applicant’s citizenship.

<sup>55</sup> The list of protected buildings slightly differs from province to province.

<sup>56</sup> Administrative Court (VwGH), Judgement 97/10/0030, 27 March 2000. In that judgment, the court has also interpreted the term “neighbouring” (“*benachbart*”) as being not limited to immediate neighbouring municipalities. Another municipality, in which a brothel already exists, can be qualified as “neighbouring” if that brothel meets the demand of the municipality in which the new brothel should be established.

equipment and cleaning of rooms, provided that such regulations are necessary in regard to public interests, such as public order, security or hygiene.

All prostitution laws oblige the holder of a brothel licence to inform the authorities of the number and personal details (such as name, date of birth, place of residence) of the prostitutes working in his/her brothel. The Tyrolean law also requires information to be transmitted on the amount of rent charged from the prostitutes for the rooms.

Licence holders or their representatives may only rent out rooms to prostitutes who have reached the age of majority and carry a certificate confirming that they are free of venereal diseases (see section 3.4.1). They must be present during the opening hours, allow the competent authorities at any time access to the premises and provide them with necessary information.

According to the Salzburg prostitution law, the licence holder is responsible for compliance of prostitutes and managers working in the brothel with the regulations established by the Salzburg prostitution law and other relevant legislation, such as the AIDS Act, Venereal Diseases Act, Alien Act or the Alien Employment Act. The laws in Carinthia, Styria, Tyrol and Vorarlberg provide for administrative penal sanctions in case the licence holder rents out rooms to prostitutes who do not comply with the AIDS Act or Venereal Diseases Act.

The prostitution laws of Carinthia and Salzburg allow the municipalities to adopt directives prohibiting the exercise or soliciting of prostitution in certain buildings or parts of buildings (Carinthia) or the whole municipality or parts thereof (Salzburg), if this can be justified by certain public interests such as the interests of the neighbourhood community (Carinthia, Salzburg), youth protection or tourism (Carinthia). In Salzburg, such restrictions may be valid for a duration of maximum three years.

A different approach is pursued by the Styrian prostitution law, which allows for exemptions from the general ban on street prostitution: Municipalities may declare soliciting prostitution at certain places and during certain times admissible, provided that it takes place in a non-obtrusive manner, is acceptable with a view to local circumstances and does not take place in the close vicinity of enumerated protected buildings, such as schools, playgrounds, churches or railway stations.

### **Personal and geographical restrictions – Burgenland, Lower Austria, Upper Austria and Vienna**

The second group of provinces in general allows prostitution, unless it is performed by certain - due to age or mental capacities - “protected” persons (see section 3.3.1) or in certain protected buildings or areas.

All four provinces enlist certain protected buildings<sup>57</sup> (such as schools, kindergartens, youth centres, churches, hospitals or playgrounds), in or near which prostitution may be neither exercised nor solicited. In some provinces, prostitution must not be exercised nor solicited „near“ ( Upper Austria) or „in close proximity“ (Lower Austria), whereas a minimum geographical distance is specified for Vienna (at least 150 metres) and Burgenland (at least 200 metres).

The Upper Austrian law prohibits soliciting in public places. The municipalities may however declare exceptions from this prohibition for certain publicly accessible buildings or rooms, provided that this exception would not conflict with public interests (such as youth protection, protection of neighbourhood or the local community life) and that the buildings or rooms concerned are not located in residence areas. In Lower Austria and Vienna, exercising and soliciting prostitution in an obtrusive manner is prohibited. The Viennese law defines

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<sup>57</sup> The list of protected buildings slightly differs from province to province.

obtrusive behaviour as potentially annoying third persons by explicit acts or postures that accentuate the sexual sphere.

In all four provinces, the municipalities may add further local or temporal restrictions on the soliciting and/or exercise of prostitution, if this can be justified in the light of public interests.

Prostitution in apartments is, with two exceptions, prohibited in all four provinces:

- Visits in apartments of clients (*Hausbesuche*) are allowed in Burgenland, Lower Austria and Vienna.
- buildings that are exclusively used or inhabited by prostitutes do not fall under this prohibition, as long as they are not located near/in close proximity of (Upper Austria/Lower Austria) or within a distance of 150/200 metres (Vienna/Burgenland) of the enumerated protected buildings and are not covered by municipal restrictions adopted in the light of public interests. The Viennese law in addition requires that the building must have a direct and separate entrance from a public street and have the necessary sanitary installations and security safeguards established.

As a rule, the exercise or soliciting of prostitution in buildings that are labelled in an obtrusive manner is prohibited. In Burgenland, the municipalities may in addition prohibit the labelling of buildings at particular places or at particular times, if required by public interests. Upper Austria prohibits soliciting via public announcements, except for in media that serve soliciting.

The provincial laws establish, to a different extent, duties of prostitutes and/or owners of buildings in which prostitution is exercised or solicited, to report with the authorities. In Vienna and Burgenland, prostitutes must in advance report several data such as name, date of birth, address, citizenship to the authorities. They must also report interrupting (Vienna) or finishing (Vienna, Burgenland) prostitution. In Burgenland, prostitutes must also report the place where prostitution is exercised and any changes thereof. According to the Viennese law, authorities are obliged to delete a prostitute's record six months after having received her/his report that s/he has stopped working in prostitution.

In Lower Austria, owner of buildings or parts thereof, in which prostitution is recurrently exercised or solicited, must report this fact together with their name and address to the authorities. The Upper Austrian law states that persons who plan to use or provide rooms serving the soliciting or exercise of prostitution shall report their intention at least two months in advance to the authorities. Within two months after that report, the authorities may refuse the use of the building concerned in case of violations of public interests (such as public order and security and youth protection), the need to avoid annoyances of the neighbourhood or disturbance of local community life.

### **Administrative penal sanctions and competent authorities**

Violations of the regulations established by the provincial laws and municipal directives adopted on the basis of these laws carry administrative penal sanctions, including the temporary or permanent closure of a brothel, withdrawal of a brothel licence, fines and/or imprisonment.

Depending on the province in question and the specific legal obligation that has been violated, fines and/or imprisonment may be imposed upon the individual prostitute (e.g. for soliciting prostitution on the streets or in prohibited areas, for failing to register with the authorities or if s/he is under the age of 18), upon the holder of a brothel license (e.g. for running a brothel without a license, for violating the regulations on advertising brothels or for renting rooms to prostitutes who do not provide a certificate proving that they are free of venereal diseases) or upon an owner of a building where prostitution is exercised or solicited in violation of the legal requirements.

With regard to the question which sanctions - fines or imprisonment - are applicable, only fines are foreseen in Carinthia, Lower Austria and Styria. The laws of Burgenland, Vienna and Upper Austria provide as a general rule for fines and only if the fine cannot be recovered for imprisonment. In Salzburg, Tyrol and Vorarlberg, the authorities may alternatively pronounce fines or imprisonment,<sup>58</sup> whereas according to the Tyrolean and Vorarlberg laws, both sanctions may be pronounced side by side in particular serious cases or aggravating circumstances. The level of fines and/or terms of imprisonment differ from province to province.

In that context, two relatively progressive provisions can be found in the Viennese prostitution law: For certain breaches of the law, such as prostitution in prohibited areas or apartments or the failure to register with the authorities, it shall be considered as mitigating circumstance if the prostitute regularly underwent mandatory health checks. Furthermore, fines shall be used to provide additional funding for institutions providing counselling and assistance to prostitutes and/or ex-prostitutes.

