

**Universal Periodic Review (37th session, October-November 2020)
Contribution of UNESCO**

Austria

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not a State party	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	18/12/1992 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	09/04/2009 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	18/12/2006 Ratification	Declaration of the European Community in application of Article 27(3) (c) of the Convention indicating the competences transferred to the Community by the Member States under the Treaties, in the areas covered by the Convention.		Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The Federal Constitutional Law provides, in Article 14¹, guarantee for the legislation related to education, for compulsory education and affirms the fundamental principles conducting schooling – democracy, humanity, solidarity, peace and justice - and the non-discrimination principle - openness and tolerance towards everyone regardless of race, social status and financial background. The Basic Law on the General Rights of Nationals also provides that, in Article 2, “all nationals are equal before the law” and in Article 17(1), that “knowledge and its teaching are free”.
2. The School Organisation Act (Federal Law) of 1962² and the School Periods Act 1985 (Federal Law) of 1985³ set out comprehensive and specific provisions dedicated to the organisation and regulation of free, compulsory education at primary and secondary levels.

B. Freedom of opinion and expression

Constitutional and Legislative framework:

3. Article 13 of Austrian Basic Law determines that “everyone has the right within the limits of the law freely to express his opinion” by any means.⁴ In addition, Austria ratified the European Convention on Human Rights which safeguards freedom of expression in Article 10.⁵ This international treaty was enacted as Austrian constitutional law in 1964 as well.⁶
4. Any form of neo-Nazism or anti-Semitism is prohibited by law as well as the public denial, approval, or justification of Nazi crimes, including the Holocaust.⁷
5. Defamation is considered a civil offence under the Media Act of 1981⁸ as well as a criminal offence under the Austrian Penal Code,⁹ leading up to a prison sentence of maximum five years.

¹ Federal Constitutional Law of Austria, accessible at https://www.ris.bka.gv.at/Dokumente/ErV/ERV_1930_1/ERV_1930_1.pdf

² The Basic Law on the General Rights of Nationals, accessible <https://www.ris.bka.gv.at/GeltendeFassung.wxc?Abfrage=Bundesnormen&Gesetzesnummer=10009265>

³ School Organisation Act (Federal Law) of 1962, accessible at <https://www.ris.bka.gv.at/GeltendeFassung.wxc?Abfrage=Bundesnormen&Gesetzesnummer=10009575>

⁴ See Article 13 of the Basic Law of 21 December 1867 on the General Rights of Nationals in the Kingdoms and Länder represented in the Council of the Realm at: https://www.ris.bka.gv.at/Dokumente/ErV/ERV_1867_142/ERV_1867_142.pdf

⁵ See the European Convention on Human Rights at: http://www.echr.coe.int/documents/convention_eng.pdf

⁶ See Article II of the Bundesgesetzblatt für die Republik Österreich, Nr. 59/1964 at: https://www.ris.bka.gv.at/Dokumente/BgblPdf/1964_59_0/1964_59_0.pdf

⁷ See Article 3h in particular of the Verbotsgesetz 1947 at: <https://www.ris.bka.gv.at/GeltendeFassung.wxc?Abfrage=Bundesnormen&Gesetzesnummer=10000207>

⁸ See the Media Act at: https://www.ris.bka.gv.at/Dokumente/ErV/ERV_1981_314/ERV_1981_314.pdf

⁹ See the Article 297 of the 1975 Austrian Penal Code (Strafgesetzbuch) at: http://www.jusline.at/297_Verleumdung_StGB.html.

6. In 1987, Austria adopted the Duty to Grant Information Act implementing the public's access to information.¹⁰

Implementation of legislation:

7. Under Article 131 of the Telecommunications Act 2003, members of the Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR) Supervisory Board are appointed by the Federal Ministry of Transport, Innovation and Technology.¹¹

Safety of journalists:

8. UNESCO recorded no killing of journalists in Austria between 2008 and 2019. Journalists work in a safe environment.

III. Review and specific recommendations

A. Education

Legislative, regulatory and policy framework:

- At federal level, the Austrian legal regulatory and policy framework encompasses in total 146 texts including Imperial Act, Constitutional laws, State treaties, federal laws and ordinances and governing from pre-school, school and vocational education, higher education to adult education¹².
- Austria has adopted a “National strategy on the social dimension of higher education: towards more inclusive access and wider participation”¹³ in 2017. Nine action lines, grouped in three dimensions, and quantitative targets were established throughout 2025. Performance indicators include, among others, non-traditional admission rate, gender balance rate, migrant student entry rate and rate of participation in mobility programmes by students from "educationally disadvantaged" social groups.
- Also, Austria has reported, in its combined fifth and sixth periodic reports submitted to the UN OHCHR Committee on the Rights of the Child in April 2018¹⁴, that the ROMA Strategy 2020 has “consistently provided for proactive measures countering marginalization, discrimination and stigmatization of Roma and Sinti in order to improve access to and quality of early schooling and care, as well as pushing forward learning assistance to ensure students properly complete primary school or satisfy the educational goals specified by the EU framework in the form of key areas, in addition to educational and careers advice as well as school mediation”¹⁵.

