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**Austria\***

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## I. General Information About Austria

### A. Geographical, historical, demographic, social, cultural, economic and judicial characteristics

#### I. Geographical description

1. The territory of Austria covers 83,879 square kilometres. It is located in the southern part of Central Europe, sharing international borders with Germany and the Czech Republic to the north, the Slovak Republic and Hungary to the east, Slovenia and Italy to the south and Switzerland and Liechtenstein to the west. There are some 573 km between the westernmost and easternmost points of Austria, while the longest north-south distance is 294 km.

#### II. Historical background

2. After centuries of Habsburg reign, Austria was proclaimed a republic in November 1918. In 1933 an authoritarian regime was established; in March 1938 the state territory was taken over by the National Socialists (the “Anschluss”). After 1945, Austria was occupied by the four Allied powers, France, Great Britain, the Soviet Union and the United States, until the Austrian State Treaty re-established Austria as a sovereign state in 1955. In the same year, the Austrian parliament passed a constitutional law to guarantee permanent Austrian neutrality. Austria has been a member of the United Nations since 1955, a member of the Council of Europe since 1956, and joined the European Union in 1995 and the Eurozone in 1999.

3. After the end of the Cold War, and particularly after the enlargement of the European Union in 2004, Austria moved from its peripheral position at the dividing line between “East” and “West” to the centre of Europe. The federal capital Vienna is one of the headquarters of the United Nations, hosting the IAEA, UNIDO and several other UN organisations. Vienna has been the seat of the European Union Agency for Fundamental Rights since 2007; it also hosts the Secretariat and Permanent Council of the OSCE, the International Anti-Corruption Academy and the OPEC Secretariat.

### III. Demographic characteristics

#### (a) General information<sup>1</sup>

4. Austria had 8.7 million inhabitants at the beginning of 2016, two thirds of whom were of working age. Preschool children, children and teenagers of compulsory school age, and elderly persons each account for roughly one sixth of the population. As a consequence of the decline in the birth rate, the number of people under 20 has decreased in recent years, the only exception being the year 2016. By contrast, the older population (aged 65 and above) will account for an increasing percentage once the baby boom generation reaches retirement age. The potential workforce remains relatively stable; however, the working age population is also ageing. The comparative figures for the preceding years are as follows:

**Table 1: Population by sex**

<i>Sex</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
<b>Total</b>	<b>8 351 643</b>	<b>8 375 164</b>	<b>8 408 121</b>	<b>8 451 860</b>	<b>8 507 786</b>	<b>8 584 926</b>
Males	4 066 201	4 078 871	4 098 144	4 123 622	4 155 339	4 200 397
Females	4 285 442	4 296 293	4 309 977	4 328 238	4 352 447	4 384 529

*Source:* Statistics Austria, population statistics.

<sup>1</sup> *Source:* Statistics Austria (July 2016).

**Table 2: Population by major age groups in %**

<i>Age</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
0 to 14 years	14.9	14.7	14.6	14.4	14.3	14.3
15 to 64 years	67.4	67.6	67.6	67.5	67.4	67.3
65 and over	17.6	17.6	17.8	18.1	18.3	18.5

*Source:* Statistics Austria, population statistics.

5. The municipality with the largest population is Vienna, which had 1,797 million residents at the beginning of 2015, i.e. a fifth of the total population. Vienna is followed by the provincial capitals of Graz (274,207), Linz (197,427), Salzburg (148,420) and Innsbruck (126,965).

6. 30.78% of the population lives in cities and other densely populated areas. The number of people living in sparsely populated rural areas amounts to 39.6% of the population. The average population density is 102.35 inhabitants per square kilometre.

7. Between 2001 and 2011, the Austrian population grew by 4.59%. Growth was almost exclusively driven by immigration. While the migration balance totalled about 50,000 people in 2004, it has since decreased to an average of around 30,000 people between 2006 and 2011. Population development since 2012 by regions (*Länder*), natural increase and migration balance is shown in the following table.

**Table 3: Population development since 2012 by *Länder* and components of change**

<i>Time, component</i>	<i>Burgen-land</i>	<i>Carinthia</i>	<i>Lower Austria</i>	<i>Upper Austria</i>	<i>Salzburg</i>	<i>Styria</i>	<i>Tyrol</i>	<i>Vorarlberg</i>	<i>Vienna</i>	<i>Austria</i>
1.1.2012-31.12.2012										
Beginning of year	285 782	556 027	1 614 455	1 413 866	529 704	1 208 696	711 581	370 926	1 717 084	8 408 121
Natural increase	-1 147	-1 156	-2 703	1 042	863	-1 641	1 311	1 086	1 861	-484
Migration balance	1 999	476	6 778	3 590	1 308	3 893	2 897	542	22 314	43 797
Statistical adjustment <sup>1</sup>	57	126	62	-	23	23	99	49	-13	426
Total change	909	-554	4 137	4 632	2 194	2 275	4 307	1 677	24 162	43 739
Year end	286 691	555 473	1 618 592	1 418 498	531 898	1 210 971	715 888	372 603	1 741 246	8 451 860
1.1.2013-31.12.2013 <sup>2</sup>										
Beginning of year	286 691	555 473	1 618 592	1 418 498	531 898	1 210 971	715 888	372 603	1 741 246	8 451 860
Natural increase	-1 109	-1 157	-2 501	619	771	-1 445	1 319	948	2 359	-196
Migration balance	1 705	1 447	9 362	6 117	1 537	5 491	4 698	1 660	22 711	54 728
Statistical adjustment <sup>1</sup>	129	118	32	188	64	229	133	71	430	1 394
Total change	725	408	6 893	6 924	2 372	4 275	6 150	2 679	25 500	55 926
Year end	287 416	555 881	1 625 485	1 425 422	534 270	1 215 246	722 038	375 282	1 766 746	8 507 786
1.1.2014-31.12.2014										
Beginning of year	287 416	555 881	1 625 485	1 425 422	534 270	1 215 246	722 038	375 282	1 766 746	8 507 786
Natural increase	-1 008	-1 038	-1 941	1 816	1 129	-1 451	1 442	1 275	3 246	3 470
Migration balance	1 936	2 757	13 001	9 901	3 058	7 716	5 219	2 044	26 692	72 324
Statistical adjustment <sup>1</sup>	12	41	233	112	118	59	127	-9	653	1 346
Total change	940	1 760	11 293	11 829	4 305	6 324	6 788	3 310	30 591	77 140
<b>Year end</b>	<b>288 356</b>	<b>557 641</b>	<b>1 636 778</b>	<b>1 437 251</b>	<b>538 575</b>	<b>1 221 570</b>	<b>728 826</b>	<b>378 592</b>	<b>1 797 337</b>	<b>8 584 926</b>

*Source:* Statistics Austria, population statistics. Natural increase according to statistics on natural population change, migration statistics according to POPREG (Statistics Austria's population register).

<sup>1</sup> Statistical adjustment: mathematical difference between natural increase according to natural population change and natural increase according to statistical population register as well as adjustments for inconsistency made to stock and change data from the Central Population Register.

<sup>2</sup> Break in time series for natural change due to more complete recording of deaths.

8. There were 84,381 live births and 83,073 deaths recorded in 2015. As in previous years a slight surplus of births was recorded; in 2012 and 2013 the number of deaths exceeded the number of births. The numbers of births and deaths in previous years are shown in the table below:

**Table 4: Births and deaths**

<i>Indicator</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
Live births	78 742	78 109	78 952	79 330	81 722	84 381
Total fertility rate	1.44	1.43	1.44	1.44	1.46	-
Deaths	77 199	76 479	79 436	79 526	78 252	83 073
Balance of births and deaths	1 543	1 630	-484	-196	3 470	1 308

*Source:* Statistics Austria.

**(b) Population with foreign nationality<sup>2</sup>**

9. As a consequence of immigration, the number of persons with foreign citizenship rose sharply in the early 1990s and again in recent years. A total of 1,267,674 foreign citizens living in Austria was recorded at the beginning of 2016, i.e. 14.57% of the overall population, compared to 3.8% of the total population in 1981.

**Table 5: Population by selected citizenship**

<i>Year</i>	<i>Total</i>	<i>Austrian</i>	<i>Total</i>	<i>in %</i>	<i>EU</i>	<i>Non-EU</i>	<i>Foreign citizens of which</i>	
							<i>Former Yugoslavia (w/o current EU)</i>	<i>Turkey</i>
2011	8 375 164	7 461 961	913 203	10.9	411 843	492 954	234 246	112 461
2012	8 408 121	7 456 692	951 429	11.3	439 464	503 458	235 907	112 917
2013	8 451 860	7 447 592	1 004 268	11.9	474 641	520 980	239 477	113 670
2014	8 507 786	7 441 672	1 066 114	12.5	518 670	538 745	244 489	114 740
2015	8 584 926	7 438 848	1 146 078	13.3	570 298	566 915	250 818	115 433
2016	8 700 471	7 432 797	1 267 674	14.6	616 401	642 186	256 935	116 026

*Source:* Statistics Austria, population statistics.

10. EU citizens account for 48.62% of all foreigners living in Austria, the biggest group being German nationals with 176,463 persons, followed by Romanian (82,949), Croatian (70,248), Hungarian (63,550), Polish (57,589), Slovak (35,326) and Italian (25,327) citizens.

11. Among non-EU citizens from other European countries, about two thirds (256,935 or 40%) are citizens from the new states of the former Yugoslavia. More than half of these come from Serbia, Montenegro and Kosovo, and at least a third from Bosnia and Herzegovina. The remainder are from Macedonia. With 116,026 persons (27%), Turkish people form the third largest group with foreign citizenship.

12. The group of non-European citizens is made up of about 156,973 people from Asia, 32,628 from Africa and 20,430 from the Americas.

13. In the 1980s, an average of 7,800 persons acquired Austrian citizenship every year. As a consequence of the growing number of foreign citizens residing in Austria, this number rose sharply in the mid-1990s. About 16,000 foreign nationals acquired Austrian citizenship in 1997, around 25,000 in 1999 and over 45,000 in 2003. Since 2004 the

<sup>2</sup> *Source:* Statistics Austria.



number of naturalisations has been steadily declining, reaching an all-time low of 6,190 in 2010. The number of naturalisations increased to 8,265 in 2015. In the 1980s and 1990s, there was an average of 2.4 naturalisations for every 100 foreign nationals. This rate increased to a high of 6% in 2003 and has since been decreasing. Since 2010, the naturalisation rate has remained stable at 0.7% (provisional figure for 2015).

14. Austrian citizenship was granted to a total of 8,265 persons in 2015 (including 121 non-residents). Compared to 2014, this was an increase of 7.4% (7,693).

15. Two factors are primarily responsible for the reduction in the number of naturalisations: firstly, the amendments to the Citizenship Act (*Staatsbürgerschaftsgesetz*) which came into force on 23 March 2006, 1 January 2010 and 1 August 2013, introducing stricter requirements for the acquisition of Austrian citizenship. Secondly, immigration numbers have dropped since 1993 and as a consequence the number of people eligible for naturalisation (e.g. those with at least ten years of continuous main residence in Austria — Section 10 para. 1 of the Citizenship Act) has also decreased over the past ten years. While 10,638 persons became Austrian citizens on these legal grounds in 2005 (30.0% of all naturalisations), the figure fell to 1,292 in 2015 (15.6%).

16. Most people who acquired citizenship in 2015 were between the ages of 30 and 44 (35.7%), followed by children under 15 years (31.0%). In general, teenagers and young adults aged 15 to 29 (23.7%) were more likely to receive Austrian citizenship as compared to persons aged 45 and older (9.7%).

17. In 2015, Austrian citizenship was awarded to 2,944 persons born in Austria (35.6%), while 5,321 were foreign-born citizens (64.4%). The top nationalities to be granted citizenship include Bosnia-Herzegovina (1,218) and Turkey (998), followed by Serbia (636), Kosovo (542) and the Russian Federation and Ukraine (299 each).

**Table 6: Naturalisation and rate of naturalisation**

<i>Year</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
Naturalisations	6 135	6 135	7 043	7 354	7 570	8 144
Rate of naturalisation <sup>1)</sup>	0.7	0.7	0.7	0.7	0.7	0.70

*Source:* Statistics Austria.

<sup>1)</sup> Naturalisations by 100 foreigners living in Austria.

**(c) Ethnic minorities**

18. There are six ethnic minorities living in Austria: Slovene, Croatian, Hungarian, Czech, Slovak and Roma. No statistical data is available on the ethnic composition of the population living in Austria. However, information collected in the 2001 census on the use of colloquial languages spoken in Austria provides a general impression of the ethnic groups' numerical strength. More recent figures are not available as traditional censuses have been replaced by register-based censuses in accordance with the Register-Based Census Act (Federal Law Gazette I No. 33/2006). Since this act came into force, registers are used for data reconciliation that do not contain characteristics of colloquial language or mother tongue.