Except for the enforcement of administrative penal procedures, the competence of enforcement of the provincial prostitution laws (e.g. registration, licensing of brothels, and adoption of geographical and temporal restrictions) lies with the administrative authorities of the municipalities. Some bigger cities, such as Vienna, Graz, Innsbruck, Linz or Wels have transferred this competence – fully or with minor exceptions<sup>59</sup> – from the municipalities to the Federal Police Directions (*Bundespolizeidirektionen*). Administrative penal procedures are enforced by provincial authorities (*Bezirksverwaltungsbehörden*) or, within the geographical scope of Federal Police Directions, by the latter.

### 3.4. Regulation of prostitution at the Federal level

#### **Mandatory health checks**

The Venereal Diseases Act (*Geschlechtskrankheitengesetz*)<sup>60</sup> of 1945 establishes a general obligation of all persons who suffer from venereal diseases to seek medical treatment and, upon request of the health authorities, to carry a certificate of such treatment. On the basis of this Act, a Ministerial Directive on health checks of persons engaged in prostitution<sup>61</sup> was adopted in 1974. It obliges prostitutes to undergo regular health checks with a medical officer at the competent administrative authority (*Bezirksverwaltungsbehörde*). They must first undergo a health check before starting this activity and subsequently once a week.<sup>62</sup> For that purpose they receive a special identity card which they are obliged to carry with them and to produce upon request by the police or other authorities.<sup>63</sup> After every check, the prostitute receives a stamp by the authorities, which confirms that s/he is free of venereal diseases. If the medical officer diagnoses a venereal disease, the ID card is withdrawn from the prostitute until s/he is cured of the disease.<sup>64</sup> A breach of this directive constitutes an administrative offence and is punishable by a fine of up to 70 € or imprisonment of up to two months.<sup>65</sup>

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<sup>58</sup> With some exceptions in Salzburg, where only fines are foreseen (e.g. for the labelling or illumination of brothels in an obtrusive manner).

<sup>59</sup> In Vienna, the enforcement of sanitary and fire police regulations remains with the magistrate.

<sup>60</sup> Gesetz vom 22. August 1945 über die Verhütung und Bekämpfung übertragbarer Krankheiten (*Geschlechtskrankheitengesetz*)/Venereal Diseases Act 1945 idF BGBl I 98/2001.

<sup>61</sup> Verordnung des Bundesministers für Gesundheit und Umweltschutz über die gesundheitliche Überwachung der Personen, die der Prostitution nachgehen/Health Checks Directive, BGBl 314/1974 idF BGBl 591/1993.

<sup>62</sup> § 1 Health Checks Directive.

<sup>63</sup> §§ 2, 5 Health Checks Directive.

<sup>64</sup> § 4 Health Checks Directive.

<sup>65</sup> § 7 Health Checks Directive and § 12(2) Venereal Diseases Act.

The AIDS Act (*AIDS- Gesetz*)<sup>66</sup> prohibits prostitutes who are HIV positive or whose HIV test did not lead to a clearly negative result to engage in prostitution.<sup>67</sup> Every prostitute must undergo HIV testing with a medical officer before starting this activity and subsequently at least every three months. As for the venereal diseases checks, s/he receives a stamp in her/his ID, provided that she is free of HIV/AIDS. The medical officer withdraws the ID card, if the test reveals that the prostitute is HIV positive, if the result is ambiguous or if s/he refuses testing.<sup>68</sup> Violations of these provisions constitute administrative offences and are punishable with a fine of up to € 7.260. If s/he has already been punished twice during the last three years for violations of paragraph 1 (exercising prostitution despite positive or ambiguous HIV test), another violation of that provision can lead to imprisonment of up to six months or a fine of up to € 7.260.<sup>69</sup>

### **Social security and income taxes**

Since 1998, prostitutes are encompassed by the mandatory social insurance system (including health and pension insurance) according to the rules applicable to self-employed persons who do not require a trade certificate (*Neue Selbständige*).<sup>70</sup> Compared to the regulations applicable to employed persons, this scheme has several disadvantages: As self-employed persons, prostitutes have no access to unemployment insurance and must pay deductibles for each consultation with a doctor or hospital. This scheme also requires more efforts from the part of the insured person: social insurance payments are not deducted automatically, but have to be paid separately and in advance.

According to the jurisprudence of the Administrative Court, prostitutes, as a consequence of their status as self-employed persons, are obliged to pay income tax and sales tax according to the Income Tax Act (*Einkommensteuergesetz*) and the Sales Tax Act (*Umsatzsteuergesetz*).<sup>71</sup> Also, brothel owners must pay tax on their earnings, including on payments received from prostitutes in return for protection services.<sup>72</sup> Unlike employed persons, self-employed persons have to pay their taxes in advance.

### **Contracts in the context of prostitution**

According to Austrian civil law, a contract between a prostitute and a client is void because of its immoral nature (*Sittenwidrigkeit*).<sup>73</sup> As a consequence, a prostitute cannot enforce a claim before a court against a client who refuses to pay the negotiated sum. The Supreme Court bases this interpretation upon the arguable need to protect clients from prostitutes who would usually take advantage of the clients' "improvidence, inexperience, affect uand drunkenness", and the need to protect the legal institution of marriage, as prostitution would lead to adultery. This approach also aims to protect the sexual sphere of prostitutes, because it prevents a client from enforcing a claim for the performance of sexual services by the prostitute.<sup>74</sup>

Also, a "labour contract" between a brothel owner and a prostitute is void, as it is regarded immoral and conflicts with prostitution-related offences under the Criminal Code, in particular §§ 215-216 (see section 3.4.5.). Consequently, in accordance with the law, prostitutes can

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<sup>66</sup> AIDS-Gesetz 1993/AIDS Act, BGBl 728/1993 (WV) idF BGBl I 98/2001.

<sup>67</sup> § 4 (1) AIDS Act.

<sup>68</sup> § 4 (2), (3) AIDS Act.

<sup>69</sup> § 9 (1), (2) AIDS Act.

<sup>70</sup> § 2 (1) no. 4 Gewerbliches Sozialversicherungsgesetz/Commercial Social Insurance Act, BGBl 560/1978 idF BGBl I 169/2006, § 2 (1) no. 4 Commercial Social Insurance Act.

<sup>71</sup> Einkommenssteuergesetz/ Income Tax Act, BGBl 400/1988 idF BGBl I 161/2005 and Umsatzsteuergesetz/ Sales Tax Act, BGBl 663/1994 idF BGBl I 105/2005.

<sup>72</sup> Administrative Court (VwGH), Judgement 91/14/0193, 17 March 1995, quoted from Angelika Kartusch, Katharina Knaus, Gabriele Reiter, *Bekämpfung des Frauenhandels nach internationalem und österreichischem Recht*, Vienna 2000, p 141.

<sup>73</sup> § 879 Allgemeines Bürgerliches Gesetzbuch/Civil Code, JGS 946/1911 idF BGBl 113/2006,

<sup>74</sup> Supreme Court (OGH), Judgement 3 Ob 516/89, 28 June 1989. See Kartusch/Knaus/Reiter 2000, pp 143ff.

never have the status of an employed person, but be self-employed only. This implies a number of negative consequences, for instance in the context of tax and social security law (see section 3.4.2.) as well as with regard to labour rights, as labour law benefits, such as paid vacation, sickness benefits or protection against dismissal are available to employed persons only. Furthermore, self-employed persons, even if their real work situation de facto resembles that of an employed person, are not eligible for vocational training courses offered by the Labour Market Service (AMS) or, due to a lack of membership, legal counselling by the Labour Chamber.

