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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

**Austria**

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## I. Methodology – Approach to preparing the report<sup>1</sup>

1. The report focuses on measures implementing the recommendations accepted by Austria during the 2<sup>nd</sup> UPR.

## II. Implementation of the recommendations and developments since the last review<sup>2</sup>

2. Austrian courts<sup>3</sup> are the most important actors in monitoring compliance with the Austrian Constitution. The Austrian Constitutional Court (VfGH) reviews legal norms, rescinding unconstitutional laws and unlawful regulations. This review includes compliance with constitutionally guaranteed rights, including all rights guaranteed by the European Convention on Human Rights (ECHR) and its additional protocols. Since 2012, the VfGH has also been using the EU-Charter of Fundamental Rights as a benchmark when applying European Union law.

### A. Protection and promotion of human rights, international level

#### 1. International obligations, ratifications, reservations

3. To reinforce human rights protection, Austria has ratified the **Protocol of 2014 to the Forced Labour Convention, 1930** since its last UPR; the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203) was acknowledged by Parliament.<sup>4</sup>

4. The ratification of the **Protocol of the Council of Europe amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data** is currently being prepared. Before approaching the topic of ratifying the **Optional Protocol to the Convention on the Rights of the Child on a communications procedure**<sup>5</sup>, the analysis of the CRC-Committee's case law continues. The necessity to uphold Austria's **reservations and declarations** to international human rights treaties is reviewed continually:<sup>6</sup> since Austria's first UPR, all reservations concerning CEDAW, CRC, as well as the reservation to Article 5 CAT have been withdrawn.

#### 2. Cooperation with international protection mechanisms, international cooperation

5. Over the last years, Austria has continued to cooperate closely with all international and regional human rights protection mechanisms and monitoring bodies, an invitation to all UN Special Rapporteurs remains in place. Austria takes its **periodic reporting obligations** vis-à-vis human rights protection mechanisms seriously, endeavours to provide a high level of reporting quality, and is very interested in engaging in constructive exchanges with monitoring mechanisms. ECtHR-**judgments** are fully implemented as fast as possible, **recommendations** by other treaty monitoring bodies are analysed and taken into account accordingly.

6. Within the framework of development cooperation, Austria, together with partner countries, works towards improving human rights protection and the human rights situation. In the current Government Programme,<sup>7</sup> Austria has committed to a gradual increase of its budget for public development cooperation (from 0.27% of GNP in 2019) towards 0.7% of its GNP.<sup>8</sup>

7. **Austrian Development Cooperation (ADC)** focuses on fighting poverty, on maintaining peace and human security, and on environmental protection. The ADC Three-Year Programme 2019-2021, aimed at contributing towards implementing the Agenda 2030 sustainable development goals, defines the obligation to permanently apply the **human-rights-based approach** as a guiding principle. Special attention is given to the inclusion of persons with disabilities. An evaluation of the human-rights-based approach is ongoing. Via the 'Environmental, Gender and Social Impact Management-System' of the Austrian Development Agency, revised in 2018, these aspects are being integrated into programmes

and projects of ADC and monitored accordingly.<sup>9</sup> Effective participation of affected stakeholders is a key concern for ADC. Furthermore, a complaints mechanism was established for affected stakeholders.<sup>10</sup>

8. As regards **protecting the rights of peasants and other persons working in rural areas**, a conference on the role of women in mountainous regions took place at Austria's initiative in 2017, resulting in the declaration 'Regional Solutions to Global Challenges'. For many years, forest projects in Asia, Africa and South America have been supported at local level, in cooperation with smallholder and indigenous communities.<sup>11</sup>

9. One **focus of Austria's foreign policy is the promotion of intercultural and interreligious dialogue** on a bilateral and multilateral level,<sup>12</sup> by making expertise available, and by promoting relevant national and international networks. The Intercultural Achievement Award, first awarded in 2014, honours dialogue projects responding to current challenges by attracting media attention through their innovative, sustainable contribution to intercultural and interreligious dialogue and thus to global and national confidence-building and cooperation.

## B. Protection and promotion of human rights, national level

### 1. Institutional and structural framework

10. Since July 2012, the **Austrian Ombudsman Board (AOB)**, together with its six commissions has formed the NPM pursuant to OPCAT and has also been monitoring institutions and programmes for people with disabilities in accordance with the CRPD. The AOB's three members are nominated by the three largest political parties represented in Parliament and elected by Parliament. The members, whose six-year term can be renewed once, exercise their function in full independence and can be neither suspended, removed nor dismissed. Even though the appointment procedure (in particular the nomination-right for the three largest political parties represented in Parliament) is subject to some criticism, it does guarantee democratic legitimacy. The Government Programme provides for further strengthening of the AOB.<sup>13</sup>

11. **Improvement of legislative mechanisms:**<sup>14</sup> The government subjects its draft laws to public consultation with numerous public and private institutions being asked to submit comments. These are published, hence becoming publicly accessible.

### 2. Human rights education, awareness-raising, promoting dialogue and tolerance

12. Over the past years, measures concerning human rights education, awareness-raising and promoting dialogue and tolerance in the **education sector** have been increased: The general ordinance 'Citizenship Education in Schools', updated in 2015, refers to human rights education as the main pillar of the cross-curricular educational principle 'Citizenship Education' for Austria's entire educational system.<sup>15</sup> Human rights education was incorporated into the general and vocational education systems, teaching content related to human rights education was included in the curricula.<sup>16</sup> **Raising awareness** regarding discrimination, of racism including antisemitism and of radicalisation is the key concern of political education in schools; the Austrian Centre for Citizenship Education in Schools 'polis', as a key educational service institution, and the association `_erinnern.at_` offer many services and teaching materials.<sup>17</sup>

### 3. Human rights and state organs – state misconduct and enforcement of rights

13. **Training** for judiciary and law enforcement is offered on an ongoing basis and is constantly improved, to even better ensure compliance with human rights standards. The Penitentiary System Academy offers mandatory advanced trainings concerning human rights to **prison staff**;<sup>18</sup> (advanced) training for **judges and public prosecutors** concerning human rights and discrimination are continued.

14. Safeguarding human rights is attributed great importance within **law enforcement** – criticism by international and regional monitoring mechanisms is taken seriously and contributes to structural improvements.<sup>19</sup>

15. Since 12/2016, a new training plan regulating basic police training and the basic training for (senior) special agents has been in place: A modular competence training was introduced, with human rights forming a guiding principle throughout the entire training. Already during **basic training**, future police officers are sensitized regarding their responsibility for protecting human rights: among other topics, the importance of human rights for police work and ethical aspects of police tasks are dealt with. Gaining the ability to reflect critically on oneself and the occupational image of police officers is key.<sup>20</sup>

16. Advanced training seminars dealing with human rights are offered for all police officers (e.g. the mandatory seminar-series ‘A World Of Difference’, organised together with the Anti-Defamation-League: participants learn to recognise discrimination, to reflect on their attitude towards this topic and, by doing so, professionalise their actions as police officers; they are also trained in dealing with minorities).<sup>21</sup>

17. All (advanced) training also aims at ensuring that police work is based on facts only – there is no room for prejudice, stereotypes or **ethnic profiling** in investigative work.<sup>22</sup> Allegations against police officers are investigated and, if applicable, sanctioned under criminal and disciplinary law. Furthermore, increased efforts are made to recruit more Austrian nationals with migration background for basic police training, to reflect diversity of Austrian society in law enforcement, aiming at counteracting prejudice and stereotypes from within.

18. Responding to longstanding demands for **establishing a national investigation and complaints body for cases of police misconduct**,<sup>23</sup> the Government Programme stipulates the establishment of an independent unit in multi-professional composition, tasked with comprehensive investigation into allegations of police misconduct. Implementation started in spring 2020, first results are expected late 2020.

19. Besides, investigations into allegations of torture have been subject to special reporting obligations<sup>24</sup> and regulatory monitoring since 2016. Evaluation-results concerning allegations of ill-treatment are communicated to the ‘Reporting point for coercive measures and ill-treatment’ within the BMI.<sup>25</sup> In 2017/2018, a state-commissioned assessment of proceedings of public prosecutors and criminal police was followed by the optimisation of relevant internal instructions.<sup>26</sup>

20. To improve **data-collection** related to complaints about police officers,<sup>27</sup> a separate department<sup>28</sup> was created within the BMI in 09/2016,<sup>29</sup> tasked with recording and categorizing allegations of abuse since 09/2018.<sup>30</sup>

#### 4. Human rights and business

21. Aware of the increasing importance of human rights compliance by private economic actors, Austria takes steps to improve the compliance of enterprises operating from Austria with human rights standards further.<sup>31</sup>

22. Austria has committed to implement the OECD Guidelines for Multinational Enterprises. The Austrian National Contact Point (NCP) for the OECD Guidelines supports enterprises in effectively implementing them; it is a dialogue- and conciliation-platform for questions and complaints concerning alleged breaches of said Guidelines, and implements projects related to Responsible Business Conduct.

23. Support is also provided for relevant CSR-projects and studies, and, within the scope of ADC, for the work of the Austria Network within the UN Global Compact.

### C. Non-discrimination and equality

#### 1. General remarks<sup>32</sup>

24. In an increasingly diverse society, the state is called upon to create structural prerequisites for tolerant, equal coexistence in society and to combat discrimination and intolerance. In Austria, extremist and discriminatory attitudes and behaviours still exist – Austria is aware of its special responsibility in this context and relies on preventive and repressive measures in dealing with these challenges.

25. The **evaluation of the equal-treatment legislation and instruments** carried out in 2016 showed that the existing statutory framework was in general considered effective for those affected, but that effectiveness could be enhanced (e.g. by measures to speed up proceedings, reducing the cost-risk of proceedings, introducing minimum damages). Furthermore, numerous information measures concerning the equal-treatment legislation have contributed to changing social awareness. Regarding the harmonisation of protection against discrimination on all grounds, results at EU level will be awaited. On a regional level, anti-discrimination legislations have been gradually extended.<sup>33, 34</sup>

26. Once a year, the Federal Minister responsible for equal treatment issues holds a dialogue meeting with NGOs.<sup>35</sup> In 2015, a helpline against discrimination and intolerance was established: by receiving a better overview over anti-discrimination laws and competences **access to justice** for victims of discrimination should be **improved**.

27. As repressive measure<sup>36</sup> to counteract discrimination and intolerance, Section 283 CC (**Hate Speech**) plays a major role: Already in 2012, the **group of protected persons was extended substantially**; since 2016<sup>37</sup> additional **enhancements** apply (uniform threshold for ‘publicly committing’ the offence – statement in front of some 30 people sufficient; publicly denying, downplaying, condoning or justifying genocide or crimes against humanity as punishable offence; aggravation of sentences when committing the offence in a manner making the conduct accessible to the public or if hate speech causes violence; new statutory offences regarding the distribution of hateful written material, images or other depictions). To deal with inflammatory posts on the internet, ‘Guidelines on acts constituting the offence of Hate Speech’ (Section 283 CC) were drawn up (2017, revised 2019). Also, Section 33(1)(5) CC (**aggravating factor in case of hate crimes**) was extended – it is an aggravating factor if an offence is committed out of racial, xenophobic or other particularly reprehensible motives, especially those that are directed against one of the groups of persons listed in Section 283(1)(1) CC or any member of such groups specifically because of their membership of that group.

