

Evaluation of the offence „Criminal Organisation“ (§ 278a StGB)

Project Management:

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Description:

By resolution E 203 NR/XXIV.GP of October 20, 2011 the Austrian Federal Ministry of Justice was requested to report to the „Nationalrat“ (National Assembly) – after a scientific evaluation of § 278a StGB („Strafgesetzbuch“, Austrian Criminal Code) – how the offence is to be qualified, especially as to its scope of application. The history and development of the offence, its interdependencies with criminal procedural law, scope of application and distinction of its definitional elements as well as the international background were to be taken into account. Furthermore, ALES was asked to examine, whether at all and, in the affirmative case, which restrictions of the scope of application of the offence were possible and adequate – either in substantial or procedural law.

ALES has examined these issues according to the Ministry's mandate and, in addition, has compared the Austrian legal provisions to the corresponding offences in German and Swiss criminal law. At the heart of the evaluation, of course, was the examination of the actual Austrian offence.

Closing Date:

The report on the evaluation has been delivered to the Austrian Federal Ministry of Justice which has already reported to the Nationalrat (National Assembly) as required by the above-mentioned resolution.

Partner:

Austrian Federal Ministry of Justice

Publication of research results:

www.parlament.gv.at/PAKT/VHG/XXIV/III/III_00348