With regard to tort law, the Supreme Court has applied a different approach. In a case of 1981, it recognized the claim of a prostitute for lost wages due to a car accident against the person who had caused that accident. The Court argued that although prostitution was an antisocial activity, it was not illegal. Therefore, the earnings resulting from prostitution were legally protected as much as any other earnings.<sup>75</sup>

The Supreme Court has in a more recent judgement recognized the validity of contracts between sex hotlines and clients calling such hotlines.<sup>76</sup> Here, the Court refused to use the above mentioned principles developed on contracts between prostitutes and clients, because, in contrast to these contracts, hotline contracts do not involve any physical contact or a “degradation of the performer’s intimate sphere”. The Court also referred to changes in moral concepts over time. The Court’s reference to changed moral attitudes since 1989, the time when its case law on contracts between prostitutes and clients was developed, gives reason to hope for.

### **Immigration and asylum law**

On 1 January 2006 a new legislative framework of alien and asylum law entered into force in Austria.<sup>77</sup> Since prostitution is regarded a self-employed activity in Austria, the possibility to legally engage in prostitution primarily depends on the persons possibility/right to legally stay and work as self-employed in Austria. Different rules apply, depending on whether the person is a migrant or an asylum seeker.

As a rule, migrants/citizens from EU/EEA countries are allowed to stay and work in Austria. As to the right to work as an employee, special rules apply to the new EU-members up to 7 years after joining the EU. These restriction though don’t apply to self-employment (as in prostitution, see section 3.4.3.). According to the new alien law, EU/EEA citizens have to register within three months of residence in Austria. For registration, an EU/EEA citizen has to either prove, that she/he works as employed or self-employed (i.e. as a prostitute), or that she/he has health insurance and sufficient means to live on, or that she/he studies in Austria.<sup>78</sup> If the conditions are not met or if the person endangers public order, security or health, the residence card mustn’t be issued.<sup>79</sup>

For citizens/migrants from other (third) countries, different rules apply. In fact, for citizens of third countries it is very difficult to legally stay and work as a prostitute in Austria. The only feasible possibility at the moment is to obtain a special Visa (Visum C+D), that allows to stay and work in Austria for a maximum length of 6 months (per year).<sup>80</sup> The application for this Visa must be made at the Austrian embassy in the country of origin.

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<sup>75</sup> Supreme Court (OGH), Judgement 2 Ob 62/81, 12.5.1981, quoted from Kartusch/Knaus/Reiter 2000, p 145f.

<sup>76</sup> Supreme Court (OGH), Judgement 2 Ob 23/03a, quoted from Michael Hasberger, *Erotik Hotlines sittenwidrig?*, in: *Medien und Recht* 2003, pp 333ff.

<sup>77</sup> *Fremdenrechtspaket 2005*, Federal Gazette I no. 100/2005. The most important laws being: *Fremdenpolizeigesetz 2005/Alien Act*, BGBl I 100/2005 idF BGBl I 99/2006 and *Aufenthalts- und Niederlassungsgesetz/Residence Act*, BGBl I 100/2005 idF BGBl I 99/2006.

<sup>78</sup> §§ 9, 53 Residence Act.

<sup>79</sup> § 55 Residence Act.

<sup>80</sup> § 24 (1) no. 1 Alien Act.

If a prostitute from a third country stays in Austria without such a visa, s/he has to leave the country.<sup>81</sup> If s/he has been punished for a grave breach of the federal or provincial laws regulating prostitution, s/he may in addition be refused re-entering the country (*Aufenthaltsverbot*).<sup>82</sup> Such a grave breach is committed for instance by someone who, in a province where prostitution may be exercised in licensed brothels only, engages in street prostitution, or fails to undergo mandatory health checks according to the 1974 Health Checks Directive.<sup>83</sup> If s/he does not leave the country voluntarily, a deportation order will be issued and enforced against her/him. For the purpose of ensuring deportation, s/he can be taken in pre-deportation detention (*Schubhaft*).<sup>84</sup>

Asylum seekers on the other hand may may - three months after they have applied for asylum - engage in self-employed activities which do not require a trade certificate (as so-called *Neue Selbständige*), including prostitution.<sup>85</sup> The law also allows employment during the asylum procedure in line with the requirements of the Aliens Employment Act, though it is rather difficult to obtain such a work permit.<sup>86</sup>

Asylum seekers who are in need of support shall be granted state support according to the Basic Support Agreement (*Grundversorgungsvereinbarung*).<sup>87</sup> This agreement applies to persons who are in need of support and protection. A person is regarded being “in need of support”, if s/he cannot make a living out of her/his own efforts and means.<sup>88</sup> The category of “need of protection” includes, among others, asylum seekers as well as recognized refugees within a period of four months after the positive decision on the asylum application.<sup>89</sup> The state must grant asylum seekers who are in need of support services such as accommodation, food, medical treatment, clothing or financial support.<sup>90</sup> All earnings, including earnings from prostitution, are deducted from the support they receive from the provincial authorities.

### **Criminal offences relating to prostitution**

Prostitution as such does not constitute a criminal offence in Austria. The Criminal Code (CC)<sup>91</sup> however criminalises several forms of third party involvement in prostitution. Originally, the relevant Articles were part of the section of “crimes against morality”. This category was renamed in 2004 as “crimes against sexual integrity and self determination” (Chapter 10 CC).

§ 74 (1) no. 9 CC defines the term “prostitution” in the context of criminal law. It is defined as exercising sexual acts or tolerating the exercise of such acts on one owns body for payment, with the intention to obtain regular earnings for oneself or another person from exercising or tolerating such acts. It was only in 2004 that the original term “*gewerbliche Unzucht*” (professional indecent sexual behaviour) was replaced by the more neutral term “prostitution” in § 74 and other relevant articles of the CC.

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<sup>81</sup> § 53 (1) Alien Act.

<sup>82</sup> § 60 (2) no. 4 Alien Act.

<sup>83</sup> See for instance Administrative Court (VwGH), Judgement 2005/18/0178, 14 June 2005.

<sup>84</sup> § 76 (1) Alien Act.

<sup>85</sup> Grundversorgungsgesetz/Federal Support to Asylum Seekers Act, BGBl 405/1991 idF BGBl I 100/2005, § 7 (2).

<sup>86</sup> § 7 (1) Federal Support to Asylum Seekers Act.

<sup>87</sup> Grundversorgungsvereinbarung/Basic Support Agreement, BGBl I 80/2004. This Agreement is a treaty according to Art 15a Federal Constitution and was concluded in 2004 by the federal republic and the nine provinces.

<sup>88</sup> Art 2 (1) Basic Support Agreement.

<sup>89</sup> Art 2 (1) Basic Support Agreement.

<sup>90</sup> Art 6 Basic Support Agreement.

<sup>91</sup> Strafgesetzbuch (StGB)/Criminal Code, BGBl 60/1974 idF BGBl I 56/2006.

§ 215 CC establishes the criminal offence of recruiting another person into prostitution (*Zuführen zur Prostitution*). This offence is committed by someone who causes another person to become engaged in prostitution. This requires more than merely advising or making recommendations: according to the jurisprudence, the offender must substantially influence, in both word and deed, another person in an intensive and targeted manner, with the aim to change that person's life style into that of a prostitute.<sup>92</sup> The relatively severe penalty of imprisonment for up to two years can be explained by the fact that prostitution is regarded "an antisocial way of life, out of which prostitutes find it very hard to escape, although they might wish to do so."<sup>93</sup>

§ 215a CC ("*Förderung der Prostitution und pornographischer Darbietungen Minderjähriger*" / "promotion of prostitution and pornographic images of minors") was newly introduced in 2004. It prohibits the recruitment of a minor into prostitution or for participation in a pornographic performance, as well as to offer or mediate minors to another person for such purposes. The exploitation of minors who are engaged in prostitution or participate in a pornographic performance, with the aim to achieve a financial benefit for her/himself or another person, is also criminalised (paragraph 1). Criminal law defines minors as persons below the age of 18 (§ 74 (1) no. 3).