**Table 7: Colloquial languages**

<i>Colloquial language</i>	<i>Total number of citizens</i>		<i>Born in</i>			
	<i>absolute</i>	<i>in %<sup>1</sup></i>	<i>Austria</i>	<i>in %<sup>1</sup></i>	<i>abroad</i>	<i>in %<sup>1</sup></i>
Burgenland-Croat	19 374	5.9	18 943	11.3	431	0.3
Romani	4 348	1.3	1 732	1.0	2 616	1.6
Slovak	3 343	1.0	1 172	0.7	2 171	1.3
Slovene	17 953	5.4	13 225	7.9	4 728	2.9
Czech	11 035	3.3	4 137	2.5	6 698	4.2

<i>Colloquial language</i>	<i>Total number of citizens</i>		<i>Born in</i>			
	<i>absolute</i>	<i>in %<sup>1</sup></i>	<i>Austria</i>	<i>in %<sup>1</sup></i>	<i>abroad</i>	<i>in %<sup>1</sup></i>
Hungarian	25 884	7.8	9 565	5.7	16 319	10.0
Windisch	567	0.2	547	0.9	20	0.0

*Source:* Statistics Austria, 2001 census.

<sup>1</sup> Figures in per cent refer to the total number of mentions of a non-German informal language.

**(d) Household structure**

19. The Austrian population lives in 3,817 million private households; only a small fraction, around 100,000 persons, live in some 3,000 institutional households, most of which are retirement homes.

20. Around a third of all households are single-person households. There are 2.4 million households with more than one person, i.e. married or unmarried couples with or without children as well as single parents living with their children. Almost two thirds of these are families with children. Single-parent families account for 12%, the vast majority of single parents being mothers (85%).

**Table 8: Private households and families 2015**

<i>Type of household / Type of family</i>	<i>2015 (in 1,000)</i>
Private households	3 817
of which single-person households	1 418
Male	632
Female	786
Families	2 267
Couples	
without child(ren) in the household	1 999
with child(ren) in the household	944
Single parents	1 054
Single mothers	268 227
Single fathers	41

*Source:* Statistics Austria.

**(e) Religious affiliations**

21. According to the census of 2001, the religious affiliation of the Austrian population can be illustrated as follows:

**Table 9: Religious affiliations**

<i>Religious community</i>	<i>No. of members</i>
Roman Catholic Church	5 917 274
Protestant Church	376 150
Islamic religious community	338 988
Orthodox Churches (Greek Oriental and Old Oriental)	179 472
Other Christian churches and communities	69 227
Non-Christian communities (not including Islamic and Jewish religious communities)	19 750
Jewish religious community	8 140

<i>Religious community</i>	<i>No. of members</i>
No religious affiliation	963 263
Not specified	160 662

*Source:* Statistics Austria, 2001 census.

#### IV. Social and cultural indicators

##### (a) Life expectancy and infant mortality, Body Mass Index

22. Life expectancy has increased by a rate of two to three years per decade in recent years. Life expectancy at birth in Austria in 2010 was 77.7 years for males and 83.2 years for females, with Austrian women living 5.46 years longer on average. Life expectancy at age 60 in 2010 was 21.5 for males and 25.3 for females compared to 14.8 for males and 18.8 for females in 1970, i.e. an increase of more than 1.5 years per decade in this age group. The ratio of deaths in children under the age of one year to the number of live births was 3.9 in 2010.

**Table 10: Life expectancy and infant mortality**

<i>Life Expectancy/Infant Mortality</i>	<i>1970</i>	<i>1980</i>	<i>1990</i>	<i>2000</i>	<i>2010<sup>3</sup></i>
Life expectancy at birth for males	66.46	69.01	72.24	75.11	77.70
Life expectancy at birth for females	73.38	76.08	78.89	81.12	83.16
Life expectancy for men at age 60	14.85	16.32	17.81	19.73	21.46
Life expectancy for women at age 60	18.80	20.30	22.15	23.84	25.31
Infant deaths <sup>1</sup>	2 908	1 303	709	378	307
Infant mortality rate <sup>2</sup>	25.9	14.3	7.8	4.8	3.9

*Source:* Statistics Austria, Statistics on Natural Population Change.

<sup>1</sup> Under 1 year of age.

<sup>2</sup> Ratio of deaths under 1 year of age to number of live births.

<sup>3</sup> Figures includes deaths abroad.

23. The distribution of Body Mass Index by sex is given below:

**Table 11: BMI by sex 2006/07 and 2014 in % (age-standardised)**

<i>Sex</i>	<i>Underweight BMI &gt; 18.5</i>		<i>Normal weight BMI 18.5-&lt;25</i>		<i>Overweight BMI 25-&gt;30</i>		<i>Obese BMI 30 or more</i>	
	<i>2006/07</i>	<i>2014</i>	<i>2006/07</i>	<i>2014</i>	<i>2006/07</i>	<i>2014</i>	<i>2006/07</i>	<i>2014</i>
<b>Total</b>	<b>2.5</b>	<b>2.8</b>	<b>48.8</b>	<b>50.1</b>	<b>35.9</b>	<b>32.6</b>	<b>12.8</b>	<b>14.4</b>
Men	1.4	1.3	42.8	43.6	43.4	39.5	12.4	14.7
Women	3.7	4.4	54.4	56.7	28.9	25.8	13	13.1

*Source:* Statistics Austria.

##### (b) Most frequent causes of death

24. Deaths since 1970 by causes of death are listed in table 12 below.

**Table 12: Deaths since 1970 by causes of death**

Year	Causes of death (ICD-10-Codes)						External causes of morbidity and mortality (V01-Y89)
	Total	Malignant neoplasms (C00-C97)	Diseases of the circulatory system (I00-I99)	Diseases of the respiratory system (J00-J99)	Diseases of the digestive system (K00-K92)	Other diseases (A00-B99, D00-H95, L00-R99)	
1970	98 819	19 373	46 692	8 176	5 972	10 896	7 710
1971	97 334	19 264	47 164	6 119	5 981	10 790	8 016
1972	95 323	19 133	46 860	5 056	5 774	10 447	8 053
1973	92 768	19 199	45 057	5 474	5 715	9 616	7 707
1974	94 324	19 489	46 563	5 272	6 018	9 340	7 642
1975	96 041	19 008	47 931	6 741	5 883	9 007	7 471
1976	95 140	19 184	48 593	6 158	5 490	8 606	7 109
1977	92 402	19 035	47 373	4 658	5 736	8 448	7 152
1978	94 617	18 945	49 408	5 352	5 431	8 259	7 222
1979	92 012	18 893	47 478	4 495	5 391	8 536	7 219
1980	92 442	19 284	49 014	4 692	5 195	7 367	6 890
1981	92 693	19 163	49 007	4 997	5 025	7 698	6 803
1982	91 339	19 049	48 317	4 690	4 861	7 451	6 971
1983	93 041	18 826	50 067	5 081	4 874	7 126	7 067
1984	88 466	19 194	46 909	4 290	4 692	6 683	6 698
1985	89 578	18 837	47 908	4 911	4 539	6 933	6 450
1986	87 071	18 696	46 747	4 363	4 318	6 760	6 187
1987	84 907	19 083	44 851	4 118	4 167	6 553	6 135
1988	83 263	18 991	44 200	3 702	3 968	6 428	5 974
1989	83 407	18 988	43 700	3 951	4 188	6 738	5 842
1990	82 952	19 330	42 629	4 198	4 071	7 148	5 576
1991	83 428	19 317	44 003	3 908	4 132	6 667	5 401
1992	83 162	19 399	43 781	3 926	4 212	6 750	5 094
1993	82 517	19 521	43 513	3 852	4 069	6 497	5 065
1994	80 684	19 046	42 654	3 469	3 972	6 365	5 178
1995	81 171	19 154	43 447	3 422	3 832	6 420	4 896
1996	80 790	18 819	43 751	3 519	3 727	6 223	4 751
1997	79 432	18 845	42 991	3 555	3 495	6 118	4 428
1998	78 339	18 656	42 544	3 552	3 478	5 899	4 210
1999	78 200	18 710	42 111	4 041	3 251	5 728	4 359
2000	76 780	18 749	40 111	4 087	3 464	5 970	4 399
2001	74 767	18 487	38 385	3 914	3 349	6 405	4 227
2002	76 131	18 623	36 906	4 090	3 588	8 606	4 318
2003	77 209	19 232	34 914	5 111	3 603	10 088	4 261
2004	74 292	19 246	32 486	4 490	3 336	10 567	4 167
2005	75 189	19 124	32 636	4 670	3 354	10 965	4 440
2006	74 295	19 057	32 485	4 401	3 102	11 039	4 211
2007	74 625	18 967	32 863	4 552	3 295	10 731	4 217
2008	75 083	19 780	32 294	4 130	3 043	11 619	4 217
2009	77 381	19 642	33 221	4 221	3 170	12 834	4 293
2010	77 199	19 757	33 196	4 216	3 111	12 719	4 200
2011	76 479	19 992	32 374	4 055	2 982	12 863	4 213

Year	Causes of death (ICD-10-Codes)						
	Total	Malignant neoplasms (C00-C97)	Diseases of the circulatory system (I00-I99)	Diseases of the respiratory system (J00-J99)	Diseases of the digestive system (K00-K92)	Other diseases (A00-B99, D00-H95, L00-R99)	External causes of morbidity and mortality (V01-Y89)
2012	79 436	20 269	33 931	3 963	3 001	13 830	4 442
2013	79 526	20 097	34 101	3 950	2 996	14 079	4 303
2014	78 252	20 502	33 136	3 734	2 741	13 875	4 264
2015	83 073	20 349	35 537	4 464	2 855	15 343	4 525

Source: Statistics Austria, causes of death statistics. ICD 10 Version 2013. Compiled on 6 July 2016. Break in time series because residents dying abroad have been included since 2009.

(c) **Number of reported cases of infectious diseases**

25. Infectious diseases reported in 2016 are listed in table 13 below.

**Table 13: Statistics for notifiable infectious diseases, final annual report 2016 — status as at 30.04.2017**

Amoebic dysentery
Laboratory-confirmed cases 4
Deaths 0
Botulism
Laboratory-confirmed cases 3
Deaths 0
Brucellosis
Laboratory-confirmed cases 4
Deaths 0
Campylobacteriosis
Laboratory-confirmed cases 7083
Deaths 6
Chikungunya
Laboratory-confirmed cases 3
Deaths 0
Clostridium difficile
Laboratory-confirmed cases 477
Deaths 28
Dengue fever
Laboratory-confirmed cases 116
Deaths 0
Diphtheria (wound diphtheria)
Laboratory-confirmed cases 2
Deaths 0
E. coli enteritis, other strains of gut pathogen
Laboratory-confirmed cases 94
Deaths 0

Central European encephalitis (CEE)

Laboratory-confirmed cases 95

Deaths 1

Fox tapeworm

Laboratory-confirmed cases 4

Deaths 1

Haemophilus influenza (Hib)

Laboratory-confirmed cases 41

Deaths 6

Hantavirus

Laboratory-confirmed cases 30

Deaths 0

Hepatitis A acute

Laboratory-confirmed cases 92

Deaths 0

Hepatitis B

Laboratory-confirmed cases 1204

Deaths 8

Hepatitis C

Laboratory-confirmed cases 1250

Deaths 12

Hepatitis D

Laboratory-confirmed cases 6

Deaths 0

Hepatitis E

Laboratory-confirmed cases 42

Deaths 0

Canine tapeworm

Laboratory-confirmed cases 22

Deaths 0

Louse-borne relapsing fever

Laboratory-confirmed cases 1

Deaths 0

Legionellosis

Laboratory-confirmed cases 161

Deaths 7

Leptospirosis

Laboratory-confirmed cases 14

Deaths 3

## Listeriosis

Laboratory-confirmed cases 46

Deaths 7

## Malaria

Laboratory-confirmed cases 82

Deaths 0

## Measles

Laboratory-confirmed cases 25

Deaths 0

## Meningococcal disease, invasive

Laboratory-confirmed cases 37

Deaths 2

## MERS-CoV

Laboratory-confirmed cases 1

Deaths 1

## Norovirus

Laboratory-confirmed cases 803

Deaths 0

## Paratyphus

Laboratory-confirmed cases 7

Deaths 0

## Whooping cough

Laboratory-confirmed cases 1177

Deaths 5

## Pneumococcal disease, invasive

Laboratory-confirmed cases 439

Deaths 40

## Psittacosis

Laboratory-confirmed cases 1

Deaths 0

## Rotavirus

Laboratory-confirmed cases 96

Deaths 0

## German measles

Laboratory-confirmed cases 3

Deaths 0

## Salmonella spp.

Laboratory-confirmed cases 1415

Deaths 8

Scarlet fever  
Laboratory-confirmed cases 34  
Deaths 0

Shigellosis  
Laboratory-confirmed cases 62  
Deaths 0

Other bacterial food poisoning  
Laboratory-confirmed cases 14  
Deaths 0

Other bacterial meningitis  
Laboratory-confirmed cases 8  
Deaths 2

Other sepsis (invasive)  
Laboratory-confirmed cases 8  
Deaths 2

Transmissible spongiform encephalopathy; sporadic  
Laboratory-confirmed cases 22  
Deaths 21\*)

Transmissible spongiform encephalopathy; genetic  
Laboratory-confirmed cases 1  
Deaths 1

Other viral food poisoning  
Laboratory-confirmed cases 22  
Deaths 0

Other meningoencephalitis (viral)  
Laboratory-confirmed cases 75  
Deaths 0

STEC/VTEC  
Laboratory-confirmed cases 177  
Deaths 0

Streptococcal meningitis group B in newborns  
Laboratory-confirmed cases 1  
Deaths 0

Trichinellosis  
Laboratory-confirmed cases 2  
Deaths 0

Tuberculosis  
Cases 635  
Deaths 39

Tularaemia  
Laboratory-confirmed cases 9  
Deaths 0



Typhoid fever
Laboratory-confirmed cases 10
Deaths 0
West Nile virus
Laboratory-confirmed cases 5
Deaths 0
Yersiniosis
Laboratory-confirmed cases 86
Deaths 0
Zika virus
Laboratory-confirmed cases 41
Deaths 0

*Source:* Federal Ministry of Health and Women's Affairs.

