

Austria

Other provisions - Penal Codes

Provisions relating to FGM in the Austrian Penal Code (Strafgesetzbuch)

Bodily injury

(Körperverletzung)

§ 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 360 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

(Schwere Körperverletzung)

§ 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.

(2) The offender is punished likewise if the offence has been committed

1. with such means and in such a way, with which danger to life is involved as a rule,

2. by at least three persons acting in conspiracy,

3. with the infliction of particular agonies or

4. against a public official, a witness or an expert during or because of the exercise of his functions or the performance of his duties.

(3) The offender is punished likewise if he has committed three separate offences without understandable reason and using considerable violence.

Bodily injury with serious, lasting consequences

(Schwere Körperverletzung mit Dauerfolgen)

§ 85. If the offence has caused

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

3. a serious suffering, lingering illness or professional inability forever or for a long period of time, the offender is punished with imprisonment of six months to five years.

Bodily injury resulting in death

(Körperverletzung mit tödlichem Ausgang)

§ 86. 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

(Absichtliche schwere Körperverletzung)

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

(2) If the offence causes serious, lasting consequences (§ 85), the offender is punished with imprisonment of one to ten years, if it causes the death of the injured person, with imprisonment of five to fifteen years.

Consent of the injured

(Einwilligung des Verletzten)

§ 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. (BDP, Wien)