This offence carries a penalty of up to three years imprisonment. The penalty is more severe, if the offence was committed under aggravating circumstances: up to five years imprisonment, if it was committed by a criminal association, by use of serious violence, if the minor's life was endangered deliberately or by gross negligence, or if the offence has caused a particularly severe disadvantage to the minor (paragraph 2), and from one to ten years, if the victim was under the age of 14 (paragraph 3).

As regards the subjective element, contingent intent (*dolus eventualis*) is sufficient for committing this offence.<sup>94</sup> Thus, it is not required that the client actually *knew* about the minor's age - it is sufficient if s/he at least "took [the minor's age] seriously into consideration" ("*ernsthaft für möglich halten*").<sup>95</sup>

§ 216 CC ("*Zuhältere*" / "pimping") penalises the abuse of another person, with the intention to obtain a regular income from that person's prostitution, with imprisonment of up to one year (paragraph 1). The jurisprudence defines abuse ("*ausnützen*") as receiving a benefit for a disproportionately small service or without any service in return.<sup>96</sup> The penalty is up to two years imprisonment if the offender, with the same intention, exploits ("*ausbeuten*") or intimidates that person, dictates the conditions under which s/he performs prostitution, or abuses two or more persons (paragraph 2).

Exploitation ("*Ausbeutung*") is more severe than abuse ("*Ausnützen*") and is circumscribed in the jurisprudence as the exploitation of a prostitute in a reckless manner, that is in violation of her/his vital interests (e.g. if the pimp takes away most or all of her/his earnings or forces her/him into prostitution by threats or violence).<sup>97</sup>

The term of imprisonment is up to three years if the offence was committed by a member of a criminal association (paragraph 3) or if the offender has prevented the victim by use of intimidation from stopping being a prostitute (paragraph 4). The criminal law reform of 2004 left the text of § 216 unchanged, but raised the penalties by 6 months (paragraph 1) and 1 year (paragraphs 2-4), respectively.

§ 217 CC establishes the offence of "transnational prostitution trade" / "*grenzüberschreitender Prostitutionshandel*". Originally, this offence was called "trafficking in human beings" / "*Menschenhandel*". As it had criminalised only trafficking into prostitution and failed

<sup>92</sup> Ernst Eugen Fabrizy, Strafgesetzbuch. StGB samt ausgewählten Nebengesetzen. Kurzkommentar, 2002, § 215, RZ 3.

<sup>93</sup> Fabrizy 2002, § 215, para 1. (Translation by the author).

<sup>94</sup> Fabrizy 2002, § 5, para 7.

<sup>95</sup> Fabrizy 2002, § 5, para 7.

<sup>96</sup> Fabrizy 2002, § 216, para 1.

<sup>97</sup> Fabrizy 2002, § 216, para 2.

to encompass other forms of trafficking, it had to be adapted in line with the EU Council Framework Decision of 19 July 2002 on combating trafficking in human beings. Consequently, a new, more comprehensive offence of trafficking in persons (§ 104a CC) was introduced in 2004 (see chapter 5). The old provision remained as it was, except for the change of title.

§ 217 criminalises procuring or recruiting a person into prostitution in a country of which s/he is not a citizen or permanent resident. The penalty ranges from six months to five years imprisonment, or, if the offence was committed for gain (“*gewerbsmäßig*”) from one to ten years imprisonment (paragraph 1). If the offence was committed under the use of deception, violence or severe coercion, the term imprisonment ranges also from one to ten years (paragraph 2).

The purchase of sexual services from adults is not a criminal offence in Austria, whereas purchasing sexual services from a person under the age of 18 is a criminal offence (sexual abuse of minors, § 207b (3)) and punishable with imprisonment of up to three years. As contingent intent (*dolus eventualis*) is sufficient, it is not required that the client actually *knew* about the minor’s age - it is sufficient if s/he at least “took [the minor’s age] seriously into consideration”.<sup>98</sup>

Austrian courts have jurisdiction to try certain of the above-mentioned offences according to Austrian criminal law, even in case they were committed abroad. This is valid for §§ 215a and 207b (3) CC if the offender is an Austrian citizen and has his/her permanent residence in Austria (§ 64 (1) no. 4a), as well as for § 217, if the offender violated Austrian interests (e.g. if the victim is an Austrian national) or may not be extradited (e.g. because of his/her nationality) - § 64 (1) no. 4.

### 3.5.Excursus: trafficking in human beings

#### **Criminalisation of trafficking in human beings**

§ 104a CC establishes the offence of trafficking in human beings. This provision, which entered into force in 2004, was introduced in order to implement the EU Council Framework Decision of 19 July 2002 on Trafficking in Human Beings. It criminalises the recruitment, harbouring, reception, transportation, offering or transferring of a minor for the purpose of sexual exploitation, labour exploitation or exploitation through organ transplantation (paragraph 1).

If the offence is committed against adults, the definition requires in addition the use of certain “dishonest” means, which are defined as deception, abuse of authority, a position of vulnerability, insanity or of defencelessness, intimidation and the receiving or giving of benefits to achieve the consent of a person having control over another person (paragraph 2).

Both paragraphs provide a penalty of imprisonment of up to three years. If use was made of force or severe threat, the penalty ranges from six months to five years of imprisonment (paragraph 3). If the offence was committed against a minor below the age of 14, in the context of a criminal association, under the use of severe violence or if it has caused particularly serious harm to the victim, it is punishable by terms of imprisonment of one to ten years (paragraph 4).

According to the explanatory documents to the Government’s Bill, the term “sexual exploitation” covers other criminal offences such as pimping or the promotion of child prostitution or child pornography. “Labour exploitation” encompasses practices which do not amount to slavery or slavery like conditions – these are covered by § 104 CC (slave trade),

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<sup>98</sup> Fabrizy 2002, § 5, para 7. It is thus not necessary that client knew that the person was underage.

but can be qualified as grave disproportion between a given service and the service received in return.<sup>99</sup>

For § 217 CC (transnational prostitution trafficking), please refer to section 3.4.5.

The Criminal Code also criminalises the establishment of or contribution to criminal associations (§ 278) or organised criminal groups (§ 278a) with the aim to commit certain offences, including trafficking in human beings (§ 104a), as distinct criminal offences. These offences are punishable by terms of imprisonment of maximum three years (§ 278) or six months to five years months (§ 278a), respectively.

As for § 217 CC, Austrian courts have jurisdiction to try cases under § 104a according to Austrian criminal law, even in case they were committed abroad, if the offender violated Austrian interests (e.g. if the victim is an Austrian national) or may not be extradited (e.g. because of his/her nationality) - § 64 (1) no. 4.

### **Residence status of trafficked persons**

§ 72 (1) and (2) Residence Act establishes the legal basis for staying permits for trafficked persons. According to this provision, notwithstanding the existence of circumstances which would otherwise prevent the issuance of residence or sojourners permits to aliens (such as illegal residence or lack of health insurance), humanitarian residence permits may be issued to trafficked persons for the purposes of participating in criminal prosecution or enforcing civil claims against the perpetrators. The law enumerates these two options, thus implying that a person is also eligible for a permit if s/he does not wish to testify as witness against the traffickers, but wants to claim compensation from the offender. The law does provide for a minimum duration of stay of 6 months. Whether or not the permit is granted a trafficked person lies within the discretion of the Ministry of the Interior.