28. To **review and improve the efficiency of legal provisions** regarding the combat of racism, hate crimes and hate speech, the following measures have been taken:<sup>38</sup> Rising incidents of hate speech (doubling from 516 to 1.003 between 2015 and 2018), which are mainly due to increased internet usage and a higher willingness to file a report, have been in contrast to slightly falling numbers of indictments and convictions since 2018, which can be explained with a higher number of diversions. In 2019, a project addressing authors of inflammatory posts<sup>39</sup> was transformed from trial to regular operation. This project offered by a probation-service association<sup>40</sup> aims to raise awareness of discrimination and to encourage reflection on inflammatory behaviour.

29. To fully comply with recommendations to **improve investigation and prosecution** of hate speech and hate crime,<sup>41</sup> public prosecution was expressly enabled to establish special units for extremist offences (2017). Moreover, special units for ‘political offences’ have been in place for over ten years.<sup>42</sup> Increases in efficiency and standardisations in proceedings can be observed.

30. An agreement made with Facebook in 2016, under which Facebook shall search for and remove or block potentially illegal content of reported posts within 24 hours, should also improve protection against hate speech; senior public prosecutors and officials of the BMJ<sup>43</sup> have special channels to report punishable hate speech. Since the beginning, the solution of technical problems when transmitting requests for deletion has been work-in-progress. In this context – implementing the Government Programme – provisions are being elaborated to hold platforms more accountable and to facilitate user-complaints.<sup>44</sup>

31. Establishing a comprehensive system to **statistically record and monitor** developments regarding xenophobia and discrimination:<sup>45</sup> The annual BVT<sup>46</sup> report contains a part on ‘right-wing extremism’, with categories ‘right-wing extremist’, ‘xenophobic/racist’, ‘antisemitic’ and ‘islamophobic’ (anti-Muslim).<sup>47</sup> Proceedings pursuant to Section 283 CC or where the aggravating factor of Section 33(1)(5) CC applies have to be reported to the BMJ – indictments, diversional measures and judgements pursuant to Section 283 CC are documented by the BMJ.<sup>48</sup>

32. Based on the project ‘Systematic recording of prejudiced motives in criminal complaints (hate crime)’, BMJ and BMI have been collaborating since mid-2019 on improving the recording of discriminatory motives in the police database and in the judicial process-automation-system. In 2019, views were exchanged regarding a common definition of *hate crimes* (prejudice-motivated offences); in 2020, technical implementation-measures started.

33. **Hate speech and racism in the media and in political discourse:** Internet discussion forums make an important contribution to open discussion in a pluralistic, democratic public sphere. However, the right to freedom of expression ends where its exercise endangers public peace and harms others. To counteract **hate speech and hate crime on the internet**, numerous measures have been taken;<sup>49</sup> the Government Programme deals with this issue, a package of measures is currently developed. Specific trainings for public prosecutors and judges are planned for 2020/2021; police officers will participate and provide presentations.

34. An initiative adopted in 2016 against violence on the internet included: guidelines on how to deal with hate-posts and obtain possible compensation; creation of unbureaucratic reporting possibilities; awareness-raising and further training for police/public prosecution officers and court personnel to ensure consistent criminal prosecution; development of a contact point. **Numerous reporting points** for hate on the internet have been established, allowing unbureaucratic filing of reports.<sup>50</sup> In 2017, ZARA<sup>51</sup> was tasked with acting as main contact point for victims of hate-posts and cyberbullying: It assesses the relevance of posts under criminal and civil law, provides help in deleting posts and in accessing psychological support.

35. To combat non-punishable hate-posts by courts, networking- and workshop-days<sup>52</sup> were initiated in order to improve communication-culture on the internet and knowledge-transfer. Special ‘self-defence courses for girls and young women on the internet’ teach what can be done against hate on the internet. Further measures will be based on results of the study ‘Violence on the internet against women and girls in Austria’ (2018). Results of the ongoing study ‘Cyber-violence against women in (former) relationships’ are to be included in the conceptual development of a mobile-phone application designed to aid affected women.

36. Since 2016, the Austrian *No hate speech committee*<sup>53</sup> has served for the exchange of views among members from different federal ministries, NGOs and reporting points, and for raising awareness of hate on the internet. Since 2013, the ICT-security-portal<sup>54</sup> has been offering an overview over effective preventive and first-aid measures, preliminary legal information as well as reporting and counselling points regarding hate-posts and cyberbullying.<sup>55</sup>

37. In 2016, the offence of **cyberbullying**<sup>56</sup> entered into force;<sup>57</sup> its extension to cases where the relevant act is committed only once is being examined. Temporary injunctions to protect victims against cyberbullying have been possible since 2019.<sup>58</sup>

38. The Austrian Press Council, newly founded in 2010, published a code of conduct for journalistic work, including a provision on anti-discrimination. Since 2014, daily or weekly newspapers convicted for hate speech or for the infringement of the Prohibition Act have been excluded from press funding in the relevant year.<sup>59</sup>

39. Regarding punishable racist statements **in political discourse**,<sup>60</sup> requests by public prosecutors to revoke parliamentary immunity are addressed to the President of the National Council (or the President of the Regional Parliament). The National Council or the Regional Parliament decide on such requests. Courts are aware of their responsibility and limit the right to freedom of expression if this is justified and necessary. In 2011, an Austrian national who is close to a political party and appeared on stage at a party-meeting was sentenced to a fine for defamation of religions.<sup>61</sup>

40. **Combating antisemitism**<sup>62</sup> is important for Austria, the rising number of documented antisemitic incidents and insufficient sensitization are reasons for concern. Therefore, Austria is currently working intensively on a National Strategy to Prevent and Combat any Forms of Antisemitism, which should be completed in the second half of 2020

and shall include the following, already ongoing measures: Establishing a national contact-point for antisemitic incidents; strengthening collaboration with ‘Forum Against Antisemitism’; regular monitoring of antisemitic tendencies in the population; zero-tolerance-policy towards antisemitic manifestations of hate; reinforcing awareness-raising activities regarding antisemitic online content; upgrading relevant education-policy measures in schools. Austria is an active member of the IHRA and adopted IHRA’s working definition of antisemitism (2018), with the recommendation to use it, in particular, in (adult-) education and training for judiciary and law enforcement. In the fall 2020, the National Strategy against Antisemitism and for the Promotion of Jewish Life will be presented, including measures in the areas of security, justice, education and social coexistence.

41. To combat **discrimination of Roma**,<sup>63</sup> an expert-conference on antigypsyism was organised in 2018, with participation of the Roma civil society; results are reflected in foreign policy (e.g. more UPR-recommendations on this topic in 2019) and at national level (focus of the Austrian strategy on Roma inclusion).

42. The initiative *ZUSAMMEN:ÖSTERREICH*<sup>64</sup> is a prime example of measures against **discrimination of and intolerance against migrants**:<sup>65</sup> Since 2011, ‘integration-ambassadors’ – well integrated migrants serving as role models for children and youths – have been visiting schools and associations and reached some 60,000 youths. Other measures to combat discrimination against migrants include awareness-raising projects addressing media.<sup>66</sup>

## 2. Children and youths

43. **To protect the rights of children**,<sup>67</sup> a constitutional act,<sup>68</sup> guaranteeing constitutional protection to some selected children’s rights and to the priority of the child’s welfare, was adopted already in 2011; children’s rights and best interests are thus increasingly considered by legislators, executive authorities and, notably, the VfGH. An overall impact-evaluation of the Federal Constitutional Act on the Rights of Children is part of the Government Programme. A catalogue of 12 criteria, introduced in Section 138 Civil Code in 2013, serves as basis for assessing the child’s welfare in the ambit of civil law. To further **harmonise national legislation on children** with the CRC and Protocols,<sup>69</sup> the Regulatory Impact Assessment, mandatory for proposed legislation since 2013, must include an appraisal of intended and possible side-effects in the dimension ‘children and youths’.<sup>70</sup>

44. The introduction of a head-covering-ban in primary schools in 2019 and in nursery schools in 2018 is subject to broad societal debate. Austria is aware of the delicate balance between the state’s duty of respecting the freedom of religion and the parents’ right to ensure education in conformity with their religion, and the state’s duty to protect the children’s development and provide protection against discrimination; any impacts of the ban will be carefully monitored. The VfGH is currently reviewing the ban’s constitutionality; the decision is expected before the end of 2020.

45. **Right to health:** In 2011, a children and youth health-strategy was presented – the health-status of children and youths has been improving, as shown in detail in the Austrian Report on Children and Juvenile Health since 2015. Since 2019, regional laws on the protection of minors have applied largely uniform provisions on purchase and consumption of alcohol and tobacco and on curfew times; a nationwide ban on selling tobacco and related products to under 18-years-old and a smoking-ban in bars and restaurants entered into force.

46. **Right to an adequate standard of living:** In the Government Programme, special attention is paid to combating poverty and social exclusion of children in Austria, the higher risk of poverty for single-parents and their children is explicitly recognised. As opportunities of children largely depend on the socio-economic status of parents, overarching measures against poverty and social exclusion are important. A process to develop a National Strategy to Prevent Poverty, starting in autumn 2020, will include a focus on combating child poverty.

47. Measures to increase employment and integrate employable persons into the labour market are one priority in combating juvenile poverty.

48. Since the 2017 Compulsory Education and Training Act came into force, all youths under 18 have been obliged to pursue education or training after completing compulsory schooling. An accompanying programme, ‘Education/training until 18’,<sup>71</sup> providing for a broad range of measures, has been established. The main objective is to reduce the number of early school-/training-leavers as well as to increase youths’ level of education and to thus sustainably reduce their risk of unemployment and poverty. In 2019, academic monitoring of the programme’s implementation showed positive effects on the number of early school-/training-leavers.

49. Under the **education and training guarantee**, completing an apprenticeship is possible for youths unable to find apprenticeship-placements. In 2017, an education and training guarantee (free-of-charge qualification- and training-measures aiming at passing the apprenticeship-exam) was introduced for unemployed youths aged 19–25, having completed compulsory schooling. Counselling for apprentices and apprenticeship-providers – initiated in 2015 – contributes to reducing the dropout-rate of apprentices.

50. Strengthening the **combat of violence against children**,<sup>72</sup> in particular the following measures were taken: In 2016, Austria hosted a high-ranking intergovernmental conference, passing the resolution *Towards Childhoods free from Corporal Punishment*, obliging states to improve data-collection and to promote research on this topic. A study on the ban of corporal punishment and forms of psychological violence against children (‘The right to a childhood free from violence 1977 – 2014 – 2019’) shows that knowledge on the ban on violence is widely spread in Austria, and that severe forms of violence are widely rejected. However, the study also shows that ‘less severe’ forms and psychological violence are still belittled. The 2019 Protection Against Violence Act<sup>73</sup> led to improvements in protecting children from violence: e.g. introduction of a ‘mobile protection-zone’ of 100 metres around victims of domestic violence; mandatory violence-prevention counselling for certain persons posing a threat<sup>74</sup> from 2021; later start of limitation periods for asserting certain claims (from the age of 18 of the victim);<sup>75</sup> better networking between authorities; mandatory filing of motions for temporary injunctions for child- and youth-welfare service.

