

Universal Periodic Review
(23rd session, October–November 2015)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Austria

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	18/12/1992, Ratification		N/A	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	09/04/2009, Ratification		N/A	Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	18/12/2006, Ratification		N/A	Right to take part in cultural life

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II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

NORMATIVE FRAMEWORK

Constitutional Framework:

3. “The constitutional legislation relevant to education encompasses the Federal Constitutional Act (“Bundes-Verfassungsgesetz”) including the School Act Amendments of 1962 and 1974 (“Schulverfassungsnovellen”), the Basic State Law on the General Rights of Citizens (“Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger”) of 1867, the European Convention on the Protection of Human Rights and Fundamental Freedoms, in particular Art. 2 of its first protocol, the Austrian State Treaty of St. Germain (1919) and the State Treaty of Vienna (1955). Whereas the **Basic State Law and the European Human Rights Convention** and its first protocol govern the fundamental rights of the individual in education, the state treaties mainly concern the rights of linguistic minorities (ethnic groups) to education. Under the **Austrian constitution**, legislation and execution of all matters pertaining to universities and higher education is a federal responsibility. The academic freedoms of science and teaching and the freedom of art are guaranteed in **Articles 17 and 17a** of the Basic State Law. The **Federal Constitutional Act** provides [guarantee for the legislation related to education, for compulsory education and affirms the fundamental values conducting schooling and the non-discrimination principle in] **Article 14**. In regard with languages, **Article 8** states that “(1) German is the official language of the Republic without prejudice to the rights provided by Federal law for linguistic minorities. (2) The Republic (Federation, Laender and municipalities) subscribe to its linguistic and cultural multiplicity having grown, expressed in the autochthonous ethnic groups. Language and culture, existence and preservation of these ethnic groups are to be respected, safeguarded and to be supported.”¹

4. The **Basic Law on the General Rights of Nationals** provides that: **Art. 2**. “All nationals are equal before the law.” **Art. 17**. “[1] Knowledge and its teaching are free.[2] Every national who has furnished in legally acceptable manner proof of his qualification has the right to found establishments for instruction and education.[3] Instruction at home is subject to no such restriction.[4] The Church or religious society concerned shall see to religious instruction in schools.[5] The right to supreme direction and supervision over the whole instructional and educational system lies with the state.” **Art. 19**. “[1] All the ethnic entities of the empire enjoy

¹ Austria Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2007, p. 2

equal rights, and each ethnic entity has an inviolable right to the preservation and fostering of its nationality and language.[2] The state recognizes the equal rights of all current languages in schools, administration and public life.[3] In countries populated by more than one ethnic entity, public places of learning should be so organised that, without making the learning of a second national language compulsory, each member of an ethnic entity should have adequate opportunity to receive education in his/her own language.”

Legislative Framework:

5. The legal framework of Austria is composed of:

- a) **The School Act Amendment of 1962** (“*Schulverfassungsnovelle 1962*”) [...]
- b) **The Compulsory Schooling Act**, (“*Schulpflichtgesetz*”),
- c) **The School Organisation Act** (“*Schulorganisationsgesetz*”),
- d) **The Private Schools Act** (“*Privatschulgesetz*”),
- e) **The Vocational Training Act**, (“*Berufsausbildungsgesetz*”),
- f) **The Federal School Inspection Act** (“*Bundesschulaufsichtsgesetz*”).”²
- g) **The Act on Federal Schools for Agriculture and Forestry 1966 (as amended in 2014)**³
- h) **The Act on the Teaching Assignment of Federal Teachers 1968**⁴
- i) **The Federal Law on the Religious Education of Children 1985**⁵
- j) **The School Education Act 1986**⁶
- k) **The School Periods Act 1985**⁷
- l) **Federal Act on the Promotion of Adult Education and Public Libraries 1990**⁸
- m) **Students Support Act 1992**⁹

² Austria Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2007, pp. 2-3, pp. 5-6

³ Act on federal schools for agriculture and forestry, accessible at:
<http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10009289> (accessed on 2014-10-22)

⁴Act on the Teaching Assignment of Federal Teachers 1968, accessible at:
<http://www.unesco.org/education/edurights/media/docs/04700f5201eee574c94679153bd99e366572fb8f.pdf>
 (accessed on 2014-10-27)