**(d) Education system**

26. The Austrian education system is subdivided into preschool, primary and secondary level. While there is only one type of school at primary level, secondary level includes general secondary schools and the lower grades of the grammar schools. Upper secondary level is divided into the upper grades of the grammar schools (known as the upper grammar school level) and vocational schools. The latter form part of vocational training. Vocational training takes place both in full-time schooling and in a dual track, facilitating a connection between vocational practice in a company and part-time schooling. The proximity to vocational practice and to the employment system here frequently ensures a seamless transition from training to employment. Compulsory schooling begins at the age of six and lasts nine years. For most children, compulsory schooling is completed at the end of the ninth grade. However, if a child has to repeat a particular year he or she is entitled to leave school earlier.

27. Both public schools and certain private schools receive public funding. There has been a decline in the total number of pupils over the past ten years due to the constant decrease in the birth rate since the early 1990s. This trend also continued in the 2014/15 school year. According to calculations by Statistics Austria, there were approximately 101,300 fewer pupils than ten years ago (-8.5%). In contrast, certain school types such as colleges for higher vocational education and higher teacher training colleges achieved record attendance levels. The average primary school class has 18 students, an average that increases to 21 in lower secondary education. The student-teacher ratio is 12 at primary and 9 at secondary level. Attendance rates per type of school are indicated in the table below:

**Table 14: Pupils by type of school**

<i>Type of school</i>	<i>Academic year</i>		
	<i>2004/05</i>	<i>2009/10</i>	<i>2014/15</i>
Primary schools	364 900	329 440	328 143
Lower secondary schools <sup>1</sup>	269 418	234 186	208 136
Special schools	13 301	13 221	14 247
Pre-vocational year	21 769	19 315	15 816
General secondary schools	197 418	202 556	204 024
of which lower grades	116 283	114 693	112 802
Vocational schools for apprentices	124 983	140 256	123 232
Intermediate technical and vocational schools	62 032	59 130	45 523

Type of school	Academic year		
	2004/05	2009/10	2014/15
Higher technical and vocational colleges	132 060	137 534	134 802
<b>Total pupils</b>	<b>1 185 881</b>	<b>1 135 638</b>	<b>1 073 923</b>

Source: Statistics Austria.

<sup>1</sup> Including new secondary schools since 2009/10.

28. There is a general trend towards higher education. Enrolment in upper grammar school level has increased by 10% in the last ten years. In engineering colleges (*Höhere Technische Lehranstalten — HTL*), enrolment has increased by nearly 14%, while business administration colleges have registered an increase of 5.6% in enrolment.

29. In 2014, 17.4% of the resident population aged 25 to 64 years held a degree from a university or technical college or another advanced academic or college degree. 15% of the population had completed only the compulsory school requirements compared to 58% in 1971. Over the same period, the percentage of persons receiving a tertiary education increased by 15%.

**Table 15: Educational achievement of adult population (25 to 64 years), by gender and level of educational achievement in %**

Type of school	2001			2010			2014		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Tertiary education	10.5	10.5	10.5	15.4	14.5	16.3	17.4	16.1	18.6
University, <i>Fachhochschule</i>	7.5	8.8	6.2	12.0	12.8	11.2	14.4	14.5	14.3
Post-secondary college	2.3	1.1	3.5	2.8	1.4	4.3	3.0	1.6	4.3
Upper secondary, post-secondary, non- tertiary education	63.4	70.3	56.4	68.4	73.8	63.0	67.6	72.3	63.0
Higher technical and vocational college	6.2	7.1	5.3	8.8	8.8	8.8	9.5	9.6	9.4
General secondary schools — upper grades	4.7	4.6	4.9	5.8	5.3	6.2	6.0	5.8	6.2
Vocational school for apprentices	39.4	51.1	27.7	39.9	50.7	29.2	38.7	48.4	28.1
Intermediate technical and vocational school	13.1	7.5	18.6	13.8	8.9	18.7	13.4	8.5	18.2
Lower secondary education	26.2	19.3	33.1	16.2	11.7	20.7	15.0	11.5	18.4

Source: Statistics Austria.

30. Gender-specific differences in the level of education have been declining, but have not disappeared entirely. In 2014, 18.4% of women had only completed compulsory school as opposed to 11.5% of men. There was a 9 point difference for secondary schools. Only in tertiary degree programmes did women slightly outnumber men in the 25 to 64 year age group.

31. Literacy rates by sex and age group are indicated below:

**Table 16: People with reading and language difficulties**

Breakdown characteristics	People with reading and language difficulties		Others	
	in absolute terms in 1,000	in %	in absolute terms in 1,000	in %
<b>Total</b>	<b>103.2</b>	<b>100.00</b>	<b>5 544.10</b>	<b>100.00</b>

<i>Breakdown characteristics</i>	<i>People with reading and language difficulties</i>		<i>Others</i>	
	<i>in absolute terms in 1,000</i>	<i>in %</i>	<i>in absolute terms in 1,000</i>	<i>in %</i>
Sex				
Male	51.6	50.00	2 764.10	49.90
Female	51.6	50.00	2 780.10	50.10
Age in years				
16-24	8.50	8.20	894.90	16.10
25-34	21.40	20.70	1 057.80	19.10
35-44	22.30	21.60	1 230.10	22.20
45-54	21.20	20.60	1 324.70	23.90
55-65	29.90	28.90	1 036.70	18.70

Source: Statistics Austria.

(e) **Employment, income, household spending, social inclusion<sup>3</sup>**

32. In 2014 the employment rate in Austria was reported at 71.1% in the 15 to 64 year age range. The employment and unemployment rates by age and sex are indicated in the table below:

**Table 17: Employment and unemployment rates by age and sex in 2014**

<i>Age in years</i>	<i>Employment rate as % of the population</i>			<i>Unemployment rate as % of the labour force</i>		
	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>
<b>15-64 (total)<sup>1</sup></b>	<b>71.1</b>	<b>75.2</b>	<b>66.9</b>	<b>5.6</b>	<b>5.9</b>	<b>5.4</b>
15-24	52.1	54.3	49.9	10.3	10.6	9.9
25-49	83.4	86.6	80.3	5.2	5.4	5.0
50-64	45.1	54.3	36.4	3.8	4.5	2.8

Source: Statistics Austria; microcensus — annual average.

<sup>1</sup> Unemployment rate: 15 and over.

33. Seven out of eight employed persons are wage or salary earners, while 13.39% are self-employed and family members working in family businesses. The group of non-actives, i.e. 48.3% of the total population, includes retired persons (20.5%), persons suffering from long-term illnesses (1.1%), homemakers (4.2%), persons aged 15 years or more in education (4.8%), persons below 15 years (14.9%) and conscripts or persons performing alternative civilian service (0.3%). The breakdown of employment by major sectors of activity is as follows:

**Table 18: Employment by economic activity**

<i>Economic sectors (in 1,000)</i>	<i>2011</i>	<i>2013</i>	<i>2015</i>
<b>Total employees</b>	<b>3 514.50</b>	<b>3 563.00</b>	<b>3 609.20</b>
Manufacturing	614.0	612.7	635.6
Construction	321.0	329.1	307.9
Wholesale and retail trade; repair of motor vehicles and motorcycles	552.2	538.5	539.4

<sup>3</sup> Source: Statistics Austria.

<i>Economic sectors (in 1,000)</i>	<i>2011</i>	<i>2013</i>	<i>2015</i>
Transportation and storage	188.8	195.7	191.7
Accommodation and food service activities	202.3	199.8	201.6
Information and communication	82.7	96.0	98.0
Financial and insurance activities	138.1	136.9	125.4
Professional, scientific and technical activities	154.0	170.8	170.8
Administrative and support service activities	126.6	124.6	121.7
Public administration and defence; compulsory social security	269.6	269.7	279.7
Education	246.3	263.7	273.0
Human health and social work activities	349.3	362.7	384.0
Other	269.60	262.80	280.40

*Source:* Statistics Austria; microcensus — annual average.

34. In 2015 28.2% of Austrian workers were not in full-time employment. 47.4% of all working women work part-time, compared to 11.2% of working men. The Austrian labour market continues to be divided among gender lines. In 2015, 18.4% of all employed women worked in trade and 17.1% in health and social services. 24.9% of all employed men worked in the manufacturing of goods, 14.0% in construction and 11.7% in trade.

35. At the beginning of 2016, 1,196,538 people were members of the Austrian trade union association. This is a decrease of 0.13% compared to 2015, continuing the decline in member numbers since the all-time high of 1.6 million members during the 1980s.

36. The median gross annual income of Austrian wage and salary earners in 2013 was € 25,767. The lowest incomes were found among blue collar workers, who accounted for 40% of employees and earned a median income of € 18,662. The gender pay gap is only closing slowly over time. According to the gender pay gap statistics published by Eurostat in 2014, Austrian women earned 22.9% less than men when the hourly gross wages of all employees were compared. Private households had a median net disposable income of € 34,534 in 2015, which corresponds to an equalised annual income (need-weighted, net per capita income) of € 23,260. The Gini coefficient amounted to an average of 26.96 over the last six years.

37. On average, each private household spends € 2,910 per month. At 23.8%, “housing, energy” accounts for the largest share of household expenditure, followed by “transport” at 15.0%, “leisure, sports and hobbies” at 12.8% and “food, non-alcoholic beverages” at 12.1%. Standardising household expenditure by household size and composition results in an average monthly equivalence expenditure of € 1,880.

38. In 2015 18.3% of the population were considered to be at risk of poverty or social exclusion as defined by the Europe 2020 strategy. 13.9% of the population were considered to be at risk of poverty, 3.6% of the population were severely materially deprived and 8.2% of those below 60 years of age were living in households with very low work intensity. Single female pensioners (22%) and one-parent households (34%), most of them single mothers, face increased risk of poverty.

39. The Europe 2020 strategy for smart, sustainable and inclusive growth aims to lift at least 20 million people out of the risk of poverty and social exclusion by 2020. For Austria, this means reducing the target group by 235,000 people. The at-risk-of-poverty or social exclusion rate dropped from 20.6% in 2008 to 18.3% in 2015, i.e. 148,000 persons fewer than in 2008. Approximately 63% of the targeted decrease has therefore been achieved. With respect to the statistical margin of error, the variation from year to year must be interpreted cautiously. Nevertheless, the trend over the last few years clearly shows an overall downward movement.

40. Extrapolated to the Austrian population as a whole, the figure — with 95% confidence — was between 17.0% and 19.6%, i.e. between 1,441,000 and 1,661,000 persons had to be considered as being at risk of poverty or social exclusion. They are at risk

of poverty, severely materially deprived or living in a household with very low work intensity. The indicators on social inclusion between 2010 and 2015 are indicated in the table below:

**Table 19: European indicators on social inclusion in Austria 2010 to 2015**

	2011		2012		2013		2014		2015	
	in 1,000	in %	in 1,000	in %	in 1,000	in %	in 1,000	in %	in 1,000	in %
At risk of poverty or social exclusion (min. 1 out of 3 domains)	1 593	19.2	1 542	18.5	1 572	18.8	1 609	19.2	1 551	18.3
Domains of risk of poverty or social exclusion										
At risk of poverty	1 207	14.5	1 201	14.4	1 203	14.4	1 185	14.1	1 178	13.9
Households with very low work intensity	546	8.5	490	7.6	496	7.7	585	9.1	526	8.2
Severe material deprivation	333	4	335	4	355	4.2	336	4	302	3.6
Overlap of the domains of risk of poverty or social exclusion										
Single risk of poverty or social exclusion (only one domain)	1 193	14.4	1 131	13.6	1 187	14.2	1 195	14.2	1 167	13.8
Multiple risks of poverty or social exclusion (min. 2 out of 3 domains)	400	4.8	411	4.9	385	4.6	414	4.9	385	4.5

Source: Statistics Austria.