51. The protection of the rights of **children in custody and detention** has been further extended.<sup>76</sup> To bring **the juvenile penitentiary system in full compliance with international requirements**,<sup>77</sup> notably the 2015 Act Amending the Juvenile Court Act<sup>78</sup> is to be mentioned: Initiatives to reduce times of pre-trial detention or imprisonment include so-called ‘social-network conferences’, aimed at involving the young person’s family and friends in overcoming the crisis. A key point was the **inclusion of young adults in the Juvenile Court Act**, although the penalty range was realigned with adult criminal law in one sub-area in 2020. Furthermore, a legal basis was established for creating nationwide **juvenile court-assistance**, and an obligation to obtain information on the living environment of youths and young adults from juvenile court-assistance in all criminal proceedings was introduced.

52. As regards **improving detention conditions**,<sup>79</sup> the prison occupancy-rate is much lower now, also as a result of health and safety measures related to the COVID-19 pandemic, and of electronically monitored home detention (EMHD).<sup>80</sup> If the planned EMHD extension (to 18 or 24 months) is implemented, further positive developments are to be expected. In the juvenile penitentiary system, the number of inmates per cell was limited to two persons, the detention conditions have been improved).<sup>81</sup> Since 2016, it has been possible to reprieve until after the completion of an ongoing education/training.

53. Special rules apply to the **detention of minor refugees and asylum seekers**:<sup>82</sup> underage minors (persons under 14) must not be placed in pre-deportation detention.<sup>83</sup> In case of minors of age (aged 14 to 18),<sup>84</sup> authorities must, if possible, apply more lenient measures: Instruction to live in specified accommodations, reporting obligations, deposit.<sup>85</sup> Decisions on pre-deportation detention have to be justified on a case-by-case basis and may only be taken if appropriate accommodation and care are provided. As a general rule, minors awaiting deportation are detained separately from adults.

54. Since 2020,<sup>86</sup> the procedural duty of care vis-à-vis juvenile suspects, accused and defendants has become more far-reaching, in part also for young adults: new provisions concerning age assessments; special requirements to handle juvenile criminal proceedings as matters of urgency; extended instruction duties; obligatory presence of accompanying persons throughout interrogations.

55. The **equal treatment of children born out of wedlock with regards to the acquisition of Austrian nationality**<sup>87</sup> was achieved in 2013 by amending the Citizenship Act<sup>88</sup> (possibility for children born out of wedlock to acquire nationality by descent from their Austrian father; under certain circumstances the retroactive acquisition of nationality (to the date of birth) is envisaged).<sup>89</sup>

56. The situation of children and youth is also addressed in other parts of this report.

### 3. Women and equality

57. Genuine equality between women and men in all spheres of society is enshrined in the Federal Constitution and, by way of impact-orientation (taking into account the goal of de-facto equality between women and men), in all policy areas.<sup>90</sup> To establish an overall equality strategy, a coordination process with all supreme federal organs was implemented.

58. Numerous measures are taken to further promote equality: **Nationwide counselling offers** for women and girls are a key element of women- and gender-equality policies; in 2019, 88% of Austria were covered.<sup>91</sup> A special focus lies with education – to enhance the competence to act, to improve professional qualifications and to draw the attention of girls to more diverse career options when choosing a vocation.

59. **Gender-equality on the labour market**<sup>92</sup> remains a key challenge: the gender pay-gap (average gross hourly wages) decreased from 25.1% (2008) to 19.6% (2018) – the median shortfall in annual earnings for women working full-time throughout the year amounted to 15.2% (2018);<sup>93</sup> for federal civil-servants, the slightly lower difference between the median annual earnings of full-time working women and men declined from 13.3% (2012) to 10.3% (2018). In continuing the major themes of the NAP on Gender Equality in the Labour Market (2010-2013), numerous measures were taken and/or continued in 2013-2019: **Eliminating barriers to full-time employment and promoting career perspectives for women** in all professions; introducing the Equal-Pay-Label as a quality standard for businesses creating equal opportunities (2020; ‘equalitA’ – quality label for internal promotion of women); improvements in the care-sector aimed at facilitating (in particular female) full-time careers;<sup>94</sup> the Government Programme envisages a nationwide and needs-based expansion of high-quality childcare;<sup>95</sup> targeted information, qualification and support measures for women; gender-sensitive career guidance by the Public Employment Service (AMS); focus on qualification in labour-market-policy funding for women; disproportionately high allocation of AMS-funds to women; AMS support for **female migrants** aimed at labour market integration (German-language courses, (advanced) vocational training, specialised counselling- and support-facilities); continuous project-funding to improve labour-market integration of female migrants, e.g. the competence check<sup>96</sup> for women;<sup>97</sup> government-initiated job-forum aimed specifically at people entitled to asylum or subsidiary protection (2020).

60. **Increasing income transparency** is crucial for reducing the gender pay gap. The obligation to disclose the minimum wage (according to the respective collective bargaining agreement) in job advertisements, as well as the obligation for companies with more than 150 employees to prepare an income report, introduced in 2011, were evaluated in 2015. The results formed the basis for further measures: The project ‘Fair wage’ was implemented to raise awareness; the toolbox ‘Income report’ was developed to provide instructions.<sup>98</sup> In 2018, key indicators and promising practices to improve income-transparency and -fairness were identified. Since 2011, the salary to be expected in any given industry/region/position/professional experience can be calculated using the ‘Online wage calculator’. The AMS ‘Salary compass’ provides an overview of entry-level salaries according to professions; women are actively informed of possible disadvantages of long-term part-time employment or late re-entry into the labour market after a family-related career break.

61. Between 2017 and 2020, minimum gross wages of EUR 1,500 were introduced almost nationwide under collective bargaining agreements, improving women's income situation in particular. Results of a study on gender-specific steering effects of taxes and duties are applied to reduce fiscal disincentives to work (e.g. providing tax relief for low incomes since 2018). To strengthen women's independent and fair social safeguards,<sup>99</sup> the brochure 'Women and pensions' informs women about effects of part-time-employment and leaves on their pension, and shows possibilities to improve one's pension. The project TRAPEZ<sup>100</sup> aims to improve women's economic independence in old age through research, awareness raising and information. In 2017, an increased equalisation-supplement for people having paid social security contributions during at least 30 years of (self-) employment was introduced; women in part-time occupation are the main intended beneficiaries. Since 2018, the partner's income is no longer taken into account when calculating unemployment assistance, contributing to more autonomous social security especially for women.

62. Numerous initiatives for diversifying career- and education-options in all professions and in the school and higher-education system contribute to **eliminating gender stereotypes in education and the labour market**; in the **education sector**, the new teaching principle 'Reflective gender education and equality'<sup>101</sup> is implemented.<sup>102</sup> Further measures include gender-sensitive career-guidance and teacher-training: Enshrining gender-competence as a requirement for teachers;<sup>103</sup> establishing a separate chair for gender-education;<sup>104</sup> establishing a federal centre for gender-pedagogy and -research (2016), offering further training for target groups in the education sector; state-funded project IMST,<sup>105</sup> providing teachers of STEM subjects<sup>106</sup> in particular with specific offers for reflection to avoid gender stereotypes; organising events for various target groups to discuss pedagogical concepts to increase the scope of action and self-determination of girls and boys. Additional initiatives include annual Girls' Day and Girls' Day MINI in the Federal Civil Service, opening up education and career prospects for girls in STEM areas. At the annual Boys' Day, boys can gain insight into careers at social institutions. Since 2015, an online platform<sup>107</sup> has been providing information on STEM subjects especially for girls and women. Children are made aware of atypical career options.<sup>108</sup>

63. To **improve representation of women in leadership positions**,<sup>109</sup> a quota of 30% (applying to women and men) must be respected since 2018 when appointing new supervisory board members at listed and large companies (employee- and shareholder-representatives). Since the introduction of that quota, the percentage of women on supervisory boards at listed companies subject to the quota has increased from 22.4% to 31.7%; one third of the companies concerned does not yet meet the quota. With the decision of the Council of Ministers of 3 June 2020, the Austrian Federal Government committed (as envisaged in the Government Programme) to raise the percentage of women in supervisory bodies of state-owned and state-related companies with more than 50% federal-share to 40%. In 2019, the average percentage of women in the Federal Civil Service was 43.3%. While the women's quota exceeded 35% in 35 out of 54 companies, 12 companies reached a percentage between 25% and 35%. At seven companies, the women's quota was below 25% in 2019. The Government Programme also provides for an evaluation of measures aiming at raising women's quota in listed companies.

64. For more than 20 years, the share of women in Federal Civil Service and in leadership positions has been increasing.<sup>110</sup> Efforts to **overcome underrepresentation of women in civil service**<sup>111</sup> include targeting women at police-recruiting events – currently the share of women and men recruited is approximately equal.

65. **Strengthening women's participation in politics**:<sup>112</sup> For the first time in its history, Austria had a female federal chancellor between June 2019 and January 2020 and, also for the first time, half of the Austrian ministers were female then; the current female share in the Federal Government is around 53%. In 2019, subsidies to political parties with a share of more than 40% of women in the National Council and/or Federal Council were raised by 3%.<sup>113</sup>

66. **Prevention of violence against women and protection of women against violence**<sup>114</sup> remained a priority in the last years; in 2020, the budget of the women's division was raised by EUR 2million<sup>115</sup> and is mainly invested in measures to fight violence

against women. Austria implemented numerous measures, especially against domestic violence,<sup>116</sup> to ensure effective criminal prosecution and to create a comprehensive victims' support system. Ratifying the Istanbul Convention in 2013 entailed, inter alia, the NAP on the Protection of Women Against Violence 2014-2016. With few exceptions, all of its measures were implemented; an implementation report was prepared in 2018.<sup>117</sup> Legislation on **sexual violence**, including sexual harassment, was significantly broadened:<sup>118</sup> The offence of 'Violation of the right to sexual self-determination' was introduced,<sup>119</sup> the protection against sexual harassment<sup>120</sup> was expanded.<sup>121</sup> Draft legislation on making 'upskirting', the secret photographing of the genital area, a punishable offence is currently under discussion. In autumn 2019, the availability of counselling centres for women affected by sexual violence was ensured throughout Austria;<sup>122</sup> however, access to these services remains difficult for women at particular risk.<sup>123</sup> The information campaign on the dangers of date-rape drugs has been continued.