Trafficked persons who have received a humanitarian sojourners permit are also eligible for state support according to the Basic Support Agreement<sup>100</sup> (Art. 2 (1) no. 3), provided that they are “in need of support”. For further information, please see section 3.4.4..

### **Intervention Centre for Trafficked Women**

§§ 25 and 56 of the Security Police Act (*Sicherheitspolizeigesetz*) provide the legal basis for the activities of state-recognized victim support organisations, including the LEFÖ Intervention Centre for Trafficked Women” (*Interventionsstelle für Betroffene des Frauenhandels/ IBF*) which provides assistance, counselling and accommodation to trafficked women.<sup>101</sup> § 25 (3) empowers the Minister of Internal Affairs to engage by contract suitable intervention centres to contact persons affected by violence and offer them counselling and non-financial assistance. According to § 56 (1) no. 3, police may submit personal data of potential trafficked women to such intervention centres.

IBF is a project run by the NGO “LEFÖ” (Latin-American Emigrated Women in Austria) and so far the only specialised organisation providing support to trafficked women in Austria.

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<sup>99</sup> Ernst Eugen Fabrizy, Strafgesetzbuch. StGB samt ausgewählten Nebengesetzen. Kurzkommentar, Ergänzungsheft 2004, § 104a, paras 4-6.

<sup>100</sup> § 2 (1) no. 3 Basic Support Agreement.

<sup>101</sup> Sicherheitspolizeigesetz/Security Police Act, BGBl 566/1991 idF BGBl I 56/2006.

## 4. Description of policies

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Cordula Hoebart

### 4.1. Policy concerning sex work

Sauer<sup>102</sup> analysed Austrian policy concerning sex work in 2003. The topic of prostitution first appeared on the political agenda in the 1970ies. After the reform of the Penal Code prostitution was no longer considered a criminal offence. Only illicit sexual acts in public, soliciting and pimping to exploit were still included in the Penal Code provisions. "Since then prostitution policy has evolved `by chance`, as a by- product of other policies, such as health or taxation policy. More often than not, it was the courts, not the legislature that initiated the most important decisions regarding prostitution."<sup>103</sup> The constitution lies down that prostitution is regulated by the federal, provincial (*Länder*) and municipal level. That means the actual regulation of prostitution and its policy has three levels. The municipal or local level is usually deciding on permissions for brothels and/ or dealing with diverging interests in the community.

An example for the mediation of the diverging interests was the "ExpertInnenrunde" in the 15<sup>th</sup> district of Vienna. As most parts of the city are prohibited for street prostitution sex workers on the streets became more and more visible in the neighbourhood of Westbahnhof. Abutting owners protested against and an emotional political debate started. Regular meetings of the ExpertInnenrunde provided a competent panel for exchange between state authorities, politicians and NGOs.

Coming back to the federal debate the amendment of the social insurance law for private enterprises in 1998 was brought to public debate by a ruling of the Federal Administrative Court (*Verwaltungsgerichtshof*). The Court had classified prostitution as a commercial enterprise and – as a logic consequence – set off a debate on taxation. The Peoples Party was in favour of taxation and the Social Democrats finally decided on the new taxation law. But sex workers were not eligible to business licences and were not even granted access to the social security system through self employment. Since the 1980ies sex workers could only opt into health insurance as housewives or at very high insurance rates. The then active "*Verband der Prostituierten Österreichs*" had rather prominent supporters within the Social Democrats at that time. Women's State Secretary Ms. Dohnal succeeded in bringing this topic onto the political agenda. Social insurance for sex workers was promoted in the media who responded with many articles on this double- standard system. With the support of the feminist movement the Greens and Liberal Party<sup>104</sup> tried to lobby the Social Democrat Labour Minister Ms. Hostasch. Thereafter they set up the "Plattform für die Rechte von Prostituierten" and finally succeeded in December 1997. The parliament then amended the social insurance law which allows sex workers to enrol in the social insurance system as self-employed workers. The main themes, so called frames of discussion during political debate were social problems, exiting sex work and the reduction of discrimination practices as a human rights issue. Sauer finally remarks that the debate was lead by committed women such as the Minister for Women's Affairs Ms. Konrad. Similar to public debate the first counselling centres for women were set up such as Lilith (dissolved in 2001), MAIZ and Lena.

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<sup>102</sup> Sauer, Birgit (2004): "Taxes, rights and regimentation: discourses on prostitution in Austria", Cambridge.

<sup>103</sup> Sauer 2004, p.41.

<sup>104</sup> The Liberales Forum (LIF) split from the Freedom Party in the 1990ies. They could not establish themselves in the long run.

The debate on the last amendment of Viennese Prostitution Law (*Wiener Prostitutionsgesetz 2004*) was analysed by Krenn<sup>105</sup>. In most cases prostitution is still interconnected to the policy fields of crime prevention and/or regional planning. An increasing prohibition zone for soliciting is driving sex workers to unsafe places at the outskirts. Much the same is the concern about public health which seems the overwhelming aim of regulation. Both authors agree that the existing regulation produce a rather high number of unregistered prostitutes. Probably up to ten times as many as registered sex workers.

In late 2006 the Social Democratic MP Gabriele Heinisch-Hosek invited to a public event in Parliament on the issue of sex work and its legal regulation (*SEXARBEIT - Dienstleistung besonderer Art? Frauen zwischen Sittenwidrigkeit und sexueller Selbstbestimmung*) which again initiated to think about the women`s positions in public debate. In 2007 two events had some impact on the awareness of stakeholders in the field. An international seminar raised the topic of Human rights of sex workers and was followed by Austria`s first Congress on Prostitution (*38. Fachtagung Prostitution*). This event has a long tradition in bringing together know-how from active sex worker, counselling centres as well as health authorities. Through the organisation of the Equal Development Partnership SOPHIE – coordinated by the NGO Volkshilfe Wien – this Congress was held in Vienna. Some 150 participants, experts from their different backgrounds, could work on pending issues. As a result public debate started in a rather positive way and politicians from both coalition partners stressed the importance of changing legislation in favour of the women in prostitution. The Social Democratic Women Austria agreed on a policy paper on prostitution. These trends are quite positive in respect to an improvement of the laws.

## 4.2. Migration

Since migrant women are the majority of sex workers the residence status is highly important for them. In the last ten years the general migration policy became more and more restricted. Guest workers (*Gastarbeiter*) were hired in the booming economy of the 1970ies and 80ies. The intention was to have contemporary additional workforce without family life. In this idea of temporary sojourn integration policy was not thought about and it did not take place for most of the time. After a decade or more the guest workers settled and brought their families. Family unification and a sound integration policy are still problematic today. In relation to sex work the residence permit is especially important. On the one hand every holder of a residence permit – even without labour market access – can register as a sex worker.

On the other hand special visas for “dancers” were introduced in the Alien Law in unlimited number. Sole precondition is a working invitation from a bar or brothel. This short term visas for dancers (*Tänzerinnenvisum*) are not leading to any other residence rights in Austria. In February 2005 the Minister of the Interior Ms. Prokop intended to terminate visas for dancers on the request of the Romanian government. All residence permits should have been terminated. SILA, Lefö and MAIZ formulated an open letter to the minister to draw her attention to the specific situation. Fears were that these women were hustled into an illegal status.

### **Chart: Deportations and residence bans on grounds of prostitution/ pimping 2004 and 2005**

year	Deportations (§ 33 Aliens Act)	Residence ban (§ 36 Aliens Act)
2004	9	24
2005	15	84

Source: Bundesministerium für Inneres: Asyl- und Fremdenstatistik 2004 and 2005.