**(f) Social protection<sup>4</sup>**

41. The social expenditure to GDP ratio in 2014, measured in accordance with European System of Integrated Social Protection Statistics (ESSPROS) standards, reached 30.1%. For previous years' expenditures see the following table:

**Table 20: Social expenditure to GDP ratio 2010 to 2014**

Year	Social expenditure to GDP ratio <sup>1</sup> in %	Social expenditure <sup>2</sup>		Gross domestic product (GDP) <sup>3</sup>	
		Million EUR	Annual percentage change	Million EUR	Annual percentage change
2010	29.8	87 774	2.9	294 627	2.9
2011	29.0	89 531	2.0	308 630	4.8
2012	29.3	93 006	3.9	317 056	2.7
2013	29.7	96 035	3.3	322 878	1.8
2014	30.1	99 226	3.3	329 296	2.0

Source: Federal Ministry of Labour, Social Affairs and Consumer Protection; Statistics Austria, ESSPROS database.

<sup>1</sup> Level of social expenditure as a percentage of GDP.

<sup>2</sup> Calculated according to ESSPROS (European System of Integrated Social Protection Statistics), social expenditure consists of expenditure on social benefits as well as administration costs and other expenditure not attributable elsewhere, but excluding transfers to other schemes (rerouted social contributions and other transfers).

<sup>3</sup> Gross domestic product (GDP) at nominal values according to ESA 1995; 1980-1994: National Accounts, July 2010; 1995-2010: National Accounts, July 2015.

<sup>4</sup> Source: Statistics Austria.

42. A large proportion of expenditure on social benefits in Austria is spent on age care benefits (44.5% or € 42.9 billion) and a quarter of expenditure goes on sickness/health care benefits. Significantly lower proportions of expenditure are recorded for family/children (one tenth), disability (7%), survivors (6%), unemployment (5.6%), and housing and social exclusion (2%). 69% of social expenditure consisted of cash benefits. Old age, disability and survivors' benefits are the most important cash benefits, with importance also being accorded to family and unemployment transfers. Benefits in kind (31%) are dominated by outpatient and inpatient health care benefits.

**Table 21: Overview of social expenditure by functions 2009 to 2014**

Year	Total	of which						
		Sickness/ health care	Disability	Old age	Survivors	Family/ children	Unemployment	Housing and social exclusion
2009	82 893	21 228	6 142	34 818	5 579	8 853	4 751	1 522
2010	85 406	21 560	6 341	36 306	5 612	9 205	4 799	1 583
2011	87 105	22 258	6 559	37 671	5 631	8 834	4 514	1 639
2012	90 450	23 119	6 671	39 628	5 801	8 865	4 649	1 718
2013	93 370	23 635	6 670	41 249	5 888	9 065	5 095	1 767
2014	96 609	24 436	6 746	42 948	5 990	9 193	5 391	1 906
Percentage share 2014	100.0	25.3	7.0	44.5	6.2	9.5	5.6	2.0

Source: Statistics Austria.

43. With respect to the financing of social expenditure according to ESSPROS, more than one third of social expenditure is financed via employers' social contributions (2014: 36%) and via general revenues from the Federal Government, regions (*Länder*) and municipalities (36%), while over one quarter is funded by social contributions from protected persons (26%). The proportion of receipts from employers has decreased continuously over the reported years (1980: 39%). The share of revenue from the Government decreased until 2001 (1980: 37%, 2001: 32%) and afterwards increased moderately (more strongly in 2009), reaching its highest level since the 1990s in 2012 (36%). The proportion of financing from protected persons grew gradually (1980: 23%, 2005 and 2006: 27%) but has decreased again since the beginning of the financial and economic crisis in 2009 (26%).

44. While just under one third of social protection systems, such as the federal long-term care allowance and child tax allowance, are financed exclusively by general government revenues, one quarter of the systems is financed either entirely (guaranteed remuneration by employers in the event of sickness) or primarily (occupational pension provision, occupational accident insurance, family burdens equalisation) by employers. At least two thirds of statutory pension insurance is financed by employers' and employees' social contributions.

## V. Economic indicators

### (a) Economic data<sup>5</sup>

45. According to recent estimates by Statistics Austria, the Austrian economy grew by 1.0% in 2015. Economic growth was therefore above the previous year's rate (2014: +0.6%), but fell short of the economic development in other countries. According to the information available to date, growth in the European Union was 2.0% in 2015 and GDP in the Eurozone increased by +1.7% in real terms. Austrian GDP at current prices amounted to

<sup>5</sup> Source: Statistics Austria.

approximately € 339.9 billion (+2.9%) in 2015 and GDP per inhabitant was € 39,390. The development of GDP in previous years is indicated in the table below:

**Table 22: Gross domestic product (GDP), current prices and real terms 2003 to 2011**

	2003	2004	2005	2006	2007	2008	2009	2010	2011
GDP, current prices, billion EUR	225	234.71	245.24	259.03	274.02	282.74	276.15	286.4	300.71
% change over previous year	2	4.3	4.5	5.6	5.8	3.2	-2.3	3.7	5
% change over previous year, real terms	0.9	2.6	2.4	3.7	3.7	1.4	-3.8	2.1	2.7

Source: Statistics Austria, National Accounts data.

46. Public spending is generally above 50% of GDP, with the 2010 figure amounting to 52.5%. These budgets include the expenditures of the Federal Government, the regions (*Länder*), the municipalities and the social security funds as well as numerous outsourced units that are still part of the “government”. Government expenditure by function since 2012 is indicated in the table below:

**Table 23: Expenditure of general government by function in %, general government, consolidated**

Divisions	2012	2013	2014	2015
01. General public services	14.2	14.2	13.1	13.2
02. Defence	1.2	1.2	1.1	1.1
03. Public order and safety	2.6	2.6	2.6	2.7
04. Economic affairs	12.3	11.1	14.2	12.3
05. Environmental protection	1.0	1.0	0.9	0.8
06. Housing and community amenities	0.8	0.8	0.7	0.7
07. Health	15.3	15.4	15.1	15.5
08. Recreation, culture and religion	1.8	1.8	1.7	1.8
09. Education	9.8	9.9	9.5	9.6
10. Social protection	41.1	42.0	41.2	42.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Total expenditure of general government, in million EUR</b>	<b>162 075</b>	<b>164 062</b>	<b>173 120</b>	<b>174 321</b>

Source: Statistics Austria.

47. In 2015, public finances in Austria showed a deficit of 1.2% of GDP (€ 3.9 billion) compared to 2.7% (€ 8.9 billion) in 2014. According to Statistics Austria, government expenditure rose by 0.7% (€ 1.2 billion), while government revenue increased by 3.8% (€ 6.2 billion). In relation to GDP, this results in the following ratios in 2015: revenue 50.6% (2014: 49.9%), expenditure 51.7% (2014: 52.6%), public deficit 1.2% (2014: 2.7%).

48. Total government expenditure increased by 0.7% (€ 1.2 billion) in absolute terms in 2015, amounting to € 174.3 billion. The increase is partly due to the repeal of the Austrian Federal Law on the reorganisation of Hypo-Alpe-Adria-Bank International AG (*Bundesgesetz über Sanierungsmaßnahmen für die Hypo-Alpe-Adria-Bank International AG — HaaSanG*) by the Constitutional Court, which led — according to ESA accounting rules — to a capital transfer of € 1.7 billion in 2015. The high level of expenditure in 2014 is due in part to a capital transfer for HETA Asset Resolution AG of € 5.4 billion, mainly following a revaluation of HETA’s assets.

49. Roughly 46% of government expenditure in 2015 was related to social expenditure (+3.4%). Salaries of public employees, which constitute roughly 21% of government expenditure, increased by 3.0%. Intermediate consumption (about 13% of government expenditure) increased by 3.0%, while support measures (around 10% of government expenditure) decreased by 15.3%. Interest expenditure continued to decline in 2015 (-2.4%).

50. Total government revenue increased by 3.8% (€ 6.2 billion) in 2015, amounting to € 170.4 billion. Social contributions and taxes, which accounted for 88% of government revenue, amounted to € 149.7 billion (+4.3%). Revenue from taxes on production and imports (including value added tax) increased by 3.0%, while revenue from current taxes on income and wealth increased by 7.0%. This is also due to anticipatory effects prior to the increase in tax on capital yields starting on 1 January 2016. Social contributions increased by 3.5% (€ 1.8 billion). Roughly 8% of government revenue is from sales, amounting to € 14.0 billion in 2015.

**Table 24: Government debt, annual figures**

<i>Year</i>	<i>in million EUR</i>	<i>as a percentage of gross domestic product (GDP)</i>
2011	253 673	82.2
2012	258 795	81.6
2013	260 882	80.8
2014	277 444	84.3
2015	290 716	86.2

*Source:* Statistics Austria.

51. Consumer prices in Austria showed an average inflation rate of 0.9% in 2015.

**(b) International assistance**

52. Table 25 indicates the development of Official Development Assistance spent in recent years in total and in relation to GNI, while Table 26 lists the ODA.

**Table 25: Development of ODA 2010 to 2014**

<i>Development of total Austrian ODA 2010 to 2014</i>	<i>Net payments in million EUR and as % of GNI</i>				
	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
<b>Total ODA</b>	<b>912.35</b>	<b>799.3</b>	<b>860.7</b>	<b>882.37</b>	<b>930.46</b>
of which bilateral ODA	462.39	352.48	417.2	409.2	479.81
of which multilateral ODA	449.97	446.82	443.57	473.17	450.65
Total ODA as % of GNI	0.32%	0.27%	0.28%	0.27%	0.28%

*Source:* Federal Ministry for Europe, Integration and Foreign Affairs.

**Table 26: Sources of ODA funding 2014**

<i>Sources of funding for Austrian ODA 2014</i>	
Federal Ministry of Finance — international financial institutions	(bilateral) 3.03%
Federal Ministry of Finance — international financial institutions	(multilateral) 20.50%
Federal Ministry of Finance — Oesterreichische Kontrollbank	11.98%
Federal Ministry of Finance — Oesterreichische Entwicklungsbank (Development Bank of Austria)	2.03%



*Sources of funding for Austrian ODA 2014*

Federal Ministry of Finance — other	0.25%
Federal Ministry of Finance — EU/European development funds	25.64%
Austrian Development Agency — operating budget	8.27%
Austrian Development Agency — administrative costs	1.06%
Federal Ministry for Europe, Integration and Foreign Affairs	4.18%
Federal Ministry of Science, Research and Economy	8.64%
Federal Ministry of Education and Women's Affairs	2.08%
Federal Ministry of the Interior	5.57%
Federal Ministry of National Defence and Sport	0.61%
Federal Ministry of Agriculture, Forestry, Environment and Water Management	1.32%
Regions ( <i>Länder</i> ) and municipalities	4.39%
Other	0.44%

*Source:* Federal Ministry for Europe, Integration and Foreign Affairs.

## VI. Judiciary and crime statistics

### (a) Statistical data on the judiciary and public security

53. For every 100,000 inhabitants, there was an average of 4.31 public prosecutors and 19.66 judges of ordinary courts in 2011. The development over the past five years is shown in the table below:

**Table 27: Judges and public prosecutors per 100,000 inhabitants**

<i>Year</i>	<i>Population</i>	<i>Judges</i>	<i>Judges per 100,000 inhabitants</i>	<i>Public prosecutors</i>	<i>Public prosecutors per 100,000 inhabitants</i>
2007	8 307 989	1 682.00	20.25	280.50	3.38
2008	8 335 003	1 667.50	20.01	345.25	4.14
2009	8 351 643	1 668.50	19.98	339.75	4.07
2010	8 375 164	1 660.00	19.82	350.00	4.18
2011	8 408 121	1 659.50	19.74	364.25	4.33
2012	8 451 860	1 673.00	19.79	370.00	4.38
2013	8 507 786	1 700.25	19.98	379.00	4.45
2014	8 584 926	1 739.45	20.26	386.25	4.50
2015	8 700 471	1 750.20	20.12	408.40	4.69

*Source:* population size: Statistics Austria — population at the beginning of the year [of the following year]; number of judges and public prosecutors: MIS — Supreme Court (OGH)/General Procurator's office (GP) & judicial authorities in the regions (*Länder*); staff in active employment.