⁵ Law on the Religious Education of Children, accessible at:
<http://www.unesco.org/education/edurights/media/docs/53bc487e6c790abae26e869a762decd6bf6ef726.pdf>
 (accessed on 2014-10-27)

⁶ School Education Act, accessible at:
<http://www.unesco.org/education/edurights/media/docs/7be08928515114f93815b225a592382a68361fc9.pdf>
 (accessed on 2014-10-27)

⁷ School Periods act, accessible at:
<http://www.unesco.org/education/edurights/media/docs/9e85e2418dc1c80726a50712766f6b5d4012485f.pdf>
 (accessed on 2014-10-27)

⁸Act on the Promotion of Adult Education and Public Libraries, accessible at:
<http://www.unesco.org/education/edurights/media/docs/115e713ddde591ce74a49545f6dd875ca0cfcf5d.pdf>
 (accessed on 2014-10-27)

- n) **An Agreement between Austria and Switzerland** (“*Staatsvertrag Österreich - Schweiz: Gleichwertigkeiten im Hochschul-bereich*“) of 1993¹⁰ regulates the Mutual Recognition of Equivalences in Higher Education.
- o) **School Education Act for Working Adults 1997**¹¹
- p) “The **Minority School Act of 1994/1998 for the Burgenland (as amended in 2014)**¹², where a larger number of Croat and Hungarians are living and the **Minority School Act for Carinthia of 1959**, which has a Slovenian minority [...] are federal laws containing constitutional provisions on educational rights of minorities.”¹³
- q) “**The Burgenland Nursery School Act of 1998** has been amended in 2005 and now provides for assistant nursery school teachers, when the existing teacher is not bilingually trained and increases the minimum number of hours for Croat or Hungarian from 9 to 12.”¹⁴
- r) “The **Carinthian Nursery School Fund Act of 2001** has created a fund for the promotion of bilingual or multilingual nursery schools which has improved the situation of those schools and also led to the creation of a new multilingual nursery school.”¹⁵
- s) “The **Private School Act** (“*Privatschulgesetz*”), the **Religious Instruction Act** (“*Religionsunterrichtsgesetz*”) and the **School Education Act** (“*Schulunterrichtsgesetz*”) regulate the extent and the curricula as well as the admissibility of private and religious schools, ensure diversity of education and prevent or prohibit discrimination of recognized religious groups.”¹⁶

⁹ Student support act, accessible at:

<http://www.unesco.org/education/edurights/media/docs/9d46cbd1a4d82263f4d42172bf9ea8f5d9c0ccc5.pdf>

(accessed on 2014-10-27)

¹⁰ Agreement 1993, accessible at :

<http://www.unesco.org/education/edurights/media/docs/175aa7bc289c593772c90ef02ba3c8f31111d60a.pdf>

(accessed on 2014-10-22)

¹¹ School Education Act for Working Adults, accessible at:

<http://www.unesco.org/education/edurights/media/docs/0b1a7c9a736e747aebbaeb018dda26764a9972f4.pdf>

(accessed on 2014-10-27)

¹² Minority school act in Burgenland, accessible at:

<http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10009948> (accessed in 2014-10-22)

¹³ Austria Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2007, p. 15

¹⁴ Austria Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2007, p. 16

¹⁵ Austria Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2007, p. 17

¹⁶ Austria Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2007, p. 6

- t) **The Education documentation act 2002 (as amended in 2014)**¹⁷
- u) **Universities Act [2002]**¹⁸
- v) **Teacher Education Act 2005**¹⁹
- w) **Act on Quality Assurance in Higher Education 2011**²⁰

6. Some administrative texts also regulate education:

- a) “**Ordinance on Learning Standard for Schools 2009**: Standards for teaching objective at primary and lower secondary level for some core subjects. Concrete competences are declared for German, one additional language and mathematics.
- b) **Ordinance on Performance Evaluation** providing for the evaluation of pupil performance based on performance assessments, whose forms and possibilities are also defined. [...] and the possibilities of later exams and determination exams.
- c) **Ordinance on Reading Education** contains revised principles for supporting reading as basic skill and (new) implications on teaching and learning.
- d) **Ordinance on School Events 1995**: Rules governing the function, type, number, planning and school-autonomous implementation of school events to complement lessons according to the curriculum.
- e) **Ordinance on School Rules** contains detailed regulations on the conduct of students at school, at school events and school-related events, on measures for student safety and to facilitate orderly school operations. [...]
- f) **Ordinance on School Time** [...]
- g) **Ordinance on Higher Education Curricula 2006**”²¹
- h) “With the 2007 “**Initiative 25+**” Decree - **individualisation of teaching** - the personality and learning requirements of the pupils became the focus of teaching. **The Fundamental Decree on the Support of the Gifted from 2009** is [...] dedicated to supporting the gifted. [...]”²²