<sup>105</sup> Krenn, Benedikt (2005): “Das `Problem` Prostitution. Deutungsrahmen in der Debatte des Wiener Prostitutionsgesetzes 2004”, Diplomarbeit an der Universität Wien.

**Chart: Deportations and residence bans on grounds of prostitution/ pimping 2006 and 1-6/2007**

year	Deportations (\$53 FPG)	Residence ban (\$60 FPG)	Return ban (\$62 FPG)
2006	11	100	4
1-6/2007	0	20	2

Source: Bundesministerium für Inneres: Asyl- und Fremdenstatistik 2006 and 1-6/2007.

The above data gives an overview over the deportations, residence bans and the newly created return ban. Details for interpretation are not available but it probably mostly migrant women are affected by these regulations.

With the entering into force of a new Aliens Law on 1<sup>st</sup> January 2007, major reforms of the status of third country nationals in prostitution occurred. Up until then a certain temporary visa permission could be obtained for prostitution or dancing, the latter being often used as an acronym for prostitution ("*Tänzerinnervisum*"). In practice these visas were often prolonged again and again and many women – for example in the towns of Linz and Salzburg – stayed for years. After the reform they had to leave or live undocumented. An exemption clause for these women could unfortunately not be reached despite NGO effort. A new visa option was so far not used for the purpose of sex work.

## 5. Description of effects of laws and policy

Cordula Hoebart

### 5.1. Policies concerning sex work

Between 1986 and 1992 the only ever existing self-organized group of sex workers in Austria was set up by Ms. Eva. The former association of volunteers "V.d.P.Ö.- Verband der Prostituierten in Österreich" tried to lobby for respect and extended social rights for sex workers.<sup>106</sup>

In 1997 a legal reform foresaw an even tighter control of sex workers in Vienna. In reaction to this constraint an association was formed to speak up on sex workers rights. The "Plattform für mehr Rechte von Frauen und Männer in der Sexarbeit" was set up on the initiative of individuals and NGOs. Successfully the tighter provisions were not introduced.<sup>107</sup> The actual demands of this initiative were:<sup>108</sup>

- to acknowledge sex work as labour,
- to make the Alien Employment Act eligible for sex workers and guarantee safety from deportation during medical indication,
- legal provisions for dependent employment (ASVG),
- delete all moral phrases from the relevant legislation concerning sex work,
- to delegate the legislation competence solely to the federal level,
- no registration of sex workers with the security police (Sicherheitspolizei),
- regulation of the health checks for sex workers according to the model of Hamburg,
- create special support institutions for under age prostitutes,
- gender equality concerning age limit in the Penal Code (§ 209 StGB) for consent male to male sex,
- And support and relief institutions especially for sex workers.

Most of the demands of the former initiative still remain relevant. Only the provision concerning consent male to male sex was revised after a final ruling of the European Court of Human Rights.

Only three out of nine *Länder* in Austria host NGOs who provide services for sex workers. Twenty years ago the association of emigrated latin-american women (LefÖ) was founded in Vienna. "The organisation **LEFÖ - Beratung, Bildung und Begleitung für Migrantinnen** (Counselling, Education and Support for Migrant Women) was founded in 1985 by a group of politically exiled Latin American women living in Vienna. Their aim was to create a centre of communication, information and self-help. The changes and development that the migration process has undergone in the last years have also changed and expanded LEFÖ's initial objectives. Female migration towards `rich` countries of Western Europe has transformed widely into labour migration, and migration world-wide is getting more and more feminised. LEFÖ now has different units within its organisation to support and accompany the migration process of women, according to their specific situation. Through their frequently difficult situation, migrant women in western countries easily become victims of violence and exploitation. They therefore need assistance and information about their rights. An ever-increasing number of women is coming to Europe via trafficking, which is not only a form of organised crime but also a grave violation of human and women's rights. Whether women

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<sup>106</sup> see: Lena 2004, p. 3.

<sup>107</sup> Kugler, Iris: "Frauen und Sexarbeit in Österreich".

<sup>108</sup> Plattform für mehr Rechte von Frauen und Männern in der Sexarbeit: „Angriffe auf in- und ausländische SexarbeiterInnen gehen uns alle an“, 2 page flyer on the aims and demands of the initiative.

are affected by trafficking or not, their decision to migrate has to be understood as an active search for survival alternatives.”<sup>109</sup>

Since 2003 Volkshilfe Wien is providing social counselling and support to female sex workers in Vienna. Firstly SILA- Counselling Centre for Prostitutes<sup>110</sup> was a project in the frame of the EU- EQUAL Community Initiative. Aim of EQUAL was to integrate social groups into the legal labour market. The SILA project was supported by the Development Partnership which, composed of eight separate organisations: Wiener ArbeitnehmerInnenförderungsfonds WAFF, Volkshilfe Wien, Lateinamerikanische emigrierte Frauen in Österreich LEFÖ, Fonds Soziales Wien, abz wien, Arbeiterkammer Wien, Wirtschaftskammer Wien and Institut für Politikwissenschaft – Universität Wien. SILA Counselling Centre for prostitutes had several aims: to improve prostitutes' working and living conditions and to provide support for prostitutes who have made the decision to stop working in the sex industry; to contribute to the formalisation of sex work, to establish the low-threshold counselling centre on a long-term basis and make this accessible to all female sex workers. After two and a half years of work which well established the low- threshold counselling centre SILA, the project sponsored by ESF<sup>111</sup> and the Federal Ministry of Economics and Labour of the Republic of Austria<sup>112</sup> ended. At that point early this year it was clear that another project for prostitutes will start thereafter. With the financial support of the City Council of Vienna, Women's Division<sup>113</sup> Volkshilfe Wien could keep the counselling centre open, in the former office of SILA, over a period of three months. This was highly important for the women in order to have continuity. In July 2005 **SOPHIE – A Place of Education for Sex Workers**<sup>114</sup> got started in the former office of SILA – counselling centre for prostitutes. The partners on operational level were Volkshilfe Vienna, waff – Viennese Employee Fund, abz.austria and Interkulturelles Zentrum, a strategic partnership was agreed upon with AK Wien, Fonds Soziales Wien, Wirtschaftskammer Wien, Verein Wiener Sozialprojekte and Anton Proksch Institut. SOPHIE was open to all female sex workers interested in education and vocational training, both for the intention of changing into the first/ regular labour market or improving their situation in sex work. Despite training and counselling through qualified social workers, SOPHIE offered German language courses, IT training and work placement. The latter concentrated on internships, getting to know different jobs and successful job placement in the regular 'bourgeois' labour market. Migrant women with their specific situation concerning residence and entry into the labour market, received special attention. The main objective was to improve the living- and working conditions of sex workers. Special attention was therefore paid to raise awareness amongst the public and foster further political discuss on legal reforms.

A special role is dedicated to the **STD- Ambulatorium**<sup>115</sup> in the city centre of Vienna. In an interdisciplinary team of medical staff and social workers a daily counselling service free of charge is offered. On the one hand all registered prostitutes are obliged to conduct their weekly health check there. On the other hand a reasonable part of the work of the STD is with and for unregistered sex workers. Most of the information on the situation of sex workers in Austria is somehow related to the work of the STD. Data is provided to the public as well as expert input from the staff there. Clients of the STD are people in mandatory testing for STDs and their cure, people in fear having been infected and sex workers. The latter can be split into different groups. Bartenders (*Bardamen*) working in a red light bar, escort service, massage studio or other sex work. Street work is provided for this group with folders in different languages and condoms. This group is at rather high risk for infections. Undercover

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<sup>109</sup> <http://www.lefoe.at> – 4/10/2005.