54. The compensation of victims following a criminal conviction is shown in the table below:

**Table 28: Victims compensated after adjudication**

<i>Year</i>	<i>Private parties who joined criminal proceedings at a federal or regional court</i>	<i>(Partial) award</i>
2007	25 637	7 776
2008	23 868	9 393
2009	20 630	5 479
2010	22 009	8 258
2011	21 806	6 940
2012	23 088	7 600
2013	22 158	7 307
2014	20 840	7 021
2015	21 343	6 407

55. Past statistical surveys did not cover the ratio of legal aid requests to cases in which legal aid was granted. However, such data will be collected as of 2013. For the time being, the number of accused and detained persons who received free legal aid over the past five years can be shown as follows:

**Table 29: Free legal aid received**

<i>Year</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
Criminal proceedings	3 559	3 321	4 138	4 372	4 618	5 166
Civil proceedings	17 991	16 342	16 226	16 701	16 922	16 646
<b>Total</b>	<b>21 550</b>	<b>19 663</b>	<b>20 364</b>	<b>21 073</b>	<b>21 540</b>	<b>21 812</b>

56. A total of 31,313 police officers were employed on 1 April 2016, i.e. 22.81% of the total number of public staff.

57. The proportion of expenditure from the public budgets on public security and order, including expenditure on courts and prisons, over the past few years can be shown as follows:

**Table 30: Government expenditure on public order and safety (in million EUR)**

	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
Public order and safety	4 213	4 235	4 423	4 641
Police services	2 126	2 119	2 188	2 277
Fire-protection services	556	567	597	650
Law courts	869	885	967	1 009
Prisons	423	423	440	467
R&D public order and safety	60	73	74	75
Public order and safety n.e.c.	179	168	158	163
<b>Total expenditure</b>		<b>162 075</b>	<b>164 062</b>	<b>173 120</b>

*Source:* Statistics Austria.

## (b) Crime statistics

58. In 2015, 29,511 persons were convicted by Austrian criminal courts. In comparison to 2014, the number of convicted persons dropped by 2.4%. Five out of six convicted persons were male (25,238). The proportion of convicted adults was similar (24,363, 82.6%), followed by young adults (18 to 20 year olds, 11.3%) and juveniles (14 to 17 year olds, 6.1%). Almost two thirds (59.6%) of all convicted persons were Austrian.

59. The number of judicial convictions (32,118) also decreased by 2.6% (-862) in comparison to 2014. This meant that the number of convictions fell to an all-time historic low. Most of the convictions were handed down in the division of the higher regional court of appeal in Vienna (43.1%), followed by Graz (21.7%), Linz (21.6%) and Innsbruck (13.6%).

60. Since 2012, all offences have been made available for statistical purposes. In 2015, convictions for 49,210 offences were reported, most of them for offences against property (34.5%), against life and limb (17.5%), offences in contravention of the Narcotic Substances Act (16.1%) and offences against liberty (7.2%). The criminal convictions handed down between 1980 and 2015 broken down by sanction can be shown as follows:

**Table 31: Non-appealable convictions by punishment imposed, 1990 to 2015**

<i>Imposed punishment</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2010</i>	<i>2013</i>	<i>2015</i>
<b>Total</b>	<b>71 722</b>	<b>69 779</b>	<b>41 624</b>	<b>45 691</b>	<b>43 414</b>	<b>43 158</b>	<b>38 394</b>	<b>34 424</b>	<b>32 118</b>
Prison sentence	20 065	20 897	20 432	26 187	21 704	24 998	23 686	22 538	21 562
of which life sentence	6	11	5	6	5	9	7	11	7
Fine	49 735	47 094	19 281	17 756	15 789	16 410	12 929	10 077	8 855
Partly conditional sentence	348	496	642	746	4 982	777	878	1 063	1 008
Section 13 of Juvenile Court Law	986	772	824	426	396	427	291	211	197
Section 12 of Juvenile Court Law	224	98	106	57	77	63	30	22	21
Others	364	422	339	519	466	483	580	513	475

*Source:* Statistics Austria, judicial criminal statistics.

## VII. Other characteristics

### (a) Media access among population

61. Television, radio, printed press and online media are indispensable for democracy in Austria. The Austrian newspaper market includes 13 paid-for and 3 free daily papers and more than 200 weekly and monthly papers (mostly regional). The dual system of broadcasting in Austria comprises public and private providers. The Austrian Broadcasting Corporation (*Österreichischer Rundfunk — ORF*) is the Austrian national public service broadcaster. It must ensure that all Austrian residents are consistently and permanently provided with one regional and three nationwide radio channels and two nationwide television channels. In addition, there are some 80 private radio and more than 100 private television broadcasting operators (mostly regional).

62. While radio channels are almost exclusively provided by (analogue) terrestrial distribution in Austria, television channels are provided by satellite (58% of the population), cable (37%) and digital terrestrial distribution (8%). There are about 18 web TV channels and 105 on-demand audiovisual media services registered in Austria. The ORF and the regulatory authorities for electronic audio media and electronic audiovisual media (Austrian Communications Authority) and telecommunication (*Telekom-Control Commission*) report to the Austrian Federal Chancellor and the Austrian parliament. The most recent Communication Report 2015 is available at [www.rtr.at](http://www.rtr.at). The annual report of the Austrian Broadcasting Corporation for 2015 is published at [www.orf.at](http://www.orf.at).

### (b) Information society

63. Digital inclusion is high on the Government's agenda. Measures mainly focus on persons from a non-academic background, people with a low income, the elderly, persons with disabilities and migrants. Initiatives aim at creating an information society for everyone, eliminating existing discrimination on grounds of sex, age, origin, schooling and income.

64. A major goal of the Austrian E-Government Strategy is to ensure that everyone can access a public service of high quality. The E-Government Act forms the legal framework for electronic communication with public authorities. Besides a large number of useful websites for all public entities, major federal online portals ([www.HELP.gv.at](http://www.HELP.gv.at) and [www.USP.gv.at](http://www.USP.gv.at)) serve as entry points providing comprehensive online information, assistance and electronic procedures with Austrian authorities. Accessibility is high on the agenda of the public entities providing official websites. Developments in the field of electronic signatures and electronic identity made it possible to easily provide the “mobile phone signature” tool, which enables people — including the visually impaired — to securely identify themselves and to electronically sign documents.

## **B. Constitutional, political and legal structure of the state**

65. The political framework for state action and organisation is laid out in the Federal Constitution, the main — but not the only — document being the Federal Constitutional Law of 1920. It defines the Republic of Austria as a representative democracy and federalist state with a clear division of powers. Moreover, it comprises the fundamental rights of the citizens vis-à-vis the state. The basic principles governing the Constitution are the republican principle, the democratic principle, the federal state principle, the separation of powers, the rule of law and the liberal principle. Any action taken by the state — legislation, jurisdiction and executive administration, including government — must be based on and in accordance with the Constitution. Any substantial changes to these principles are considered a total revision of the Federal Constitution and have to be submitted to a referendum by Austrian citizens. Only one such referendum has taken place to date, upon the accession of Austria to the European Union in 1995.

### **I. Federal executive power**

66. Federal executive power is vested in the Federal President and the Federal Government.

#### **(a) The Federal President**

67. The Federal President is elected by secret ballot in a general election. His term of office is six years. He is eligible to stand for re-election for a consecutive term of office only once. His constitutional powers are mainly representative in nature; they include representing Austria abroad, concluding treaties and signing federal laws. The Federal President may exercise these powers only on the basis of proposals by the Federal Government. In terms of his political importance, he has the power to appoint and dismiss the Federal Government and to dissolve the National Council. The Federal President is vested with extraordinary powers in times of national crisis only, i.e. to issue emergency ordinances. In addition, he serves as commander in chief of the Federal Army.

#### **(b) The Federal Government**

68. The Federal Government is made up of the Federal Chancellor, the Vice-Chancellor and the Federal Ministers, who are entrusted with the direction of the Federal Ministries. The number of Federal Ministers and their specific areas of responsibility are subject to a federal law (*Bundesministeriengesetz*). The Federal Chancellor and, on his proposal, the Federal Ministers are appointed by the Federal President. The Federal Government or individual members thereof shall be removed from office on account of a vote of no confidence by the National Council.

### **II. Democracy and electoral system**

69. Austria is a parliamentary democracy. Supreme power is vested in the people and primarily exercised by means of elections.

**(a) Political parties**

70. The existence and diversity of political parties are essential elements of Austria's democratic system. The free establishment of political parties is constitutionally guaranteed; no act of recognition or state approval is required. Apart from a constitutional law provision prohibiting political parties with a National Socialist ideology, political parties may not be subject to legal restrictions. To obtain legal personality, a political party's by-laws must be deposited with the Federal Ministry of the Interior. To date, more than 1,000 by-laws have been deposited with the ministry. The by-laws, which also have to be published on the internet, must specify the organs of the political party and which of these are authorised to represent them as well as the rights and duties of its members.

71. Austria has adopted a mixed system of public and private political financing with substantial support from the Federal State and the regions (*Länder*). The Political Parties Act of 2012 includes obligations to annually render public account of the type of income and expenses by way of a statement of accounts. Apart from banning specific donations in accordance with recommendations made by GRECO (Group of States against Corruption of the Council of Europe), it stipulates that donations of over € 50,000 to a political party must be reported to the Austrian Federal Court of Auditors and that a political party shall not spend more than € 7 million on an election campaign.

**(b) The composition of parliament**

72. The Austrian Parliament consists of two chambers, the National Council and the Federal Council. They exercise the legislative powers of the Federation jointly, with the Federal Council representing the *Länder*. As a general rule, the Federal Council has veto power, which is suspensive in nature only.

73. The 183 members of the National Council are elected on the basis of free, equal, direct, secret and personal suffrage of men and women who are aged 16 or over. The Federal Council is composed of the *Länder* representatives, whose number depends on the population of the *Land* in question, the maximum being 12 and the minimum being 3 representatives. They are elected by the *Länder* parliaments for the duration of the legislative term of the specific parliament.

74. Parliamentary elections are based on the principles of proportional representation, a closed list system and preferential votes. The legislative period at federal level is five years. The threshold for representation in the National Council is 4% of the votes cast (or winning a parliamentary seat in one of the regional constituencies).

75. On the basis of the elections held in 2013, in March 2016 the 183 seats in the National Council were distributed among six parties as follows:

**Table 32: Distribution of the National Council**

<i>Party</i>	<i>No. of seats</i>
Social Democratic Party of Austria	52
Austrian People's Party	50
Freedom Party of Austria	38
Greens	24
NEOS	9
Team Stronach	6
No party affiliation	4

*Source:* Parliament.

76. In the current National Council, 57 of the 183 MPs are women (31.15%). Compared to previous compositions, the proportion of women is relatively stable (31.15% for the period from 2006 to 2008; 33.88% for the period from 2002 to 2006).

77. Besides its legislative powers, the National Council also exercises control over the Federal Government and over the federal budget. Other tasks include the election of the President of the Court of Audit and the members of the Ombudsman's Office. Both the National Council and the Federal Council may make proposals for the appointment of some of the members of the Constitutional Court.

(c) **Suffrage and turnout**

78. Austrian citizens are entitled to vote provided they are 16 years of age or older and not legally disqualified from voting. Disenfranchisement may only be pronounced by a criminal court in the event of a court conviction for certain criminal offences. EU citizens are eligible to vote and run for office in municipal elections.

79. There is no need to apply for registration as all citizens with permanent residence are registered in an electoral register compiled by the municipalities. For European elections, a separate European Electoral Register is compiled. Electors may vote in person at polling stations especially established for the purpose. Alternatively, mobile election commissions are set up and electors may also apply for a postal vote. Voting is not compulsory, but at general elections the majority of the electorate exercise their right to vote.

80. Despite a slight downward trend, the turnout in National Council elections remains high. In 2008 and 2013, 78.81% and 74.90% respectively of all those entitled to vote took part in the elections. The following table lists all recent elections at national level:

**Table 33: Voter turnout**

<i>Election</i>	<i>Date</i>	<i>People eligible to vote</i>	<i>Voter turnout</i>	<i>Contestation</i>
Presidential election	25.04.2010	6 355 800	53.60%	no
National Council election	29.09.2013	6 384 308	74.90%	yes (rejected)
European election	25.05.2014	6 410 602	45.40%	yes (rejected)
Presidential election	24.04.2016 (1st ballot)	6 382 507	68.50%	no
	03.05.2016 (2nd ballot)	6 382 507	72.70%	yes (granted)
	04.12.2016 (repetition of 2nd ballot)	6 399 607	74.20%	no

*Source:* Federal Ministry of the Interior.