Institutional Framework:

7. “Act on Quality Assurance in Higher Education 2011 [establishes] the **Agency for Quality Assurance and Accreditation Austria** [whose aim is to] enable the external quality assurance,

¹⁷ Education documentation act, accessible at:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20001727> (accessed on 2014-10-22)

¹⁸ Universities act, accessible at:

<http://www.unesco.org/education/edurights/media/docs/da26205d39ae787005d0c1e2da1b5ab35d0e4d9d.pdf> (accessed on 2014-10-27)

¹⁹ Teacher education act, accessible at :

<http://www.unesco.org/education/edurights/media/docs/a47a313446c96e41dc14324b7566919011919a40.pdf> (accessed on 2014-10-27)

²⁰ Act on QA in HE, accessible at :

<http://www.unesco.org/education/edurights/media/docs/c2431cea2a6f6eb1c16d50eb9e24a6b8911e6cc7.pdf> (accessed on 2014-10-27)

²¹ Ibid.

²² [Eurypedia, educational support and guidance](#) (accessed on 2014-10-23)

together with the internal quality management system of the educational institutions in higher education. [...]”²³

Policy Framework:

A) General information

8. The **Working Programme of the Austrian Government 2013 – 2018**²⁴ comprises a section on education, whose key targets are:

- a) “Education up to 18. All under-18-year-olds should as far as possible complete some form of education or training that goes beyond the compulsory school-leaving qualification
- b) Upgrade apprenticeships
- c) Increase the participation of all age groups in further education and training, and improve their basic competence and skills in professional life through further training, especially with those who have few skills and older employees
- d) Develop and strengthen the country’s elementary educational facilities as educational centres”²⁵

B) Inclusive Education

9. “Austria also supports the education programmes of the adult education centre of the Burgenland Roma to promote the language and culture of the Roma; these programmes are open to Roma and non-Roma alike and receive annual funding in the amount of EUR 1,000. In 2011, funding is also being given to the **project “ROMA KinderWelten”** (ROMA children’s world), in which childhood memories are presented and communicated using various techniques and forms.”²⁶

10. “The Federal Ministry for Education, Arts and Culture launched the **campaign “Interculturality and Multilingualism – An Opportunity”** (“Interkulturalität und Mehrsprachigkeit – eine Chance!”) to assist children and teachers in dealing productively with linguistic and cultural diversity in their own environments.”²⁷

²³ Ibid.

²⁴ Working Programme 2013-2018, accessible at: <http://www.bka.gv.at/DocView.axd?CobId=53588> (accessed on 2014-10-22)

²⁵ Eurypedia, ongoing reforms in Austria, accessible at: <https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Austria:Introduction> (accessed on 2014-10-22)

²⁶ State reports submitted to the Committee on Elimination of Racial Discrimination, 2011, p 36, accessible at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fAUT%2f18-20&Lang=en (accessed on 2014-10-23)

²⁷ State reports submitted to the Committee on Elimination of Racial Discrimination, 2011, p 28, accessible at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fAUT%2f18-20&Lang=en (accessed on 2014-10-23)

11. “**Task Force “Dialogue of Cultures”** [...] includes seminars and field trips for Turkish imams on priority issues, including the education system, the situation and rights of women, religious pluralism, inter-cultural dialogue and integration in Austria and Europe. In 2011, the project is being expanded to include training seminars for women’s representatives in Austrian mosque associations and a programme to train honorary dialogue representatives for intercultural and inter-religious cooperation.”²⁸

12. “In recent years, Austria has made intensive efforts to improve entry to the Austrian school system also for disadvantaged groups, improve the efficiency of counselling and career guidance as the key to successful educational and career decisions, raise educational attainment levels, make the education system more efficient and permeable, and ensure that transitions from training to the world of work are as smooth as possible. Special focus is on **integrative measures** for the following target groups:

- a) children and young people with a migration background and/or a mother tongue other than German
- b) early school leavers
- c) young people at risk of marginalisation / early school leaving
- d) young people at the interface between training/school and the world of work.