<sup>110</sup> <http://www.sila.or.at> – 4/10/2005.

<sup>111</sup> European Social Fund.

<sup>112</sup> Bundesministerium für Wirtschaft und Arbeit- BM:WA.

<sup>113</sup> MA 57 - zuständig für Frauenförderung und Koordinierung von Gleichstellungsangelegenheiten.

<sup>114</sup> <http://www.sila.or.at> – 4/10/2005.

<sup>115</sup> STD- Ambulatorium zur Diagnose und Behandlung sexuell übertragbarer Krankheiten; see: folder and Mayer, Elisabeth (2001): „Situation der Prostitution in Österreich“, Wien.

prostitutes (*Geheimprostituierte*) detected by the police are also a high risk group especially drug addicts. Another phenomenon appeared: tourists from neighbouring countries. These women are to a lesser extent engaged in safe sex. For all undercover prostitutes competition is high with an increasing tendency to unsafe sex and a larger degree of vulnerability to violence. This largely relates to their status which needs to be kept discrete. Registered sex workers (*Kontrollprostituierte*) are offered an initial counselling with a social worker after registration. This group is known to widely practice safe sex. Infections with STDs are therefore low. STD- Ambulatorium aims to fully integrate registered sex workers into society for many years now. Social insurance (health and pension) should be opened completely to this group. Deriving from experience and knowledge figures for Vienna are 5,000 to 8,000 sex workers in town who have 15,000 male clients every day.

The only information available on the situation in Lower Austria was that there are no registered prostitutes in St. Pölten<sup>116</sup> at the moment.

If we take a look further to the west we find two organizations caring for sex workers in Upper Austria, Linz. Lena was set up by Caritas Linz – a welfare organization of the Austrian Roman-Catholic Church. MAIZ – an autonomous migrant women's centre is a self-organized association. In the capital of Upper Austria, Linz an average of 150 to 170 female prostitutes is usually registered.<sup>117</sup>

**Lena**<sup>118</sup> is a counselling centre open to all former and active sex workers in Linz providing information, counselling and education. Participation is voluntary and all counselling work is kept confidential. Street work is conducted in Linz as well as in the nearby cities of Wels and Traun. To improve the outreach of Lena the staff is represented at the weekly opening hour at the Health Authorities in Linz where registered prostitutes are obliged to their weekly health check. Usually between 15 and 25 women are reached. In 2004 more than 500 counselling units took place, 2,904 contacts have been made totally. Lena is supported by its roof organization Caritas Linz- department for migrants and refugees, City Council of Linz and the government of Upper Austria.

**MAIZ**<sup>119</sup> is an organisation by and for migrant women and was created out of the necessity for changes with regards to migrants' living and work situation in Austria as well as in accordance with the strengthening of political and cultural participation. In the knowledge of the legitimacy of our role as protagonists we attempt, through working in various fields, to provide answers to the issues surrounding work migration of women. In the process, we explore and adapt theory and practice while developing a variety of new forms, methods and strategies. Fields of activities include:

- Education (German, computer, job orientation and video courses for migrant women and a preparatory program for the high school leaving exams for migrant youth)
- Legal and social counselling; family counselling
- Counselling, street work and training for migrant women working in the sex trade
- Cultural work
- Public relations activities
- Research

The activities of MAIZ are aimed at migrant women in general as well as refugees, asylum seekers and migrant women working in the sex trade. Moreover, the preparatory program for the high school leaving exams is also open to male migrant youth.

In Salzburg there seemed to be about 1,000 prostitutes in 2004. Half of them were active in the town of Salzburg, the others in the countryside. A few years ago the staff of

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<sup>116</sup> Email from the city council of St. Pölten (*Magistrat St. Pölten Abteilung V - Gesundheitsamt*), 06/10/1005.

<sup>117</sup> Email from the city council of Linz (*Magistrat der Landeshauptstadt Linz, Gesundheitsamt*), 06/10/1005.

<sup>118</sup> <http://caritas.cyberhouse.at/LENA.pdf> 01/10/2005.

<sup>119</sup> <http://www.maiz.at> 10/10/2005.

Frauentreffpunkt Salzburg,<sup>120</sup> a women's NGO took note of the deteriorating situation of female sex workers in town. Changes in *Länder*- legislation restricted prostitution to brothels.<sup>121</sup> Prostitution on the streets or in private apartments is no longer legal. Only a special permission to run a brothel can be obtained at the municipalities. Up to 90% of the sex workers are, according to Frauentreffpunkt Salzburg, migrant women who are often exchanged between the brothels within Salzburg or Tyrol. This is described as an effect of the three- month "dancer" visas especially targeted at sex workers which implies a change of the employer every three to six months to prolong the sojourn. The government, together with representatives from police and NGOs, set up a round table for discussion. Consensus was reached about the need for street work. A report on the situation of women in Salzburg names 746 registered prostitutes for 2003<sup>122</sup>. In their concern about migrant female sex workers who have little or no access to support, Frauentreffpunkt Salzburg strives to set up a counselling service. The regional government is in favour of this option.

Unfortunately we can not provide for detailed information on the situation of sex workers in Styria, Burgenland, Carinthia and Tyrol. As far as Vorarlberg is concerned (in the west next to Switzerland) prostitution is not forbidden but actually not a single permission to run a brothel has so far been issued. That is to say that a de facto prohibition of sex work does exist there.

## 5.2. Excursus: trafficking in human beings

It took rather a long time until the international standard definition on trafficking in human beings was transferred into the Criminal Law in May 2004. Before solely women trafficked into forced prostitution were recognized as victims of trafficking and received a special residence status if willing to witness in court against their perpetrators.

The U.S Department of State's Trafficking in Persons Report<sup>123</sup> considers the situation in Austria as follows: Austria is a transit and destination country for children and women from Central and Eastern Europe, particularly from Bulgaria, Romania, Moldova, Belarus and Ukraine. Transit goes to the destination countries especially Italy, France, Spain and Germany. Although decreasing massively because of extended co-operation between Austrian and Romanian authorities, trafficking of children for the purpose of begging and stealing from Romania and to a larger extent from Bulgaria remains problematic. In 2004 the ministerial working group was upgraded into a task force. The general trend that year was a decline in convictions and at the same time rise in investigations and cases filed under the new amended criminal code. 348 cases were filed in 2004, 106 of them under the new provision from May 2004. The most recent conviction statistics available was 27 in 2002 and 11 in 2003. All convictions were prison sentences ranging from six months to three years.

The report concludes in the recommendation that the Austrian government should increase their funding of NGOs to assist victims and at the same time conduct further prevention programmes on the side of demand reduction. Similarly protection of victims willing to testify should be enforced as much as the conviction and sentence of traffickers. In 2004 no trafficking victim received witness protection status, the number of temporary residence permits issued to victims of trafficking was not registered.

At the moment assistance for victims of trafficking only exists in Vienna. A NGO provides – funded by the Ministry of the Interior and Ministry of Women and Health<sup>124</sup>- psychological support as well as an emergency flat. In 2004 167 trafficking victims were assisted, 37 of

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<sup>120</sup> Frauenberatung Salzburg – Verein Frauentreffpunkt 2005: "Tätigkeitsbericht 2004 1984-2004 20 Jahre", [www.frauentreffpunkt.at](http://www.frauentreffpunkt.at) .

<sup>121</sup> Landes- Polizeistrafgesetz LGBl.Nr. 58/1975 zuletzt geändert durch LGBl Nr 108/2003.