67. Changes brought about by the **2019 Protection Against Violence Act**<sup>124</sup> include: Tightening substantive criminal law and improving victims' protection in criminal procedural law (e.g. longer penalties, limitation periods; introducing new and specifying existing victims' rights); new case-conferences under the Security Police Act for vulnerable persons in high-risk cases; prohibition-of-approach order to keep 100 metres away from a vulnerable person ('mobile protective zone'); expanding the register of persons posing a threat (extending data-storage to three years); introducing mandatory counselling for persons posing a threat by experts in so-called violence prevention centres, to be established as of 2021 and regulation on data-transmission to these centres; increasing awareness-raising and training measures for security authorities and law enforcement. In 2020, the budget for **counselling offers** was raised.<sup>125</sup>

68. **Expansion of support services and psychological assistance for victims:**<sup>126</sup> Between 2017 and 2019, 100% of women affected by violence received support in violence protection centres. At least one funded counselling-centre for women is available in 88% of all political districts in Austria, new women's shelters are planned. Since 2011, hospitals have been obligated to establish victim protection groups for persons affected by domestic violence; this should help to detect domestic violence early and increase awareness among medical professionals and care personnel. New **training and awareness-raising measures**<sup>127</sup> are funded to promote violence prevention and victims protection: Workshops on violence prevention at schools and trainings for heads of nursery schools; trainings in the framework of promoting escorted visits, aimed at raising awareness for and handling (suspected) cases of domestic violence, sexual abuse and other hardship situations; workshops on violence prevention for personnel in nursing- and care-institutions; free country-wide workshops and presentations by police on prevention of sexual and/or physical assaults in public; project 'Delphi – Implementing violence prevention in the context of transculturality and gender', pointing out known and new forms of violence, e.g. sexual degradation, racist violence, family-honour-related conflicts, violence in forced marriages, relationship models involving oppression of girls/young women and forms of violence in digital space. To improve the support provided by the health system in case of violence, a project<sup>128</sup> on developing specific standards for curricula of all health professions and on adjusting training regulations is funded. In 2015, a pilot project<sup>129</sup> in one region featured measures for integrating women affected by violence into the regular labour market in order to promote their economic and social independence; in 2020, the measures were adopted by the AMS as part of its regular policy, the extension of the measures to another region is being prepared.

69. Numerous supportive measures are available for women affected by and at risk of **female genital mutilation** (FGM) and forced marriage: the topic of combatting FGM<sup>130</sup> was covered by the taskforce on criminal law reform, genital mutilation was defined as an independent offence, an extended reporting-obligation of hospitals was established and penalties were raised.<sup>131</sup> Furthermore, women and girls in various African countries are supported in the framework of ADC, with anti-FGM measures and with regard to SRHR. To combat **forced marriage**, state institutions and civil society cooperated closely in taking victim-protection measures, an apartment for emergencies<sup>132</sup> is available,<sup>133</sup> a criminal-law provision on forced marriage entered into force, the criminal-law limitation-period now starts with the victim turning 28, and annulling forced marriages in Austria is possible. The

Government Programme also includes raising the marriage age to 18 and considering the prohibition of marriage between cousins.

70. For years, the **integration of women** has been a primary focus: Since 2017, persons entitled to asylum and subsidiary-protection have been obligated, under the Integration Act, to attend counselling, values- and orientation-courses, in addition to taking German-language classes; this measure particularly supports women. Following the mandatory inclusion of these measures in the Integration Act 2017, the proportion of women in the courses has doubled.<sup>134</sup> In 2019, EUR 1 million were geared towards measures for combating violence against women in the context of integration and FGM. Special funds of EUR 2 million are budgeted for 2020, with the goal to strengthen **self-determination of girls and women with migration background**, to encourage their participation in society, to provide information and to prevent violence against women and girls and to offer support to those affected by violence. Additionally, the host society's structures for supporting the target group and the promotion of innovative approaches for improving the existing system should be strengthened. Counselling, covering gender equality, forced marriage, free choice of a partner, non-violence, self-determination, FGM, and reconciling work and family life is provided to women and men with migration background<sup>135</sup> throughout Austria. Since October 2015, various initiatives have been addressing the specific situation of female refugees,<sup>136</sup> offers of women- and refugee-organisations were documented and linked to improve protection against violence and the career and educational perspectives of women with migration/refugee-background.<sup>137</sup>

#### 4. LGBTIQ

71. In fighting discrimination based on sexual orientation, a decision by the VfGH<sup>138</sup> led to the opening of marriage for same-sex couples and the opening of registered partnership for opposite-sex couples in 2019.<sup>139</sup> In 2018, the VfGH<sup>140</sup> held that persons with **variations in the development of sex characteristics** (intersex persons) are entitled to entries according to their sex-characteristics in the central civil register and in official documents. In 2020, the first official documents with the category 'inter' were issued. In the wake of the VfGH decision, replacing the terms 'male' and 'female' in current legal texts, with the aim to include intersex persons, was initiated.<sup>141</sup>

72. Since 2013, same-sex couples may adopt stepchildren; since 2016, **joint adoption** has been possible for same-sex and opposite-sex couples alike.

73. The Austrian National Council recently addressed the issue of recording gender- or sexual-orientation-based hate crimes, and passed a resolution (July 2020) prompting the Minister of the Interior to report on the outcome of the project 'Systematic recording of prejudiced motives in criminal complaints (hate crime)' and on resulting measures.

#### 5. Persons with disabilities

74. Upon recommendation of the CRPD-Committee, a new German translation of the CRPD<sup>142</sup> and, together with representatives of persons with disabilities, an easy-to-read version<sup>143</sup> were developed.

75. Since 2014, a working group – cooperating with the organisation representing persons with disabilities – has been dealing with the adjustment of relevant laws, in order to reflect the concept of disability as defined in the CRPD's social model of disability better.<sup>144</sup>

76. In autumn 2019, the **National Action Plan on Disability** (NAP Disability) 2012-2020 was extended until 2021. At the end of 2019, 70.4% of the measures had been implemented or were being implemented as scheduled; 26.4% had been partly implemented or were in preparation; 3.2% had not been implemented.<sup>145</sup> The scientific evaluation of the NAP Disability is available since June 2020 and will be taken into account in contributions (prepared by participatory expert-teams) for the new NAP Disability (2022-2030), which is to be adopted by the Federal Government. In this way, increased coherence in legislation and politics should be fostered, ensuring a possibility for persons with disabilities to live a fulfilled life.<sup>146</sup> In order to ensure its independence, the Federal Monitoring Committee for the Implementation of the CRPD<sup>147</sup> was provided with an annual budget in 2017.<sup>148</sup>

77. The NAP Disability 2012-2021 contains measures for **combating stereotypical attitudes towards** persons with disabilities.<sup>149</sup> The study concerning the portrayal of persons with disabilities in Austrian mass media (2015/16) resulted in pertinent recommendations and in setting up the internet-platform [www.barrierefreiemedien.at](http://www.barrierefreiemedien.at), for non-discriminatory portrayal in reporting.

78. **Paying increased attention to the gender perspective** is of key importance in disability-related legislation and politics, as women with disabilities face multiple forms of discrimination based on their gender and impairments and are at risk of suffering sexual violence.

79. In 2018,<sup>150</sup> comprehensive **reforms were introduced to the former law on guardianship**, based on a broad, participatory process, taking into account the basic principles of the CRPD.<sup>151</sup> Under the new law, courts may order representation in legal matters only in those cases where persons affected are unable to handle their affairs on their own even if they have assistance. ‘Elective representation’ allows adults without full decision-making capacity to choose a representative and to decide that the representative may only take action with their approval (‘co-decision’). The key aspect is enabling the represented to shape their life circumstances to the greatest possible extent according to their wishes.<sup>152</sup>

80. For easier **access of persons with disabilities to the labour market**,<sup>153</sup> the Employment of People with Disabilities Act was amended in 2017, aiming to improve their protection from unemployment. Persons with disabilities have access to all measures of *Sozialministeriumservice*<sup>154</sup> and of general labour market policy. Funds for active disability-policy were increased in 2018. Together with key stakeholders, a package of measures was created, which is gradually implemented. Support provided to companies hiring persons with disabilities includes comprehensive assistance, increased wage-cost subsidies paid earlier, less red tape concerning subsidies, more support for apprentices with disabilities, as well as information and awareness-raising measures to emphasise the benefits of employing persons with disabilities.

81. **Access to inclusive education:**<sup>155</sup> The NAP Disability 2012-2021 includes goals for the education sector and plans for the development of an inclusive school system. The inclusion of children with special educational needs is regulated by law: Pupils with special educational needs have access to all means which enable their unrestricted participation in the education system; they are taught in special schools or in inclusive settings at regular schools. Parents are entitled to choose the type of school education for their child; the municipality must make all arrangements, if necessary, to facilitate education in regular schools. The percentage of children with special educational needs being taught in an inclusive environment continues to rise, amounting to about 63.1% in 2018/19. A recent key measure regarding inclusive education is the creation of ‘**inclusive model regions**’, as established in Styria, Carinthia, and Tyrol since 2015; the initial goal was nationwide implementation until 2020.

82. Since 2019, multi-professional expertise for support to students has been provided by regional boards of education (departments for inclusion, diversity and special-needs education). The aim is for pupils to complete their education more successfully, regardless of social background, gender, talents, migration background, first language or disability. Since 2013,<sup>156</sup> inclusive education has been included in all teacher-training. Both Teacher Education Act and Universities Act contain explicit provisions concerning students with disabilities.<sup>157</sup>

83. **Access to public life:** One of the key areas of the NAP Disability 2012-2021 is **accessibility**,<sup>158</sup> which inter alia aims at enabling people with disabilities to access public life.<sup>159</sup> In each federal ministry, one accessibility-representative was appointed. 2015 and 2016 saw activities to raise awareness for accessibility. Accessibility was improved in many areas, in particular regarding media, public buildings and public transport.

## 6. Older persons

84. In order to approach a **more equitable old-age pension system for women and men**,<sup>160</sup> and to at least partially counterbalance financial losses resulting from unequal distribution of childcare responsibilities, (voluntary) ‘pension-splitting’ was introduced in 2005: This allows parents to transfer relevant credits (up to 50%, for the first seven years) to the pension-account of the parent predominantly engaged in childcare. The Government Programme envisages two new pension-splitting models (automatic model for parents of joint children and voluntary model for all couples).

85. To improve **participation of older persons in the labour market**,<sup>161</sup> enhanced incentives are offered to businesses (e.g. temporary support for wage and non-wage labour costs; additional payments to employees’ wages; subsidized employment at social enterprises to gain work experience), specific offers are provided to older job-seekers by AMS. Further measures, such as part-time scheme for older employees, semi-retirement, transition benefits after part-time scheme and extended unemployment benefits, are available for older employees close to retiring. In 2017, the possibility to gradually re-enter the labour market after long and serious illnesses was created. The programme *Demografieberatung*<sup>162</sup> supports businesses in creating a work environment appropriate for ageing persons.