¹⁰ See the Duty to Grant Information Act at: https://www.ris.bka.gv.at/Dokumente/Erv/ERV_1987_287/ERV_1987_287.pdf

¹¹ See the Telecommunications Act 2003 (TKG 2003) at https://www.rtr.at/en/tk/TKG2003/Telecommunications_Act_2003_unofficial_.pdf

¹² School Periods Act 1985 (Federal Law) of 1985, accessible at https://eacea.ec.europa.eu/national-policies/euridice/content/legislation-1_en#legSchOG

¹³ National strategy on the social dimension of higher education: towards more inclusive access and wider participation, accessible at https://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/austria_national_strategy_social_dimension_he_english.pdf

¹⁴ Combined fifth and sixth periodic reports, accessible at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsvkrHee8tArE5cEO48WRQ1h4daHb6m6XZ%2bP5FEgUWxUks%2bobbk0AJeZJ%2b9Em45Rf5oTpBkDVEagUgWrTb60q%2fwOw9oLQzjrI09s%2feANKWrrG>

¹⁵ Ibid, para. 27.

- Austria has also outlined that the implementing law of the Federal Ministry of Education, Science and Research of 30 August 2016 regarding the implementation of primary school reform from the 2016/17 academic year is specifically aimed at the “... improvement of equal opportunities with access to education irrespective of a child’s first language, level of development and disability”¹⁶.

Compulsory education

- The National Assembly of Austria passed In June 2016 a new “Law on Compulsory Training”, which fully came into force in June 2018.¹⁷ The new law does not change compulsory schooling, which still ends at the age of 15. But it stipulates that parents must ensure that young people between the age of 15 and 18 participate in further education and training or in measures preparing for further education and training if they have not completed secondary school.

Equality and inclusion in education

- According to UN report published in July 2019¹⁸, women and girls are underrepresented in the areas of science, technology, engineering and mathematics and have low level participation in atypical apprenticeships. Furthermore, the decision taken by Austria to ban “ideologically or religiously influenced clothing” in schools, which entered into force in June 2019, may have a discriminatory impact on migrant girls. In addition, the integration and language courses beyond obligatory schooling for refugee and asylum-seeking women and girls are only provided to those with the prospects of staying in the country.¹⁹

Specific recommendations:

9. Austria should be encouraged to:

- Ratify the UNESCO 1960 Convention against Discrimination in Education.
- Submit regularly comprehensive national reports for the periodic consultations on UNESCO’s education-related standard-setting instruments, and notably on the Recommendation against Discrimination in Education in the framework of the 10th Consultation²⁰.
- Further promote gender equality and inclusion in education and address discriminatory stereotypes preventing girls from realizing their full potential.
- Provide equal access to language courses and integration programmes for all asylum-seekers and refugees, irrespectively of their prospects of staying in the country.
- Share with UNESCO any relevant information to update its country profile on UNESCO’s Observatory on the Right to Education.²¹

¹⁶ Ibid, para 180.

¹⁷Law on Compulsory Training, accessible at https://www.parlament.gv.at/PAKT/VHG/XXV/II_01178/fname_537582.pdf

¹⁸Concluding observations on the ninth periodic report of Austria, Committee on the Elimination of Discrimination against Women, accessible at

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgcjd0xgERNalXh22nhTUINZW7AQztOWszez8NsaJT1xH1X60FJixMF%2b8ODwd4h19F%2bZHoswD6RDdhYFrDViGhceL1LYBQd8VhnZzuhwy3>

¹⁹ Ibid, p. 9.

²⁰ <https://en.unesco.org/themes/right-to-education/convention-against-discrimination/consultation>

²¹ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

B. Freedom of opinion and expression

10. It is recommended that Austria decriminalize defamation, and place it within a civil code that is in accordance with international standards.²²
11. Austria is encouraged to assess the system of supervision of the broadcasting sector in order to ensure that this process is independent.

C. Cultural rights

12. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²³, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)²⁴ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)²⁵, Austria is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Austria is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

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

13. Austria did not submit its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016²⁶. Therefore Austria is encouraged to report to UNESCO in future on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.

²² See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

²³ Periodic Report available at: <http://whc.unesco.org/document/137745>

²⁴ Periodic Report available at: <http://ich.unesco.org/doc/download.php?versionID=39541>

²⁵ Periodic Report available at: <http://en.unesco.org/creativity/monitoring-reporting/periodic-reports/available-reports-1>

²⁶ <http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>