13. **Youth coaching** mainly aims to strengthen prevention and intervention where pupils are at risk of dropping out of school or being marginalised. [...] New approaches to safeguard individual training success have also been pursued as part of dual training (apprenticeship training). **Apprenticeship coaching**, which was enshrined in law with the 2011 amendment to the Vocational Training Act, has made it possible since 2012 to establish counselling, support and assistance services for apprentices and companies in order to prevent dropouts from apprenticeships, among other goals. The two measures “**Youth future**” and **Training guarantee up to the age of 18**, which are already described in the **2011 National Reform Programme**, will be continued. **Supra-company apprenticeship training** (*Überbetriebliche Lehrausbildung or ÜBA*) opens up the opportunity for young people who cannot complete company-based apprenticeship training to acquire high-quality specialist qualifications. Furthermore, **integrative/inclusive vocational training (IBA)** is also offered within the framework of *ÜBA*, thus enabling young people to obtain a partial qualification or complete a prolonged apprenticeship period.”²⁹

14. “The Austrian curriculum for Primary Schools contains an addendum, “**German for pupils with a mother tongue other than German**”. This curricular addendum is not broken down by year, but is a multi-year teaching concept. In conjunction with the “**German, Reading,**

²⁸ Ibid, p 37.

²⁹ [Eurypedia, Educational support and guidance](#) (accessed on 2014-10-23)

Writing" curriculum, this addendum forms the basis for teaching and studying German as a second language. [...] The objective of the **Optional Exercise "Mother tongue instruction"** in Primary and Special Schools is to develop and strengthen bilingual competences. Already at the pre-school stage, instruction by native-speaker teachers is recommended with a view to early language development. [...]”³⁰

C) Teachers

15. “The main objectives of the ‘**New teacher training’ scheme [2013]** can be summarised as follows:

- a) **Quality enhancement:** The new training scheme aims to increase the training level by providing more academically founded theory and practice in teacher training.
- b) **Quality assurance:** This marks the first time that the quality of curricula of PHs and universities is guaranteed by an independent quality assurance council.
- c) **Competence orientation:** The new scheme meets the current requirements for the teaching profession.
- d) **Mobility and internationalisation:** The new scheme complies with the Bologna structure (bachelor-master-PhD).
- e) **Permeability:** The new scheme allows for further qualifications and has been coordinated between PHs and universities.
- f) **Enhancement of attractiveness:** The switch to the Bologna system makes the teaching profession more easily accessible and more attractive for lateral entrants.
- g) **Equivalence:** Thanks to joint quality assurance and cooperation ventures between PHs and universities, all teachers will obtain standardised and equivalent qualifications.”³¹

D) Quality education

16. “At central level many initiatives have been made to facilitate good governance within the school system. Recent initiatives include:

- a) **New Matriculation Examination (*Matura Neu*):** competence- and learning outcomes-oriented and partly standardised;
- b) **Educational Standards (*Bildungsstandards*):** define which competences students finishing 4th/8th grade should have attained;
- c) **School Quality in General Education (*Schulqualität Allgemeinbildung - SQA*):** compulsory measures of quality development and quality assurance;
- d) **VET Quality Initiative (*QualitätsInitiative BerufsBildung - QIBB*):** introduction of a comprehensive quality management system in the Austrian vocational education system

³⁰ [Eurypedia, Austrian Teaching & learning in Primary education](#) (accessed on 2014-10-23)

³¹ [Eurypedia, Teachers and Education Staff](#) (accessed on 2014-10-23)

to ensure and further develop quality of teaching and quality of administrative work at federal, provincial and institutional level;

- e) **Platforms and services on Information, Advice and Guidance for Education and Work** (*Berufsorientierung - IBOBB*);
- f) **All-day schooling** (*ganztägige Schulformen*);³²