86. Regarding the recommendation on eliminating discrimination against older persons in accessing financial services,<sup>163</sup> it must be noted that relevant Austrian law is almost fully determined by European law. Differentiations in individual cases are possible.<sup>164</sup>

## 7. Religious minorities/religious freedom

87. Freedom of thought, conscience and religion is guaranteed by constitutional law and thus needs to be taken into account for all state measures. Wherever these freedoms collide with other rights protected by constitutional law, the interests involved are assessed in the framework of a thorough proportionality test.<sup>165</sup>

88. The Islam Law, explicitly requested by the Islamic Community in Austria<sup>166</sup> and elaborated together with all Islamic religious societies, has been in force since 2015. Two complaints relating to the Islam Law have so far been submitted to the VfGH (on the provision regarding dissolution of associations as of 1 March 2016, in case the association’s purpose had not been adapted accordingly – the complaint was held inadmissible; on the ban of financing from abroad<sup>167</sup> – in that case, the VfGH held that the interference with religious freedom was proportionate, because it is in the public interest that legally recognised churches and religious societies maintain their autonomy and independence).<sup>168</sup>

## 8. Migrants

89. In 2019, about 2.07 million people with migration background were living in Austria (up about 34% from 2010), i.e. almost a quarter (23.7%) of the total population. The successful integration of migrants is therefore a key priority: The NAP Integration 2010 is continuously implemented,<sup>169</sup> adopted measures are presented in annual integration reports,<sup>170</sup> good practices are collected in the database ‘Integration projects in Austria’.

90. Since 2017, the **Integration Act**<sup>171</sup> has regulated the framework for the integration of persons who are legally resident in Austria (persons entitled to asylum or subsidiary-protection, legally settled third-country nationals). It assumes a two-way process: While the state must systematically provide integration offers (language training and orientation), the persons concerned are obligated to make active use of these offers. On a structural level, the **introduction of integration-monitoring**, aimed at providing information on the progress of integration processes, and the **establishment of a research-coordination body** contribute to increased transparency and improved data exchange, ensuring an integration policy based on rational considerations.

91. Currently, Austria’s **priorities** regarding integration policy include: 1) promoting language courses, especially for refugees and children with poor German-language skills; 2) orientation courses for refugees, particularly focusing on the rule of law and values; 3)

further improving integration into the labour market (Integration Act and Recognition and Assessment Act<sup>172</sup>) and 4) intercultural and interreligious dialogue.

92. 1) and 2) Mandatory values-and-orientation courses for refugees are offered nationwide by the Austrian Integration Fund. Since 2020, language courses up to at least language level B1 (formerly A2) are provided for persons entitled to asylum or subsidiary protection over the age of 15. In 2016,<sup>173</sup> special German-instruction for non-native speaking pupils was enshrined in law.<sup>174</sup> If possible and required, pupils are intensively taught in German in small groups before joining regular classes. This regulation was initially limited to three school years (2016-2019) and subsequently evaluated.

93. Furthermore, Austria promotes linguistic diversity through **mother tongue instruction**.<sup>175</sup> As a part of the regular Austrian school system, it is an important tool for improving first-language skills and aiding personality development and identity formation in children and teenagers who are raised multilingual.

94. 3) A mentoring programme<sup>176</sup> supports persons with migration background and unrestricted access to the Austrian labour market, who have at least completed an apprenticeship, to enter said market. Measures preparing persons entitled to asylum or subsidiary-protection beneficiaries for the labour market are envisaged.

95. 4) The Government Programme stipulates the development of free, educated, enlightened people as goal for the education system. Promoting intercultural competences of pedagogical personnel and supporting auxiliary school-staff (social workers, school psychologists, social pedagogues) in intercultural contexts are priorities of integration. Numerous 'intercultural dialogue' projects are funded every year.<sup>177</sup> Various measures were taken in the cultural sector to promote intercultural dialogue and the diversity of cultural expressions.<sup>178</sup> Numerous art and cultural institutions are pondering how to attract new audiences and aim to have more diverse staff to better reflect society.

## 9. Asylum seekers, refugees

96. By ratifying the 1951 Refugee Convention, Austria has committed to protect all persecuted persons, and complies with the requirements of international and European law. Austria guarantees access to an asylum procedure and strives to ensure international protection for persons who need it – in practice, this is often challenging.<sup>179</sup> Procedures and decisions meeting international standards are a key concern for Austria – therefore, case officers undergo an education programme of several months, further training is offered regularly. Experienced practitioners and law experts conduct trainings, specific topics are covered by external partners. To ensure and improve the quality of procedures and decisions, interviews and decisions are evaluated regularly; allegations of decisions being of poor quality are taken seriously and examined.

97. Measures to further improve the **living conditions** of asylum seekers and refugees in Austria<sup>180</sup> mainly concerned the following areas: In 2015, accommodation capacities in **support facilities**<sup>181</sup> were increased to meet the enormous challenges posed by the huge influx of people needing help and protection. With the number of asylum applications significantly declining in the last years, federal support facilities were closed, alternative utilisation concepts were developed as appropriate (creating precautionary capacities). A project at regional level to harmonise minimum standards in accommodations was completed successfully.

98. The new **Austrian Agency for Care and Support Services**<sup>182</sup> takes on the task to provide accommodation and care for asylum seekers receiving federal support, legal counselling, repatriation counselling and assistance, as well as human rights observers, interpreters and translators. In this way, current dependence on external service providers should be counteracted, cost-efficiency of refugee care and the number of voluntary returnees should be increased, and a high level of quality assurance should be achieved. To address concerns voiced notably by civil society organisations, measures are taken to ensure the independence of legal counselling.

99. As asylum seekers receiving federal support are included in the statutory health insurance (by regulation), their access to affordable **healthcare** is warranted.<sup>183</sup> Recognised

refugees also have health insurance under the statutory scheme, based on gainful employment or when receiving social aid. In the **education sector**,<sup>184</sup> *Mobile interkulturelle Teams*, a project aimed at integrating refugee children into schools, providing aid to schools and teachers and counselling and assistance to families, preventing exclusion and (ethnic) conflicts, offering adequate (German-language) support for refugee children in schools and aiding and/or supplementing school support systems, ran from April 2016 to June 2019.

100. The Government Programme provides for an **improvement in protection and legal status of unaccompanied minors (UAMs)**, in particular the **faster provision of custody**.<sup>185</sup> A special group setting enables 24-hour-assistance for UAMs; specific psychological and/or psychosocial care and counselling are ensured at the earliest stage; culture-sensitive measures to prevent violence and/or de-escalate conflicts, and pre-integration measures are paramount. UAMs under 14 are assigned a so-called ‘remunerated parent’<sup>186</sup> who supports them in everyday life. As a general rule, UAMs are accommodated separately from adults in special federal support facilities.

## 10. National minorities

101. Austria is committed to its six autochthonous national minorities (the Croatian, Slovenian, Hungarian, Czech, Slovak and the Roma minorities) as a key component of Austrian identity and to its obligations under international and constitutional law to ensure the continued existence of national minorities and to preserve their **languages and cultures**.<sup>187</sup> The Government Programme provides for numerous measures for continuous improvement, as requested by representatives of national minorities for decades. In October 2020, the Federal Government decided on a proposal to parliament to double financial support for national minorities.

102. Minorities-School Acts apply to the **Slovenian minority in Carinthia**, and to the Croatian, Hungarian and Roma minorities in Burgenland, thus ensuring bilingual education for national minorities in the autochthonous settlement areas.<sup>188</sup> Recently, numerous initiatives were started to improve the quality and appeal of bilingual education (e.g. statutory commitments to offer additional courses for teachers of Slovenian, Croatian and Hungarian).

103. Within the scope of the Minority-School Act for Carinthia, the number of primary schools and/or school branches has risen slightly since 2016/2017. Due to demographic developments, a new location strategy for compulsory schools (larger education-centres) is implemented in Carinthia, with due attention to bilingual-education offers in the entire area. In smaller municipalities, primary schools subject to the Minority-School Act may continue to exist with a minimum of seven students (instead of the usual minimum number of 10).<sup>189</sup> Since 2015, measures to promote the minority language in bilingual schools are provided for.<sup>190</sup>

104. Outside the scope of the Minorities-School Acts, school-based and extracurricular offers in minority languages are also available. The 2017 Education Reform Act gave schools even more options to organise education autonomously. Pursuant to Section 8 SchOG,<sup>191</sup> each school can determine the minimum number of registrations required for offering an alternative required subject, and/or elective subject or optional course.

105. Austria supports measures for the protection of the Slovenian minority in Styria, such as Slovenian language classes in conformity with Austria’s international legal obligations.<sup>192</sup> Schools are recording increasing numbers of registrations for Slovenian. Educational opportunities for the Slovenian minority in Styria were increased in recent years.

106. Austria actively promotes the inclusion of **Roma**, particularly as regards equality, participation and combating antigypsyism. Since 2015, the National Strategy for the Integration of Roma (until 2020) has been updated in close cooperation with Roma civil society, focussing on education and labour market; combating antigypsyism; strengthening Roma women and girls; strengthening Roma civil society; empowering Roma teenagers. An evaluation of the strategy is planned, with its results to be incorporated into the strategy’s renewal.

## D. Special issues

### 1. Combating human trafficking

107. The Task Force on Combating Human Trafficking set up in 2004 is in charge of elaborating and implementing National Action Plans on Combating Human Trafficking (NAPs HT). NAP HT V (2018-2020), which takes into account recommendations of international monitoring processes and the implementation report of NAP HT IV, continues to apply a comprehensive approach (national and international coordination and cooperation, prevention, victim protection, criminal prosecution and evaluation). Currently, NAP HT VI (2021-2023) is being prepared.

108. The infrastructure for victims of human trafficking has been expanded. State-funded victim-protection facilities provide care in several shelters and provide psychosocial guidance and support during proceedings.<sup>193</sup> Regular information on project-funding and help with submitting project proposals serve **to further ensure victim-oriented programmes against human trafficking.**<sup>194</sup>

109. NAP HT V (2018-2020) provides for obligatory and optional **training and awareness-raising measures,**<sup>195</sup> in particular for police officers, border guards, judiciary and consular personnel, case-handlers at the Federal Office for Immigration and Asylum, military personnel, financial-police officers and labour inspectors. Most trainings are provided in cooperation with NGOs, using a multi-stakeholder approach. In order to develop a nationwide system for recognising and supporting victims of **child trafficking**<sup>196</sup> and to ensure full assistance,<sup>197</sup> a National Referral Mechanism and guidance for identifying and dealing with potential victims of child trafficking have been introduced.<sup>198, 199</sup> Currently, a concept for a nationwide shelter (supra-regional reception- and support-centre) for victims of child trafficking is elaborated.

110. **Access to effective legal aid and psychological support for victims of child trafficking:**<sup>200</sup> Victims of human trafficking are entitled to psychosocial and legal support during proceedings (including translation, if necessary). Since 2016, victims' special need for protection must be assessed and determined as fast as possible<sup>201</sup> – minors are always deemed to have such special need and enjoy further rights (including being accompanied by a person of trust; being interviewed in a considerate manner and, if possible, interpretation and interview by a person of the same gender; proceedings closed to the public). If necessary, public prosecution and criminal court must suggest appointing a guardian for minor victims if a legal representative cannot sufficiently safeguard the victim's interests.