81. The number of persons eligible to vote broken down by place of birth (*Länder* or abroad) on 1 January 2012 is shown in the second table below:

**Table 34: Population by citizenship and residence (Länder) at the end of 2014**

<i>Citizenship</i>	<i>Austria</i>	<i>Burgenland</i>	<i>Carinthia</i>	<i>Lower Austria</i>	<i>Upper Austria</i>	<i>Salzburg</i>	<i>Styria</i>	<i>Tyrol</i>	<i>Voralberg</i>	<i>Vienna</i>
<b>Total</b>	<b>8 584 926</b>	<b>288 356</b>	<b>557 641</b>	<b>1 636 778</b>	<b>1 437 251</b>	<b>538 575</b>	<b>1 221 570</b>	<b>728 826</b>	<b>378 592</b>	<b>1 797 337</b>
Austrian citizens	7 438 848	267 388	509 359	1 501 716	1 291 635	460 710	1 115 876	633 050	321 940	1 337 174
Non-Austrian citizens	1 146 078	20 968	48 282	135 062	145 616	77 865	105 694	95 776	56 652	460 163

*Source:* Statistics Austria, population statistics.

**Table 35: Eligible voters (Austrian citizens aged 16 and above) by country of birth and residence (Länder)**

<i>Country of birth</i>	<i>Austria</i>	<i>Burgenland</i>	<i>Carinthia</i>	<i>Lower Austria</i>	<i>Upper Austria</i>	<i>Salzburg</i>	<i>Styria</i>	<i>Tyrol</i>	<i>Vorarlberg</i>	<i>Vienna</i>
<b>Total eligible voters</b>	<b>6 314 634</b>	<b>231 022</b>	<b>440 603</b>	<b>1 266 865</b>	<b>1 087 069</b>	<b>387 962</b>	<b>965 345</b>	<b>528 116</b>	<b>263 299</b>	<b>1 144 353</b>
Born in Austria	5 814 778	221 027	420 650	1 197 423	1 013 490	360 797	921 297	492 978	239 803	947 313
Born abroad	499 856	9 995	19 953	69 442	73 579	27 165	44 048	35 138	23 496	197 040

*Source:* Statistics Austria, population statistics.

### III. Federalism

82. The Republic of Austria is a federal state composed of nine autonomous regions (*Länder*): Burgenland, Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tyrol, Vorarlberg and Vienna. The nine *Länder* have their own constitutions, parliaments and governments. Under certain conditions, they are entitled to conclude international treaties.

83. The federalist structure of Austria is one of the basic principles laid out in the Federal Constitution. It is based on a vertical division of powers that complements the division of powers into legislative, executive and judicial branches. The Federal Constitution contains comprehensive lists of competences; if legislative and/or executive powers are not assigned to the Federation, they remain within the *Länder's* autonomous sphere of competence.

84. The Federal State and the *Länder* have their own systems of financial management; they may levy taxes and rates in their own right. However, only the Federal Government can levy income tax or value-added tax. The *Länder* receive funds from the Federal Government's tax revenue under a system of revenue sharing. The revenue-sharing plan covers several years and is re-negotiated at regular intervals.

### IV. Municipalities and other self-governing bodies

85. Municipal self-government is guaranteed in the Federal Constitution; it comprises matters that are mainly of local concern. Municipalities have executive but not legislative powers. Municipalities acting as self-governing bodies are subject to administrative and constitutional review and state supervision by the Federation or the *Länder*, which is, however, limited to points of law. In many areas, municipalities also exercise administrative executive power of the Federation and the *Länder* at the lowest level.

86. Other self-governing entities include chambers of commerce, trade and industry and chambers of workers and employees, professional associations and social insurance bodies.

### V. Rule of law and jurisdiction

87. State action is based on the rule of law principle. It provides for a separation of powers and requires that all state action is in compliance with the existing constitutional and legal framework. In the event of non-compliance, access to an efficient judicial remedy is constitutionally guaranteed.

#### (a) Ordinary courts

88. There are four levels of ordinary courts deciding on civil law matters and criminal law matters, i.e. district courts, regional courts, courts of appeal and the Supreme Court. The Federal Constitution guarantees the independence of the judges. Judges are subject to a legal retirement age (65 years) but may otherwise not be removed from office or transferred against their will.

89. In criminal trials involving the most serious crimes, only the jury decides whether the defendant is guilty or not guilty. In other felony cases, two lay assessors sit with one professional judge and decide on guilt and sentence.

90. In commercial law and anti-trust cases as well as in labour law and social law cases, lay judges sit on panels with professional judges.

#### (b) Administrative courts

91. The Austrian administrative court system has been fundamentally reorganised with effect from 1 January 2014. This major reform was guided by the aim to fully comply with obligations under international law, in particular those arising from Articles 5, 6 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Court of Human Rights' jurisprudence as well as from Article 47 of the Charter of Fundamental Rights of the European Union. The reform also — successfully —



aimed at reducing the Supreme Administrative Court's and the Constitutional Court's workload.

92. The legal protection mechanism against individual decisions of administrative authorities has therefore been improved. Before the reform, a decision by an administrative authority could — as a rule, but depending on the subject matter — be appealed to a superior administrative authority (of second instance) and sometimes even to an administrative authority of third instance before an appeal against the administrative authorities' decision could be lodged with either the Supreme Administrative Court or the Constitutional Court (or both). In some subject matters, including all criminal administrative cases, appeals against the decisions of administrative authorities were decided by the Independent Administrative Panels or other (administrative) quasi-judicial bodies before an appeal could be lodged with the (then:) Administrative Court and/or the Constitutional Court. This complex structure was replaced by a simple and “streamlined” model with a single administrative instance and a two-stage system of administrative court review, thus abolishing the review of decisions of administrative authorities by superior administrative authorities.

93. Eleven administrative courts (*Verwaltungsgerichte*) of first instance have been established: a regional administrative court (*Landesverwaltungsgericht*) in every Land and two administrative courts of first instance at federal level (*Bundesverwaltungsgericht* and *Bundesfinanzgericht*) (see below), while the Supreme Administrative Court (*Verwaltungsgerichtshof*) still serves as a court of last resort regarding alleged unlawfulness. Decisions of the administrative courts of first instance can also be appealed to the Constitutional Court, which serves as a court of last resort (regarding alleged breaches of the Constitution).

94. The new administrative courts of first instance replaced inter alia the former Independent Administrative Panels and the Asylum Court and assumed jurisdiction previously exercised by some 120 quasi-judicial bodies. They decide on the alleged unlawfulness of decisions taken by administrative authorities. They also decide on applications complaining about the administration's failure to decide (for details, see separate paragraph on effective remedies). The administrative courts of first instance hold public hearings in all proceedings. There is no obligation of legal representation before these courts.

95. Judges at the administrative courts of first instance and the Supreme Administrative Court enjoy the same constitutional guarantees as judges at the ordinary courts. They are independent and subject to a legal retirement age (65 years) but may otherwise not be removed from office or transferred against their will. They undergo regular professional training. Administrative courts of first instance enjoy full jurisdiction in matters of law and facts. Consequently, the administrative courts of first instance are in full compliance with the procedural obligations arising from Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 47 of the Charter of Fundamental Rights of the European Union.

**(c) Constitutional review**

96. Constitutional review of legislation and executive administration is allocated to the Constitutional Court. Its core tasks are the review of statutes, regulations and treaties and the review of the constitutionality of rulings issued by administrative authorities. The Constitutional Court has the sole power to review the constitutionality of statutes and treaties and the legality of regulations and treaties and to repeal them, or to declare treaties inapplicable. Proceedings can either be launched by any other court or the Constitutional Court itself, having to apply a statute which might be unconstitutional, or by the Federal Government or the government of a *Land*. The Constitutional Court also rules on electoral disputes and on conflicts of jurisdiction between courts and administrative authorities, determines the distribution of powers between the Federation and the regions (*Länder*) and conducts impeachment trials against the highest state officers for violation of the law in the conduct of their office.

97. Individuals have the right to address the Constitutional Court directly if they claim that their rights have been directly violated due to the unconstitutionality of statutes, regulations or treaties, and if the provision has taken effect for the individual concerned without a decision having been taken by a court or an administrative decision having been issued (*Individualantrag auf Normenkontrolle*). As of 1 January 2015, parties to a law suit decided by an ordinary court of first instance may under certain conditions directly address the Constitutional Court to ask it to review the constitutionality of the provisions applied in their proceedings (*Parteienantrag auf Normenkontrolle*).

98. The review of constitutionality exercised by the Constitutional Court includes conformity with fundamental (constitutionally guaranteed) rights (for details, see separate Section II.B.)

99. The Constitutional Court consists of a President, a Vice-President, twelve members and six substitute members. All justices are appointed by the Austrian Federal President on the proposal of the Austrian Federal Government and the two chambers of the parliament, i.e. the National Council and the Federal Council. All justices remain in office until the end of the year in which they turn 70. They enjoy the same constitutional guarantees as judges at the ordinary courts.

## **VI. Membership of the European Union**

100. Austria joined the European Union in 1995. As a result, the Austrian legal framework has been largely influenced by European law. As a general rule, all EU legislation is binding on Austria. EU law takes precedence over Austrian law, including Austrian constitutional law, except for basic principles of the Federal Constitution. The Austrian legislator is not allowed to pass laws in conflict with EU law; it must also properly implement directives into national law. Austrian courts and administrative authorities interpret national law in the light of EU law and must disregard incompatible national law. In the event of doubt on the compatibility of national law with EU law, Austrian courts must seek a preliminary ruling from the European Court of Justice.

## **VII. Recognition of non-governmental organisations — NGOs**

101. There are many human rights non-governmental organisations operating in Austria. Non-governmental organisations do not require state approval; they are, however, subject to the Austrian legal order in general. For tax purposes, non-governmental organisations mainly take the form of non-profit associations under the Associations Act (*Vereinsgesetz*). In 2015 there were more than 122,000 associations within the meaning of the Associations Act registered in Austria, including sports clubs, choral societies etc. There are no numbers on how many of these associations are non-governmental organisations within the meaning of the Council of Europe Recommendation CM/Rec (2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe and the European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations.

# **II. General Legal Framework for Human Rights Protection**

## **A. Acceptance and ratification of main international and regional human rights agreements**

102. Austria actively supports the principles of universality, indivisibility and interdependence of human rights as reaffirmed at the 1993 Vienna World Conference on Human Rights. This corresponds with a clear commitment to full respect for human rights at international and regional level.

## I. Fundamental international human rights agreements

### (a) State of ratification

103. Austria has ratified the following main international human rights conventions and protocols:

- (a) International Convention on the Elimination of All Forms of Racial Discrimination of 1965;
- (b) International Covenant on Civil and Political Rights of 1966;
- (c) Optional Protocol to the International Covenant on Civil and Political Rights of 1966, concerning individual petition;
- (d) Second Optional Protocol to the International Covenant on Civil and Political Rights of 1989, concerning abolition of the death penalty;
- (e) International Covenant on Economic, Social and Cultural Rights of 1966;
- (f) Convention on the Elimination of All Forms of Discrimination against Women of 1979 (including amendment of Article 20, paragraph 1);
- (g) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women of 1999, concerning individual complaints and inquiry procedures;
- (h) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984;
- (i) Convention on the Rights of the Child of 1989 (including amendment of Article 43, paragraph 2);
- (j) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict of 2000;
- (k) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 2000;
- (l) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 2002;
- (m) Convention on the Rights of Persons with Disabilities of 2006;
- (n) Optional Protocol to the Convention on the Rights of Persons with Disabilities of 2006;
- (o) International Convention for the Protection of All Persons from Enforced Disappearance of 2006.

104. Austria has signed but not yet ratified:

- Optional Protocol to the Convention on the Rights of the Child on a communications procedure of 2011.

105. Austria has neither signed nor ratified:

(a) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990. Ratification of this Convention is not foreseen, since for Austria it would be in contradiction with other international obligations. The Convention would further restrict the authorities' capacity to take regulatory measures on access to the labour market. Many of the rights contained in this Convention are, however, already protected through national and European legislation;

(b) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights of 1966.