17. According to Eurypedia³³, among the measures and processes of external and internal QA in Austria are:

- a) Education Framework Plan³⁴
- b) School inspections
- c) National educational standards
- d) New teacher training
- e) School Quality in General Education (*SQA*) initiative
- f) SQA online
- g) VET Quality Initiative (*QIBB*)
- h) Austrian Reference Point for Quality Assurance in Vocational Education and Training
- i) Quality Management in Apprenticeship (*QML*) initiative
- j) Agency for Quality Assurance and Accreditation Austria (*AQ Austria*) responsible for the entire higher education sector
- k) Quality assurance council for teacher training (*QSR*)
- l) *Ö-CERT* - Quality framework for the adult education sector in Austria
- m) Training and further training programmes at the competence centre for adult learning – the Federal Institute for Adult Learning (*BIFEB*)
- n) Specification of quality guidelines by the Adult Education Initiative

E) Curriculum

18. “In light of current developments and trends regarding the utilization of new technologies and of the Internet, but also with a view to emphasizing their positive potentials and capabilities, the IT steering group of the Ministry of Education has set out “**Web 2.0 – making sensible use of IT networks**” as the core theme for the current school year. [...]”³⁵ The optimum, sustainable and widespread use of modern ICT in education, science and culture is supported and promoted by the **comprehensive initiative eFit Austria**.³⁶

³² [Eurypedia, Organisation and Governance of Austrian education system](#) (accessed on 2014-10-22)

³³ [Eurypedia, quality assurance](#) (accessed on 2014-10-23)

³⁴ Education framework plan, accessible at:

https://www.bmbf.gv.at/ministerium/vp/2009/bildungsrahmenplan_18698.pdf?4dtiae (accessed on 2014-10-23)

³⁵ Ministry of Education, Austrian Education News, March 2011, p. 2,

http://www.bmukk.gv.at/medienpool/20247/aen_65.pdf (accessed 21/02/2014)

³⁶ World Data on Education, VI Ed. 2006/2007

19. “The curriculum for Primary Schools is a **general framework**. It forms the basis for teachers to plan and teach classes independently. According to the primary school curriculum, children should receive a basic and well-balanced education in the **social, emotional, intellectual and physical** spheres. [...]”³⁷

F) Gender equality

20. “The **education principle “Education for Equality between Women and Men”** was integrated into further curricula [...]. A **model Boys’ Day** was conceived for schools and has been regularly organized jointly by several ministries, educational institutions and men’s counselling centres since 2008. It is the goal of this Boys’ Day to arouse and heighten the interest of boys in the age group of approximately 11 to 16 years for non-traditional occupations and professions, especially in the domains of education and nursing. The studies “**Strategies for Widening the Vocational Range for Young Men**” and “**Drop-Out Rates of Male Students in Primary School Teacher Training**” were conducted in 2010. [...] The setting up of the **web portal “Gender and Education”** and the electronic **newsletter on education and equality “schug”** serve the purpose of raising the awareness of teachers, head teachers and school supervisors for gender issues. Austria-wide and regional conferences and symposia focused on gender-sensitive schools and on gender mainstreaming. The “**Gender Days**” for schools, which were introduced upon the joint initiative of several ministries, were devoted to the topics “Role Stereotypes and Violence Prevention” in 2007 and “Migration and Gender” in 2008. This initiative which has been re-named “**Gender – A Topical Issue**” is being pursued. It is hoped that this initiative will foster reflections on gender-stereotypes. [...] The Federal Minister for Women and the Civil Service presented the “**National Action Plan for Gender Equality in the Labour Market**” on June 30, 2010. This NAP defines four strategic goals and priority fields of action: a) Diversifying educational paths and career choices, and gender-sensitive career orientation [...].”³⁸

21. “The “**FIT**”-project – “**Women into Technology**” involved visits to schools and information days at universities and colleges of applied sciences. Completed in 2009, the results of the “**mut**”!-project — “**Courage! — Girls and Technology**”, are being integrated into educational and vocational orientation schemes. The **IMST-project** (“Top Schools through Innovations”), aims to improve instruction in mathematics, science subjects and computer

http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/WESTERN_EUROPE/Austria/Austria.pdf

³⁷ [Eurypedia, Austrian Teaching & learning in Primary education](#) (accessed on 2014-10-23)