111. **More effective investigation and criminal prosecution:**<sup>202</sup> In 2016, a new criminal-law provision against the violation of sexual self-determination entered into force; among others, clients of sexual services may be punishable if the sexual act is carried out against the victim's will or by exploiting a predicament or after intimidation.

112. Forced marriage and transferring the victim to a foreign country for forced marriage were highlighted as criminal offences.<sup>203</sup> Since 2016, police investigations and information-collection concerning exploitative begging have been based on the 'Concept and guidelines on combating organised and exploitative begging'.<sup>204</sup> In an internal instruction to judicial authorities (2017), the principle of non-punishment for victims of human trafficking is explained. In **2018**, data-preservation ('quick-freeze')<sup>205</sup> was introduced for more effective prosecution: In case of initial grounds for suspicion of certain criminal acts, public prosecution may oblige telecommunication-operators to store data of specific clients; existing investigation measures were enhanced and/or specified.

113. Victims are entitled to demand that compensation claims are paid from assets collected by the state; possibilities to confiscate perpetrators' assets have been improved (legal changes;<sup>206</sup> special units for securing, confiscating and seizing proceeds of crime established in all major public prosecution offices since 2017), in order to use them for the **compensation of victims of human trafficking.** Compensation for victims of human trafficking are currently rather low in individual cases – possibilities for improvements are discussed.

## 2. Combating terrorism and violent extremism

114. For Austria, respecting and protecting human rights is fundamental also in combating terrorism. Interfering measures are checked for necessity and proportionality and only imposed on a legal basis.

115. New legislation regulating the BVT's work<sup>207</sup> had been subject to broad parliamentary debate and has been reviewed by the VfGH for constitutionality.<sup>208</sup> The VfGH did not share the concerns expressed, holding that the examined provisions are sufficiently determined, not disproportionate and objectively justified.<sup>209</sup>

116. Austria has made terrorist financing punishable;<sup>210</sup> due-diligence and reporting obligations of credit- and financial-institutions as well as certain actors in the non-financial sector were stipulated to prevent terrorist financing.

117. Combating the causes of terrorism is of great importance – **in the fight against violent extremism** of every kind, notably the following measures have been introduced.

118. In 2017, a nationwide network to prevent violent extremism and promote de-radicalisation measures in Austria was created – its main objective is to improve communication and cooperation between all relevant stakeholders. A focus in police training is on 'Early warning signals for violent extremism'; police officers involved in crime prevention targeting youths provide thematic workshops; law-enforcement maintains constant contact with local youth centres, project-related cooperation has been established; authorities work closely with unemployment agencies and integration organisations, in order to address potential for radicalisation due to lacking life-perspectives. The 'Extremism information centre', a civil-society actor in preventing violent extremism, is a close partner of state authorities. Also, families of radicalised persons are supported – especially by the state-funded 'Counselling centre for extremism' together with some 400 family-information points and youth centres nationwide.

## III. Current challenges

119. NAPs and strategies play a central role for **improving the implementation of all rights protected under international conventions**;<sup>211</sup> The focus of Austria's human rights work in the next years is on the implementation of existing **thematic NAPs**, which may need updating, e.g. the NAP Disability, the NAP Human Trafficking, the NAP Implementation of Resolution 1325, the NAP Integration, the NAP Combating Violence against Women and, in particular, on the development – as stipulated in the Government Programme – of a **comprehensive strategy** to prevent and combat all forms of antisemitism and of a comprehensive strategy to prevent and combat all forms of racism, xenophobia, radicalisation and violent extremism, of an action plan against right-wing extremism and against religiously motivated political extremism (political Islam) as well as of a NAP Racism and Discrimination. **Work on a national human rights action plan (NAP Human Rights)**, which – despite extensive preparations – remained unfinished during the legislation period 2013-2017, is another focus. The Government Programme again envisages such a NAP Human Rights, including an action plan for human-rights education.<sup>212</sup> A NAP Human Rights could, in particular, identify further possibilities for human rights improvements and contribute to more effectively combining the diverse human rights-related implementation (and reporting) processes.

120. **Implementing human rights** is a systemic, permanent challenge both on federal and **on local and regional level**. In this context, the Human Rights Cities Graz, Salzburg and Vienna are important actors; the International Centre for the Promotion of Human Rights at the Local and Regional Levels established in Graz (2020) will also focus on this topic.

121. Furthermore, **dealing with the COVID-19 pandemic poses challenges for fully ensuring human rights**. The impact of the state's pandemic-containment measures on the realization of human rights should be monitored constantly, in order to timely identify relevant risks and to counteract accordingly, in particular with regard to vulnerable groups. Since late February 2020, numerous laws and regulations have been passed to address the

pandemic and its social and economic consequences. The legislative processes foreseen for by (constitutional) law were complied with; however, given the high time pressure, some of the usual general consultation procedures had to be omitted. The measures adopted are also subject to review by (the supreme) courts: Any interferences with constitutional rights must not only be lawful, but also proportionate and non-discriminatory.<sup>213</sup> Already in July 2020, the VfGH issued the first landmark decisions regarding the COVID-19 legislation and regulations.

122. The Federal Government is devoting particular attention to expected long-term consequences of the restrictions imposed to combat the COVID-19 pandemic – which bring challenges notably regarding **social rights**: e.g. the danger of rising unemployment and higher risk of poverty caused by economic problems, as well as the negative impact of home-schooling on equal access to education for all and on equal opportunities for children in general. The ECHR and the EU-Charter of Fundamental Rights, which includes social rights, as well as related ECtHR- and ECJ case-law provide extensive guidelines in this context.

123. Besides these urgent tasks concerning the COVID-19 pandemic, other important challenges also have to be addressed; these include inter alia:

- Guaranteeing all human rights in connection with **applications of artificial intelligence (AI)**: Intensive work is currently underway on the national AI strategy, which will also address fundamental ethical principles. Austria will establish a nationwide legal framework and standards for developing and using AI systems, taking into account international regulatory standards – especially existing obligations under human rights and IHL – and implementing the European Ethics Guidelines for trustworthy AI;
- **Protecting personal data**, ensuring effective enforcement possibilities, and verifying compliance by the Data Protection Authority;
- Ensuring equal (opportunities for) access to **quality education** for all children and youths in Austria.

#### Notes

<sup>1</sup> This report was prepared by the Federal Ministry for European and International Affairs (BMEIA) based on contributions from the respective responsible departments, relying on close inter-ministerial coordination and involving the human rights coordinators of the Federal Ministries and the regions. A draft report was published on the BMEIA's website in June 2020, and transmitted to a wide range of civil-society organisations with a request for written comments – where possible, the comments received were taken into account in the final report, contributing to its improvement.

<sup>2</sup> Information contained in Austria's 1st and 2nd National Report regarding the normative and institutional framework for the protection of human rights in Austria, which is based on constitutional and ordinary legislation, continue to apply.

<sup>3</sup> Civil, criminal and administrative courts, as well as the supreme courts (Supreme Court, Administrative Court, Constitutional Court).

<sup>4</sup> cf. recommendation 139.1.

<sup>5</sup> cf. recommendations 141.7, 141.8, 141.10, 141.11.

<sup>6</sup> cf. recommendations 141.13, 141.14, 141.15, 141.16., 141.17.

<sup>7</sup> Hereafter: Government Programme.

<sup>8</sup> cf. recommendations 139.130, 139.131, 139.132, 139.133.

<sup>9</sup> cf. recommendation 139.135.

<sup>10</sup> cf. recommendation 139.134.

<sup>11</sup> cf. recommendation 139.21.

<sup>12</sup> cf. recommendations 139.59, 139.60, 139.61, 139.62., 139.65.

<sup>13</sup> cf. recommendations 139.7, 139.8, 139.9, 139.10, 139.11, 141.27.

<sup>14</sup> cf. recommendation 139.2.

<sup>15</sup> *'Political education significantly contributes to the survival and continued development of democracy and human rights; (...) it is based on democratic principles and on basic values such as peace, freedom, equality, justice and solidarity; overcoming prejudice, stereotypes, racism, xenophobia and antisemitism as well as sexism and homophobia must be a particularly important goal in this context.'*

- <sup>16</sup> cf. recommendations 139.113, 141.29.
- <sup>17</sup> cf. recommendations 139.46, 139.48, 139.59, 139.60, 139.61, 139.62, 139.63, 139.64, 139.66, 139.119.
- <sup>18</sup> cf. recommendations 139.22, 139.82, 139.46, 139.66, 139.119.
- <sup>19</sup> cf. recommendations 139.22, 139.82, 139.46, 139.66, 139.119, 139.100, 139.84.
- <sup>20</sup> (Texts available in German only).
- <sup>21</sup> cf. recommendation 139.100.
- <sup>22</sup> cf. recommendations 139.104, 139.106.
- <sup>23</sup> cf. recommendations 139.101, 139.103, 141.50.
- <sup>24</sup> Pursuant to Section 8(1) in conjunction with Section 8a(2) Public Prosecutor's Act (*Staatsanwaltschaftsgesetz*).
- <sup>25</sup> Ministry of Interior.
- <sup>26</sup> For the judiciary: internal instruction BMVRDJ-S880.014/0013-IV/2018. For the police sector: internal instruction BMI-OA1305/0147-II/1/c/2019.
- <sup>27</sup> cf. recommendation 141.71.
- <sup>28</sup> Department II/1/c – main reporting point for allegations of ill-treatment; recording, categorisation and assessment of allegations of ill-treatment or of allegations of excessive use of coercive measures, or of violations of Article 3 ECHR; main reporting point for ill-treatment and the use of coercive measures, including recording, categorization and assessment.
- <sup>29</sup> Internal instruction BMI-OA1305/0001-II/1/c/2016.
- <sup>30</sup> As at 30/03/2020, the internal instructions which had been revised regarding the use of coercive measures (2020-0.011.361) and the handling of allegations of ill-treatment (2020-0.011.317) were re-announced. In this context, some clarifications with regard to responsibilities and quality of evaluation reports as well as a reporting form were introduced on the basis of previous experience.
- <sup>31</sup> cf. recommendation 141.70.
- <sup>32</sup> cf. recommendations 139.40, 139.41, 139.42, 139.45, 139.47, 139.50.
- <sup>33</sup> For instance, the regional parliament of Lower Austria passed a new, extensive anti-discrimination act in 2017, the 2017 Lower Austrian Anti-discrimination Act (*NÖ Antidiskriminierungsgesetz 2017*), RLG No 24/2017. In doing so, Lower Austria has caught up with other regions and now discrimination on all grounds (gender, ethnic background, age, religion or belief, disability and sexual orientation) is prohibited in all areas within Lower Austria's competence.
- <sup>34</sup> cf. recommendations 139.43, 139.80.
- <sup>35</sup> <https://www.bundeskanzleramt.gv.at/agenda/frauen-und-gleichstellung/gleichbehandlung/ngo-dialoge-im-anti-diskriminierungsbereich.html> (Text available in German only).
- <sup>36</sup> cf. recommendations 139.67, 139.70, 139.71, 139.72, 139.73, 139.74, 139.56, 139.105, 139.76, 141.49, 139.73, 139.76, 141.49.
- <sup>37</sup> FLG I No 154/2015.
- <sup>38</sup> cf. recommendations 139.49, 139.52.
- <sup>39</sup> *Dialog statt Hass* (Dialogue instead of Hate).
- <sup>40</sup> Neustart, <https://www.neustart.at/at/en>.
- <sup>41</sup> cf. recommendations 139.56, 139.105, 139.76, 141.49.
- <sup>42</sup> Amendment of Section 4(3) of the Public Prosecutor's Act-Implementing Regulation (*Staatsanwaltschaftsgesetz-Durchführungsverordnung*).
- <sup>43</sup> Ministry of Justice.
- <sup>44</sup> Draft legislation on Combating Hate on the Internet.
- <sup>45</sup> cf. recommendations 139.55, 139.79, 139.102.
- <sup>46</sup> Federal Office for the Protection of the Constitution and Counterterrorism.
- <sup>47</sup> Statistics 2017–2019