**(b) Reservations and declarations**

106. Austria has submitted reservations and declarations to the following main international human rights agreements:

<i>Convention</i>	<i>Declaration/ Reservation</i>	<i>Content</i>
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Reservation	<p>1. Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination provides that the measures specifically described in sub-paragraphs (a), (b) and (c) shall be undertaken with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention. The Republic of Austria therefore considers that through such measures the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association may not be jeopardized. These rights are laid down in articles 19 and 20 of the Universal Declaration of Human Rights; they were reaffirmed by the General Assembly of the United Nations when it adopted articles 19 and 21 of the International Covenant on Civil and Political Rights and are referred to in article 5 (d) (viii) and (ix) of the present Convention.</p> <p>2. The Republic of Austria recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within the jurisdiction of Austria claiming to be victims of a violation by Austria of any of the rights set forth in the Convention, with the reservation that the Committee shall not consider any communication from an individual or a group of individuals unless the Committee has ascertained that the facts of the case are not being examined or have not been examined under another procedure of international investigation or settlement. Austria reserves the right to indicate a national body as set forth in Article 14 paragraph 2.</p>
International Covenant on Civil and Political Rights (ICCPR)	Reservations	<p>1. Article 12, paragraph 4, of the Covenant will be applied provided that it will not affect the Act of April 3, 1919, State Law Gazette No. 209, concerning the Expulsion and the Transfer of Property of the House of Habsburg-Lorraine as amended by the Act of October 30, 1919, State Law Gazette No. 501, the Federal Constitutional Act of July 30, 1925, Federal Law Gazette No. 292, and the Federal Constitutional Act of January 26, 1928, Federal Law Gazette No. 30, read in conjunction with the Federal Constitutional Act of July 4, 1963, Federal Law Gazette No. 172.</p> <p>2. Article 9 and Article 14 of the Covenant will be applied provided that legal regulations governing the proceedings and measures of deprivation of liberty as provided for in the Administrative Procedure Acts and in the Financial Penal Act remain permissible within the framework of the judicial review by the Federal Administrative Court or the Federal Constitutional Court as provided by the Austrian Federal Constitution.</p> <p>3. Article 10, paragraph 3 of the Covenant will be applied provided that legal regulations allowing for juvenile prisoners to be detained together with adults under 25 years of age who give no reason for concern as to their possible detrimental influence on the juvenile prisoner remain permissible.</p> <p>4. Article 14 of the Covenant will be applied provided that the principles governing the publicity of trials as set forth in article 90</p>

<i>Convention</i>	<i>Declaration/ Reservation</i>	<i>Content</i>
		<p>of the Federal Constitutional Law as amended in 1929 are in no way prejudiced and that</p> <p>(a) Paragraph 3, sub-paragraph (d) is not in conflict with legal regulations which stipulate that an accused person who disturbs the orderly conduct of the trial or whose presence would impede the questioning of another accused person, of a witness or of an expert can be excluded from participation in the trial;</p> <p>(b) Paragraph 5 is not in conflict with legal regulations which stipulate that after an acquittal or a lighter sentence passed by a court of the first instance, a higher tribunal may pronounce conviction or a heavier sentence for the same offence, while they exclude the convicted person's right to have such conviction or heavier sentence reviewed by a still higher tribunal;</p> <p>(c) Paragraph 7 is not in conflict with legal regulations which allow proceedings that led up to a person's final conviction or acquittal to be reopened.</p> <p>5. Articles 19, 21 and 22 in connection with article 2 (1) of the Covenant will be applied provided that they are not in conflict with legal restrictions as provided for in article 16 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> <p>6. Article 26 is understood to mean that it does not exclude different treatment of Austrian nationals and aliens, as is also permissible under article 1, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination.</p>
Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP1)	Reservation	<p>On the understanding that, further to the provisions of article 5 (2) of the Protocol, the Committee provided for in Article 28 of the Covenant shall not consider any communication from an individual unless it has been ascertained that the same matter has not been examined by the European Commission on Human Rights established by the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p>
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	Reservation/ Declaration	<p>1. Austria will establish its jurisdiction in accordance with article 5 of the Convention irrespective of the laws applying to the place where the offence occurred, but in respect of paragraph 1 (c) only if prosecution by a State having jurisdiction under paragraph 1 (a) or paragraph 1 (b) is not to be expected.</p> <p>2. Austria regards article 15 as the legal basis for the inadmissibility provided for therein of the use of statements which are established to have been made as a result of torture.</p>
	Declarations	<p>Declarations under articles 21 and 22:</p> <p>Austria recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.</p> <p>Austria recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to Austrian jurisdiction who claim to be victims of a violation of the provisions of the Convention.</p>

<i>Convention</i>	<i>Declaration/ Reservation</i>	<i>Content</i>
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC)	Declaration	<p>Under Austrian law the minimum age for the voluntary recruitment of Austrian citizens into the Austrian army (<i>Bundesheer</i>) is 17 years.</p> <p>According to paragraph 15, in conjunction with paragraph 65 (c) of the Austrian National Defence Act 1990 (<i>Wehrgesetz 1990</i>), the explicit consent of parents or other legal guardians is required for the voluntary recruitment of a person between 17 and 18 years.</p> <p>The provisions of the Austrian National Defence Act 1990, together with the subjective legal remedies guaranteed by the Austrian Federal Constitution, ensure that legal protection in the context of such a decision is afforded to volunteers under the age of 18. A further guarantee derives from the strict application of the principles of rule of law, good governance and effective legal protection.</p>
International Convention for the Protection of All Persons from Enforced Disappearance (CPED)	Declarations	<p>Pursuant to Article 31 of the Convention, the Republic of Austria recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation of provisions of this Convention by Austria.</p> <p>Pursuant to Article 32 of the Convention, the Republic of Austria recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under the Convention.</p>

107. Austria regularly reviews the necessity to uphold reservations to international human rights agreements, currently also in the follow-up process to Austria's second periodic review (UPR) before the United Nations Human Rights Council in November 2015. The reservations still upheld serve to clarify the relationship of the human rights agreements concerned with other international human rights obligations, particularly the obligations under the European Convention for the Protection of Human Rights and Fundamental Freedoms, which in Austria enjoys constitutional rank.

## II. Other United Nations human rights and related conventions

108. Austria is also a state party to the following United Nations human rights conventions and associated conventions:

- (a) Convention on the Prevention and Punishment of the Crime of Genocide, 1948;
- (b) Protocol amending the Slavery Convention signed at Geneva on 25 September 1926, 1953;
- (c) Convention relating to the Status of Refugees, 1951, and its 1967 Protocol;
- (d) Convention relating to the Status of Stateless Persons, 1954;
- (e) Convention on the Reduction of Statelessness, 1961;
- (f) Rome Statute of the International Criminal Court, 1998, as amended in 2010;
- (g) United Nations Convention against Transnational Organized Crime, 2000, and its Protocols against the smuggling of migrants by land, sea and air, and to prevent, suppress and punish trafficking in persons, especially women and children;
- (h) International Agreement for the Suppression of the White Slave Traffic, 1904, amended by the Protocol signed at Lake Success, New York, 4 May 1949;

- (i) International Convention for the Suppression of the Traffic in Women and Children, 1921;
- (j) International Convention for the Suppression of the Traffic in Women of Full Age, 1933;
- (k) Protocol signed at Lake Success, New York, on 12 November 1947, to amend the Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921, and the Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933;
- (l) Protocol amending the International Agreement for the Suppression of the White Slave Traffic, signed at Paris on 18 May 1904, and the International Convention for the Suppression of the White Slave Traffic, signed at Paris on 4 May 1910, 1949;
- (m) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.

### III. Conventions of the International Labour Organization

109. Austria is also a state party to the following treaties of the International Labour Organization:

- (a) Forced Labour Convention, 1930 (No. 29);
- (b) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- (c) Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- (d) Equal Remuneration Convention, 1951 (No. 100);
- (e) Abolition of Forced Labour Convention, 1957 (No. 105);
- (f) Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- (g) Minimum Age Convention, 1973 (No. 138);
- (h) Worst Forms of Child Labour Convention, 1999 (No. 182);
- (i) Labour Inspection Convention, 1947 (No. 81);
- (j) Employment Policy Convention, 1964 (No. 122);
- (k) Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144);
- (l) Unemployment Convention, 1919 (No. 2);
- (m) Night Work of Young Persons (Industry) Convention, 1919 (No. 6);
- (n) Right of Association (Agriculture) Convention, 1921 (No. 11);
- (o) Workmen's Compensation (Agriculture) Convention, 1921 (No. 12);
- (p) White Lead (Painting) Convention, 1921 (No. 13);
- (q) Workmen's Compensation (Accidents) Convention, 1925 (No. 17);
- (r) Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18);
- (s) Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19);
- (t) Inspection of Emigrants Convention, 1926 (No. 21);
- (u) Sickness Insurance (Industry) Convention, 1927 (No. 24);
- (v) Sickness Insurance (Agriculture) Convention, 1927 (No. 25);
- (w) Minimum Wage-Fixing Machinery Convention, 1928 (No. 26);
- (x) Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27);

- (y) Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42);
- (z) Final Articles Revision Convention, 1946 (No. 80);
- (aa) Employment Service Convention, 1948 (No. 88);
- (bb) Labour Clauses (Public Contracts) Convention, 1949 (No. 94);
- (cc) Protection of Wages Convention, 1949 (No. 95);
- (dd) Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99);
- (ee) Holidays with Pay (Agriculture) Convention, 1952 (No. 101);
- (ff) Social Security (Minimum Standards) Convention, 1952 (No. 102);
- (gg) Final Articles Revision Convention, 1961 (No. 116);
- (hh) Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124);
- (ii) Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128);
- (jj) Workers' Representatives Convention, 1971 (No. 135);
- (kk) Rural Workers' Organisations Convention, 1975 (No. 141);
- (ll) Human Resources Development Convention, 1975 (No. 142);
- (mm) Labour Statistics Convention, 1985 (No. 160);
- (nn) Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172);
- (oo) Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173);
- (pp) Safety and Health in Mines Convention, 1995 (No. 176);
- (qq) Maternity Protection Convention, 2000 (No. 183);
- (rr) Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

#### **IV. Conventions of the United Nations Educational, Scientific and Cultural Organization**

110. Austria is a state party to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 2005.

111. The Convention against Discrimination in Education of 1960 is fully implemented by provisions of the Austrian legal order; a ratification of this Convention dating from 1960 is no longer foreseen.

#### **V. Conventions of the Hague Conference on Private International Law**

112. Austria is a state party to the following conventions of the Hague Conference on Private International Law:

- (a) Convention on the law applicable to maintenance obligations towards children, 1956;
- (b) Convention concerning the recognition and enforcement of decisions relating to maintenance obligations towards children, 1958;
- (c) Convention concerning the powers of authorities and the law applicable in respect of the protection of infants, 1961;
- (d) Convention on the Civil Aspects of International Child Abduction, 1973;
- (e) Convention on Protection of Children and Co-operation in respect of Inter-country Adoption, 1993;



(f) Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, 1996;

(g) Convention on the International Protection of Adults, 2000.

## **VI. Geneva Conventions and other treaties on international humanitarian law**

113. Austria is a state party to the following conventions on international humanitarian law:

(a) Hague Convention (II) on the Laws and Customs of War on Land, 1899;

(b) Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949;

(c) Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949;

(d) Geneva Convention (III) relative to the Treatment of Prisoners of War, 1949;

(e) Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949;

(f) Convention on the Prohibition of Biological Weapons, 1972;

(g) Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques, 1976;

(h) Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977;

(i) Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977;

(j) Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, 1980 (as amended in 2001);

(k) Protocol I on Non-Detectable Fragments, 1980;

(l) Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, 1980 (as amended in 1996);

(m) Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons, 1980;

(n) Protocol IV on Blinding Laser Weapons, 1995;

(o) Protocol V on Explosive Remnants of War, 2003;

(p) Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1992;

(q) Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1997;

(r) Oslo Convention on Cluster Munitions, 2008;

(s) Arms Trade Treaty, 2013.

## **VII. Regional human rights conventions**

114. At the regional level, Austria is a state party to the human rights conventions listed below:

(a) European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950;

- (b) Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms of 2 March 1952;
- (c) Protocol No. 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms, conferring upon the European Court of Human Rights competence to give advisory opinions of 6 May 1963;
- (d) Protocol No. 3 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 29, 30 and 34 of the Convention of 6 May 1963;
- (e) Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto of 16 September 1963;
- (f) Protocol No. 5 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 22 and 40 of the Convention of 20 January 1966;
- (g) European Agreement relating to Persons participating in Proceedings of the European Commission and Court of Human Rights of 6 May 1969;
- (h) Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty of 28 April 1983;
- (i) Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms of 22 November 1984;
- (j) Protocol No. 8 to the Convention for the Protection of Human Rights and Fundamental Freedoms of 19 March 1985;
- (k) European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 26 November 1987;
- (l) Protocol No. 9 to the Convention for the Protection of Human Rights and Fundamental Freedoms of 6 November 1990;
- (m) Protocol amending the European Social Charter of 21 October 1991;
- (n) Protocol No. 10 to the Convention for the Protection of Human Rights and Fundamental Freedoms of 25 March 1992;
- (o) European Charter for Regional or Minority Languages of 5 November 1992;
- (p) Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 4 November 1993;
- (q) Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 4 November 1993;
- (r) Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby of 11 May 1994;
- (s) Framework Convention for the Protection of National Minorities of 1 February 1995;
- (t) European Agreement relating to persons participating in proceedings of the European Court of Human Rights of 5 March 1996;
- (u) Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe of 5 March 1996;
- (v) European Social Charter (revised) of 3 May 1996;
- (w) Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances of 3 May 2002;

(x) Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention of 13 May 2004;

(y) Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005;

(z) Convention on preventing and combating violence against women and domestic violence of 11 May 2011;

(aa) Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 2007;

(bb) Council of Europe Convention on the avoidance of statelessness in relation to State succession, 2006;

(cc) European Convention on the Prevention of Terrorism, 2009;

(dd) Convention on Cybercrime, 2001;

(ee) Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, 1999;

(ff) Criminal Law Convention on Corruption, 1999;

(gg) Civil Law Convention on Corruption, 1999;

(hh) Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, 1981.