³⁸ Combined seventh and eighth periodic reports of State to the Committee on the Elimination of Discrimination against Women, p 6-7, accessible at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAUT%2f7-8&Lang=en (accessed on 2014-10-23)

science. The above-mentioned projects form part of **an inter-ministerial initiative entitled fFORTE – “Women in Research and Technology”**. In 2008, a nation-wide working group was set up for higher technical colleges, a **gender mainstreaming strategy** developed and a set of measures defined.”³⁹

Cooperation:

22. Austria is **not party** to the 1960 UNESCO Convention against Discrimination in Education.
23. Austria **reported** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the **Seventh Consultation** of Member States (covering the period 2000-2005).
24. However, Austria did not report to UNESCO within the framework of the:
 - a) **Sixth Consultation** of Member States (covering the period 1994-1999),
 - b) **Eighth Consultation** of Member States (covering the period 2006-2011).
25. Austria reported to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:
 - a) **Fourth Consultation** of Member States (covering the period 2005-2008),
 - b) **Fifth Consultation** of Member States (covering the period 2009-2012).
26. Austria reported to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of:
 - a) the **First Consultation** of Member States (1993)
 - b) the **Second Consultation** of Member States (2011).
27. Austria is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

Constitutional and Legislative framework:

³⁹ Ibid, p 28.

28. Article 13 of Austrian Basic Law determines that “everyone has the right within the limits of the law freely to express his opinion” by any means.⁴⁰ In addition, Austria ratified the European Convention on Human Rights which safeguards freedom of expression in Article 10.⁴¹ This international treaty was enacted as Austrian constitutional law in 1964 as well.⁴²

29. Any form of neo-Nazism or anti-Semitism is prohibited by law as well as the public denial, approval, or justification of Nazi crimes, including the Holocaust.⁴³

30. Defamation is considered a civil offence under the Media Act of 1981⁴⁴ as well as a criminal offence under the Austrian Penal Code,⁴⁵ leading up to a prison sentence of maximum five years.

31. In 1987, Austria adopted the Duty to Grant Information Act implementing the public’s access to information.⁴⁶

Media self-regulation:

32. Media self-regulation is present in Austria through entities such as the Austrian Press Council and there is a special section within the National Union Federation of Austria for journalists.

Safety of journalists:

33. UNESCO recorded no killing of journalists in Austria between 2008 and 2013. Journalists work in a safe environment.

⁴⁰ See Article 13 of the Basic Law of 21 December 1867 on the General Rights of Nationals in the

Kingdoms and Länder represented in the Council of the Realm at:

https://www.ris.bka.gv.at/Dokumente/ErV/ERV_1867_142/ERV_1867_142.pdf

⁴¹ See the European Convention on Human Rights at: http://www.echr.coe.int/documents/convention_eng.pdf

⁴² See Article II of the Bundesgesetzblatt für die Republik Österreich, Nr. 59/1964 at:

https://www.ris.bka.gv.at/Dokumente/BgblPdf/1964_59_0/1964_59_0.pdf

⁴³ See Article 3h in particular of the Verbotsgesetz 1947 at:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000207>

⁴⁴ See the Media Act at: https://www.ris.bka.gv.at/Dokumente/ErV/ERV_1981_314/ERV_1981_314.pdf

⁴⁵ See the Article 297 of the 1975 Austrian Penal Code (Strafgesetzbuch) at:

http://www.jusline.at/297_Verleumdung_StGB.html.

⁴⁶ See the Duty to Grant Information Act at:

https://www.ris.bka.gv.at/Dokumente/ErV/ERV_1987_287/ERV_1987_287.pdf

III. RECOMMENDATIONS

Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)

34. *The recommendations listed below enjoy the support of Austria:*

- i. A - 92.25. *In accordance with the recommendations of the Committee on the Elimination of Racial Discrimination, carry out public awareness-raising campaigns to **fight discrimination and hate speech** - these kind of policies could be complemented by adopting and implementing legislative measures; **promote an inclusive educational system** which does not leave behind migrant children or children with special needs (Costa Rica);*
- ii. A - 92.33. *Enhance provision of **human rights education and training** at appropriate levels of the education system and relevant public officials (Philippines);*
- iii. A - 92.84. *Incorporate human rights education and training as a cross-cutting subject at all levels of the formal educational system, in particular at primary and secondary education (Costa Rica);*
- iv. A - 92.85. *Consider appropriate **education system reforms** to ensure its more inclusive social accessibility (Slovakia);*
- v. A - 93.26. *Take further steps to strengthen social, economic and educational support provided to school children from **immigrant minorities** (Turkey);*