Motive	2017	2018	2019
Infringement of Prohibition Act ( <i>Verbotsgesetz</i> )	660 (62.1%)	732 (68.1%)	797 (83.6%)
Xenophobia/racism	227 (21.3%)	236 (22.0%)	89 (9.3%)
Antisemitism	39 (3.7%)	49 (4.6%)	30 (3.1%)
Islamophobia	36 (3.4%)	22 (2.0%)	6 (0.6%)
Non-specific	101 (9.5%)	36 (3.3%)	32 (3.4%)

<sup>48</sup> Statistics regarding Section 283 Criminal Code (Hate Speech) 2015 – March 2020

	2020					
<i>Nationwide</i>	2015	2016	2017	2018	2019	(1/1–31/3)
Number	516	679	892	1,003	465	97
Indictments	80	114	187	154	99	18
Diversional measures offered (including court)	19	25	76	115	74	15
Convictions	49	52	108	72	43	8
Acquittals	9	23	27	32	6	2
Proceedings discontinued	254	233	197	245	229	28
Non-initiation of investigations for lack of initial suspicion (Section 35c Public Prosecutor's Act ( <i>Staatsanwaltschaftsgesetz</i> ))	89	153	141	215	140	32

<sup>49</sup> cf. recommendations 139.68, 139.73, 139.76, 139.77, 139.78, 141.49.

<sup>50</sup> *Meldestelle NS-Wiederbetätigung* (reporting point re-engagement in national-socialist activities) for reporting neo-Nazi, racist or antisemitic content on the internet or in messenger groups; *Meldestelle extremistische und radikale Videos* (reporting point for radical Islamist videos of terror organisations or extremists); *Stopline*, the reporting point against child pornography and national socialism on the internet; documentation of racism by ZARA (reporting racist incidents such as vituperations and insults or discrimination in the field of work or housing, in restaurants and shops, during contact with authorities, private persons, in the public sphere and also by the media).

<sup>51</sup> <http://zara.or.at> (Texts available in German only).

<sup>52</sup> #GegenHassimNetz (#againsthateontheinternet).

<sup>53</sup> <http://www.nohatespeech.at> (Texts available in German only).

<sup>54</sup> [www.onlinesicherheit.gv.at](http://www.onlinesicherheit.gv.at) (Texts available in German only).

<sup>55</sup> <https://www.onlinesicherheit.gv.at/service/news/366256.html> (Texts available in German only).

<sup>56</sup> Section 107c CC.

<sup>57</sup> According to that legal provision, any person who defames another in a way that can be perceived by a larger group of people (i.e. 10 or more people) (para. 1(1)), or makes facts or visual material of the personal sphere of another available to a larger number of people without the consent of the other person (para. 1(2)) is guilty of an offence. This must be done by means of a telecommunication and continuously over a longer period of time and in a manner that can cause unreasonable interference with the lifestyle of the victim.

<sup>58</sup> Section 382g Enforcement Code (*Exekutionsordnung*) in the version of the 2019 Protection Against Violence Act (*Gewaltschutzgesetz 2019*).

<sup>59</sup> cf. Press Funding Act (*Presseförderungsgesetz*).

<sup>60</sup> cf. recommendations 139.44, 139.69, 139.75, 141.47.

<sup>61</sup> In 2018, the ECtHR confirmed the Austrian court decisions and considered the restriction of the right to freedom of expression in conformity with human rights: ECtHR judgement of 25/10/2018, *E.S. v. Austria*, no. 38450/12.

<sup>62</sup> cf. recommendation 139.58.

<sup>63</sup> cf. recommendations 139.51, 139.53, 139.57.

<sup>64</sup> TOGETHER:AUSTRIA.

<sup>65</sup> cf. recommendations 139.54, 139.81. Integration measures on local level are described on the website of The Austrian Association of Cities and Towns (Der Österreichische Städtebund), e.g. integration concepts of various Austrian cities/towns, partially with further references: <https://www.staedebund.gv.at/themen/integration-und-migration/integrationskonzepte-leitbilder-leitlinien/> (Text available in German only).

<sup>66</sup> e.g. the Biber academy (training for young journalists with an international background) or the JournalistInnenpreis Integration (a prize for journalists who contribute to an objective discourse regarding integration).

<sup>67</sup> cf. recommendation 139.6.

<sup>68</sup> Federal Constitutional Act on the Rights of Children, FLG No 2011/4.

- <sup>69</sup> cf. recommendation 139.4.
- <sup>70</sup> Section 3(2)(1) Regulation on assessing effects of proposed legislation on children and youths (*WFA-Kinder-und-Jugend-Verordnung*, WFA-KJV), FLG II No 495/2012.
- <sup>71</sup> *Ausbildung bis 18*.
- <sup>72</sup> cf. recommendations 139.85, 139.88, 139.92, 139.93.
- <sup>73</sup> FLG I No 105/2019.
- <sup>74</sup> *GefährderInnen*.
- <sup>75</sup> This has to be applied also to old cases unless they became time-barred by 1 January 2020. For further improvements by the 2019 Protection Against Violence Act see C.3.
- <sup>76</sup> cf. recommendations 139.6, 139.99.
- <sup>77</sup> cf. recommendation 139.107.
- <sup>78</sup> *Jugendgerichtsgesetz-Änderungsgesetz 2015*, FLG I No 154/2015.
- <sup>79</sup> cf. recommendations 139.6, 139.107.
- <sup>80</sup> Occupancy rate of prisons – second quarter 2019: 98.88%; second quarter 2020: 88.34%.
- <sup>81</sup> Further improvements consist in a relaxed-regime of detention and living-groups concepts, employment of social pedagogues, extended leisure time, efforts to integrate foreign youths via video-interpretation, expansion of training, education, employment and coaching offers.
- <sup>82</sup> cf. recommendation 139.108.
- <sup>83</sup> Section 76(1) Aliens Police Act (*Fremdenpolizeigesetz*).
- <sup>84</sup> By passing the Aliens Legislation Amending Act (*Fremdenrechtsänderungsgesetz*) FLG I No 70/2015, the age limit was raised from 16 to 18 years.
- <sup>85</sup> Section 77(3) Aliens Police Act.
- <sup>86</sup> 2019 Act Adjusting Penal Provisions to EU Law (*Strafrechtliches EU-Anpassungsgesetz 2019*), FLG I 20/2020; entered into force 01/06/2020.
- <sup>87</sup> cf. recommendation 139.5.
- <sup>88</sup> FLG I No 136/2013.
- <sup>89</sup> Section 7(1) Nationality Act (*Staatsbürgerschaftsgesetz*): ‘Children acquire Austrian nationality at birth if at this time (1) the mother pursuant to Section 143 Civil Code, collection of judicial acts (JGS) 946/1811 is an Austrian citizen; (2) the father pursuant to Section 144(1)(1) Civil Code is an Austrian citizen; (3) the father is an Austrian citizen and acknowledged his paternity pursuant to Section 144(1)(2) Civil Code or (4) the father is an Austrian citizen and his paternity pursuant to Section 144(1)(3) Civil Code was determined by court. Acknowledgments of paternity pursuant to (3) or determinations of paternity by court pursuant to (4), which took place within eight weeks after the child’s birth, shall for the purposes of (3) and (4) have effect as from the time of the child’s birth.’
- <sup>90</sup> cf. recommendations 139.31, 139.38.
- <sup>91</sup> Share of political districts with at least one funded counselling centre for women.
- <sup>92</sup> cf. recommendations 139.24, 139.25, 139.26, 139.27, 139.28, 139.29, 139.30, 139.31, 139.32, 139.33, 139.34, 139.35, 139.36, 139.37, 139.38, 141.37.
- <sup>93</sup> [https://www.statistik.at/web\\_de/statistiken/menschen\\_und\\_gesellschaft/soziales/gender-statistik/einkommen/index.html](https://www.statistik.at/web_de/statistiken/menschen_und_gesellschaft/soziales/gender-statistik/einkommen/index.html) (Texts available in German only).
- <sup>94</sup> Since 1 January 2020, employees of companies with more than five staff members are legally entitled to carer’s leave or part-time work to care for close relatives; the initial duration of two weeks can be extended.
- <sup>95</sup> cf. recommendations 139.25, 141.37.
- <sup>96</sup> This project initiated by abz\*austria and the AMS was honoured with the UN Public Service Award: <https://www.abzaustria.at/veranstaltungen/winner-of-the-united-nations-public-service-award-2019-kompetenzcheck-frauen> (Text available in German only).
- <sup>97</sup> See <https://www.bundeskanzleramt.gv.at/agenda/integration/projektfoerderung/foerderschwerpunkte.html> (Texts available in German only).
- <sup>98</sup> For preparing and evaluating income reports. For details see: <http://www.fairer-lohn.gv.at/toolbox/> (Texts available in German only).
- <sup>99</sup> cf. recommendation 139.110.
- <sup>100</sup> Transparent Pension Future (Transparente Pensionszukunft), [www.trapez-frauen-pensionen.at/english.html](http://www.trapez-frauen-pensionen.at/english.html).
- <sup>101</sup> Unterrichtsprinzip Reflexive Geschlechterpädagogik und Gleichstellung.
- <sup>102</sup> [https://www.bmbwf.gv.at/Themen/schule/schulrecht/rs/2018\\_21.html](https://www.bmbwf.gv.at/Themen/schule/schulrecht/rs/2018_21.html) (Texts available in German only).
- <sup>103</sup> In the Act on the Organisation of University Colleges of Teacher Education (*Hochschulgesetz 2005*), hereafter: Teacher Education Act.
- <sup>104</sup> At the University of Education in Salzburg.
- <sup>105</sup> <https://www.imst.ac.at/> (Texts available in German only).