<sup>122</sup> Salzburger Landesregierung (2004): „Frauenbericht 2004“, Salzburg.

<sup>123</sup> U.S Department of State June 3, 2005: "Trafficking in Persons Report" Released by the Office to monitor and Combat Trafficking in Persons <http://www.state.gov/g/rls/tiprpt/2005/46613.htm> 06/10/2005.

<sup>124</sup> Bundesministerium für Inneres und Bundesministerium für Gesundheit und Frauen.

them staying in the shelter with the median stay being 11 to 20 weeks. But chances are low that women especially from the western part of Austria are accompanied to Vienna. Several NGOs working with migrant women have – from time to time – reported about known cases in their environment for example in police detention for deportation.<sup>125</sup>

“Since January 1998, LEFÖ has been recognised as an intervention centre for migrant women affected by trafficking. This centre, called **IBF**, offers help and support to:

- female migrants who became prostitutes in Austria as a result of violence, threat, false promise or wilful deceit or by the exploitation of their (structurally) powerless situation.
- female migrants who came to Austria by means of trafficking into marriage or trafficking into domestic work and who are living here under conditions of gross exploitation.

To these women the IBF offers:

- Legal-, social- and psychological counselling and advise, as well as support in the process of recovering their rights.
- Temporary shelter where women receive support, accompaniment and counselling.
- Joint work with women's organisations in their countries of origin to find out new perspectives for their return

Further activities of IBF :

- Counselling and accompaniment for women in deportation detention centers.
- International and national lobbying against trafficking in women.

Distribution of information about trafficking in women and female migration to the Austrian population and specific target groups (police, judges, public prosecutors and NGOs).<sup>126</sup>

In addition Vienna is well known for its high ranking International Organizations. Especially the OSCE Special Representative on Combating Trafficking in Human Beings Ms. Helga Konrad, former Austrian Minister for Women's Affairs, poses a special weight to the issue. After restructuring in the UN in Vienna the UNODP also hosts a unit to counteract trafficking.<sup>127</sup>

These International Organizations in fact deal with the issue mainly on diplomatic and political level but the importance to counteract against trafficking in human beings is highlighted constantly. The OSCE held for example a special session on “Taking a stand: effective assistance and protection to victims of trafficking” on 28 February in Vienna with representatives from governments, NGOs and field missions.<sup>128</sup>

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<sup>125</sup> Evrensel and Hoebart 2004: „Migration im Österreichischen Roten Kreuz“, Wien; Circova and Piukovic 2002: „Frauenhandel – Österreich ein Paradies? Mach Dir selbst ein Bild“, Wien.

<sup>126</sup> <http://www.lefoe.at/design/content.php?page=b&lang=en&content=242> 06/10/2005.

<sup>127</sup> United Nations Office on Drgs and Crime – Crime Prevention and Criminal Justice – Terrorism, Corruption & Human Trafficking [http://www.unodc.org/unodc/en/crime\\_prevention.html](http://www.unodc.org/unodc/en/crime_prevention.html) 04/10/2005.

<sup>128</sup> OSCE- Organization for Security and Co-operation in Europe: “Taking a stand: effective assistance to victims of trafficking 28 February 2005, Vienna, Austria – Conference sponsored by the OSCE Special Representative on Combating Trafficking in Human beings and the Anti- Trafficking Assistance Unit Under the Aegis of the Alliance Against Trafficking in Persons“ SEC.GAL/98/05 6 May 2005 English only.

## **6. Organizations working with sex workers**

### **NGOs for sex workers**

Lena - Internat. Treffpunkt und Beratungsstelle für Frauen, die in der Prostitution arbeiten und deren Freundinnen

Caritas Linz

Steingasse 25

A- 4020 Linz

Phone: +43 (0)732 775508-0

Fax: +43 (0)732 775508-14

Email: lena@caritas-linz.at

www.caritas-linz.at

Lefö - Beratung, Bildung und Begleitung für Migrantinnen

Kettenbrückengasse 15/4

A- 1050-Wien

Phone: +43 (0)1-5811881

Fax: +43 (0)1 5811882

Email: office@lefoe.at

www.lefoe.at

MAIZ- Autonomes Integrationszentrum von und für Migrantinnen

Hofgasse 11

A- 4020 Linz

Phone: +43 (0)732/77 60 70

email: maiz@servus.at

www.maiz.at

SOPHIE – A Place of Education for Sex Workers

Volkshilfe Wien

Oelweingasse 6-8

A- 1150 Wien

Phone: +43 (0)1 8975536 10

Fax: +43 (0)1 8975536 30

Email: sophie@volkshilfe-wien.at

www.volkshilfe-wien.at or www.sila.or.at

Verein Wiener Sozialprojekte (VWS) streetwork

Rotenmühlgasse 26

A- 1120 Wien

Phone: +43 (0)1 8101302

Fax: +43 (0)1 8101301 9

Email: streetwork@vws.or.at

<http://www.vws.or.at/streetwork/index.html>

### **Institutions for sex workers**

Ambulatorium zur Diagnose und Behandlung sexuell übertragbarer Krankheiten (STD-Ambulatorium)

Neutorgasse 20

A- 1010 Wien

Phone: +43 (0)1 53114 87792 or 87793

Fax: +43 (0)1 149987 789

Email: stdambulatorium@m15.magwien.gv.at

## **Anti-Trafficking NGOs**

IBF Interventionsstelle für Betroffene des Frauenhandels, LEFÖ  
1040 Wien  
A- Floragasse 7a/7  
Phone: +43 (0)1 796 92 98 Fax: +43 (0)1 796 92 99  
Email: [ibf@lefoe.at](mailto:ibf@lefoe.at)  
[www.lefoe.at](http://www.lefoe.at)

ECPAT-Österreich  
Arbeitsgemeinschaft zum Schutz der Rechte der Kinder vor Sexueller Ausbeutung  
Diefenbachgasse 36/3  
A-1150 Wien  
Phone: +43 (0)1 895 62 45-13  
Email: [info@ecpat.at](mailto:info@ecpat.at)  
[www.ecpat.at](http://www.ecpat.at)

International Helsinki Federation for Human Rights  
Wickenburggasse 14  
A- 1080 Vienna, Austria  
Phone: +43 (0)1 4088822 Fax: +43 (0)1 4088822 50  
Email: [office@ihf-hr.org](mailto:office@ihf-hr.org)  
<http://www.ihf-hr.org/welcome.php>

## **Anti-Trafficking in International Organizations**

International Organization for Migration (IOM)  
Nibelungengasse 13/4  
A- 1010 Wien  
Phone: +43 (0)1 585 33 22 Fax: +43 (0)1 585 33 22-30  
Email: [ncpaustria@iom.int](mailto:ncpaustria@iom.int)  
[www.iomvienna.at](http://www.iomvienna.at)

United Nations Office on Drugs and Crime (UNODC)  
Vienna International Centre  
PO Box 500  
A-1400 Vienna  
Phone: +43 (0)1 26060 0 Fax: +43 (0)1 26060 5866  
[www.unodc.org/unodc/en/trafficking\\_human\\_beings.html](http://www.unodc.org/unodc/en/trafficking_human_beings.html)

Ms. Eva Biaudet  
OSCE Special Representative and Co-ordinator on Combating Trafficking in Human Beings  
Kaerntner Ring 5-7  
A- 1010 Vienna  
Tel: +43- (0)1 51436 6257 Fax: +43-(0)1 51436 6298  
Email: [info@osce.org](mailto:info@osce.org)  
[www.osce.org./activities/13029.html](http://www.osce.org./activities/13029.html)

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