35. *The following recommendations will be examined by Austria which will provide responses in due time, but no later than the seventeenth session of the Human Rights Council in June 2011:*

- i. R - 93.27. *Take further steps to increase awareness-raising campaigns and enhance education of the **principles of non-discrimination and tolerance** in school curriculums, including **teaching of mother tongue** for immigrant minorities (Turkey);*
- ii. R - 93.42. *Adopt a national plan against racism, racial discrimination, xenophobia and intolerance that includes aspects such as **education and training in human rights for all levels of public administration** and a system of data collection for overseeing and controlling xenophobic and racist acts; carry out a comprehensive analysis on the effectiveness of legislative measures which seek to prohibit and punish using xenophobic messages or the incite to racial discrimination by political parties; and establish a simplified and flexible mechanism to process and deal with claims based on possible acts of discriminatory treatment by security forces and bodies (Spain);*
- iii. R - 93.50. *Adopt measures to guarantee **Roma children** the right to education in their own language and in a relevant way with their own culture (Ecuador);*

- iv. A - 93.54. Provide financial **support to the Slovenian-language music school in the province of Carinthia** on the basis of the same criteria as applied to the German-language music school (Slovenia).

Analysis:

36. Austria has adopted several measures to further promote inclusive education for disadvantaged children (minorities, girls, children with special needs...) as well as promoting cultural diversity (including the use of language). However, Austria did not take additional special measures to promote human rights education.

37. Specific Recommendations:

37.1 Austria should be strongly encouraged to ratify the UNESCO Convention against discrimination in education.

37.2 Austria should be encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.

37.3 Austria could be encouraged to further promote human rights education, in particular the non-discrimination principle.

Freedom of opinion and expression

38. Austria is recommended to decriminalize defamation, and place it within a civil code that is in accordance with international standards.⁴⁷

Cultural rights

39. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)⁴⁸, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural

⁴⁷ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

⁴⁸ See UNESCO. 2013. Austria Periodic Report on the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage. <http://whc.unesco.org/archive/periodicreporting/EUR/cycle02/section1/at.pdf>

Expressions (2005)⁴⁹, Austria is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Austria is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of scientific research and the right to benefit from scientific progress and its applications

40. **Austria**, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers, is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. The 1974 Recommendation on the Status of Scientific Researchers sets forth the principles and norms of conducting scientific research and experimental development and applying its results and technological innovations in the best interests of pursuing scientific truth and contributing to the enhancement of their fellow citizens' well-being and the benefit of mankind and peace. The Recommendation also provides the guidelines for formulating and executing adequate science and technology policies, based on these principles and designed to avoid the possible dangers and fully realize and exploit the positive prospects inherent in such scientific discoveries, technological developments and applications. Following-up to its 2011-2012 report on the implementation of the 1974 Recommendation, in providing a progress report in 2015-2017 on this matter, **Austria** is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation, such as: i) intellectual freedom to pursue, expound and defend the scientific truth as they see it, and autonomy and freedom of research, and academic freedom to openly communicate on research results, hypotheses and opinions in the best interests of accuracy and objectivity of scientific results; ii) participation of scientific researchers in definition of the aims and objectives of the programmes in which they are engaged and to the determination of the methods to be adopted which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; iii) freedom of expression relating to the human, social or ecological value of certain projects and in the last resort withdraw from those projects if their conscience so dictates ; iv) freedom of movement, in particular for participation in international scientific and technological gatherings for furtherance of international peace,

⁴⁹ See UNESCO. 2012. Austria Periodic Report on the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. http://www.unesco.org/culture/cultural-diversity/2005convention/data.php?1411480344&dir=reports&link=Austria_Report_Ownformat_EN_2012.pdf

cooperation and understanding; v) guarantees of non-discrimination in application of rights to satisfactory and safe working conditions and avoidance of hardship; to access to educational facilities, occupational mobility, career development, participation in public life, and vi) right of association, etc.