- 106 Science, Technology, Engineering, Mathematics.
- 107 Meine-Technik.at (Texts available in German only).
- 108 e.g. in the book *‘Mein Berufe ABC’*. (My ABC of Professions).
- 109 cf. recommendations 139.27, 139.39.
- 110 The share of females in all Federal Civil Service areas was 42.5% in 2019. Among the different professional groups, the shares of women vary (all data from 2019): administrative service 53.0%, law enforcement 18.5%, judges and public prosecutors 54.4%, teachers 60.1% and military service 3.2%. The percentage of females in leadership positions amounted to 36.2% (2019).
- 111 cf. recommendations 139.27, 139.39.
- 112 cf. recommendations 139.29, 139.32, 139.38.
- 113 1985 Parliamentary Groups Funding Act (*Klubfinanzierungsgesetz 1985*).
- 114 cf. recommendations 139.19, 139.85, 139.86, 139.87, 139.89, 139.91, 139.92, 139.93, 139.14.
- 115 cf. recommendations 139.91, 139.92.
- 116 cf. recommendations 139.86, 139.87, 139.89.
- 117 cf. recommendation 139.14. Implementation report available at: [https://www.frauen-familien-jugend.bka.gv.at/dam/jcr:eaad6b5f-902f-484c-903b-a59ab6792b22/NAP\\_2014-2016\\_Umsetzungsbericht\\_M%C3%A4rz\\_2018.pdf](https://www.frauen-familien-jugend.bka.gv.at/dam/jcr:eaad6b5f-902f-484c-903b-a59ab6792b22/NAP_2014-2016_Umsetzungsbericht_M%C3%A4rz_2018.pdf) (Texts available in German only).
- 118 cf. recommendations 139.91, 139.92.
- 119 Section 205a CC.
- 120 Section 218(1a) CC.
- 121 2015 Criminal Law Amendment Act (*Strafrechtsänderungsgesetz 2015*).
- 122 cf. recommendation 139.86.
- 123 e.g. women with physical or learning disabilities, or with a migration background with unsettled residence status.
- 124 FLG I No 105/2019.
- 125 cf. recommendations 139.91, 139.92.
- 126 cf. recommendation 139.86.
- 127 cf. recommendation 139.93.
- 128 *‘Häusliche und sexualisierte Gewalt: Schwerpunkt Frauen und mit-betroffene Kinder – Standards für Curricula der Gesundheitsberufe’* (Domestic and sexual violence: Focus on women and affected children – Standards for the curricula of health professions).
- 129 *PERSPEKTIVE:ARBEIT* (PROSPECT:EMPLOYMENT).
- 130 cf. recommendation 139.90.
- 131 2019 Protection Against Violence Act: Genital mutilation is regarded to have severe permanent consequences within the meaning of Section 85(1) CC; penalty between one year (or two years, especially in case of minors) and 15 years of imprisonment, Section 87(2) CC.
- 132 Between 2013 and 2019, protection, counselling and support was provided there to 190 women at risk of/ affected by forced marriage.
- 133 cf. recommendations 139.19, 139.86.
- 134 *Integrationsbericht 2020* (Integration Report 2020), p. 40, <https://www.bundeskanzleramt.gv.at/agenda/integration/integrationsbericht.html> (Text available in German only).
- 135 cf. recommendations 139.86, 139.87.
- 136 cf. recommendations 139.19, 139.93.
- 137 cf. recommendation 139.19.
- 138 VfGH on 05/12/2017, G 258/2017 and others.
- 139 cf. recommendations 141.53, 141.54, 141.55, 141.56, 141.57 (not supported).
- 140 VfGH on 29/06/2018, G 77/2018.
- 141 See for example the consultation of the Regulation amending the 1985 Citizenship-Regulation (*Staatsbürgerschaftsverordnung 1985*), [https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Begut&Dokumentnummer=BEGUT\\_COO\\_2026\\_100\\_2\\_1778533](https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Begut&Dokumentnummer=BEGUT_COO_2026_100_2_1778533) (Texts available in German only).
- 142 Published on 15 June 2016 in the Federal Law Gazette, can be downloaded on the website of the Federal Ministry of Social Affairs, Health, Care and Consumer Protection (<https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=19>) (Texts available in German only).
- 143 Since mid-March 2019, it can be found on the website of the Federal Ministry of Social Affairs, Health, Care and Consumer Protection (<https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=214>) (Texts available in German only).
- 144 cf. recommendation 139.114.
- 145 cf. recommendation 139.115.

- 146 cf. recommendation 139.115.
- 147 Inclusion package FLG I No 155/2017.
- 148 Legal basis in 2017, budget has been provided since 2018.
- 149 cf. recommendation 138.83.
- 150 Second Protection of Adults Act (2. *Erwachsenenschutz-Gesetz*) FLG I No 59/2017.
- 151 cf. recommendation 141.60.
- 152 Section 241(1) Civil Code (*Allgemeines Bürgerliches Gesetzbuch*).
- 153 cf. recommendation 139.116.
- 154 <https://www.sozialministeriumservice.at/> (Texts available in German only).
- 155 cf. recommendations 139.116, 141.28, 141.59.
- 156 Federal Framework Act on the Introduction of a New Teacher Training Scheme (*Bundesrahmengesetz zur Einführung einer neuen Ausbildung für Pädagoginnen und Pädagogen*), FLG I No 124/2013.
- 157 Teacher Education Act: adjustments of the requirements of curricula Section 42(10) and (11); admission and aptitude assessment procedures Section 52e(3), right to an alternative examination method Section 63(1)(11); exemption from tuition fees Section 71(1)(7). With the amendment of the Universities Act and the Teacher Education Act, FLG I No 129/2017, the exact wording of Section 42(10) and (11) as well as of Section 52e(3) Teacher Education Act was included in the 2002 Universities Act (*Universitätsgesetz 2002*); thus the requirements concerning students with disabilities stipulated in these provisions apply to all degree courses.
- 158 cf. recommendation 139.117.
- 159 cf. recommendation 139.116.
- 160 cf. recommendation 139.110.
- 161 cf. recommendation 139.111.
- 162 [www.demografieberatung.at](http://www.demografieberatung.at) (Texts available in German only).
- 163 cf. recommendation 139.112.
- 164 Differentiations in individual cases have to be based on objective reasons (e.g. on a mandatory risk assessment).
- 165 cf. recommendation 139.3.
- 166 *Islamische Glaubensgemeinschaft in Österreich*.
- 167 According to the VfGH, the ban refers to funding from other countries, but not to payments of private foreigners not suited to impair the autonomy and independence of the church or religious society.
- 168 cf. recommendations 139.109, 141.58.
- 169 cf. recommendation 139.54.
- 170 <https://www.bundeskanzleramt.gv.at/en/agenda/integration/integration-report.html>.
- 171 Integration Act (*Integrationsgesetz*), FLG I No 68/2017.
- 172 Recognition and Assessment Act (*Anerkennungs- und Bewertungsgesetz*, AuBG), FLG I No 55/2016.
- 173 Act Amending School Law (*Schulrechtsänderungsgesetz*) FLG I No 56/2016.
- 174 Section 8e of the School Organisation Act (*Schulorganisationsgesetz*). *Sprachstartgruppen* are provided for absolute beginners and *Sprachförderkurse* for those needing assistance with improving their German-language skills.
- 175 cf. recommendation 139.118.
- 176 ‘Mentoring for Migrants’.
- 177 A general overview of the funding provided from 2016 to 2019 is available on the website of the Federal Chancellery:  
<https://www.bundeskanzleramt.gv.at/agenda/integration/projektfoerderung/foederschwerpunkte.html>  
(Texts available in German only).
- 178 cf. recommendations 139.59, 139.60, 139.61, 139.62, 139.63.
- 179 cf. recommendations 139.120, 139.122; 141.68; right to asylum: 139.123; 139.126.
- 180 cf. recommendations 139.124, 139.125, 139.126, 139.127, 139.129, 141.69.
- 181 cf. recommendations 139.124, 139.125, 139.126, 139.127, 139.129.
- 182 *Bundesagentur für Betreuungs- und Unterstützungsleistung*.
- 183 cf. recommendation 139.124.
- 184 cf. recommendations 139.121, 141.28.
- 185 cf. recommendations 139.128, 139.20.
- 186 Such a ‘mother’ (*Remunerantenmutter*) or ‘father’ (*Remunerantenvater*) is an asylum seeker who lives in the same accommodation and assumes the task of accompanying the child to various appointments (e.g. doctor’s appointment or legal counselling) and keeping an eye on the child. That person is entitled to a remuneration.
- 187 cf. recommendations 141.63, 141.65.
- 188 cf. recommendation 141.65.
- 189 Section 11(4) last sentence of the School Act for Carinthia (*Kärntner Schulgesetz*) in conjunction with

- Section 3(3)(3) of the Minorities-School Implementation Act (*Minderheitenschulwesen-Ausführungsgesetz*), RLG No 44/1959 as amended by RLG No 10/2019.
- <sup>190</sup> FLG 2015/II/174 Article 4.
- <sup>191</sup> School Organisation Act (*Schulorganisationsgesetz*).
- <sup>192</sup> cf. recommendation 141.63.
- <sup>193</sup> cf. recommendation 139.96.
- <sup>194</sup> cf. recommendation 139.94.
- <sup>195</sup> cf. recommendation 139.95.
- <sup>196</sup> cf. recommendation 139.96.
- <sup>197</sup> cf. recommendation 139.97.
- <sup>198</sup> [https://www.kinderrechte.gv.at/wp-content/uploads/2018/06/National\\_Referral\\_Mechanism.pdf](https://www.kinderrechte.gv.at/wp-content/uploads/2018/06/National_Referral_Mechanism.pdf).
- <sup>199</sup> cf. recommendations 139.96, 139.99.
- <sup>200</sup> cf. recommendation 139.94.
- <sup>201</sup> Section 66a Code of Criminal Procedure (CCP) (Special need for protection of victims).
- <sup>202</sup> cf. recommendations 139.97, 139.98.
- <sup>203</sup> cf. recommendations 139.92, 139.93.
- <sup>204</sup> Within the meaning of Section 104a CC (Human Trafficking).
- <sup>205</sup> *Anlassdatenspeicherung*.
- <sup>206</sup> See Section 19a CC; Section 409 CCP.
- <sup>207</sup> Act concerning Police Protection of the State, entry into force in July 2016.
- <sup>208</sup> Based on a complaint of opposition parties alleging violations of the basic right to data protection, the right to respect for private and family life pursuant to Article 8 of the ECHR, the right to freedom of expression pursuant to Article 10 of the ECHR, the right to an effective remedy pursuant to Article 13 of the ECHR, the requirement of determinateness and the principle of the rule of law, both resulting from Article 18 of the Federal Constitutional Law (*Bundes-Verfassungsgesetz*, B-VG) as well as the requirement of equal treatment of Article 7 of the B-VG and Article 2 of the Basic Act on the General Rights of Nationals (*Staatsgrundgesetz*).
- <sup>209</sup> cf. recommendation 141.51.
- <sup>210</sup> Section 278d CC.
- <sup>211</sup> cf. recommendation 141.26.
- <sup>212</sup> cf. recommendations 139.12, 139.13, 139.14, 139.15, 139.16, 139.17.
- <sup>213</sup> An extensive country report of the European Union Agency for fundamental rights is available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/austria-report-covid-19-april-2020\\_en\\_0.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/austria-report-covid-19-april-2020_en_0.pdf).
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