

CRIMINAL CODE (STGB) AUSTRIA

Legal regulations on FGM

AFRICAN WOMEN'S ORGANIZATION



AFRICAN WOMEN'S ORGANIZATION
against female genital mutilation

AFRICAN WOMEN'S ORGANIZATION

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PROVISIONS RELATING TO FGM

AUSTRIA (28.03.2021)

Other provisions - Penal Codes

Provisions relating to FGM in the Austrian Penal Code

Bodily injury

§ 83. (1) Whoever inflicts a bodily injury or an impairment of one's health upon another person is punished with imprisonment up to one year or with a fine of up to 720 day's rates.

(2) Likewise is punished who insults another person bodily and thereby negligently inflicts a bodily injury or an impairment of one's health upon the insulted person.

Serious bodily injury

§ 84. (1) If the offence has caused an impairment to the injured person's health lasting more than 24 days, or if the injury or impairment to one's health is serious in itself the offender is punished with imprisonment up to three years.

(4) Any person who causes bodily injury or damage to the health of another and thereby causes, even if only negligently, serious bodily injury or damage to the health (para. 1) of the other shall be punished by imprisonment for a term of six months to five years.

(5) A person who commits bodily injury (§ 83(1) or (2) shall also be punished for

1. in a manner involving danger to life,
2. by at least two persons acting in conspiracy,
3. with the infliction of special torment.



Bodily injury with serious, lasting consequences

§ 85. (1) Whoever abuses another in the body and thereby negligently causes for ever or for a long time

1. loss or serious impairment of the injured person's speech, sight, hearing or reproductive ability,
2. a considerable mutilation or a striking deformation or
- 2a. mutilation or other injury to the genitals that is likely to cause lasting impairment of sexual sensation, or
3. a serious illness, infirmity or occupational disability of the injured party,

shall be punished by imprisonment for a term of six months to five years.

(2) Any person who causes bodily injury or damage to the health of another and thereby, even if only negligently, causes a serious permanent consequence (para. 1) to the injured person shall be liable to a custodial sentence of from one to ten years.

Bodily injury resulting in death

§ 86. (1) If the offence has caused the death of the injured person, the offender is punished with imprisonment of one to ten years.

Purposely serious bodily injury

§ 87. (1) Whoever inflicts upon another person a serious bodily injury (§ 84 (1)) purposely, is punished with imprisonment of one to ten years.

(2) If the offence causes serious, lasting consequences (§ 85), the offender is punished with imprisonment of one to fifteen years, in the case of subsection (1a) by imprisonment for a term of two to fifteen years, and if it causes the death of the injured person, with imprisonment of five to fifteen years.

Consent of the injured

§ 90. (1) Bodily injury or endangering one's bodily safety is not illegal, if the injured or endangered person has consented to it and the injury or endangering as such does not violate good morals.

(2) A sterilization performed by a physician and with the consent of the sterilized person is not illegal if either the person is already 25 years old or the operation does not violate good morals for other reasons.

(3) It is not possible to consent to a mutilation or other injury of the genitals that may cause a lasting impairment of the sexual sensitivity.