115. Austria is currently (2016) preparing the ratification of the Council of Europe Protocol No. 15 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention.

116. As a member of the European Union, Austria is also bound by the Charter of Fundamental Rights of the European Union when implementing European Union law according to Article 51 of the Charter.

## **B. Legal framework for the protection and promotion of human rights at the national level**

### **I. All essential human rights are constitutionally guaranteed rights**

117. All essential fundamental rights guarantees are part of Federal Constitutional Law, the legal term being “constitutionally guaranteed rights”. These rights are directly applicable and binding for the legislature, executive and judiciary, as they have the rank of constitutional law. It is a generally accepted principle that all legal provisions must be interpreted in the light of such fundamental rights.

118. The existence of effective fundamental rights is considered part of the basic principles of the Federal Constitution (rule of law and the liberal principle). A significant curtailing of fundamental rights would require a comprehensive amendment of the Constitution, which would amount to a total revision of the Federal Constitution and would thus have to be submitted to a referendum by the entire nation.

119. For historical reasons, the Federal Constitution is not enshrined in a single document. Similarly, there is not a single catalogue of fundamental rights, but a variety of statutory sources. This in no way diminishes the scope or effectiveness of rights enshrined, but rather is a question of constitutional technique.

#### **(a) Civil and political rights**

120. The two main statutory sources of fundamental rights are the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols and the 1867 Basic Law on the General Rights of Nationals (*Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger*). They both provide for most of the important fundamental rights guarantees, such as the right to life, to liberty and security, to a fair trial,

to respect for private and family life, to property, freedom of speech, freedom of thought, conscience and religion, freedom of assembly and the prohibition of discrimination.

121. In addition, since 2012 the Constitutional Court has also used the EU Charter of Fundamental Rights as a benchmark when applying European Union law. The rights guaranteed in the Charter can thereby not only be invoked as constitutional rights in individual complaints to the Constitutional Court, but also form a benchmark in its proceedings on examining the general compatibility of legislation with constitutional law.

122. Other statutory sources include:

- Provisions laid down in the Federal Constitutional Law, e.g. the principles of equality and of non-discrimination, the right to vote and the right to be elected, various fair trial guarantees and the abolition of the death penalty;
- Provisions of the State Treaty of Saint Germain-en-Laye of 1919 and the State Treaty for the Re-establishment of an Independent and Democratic Austria of 1955, in particular regarding the protection of ethnic minorities;
- Specific constitutional statutes, e.g. the Federal Constitutional Act on the Abolition of all Forms of Racial Discrimination, the Federal Constitutional Act on the Protection of Personal Liberty and the Federal Constitutional Act on the Rights of the Child;
- Constitutional provisions contained in ordinary statutes, such as Article 1 of the Personal Data Protection Act and Article 1 of the Political Parties Act.

**(b) Freedom of religion**

123. The Federal Constitution provides that Austria takes a neutral approach towards religion; the state's tasks and objectives follow a purely secular orientation. The state's position towards religion is based on two constitutional principles: freedom of religion and the guarantee for religious communities to act as corporate entities in public. In addition, Austria has a long tradition of intercultural and interreligious dialogue.

124. The 1867 Basic Law on the General Rights of Nationals (*Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger*), together with the European Convention for the Protection of Human Rights and Fundamental Freedoms, provides for freedom of faith and conscience (religion and belief) and, in conjunction with the 1868 Interdenominational Act (*Gesetz über die interkonfessionellen Verhältnisse der Staatsbürger*), guarantees that everyone may freely choose their affiliation to a church/religious community, to discontinue religious membership or to have no religious affiliation at all. Public exercise of their religion is guaranteed to all religious communities. In addition, the Basic Law guarantees the independent organisation and administration of religious communities and prohibits interference by the state with their internal affairs. The state is limited to regulating the external relations.

125. Churches and legally recognised religious communities have a public-law status, and regulate and administer their internal affairs independently. Two statutes, dating from 1874 and from 1998, as amended in 2013, provide for the general preconditions and the procedures for legal recognition (*Anerkennungsgesetz* and *Bundesgesetz über die Rechtspersönlichkeit von religiösen Bekenntnisgemeinschaften*).

126. In addition, there are a number of special laws governing churches and religious communities:

(a) As far as the Catholic Church is concerned, the relationship between the state and the church is in particular governed by the Concordat of 1933 between the Austrian state and the Holy See in specific areas;

(b) Act on Israelites of 1890 (*Bundesgesetz betreffend die äußeren Rechtsverhältnisse der israelitischen Religionsgesellschaft*);

(c) Act on Protestants of 1961 (*Bundesgesetz über äußere Rechtsverhältnisse der Evangelischen Kirche*);

(d) Orthodox Church Act of 1967 (*Bundesgesetz über äußere Rechtsverhältnisse der griechisch-orientalischen Kirche in Österreich*);

(e) Orthodox Church Act of 2003 (*Bundesgesetz über äußere Rechtsverhältnisse der orientalisch-orthodoxen Kirchen in Österreich*);

(f) Islam Act of 2015 (*Islam-Gesetz 2015*), replacing the former Islam Law of 1912.

127. In the last few years, new religious communities have been recognised in addition to the existing ones: the Islamic Shi'ite Religious Community (*Islamische Schiitische Glaubensgemeinschaft*) was recognised as a religious denominational community in March 2013, the Old-Alevi Religious Community in Austria (*Alt-Alevitische Glaubensgemeinschaft in Österreich*) in August 2013 and the Unification Church in Austria (*Vereinigungskirche in Österreich*) in June 2015. Jehovah's Witnesses were legally recognised in 2009, the Free Churches in Austria (*Freikirchen in Österreich*) and the Islamic Alevi Community (*Islamische Alevitische Glaubensgemeinschaft*) in 2013.

**(c) Social rights**

128. Social rights are not explicitly guaranteed by the Federal Constitution. However, the Constitutional Court has interpreted in particular the equality principle as containing specific rights granting entitlements to public benefits comparable to social rights. A formal incorporation of social rights into the Federal Constitution has been debated for a long time without a general consensus being reached, as is also the case for the drafting of a single fundamental rights catalogue: drafts on constitutionally guaranteed social rights were prepared by the Austrian Constitutional Convention (*Verfassungskonvent*), which discussed proposals for constitutional reform from June 2003 to January 2005, and by the Expert Group for State and Administrative Reform at the Federal Chancellery from 2007 to 2008.

129. Austria has ratified the International Covenant on Economic, Social and Cultural Rights (CESCR) and the European Social Charter and endeavours to fully realise the economic, social and cultural rights provided therein. In addition, when applying EU law, Austrian courts and administrative authorities are bound by the social and economic rights laid down in the Charter of Fundamental Rights of the European Union.

**(d) Children's rights**

130. Austria has ratified the Convention on the Rights of the Child and two of the three Optional Protocols and has signed but not yet ratified the Protocol on a communications procedure of 2011. To strengthen children's interests, in 2011 the core rights laid down in the Convention were incorporated into the Federal Constitutional Act on the Rights of the Child, thus becoming a benchmark for the constitutional review of statutes, regulations and treaties by the Constitutional Court. The well-being of children was defined as a central benchmark for all state and private action.

131. Constitutional guarantees include the right to adequate participation in all matters relating to the child, the right to a non-violent upbringing, the right to protection from economic and sexual exploitation, the prohibition of child labour, the right to regular personal relationships and direct contact with both parents, the entitlement to special protection and assistance of the state in the event that the child is removed from his/her family and the principle of equal treatment of children with and without disabilities.

**(e) Rights of persons with disabilities**

132. The Federal Constitution stipulates that Austria is committed to ensuring equal treatment of persons with disability in all fields of everyday life. No one may be discriminated against on grounds of disability. The Austrian Federal Constitution also stipulates that sign language is an officially recognised language.

133. Austria ratified the UN Convention on the Rights of Persons with Disabilities in 2008. Since then extensive legal measures, including a National Action Plan, have been taken to fully implement the Convention.

**(f) Incorporation of international human rights treaties into national law**

134. International treaties become part of national law after being approved by the National Council, ratified by the Federal President and promulgated in the Federal Law Gazette. In general, no further national implementation is needed for these treaties to be self-executing. However, the National Council may decide that the treaty is not self-executing and needs to be implemented by national law before its provisions are enforceable by domestic administrative authorities and courts. Such decisions have been taken with regard to a number of international human rights treaties, in particular when their content has been considered as already having been implemented on national level. The European Convention on Human Rights and its Protocols and most of the Council of Europe Conventions are self-executing. The European Convention on Human Rights was even granted constitutional status in 1964 and has thus become part of Federal Constitutional Law.

**II. Legal remedies to ensure the protection of human rights**

**(a) Individual complaints with the courts**

135. The constitutional understanding of fundamental rights is primarily one of civil liberties protecting against unlawful interference by the authorities. Constitutional review of executive administration is allocated to the Constitutional Court. Every ordinary court, when deciding on matters of civil law or criminal law, and every administrative court, when appealed to against a decision of an administrative authority, is bound by the Federal Constitution including fundamental (constitutionally guaranteed) rights. Individuals may complain against the rulings of the administrative courts on the grounds that they violate their fundamental (constitutionally guaranteed) rights. If the Constitutional Court finds an infringement of these rights, it quashes the ruling and remands the case to the administrative court in order to render a substitute ruling in compliance with the Court's findings.

**(b) Individual petition/party petition for constitutional review of statutes**

136. As described in paragraph 97, individuals are entitled under certain conditions to address the Constitutional Court directly to ask it to review the constitutionality (conformity with constitutionally guaranteed rights) of statutes and treaties.

**(c) Complaints against excessive use of administrative authority and coercion**

137. The administrative courts of first instance have jurisdiction, *inter alia*, to examine complaints alleging a violation of rights, including fundamental (constitutionally guaranteed) rights, resulting from the exercise of direct administrative force and coercion, including in particular police action.

**(d) Fundamental rights complaints with the Supreme Court**

138. Every detained person may lodge a complaint with the Supreme Court requesting that it examines whether a criminal court's decision violates the fundamental right to personal freedom.

**(e) European Court of Human Rights**

139. As a Contracting Party to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Austria accepts the jurisdiction of the European Court of Human Rights. The Convention provides for interstate applications and individual applications. Individual applications can be brought against decisions of courts and other authorities of a Contracting Party. Such applications may only be filed after domestic remedies have been exhausted and within a period of six months after the delivery of the final domestic decision. Supervision of the final execution of judgments lies with the Committee of Ministers of the Council of Europe. As opposed to the Constitutional Court and the Supreme Administrative Court, the European Court may not quash domestic decisions or statutory provisions but may only find that the Contracting Party is responsible

for a violation of the Convention and/or its Protocols. The European Court's jurisdiction is not restricted to any particular kind of state acts, hence individual complaints can also be filed against ordinary court rulings.

**(f) Compensation**

140. State organs are not directly liable for damage caused while acting in their official capacity. However, the Official Liability Act (*Amtshaftungsgesetz*) provides for state liability for fault of state organs exercising public authority.

**III. Other state bodies competent to protect human rights**

**(a) Ombudsman Board**

141. The Austrian Ombudsman Board (*Volksanwaltschaft*) is an independent body with constitutional status that reports to both chambers of the Federal Parliament. Its mandate is to examine maladministration within the executive administration, in particular in connection with alleged violations of human rights, either on behalf of individual complainants or on its own authority. Anybody can complain to the Board regardless of age, nationality or residence, at any time and free of charge.

142. The Ombudsman Board consists of three members, each of them acting in turn as chairperson. The members are nominated by the three largest political parties represented in Parliament and are elected by Parliament according to a majority vote. This appointment procedure guarantees the necessary democratic legitimacy essential for a parliamentary democracy (much like the appointment of judges by the Federal President or the Minister of Justice). The three members of the Ombudsman Board exercise their function in full independence; during their six-year (renewable) term they cannot be deprived of their office, nor removed or dismissed.

143. Seven of the nine regions (*Länder*) have extended the Ombudsman Board's powers to provincial administration. The remaining two *Länder* have appointed specific provincial ombudspersons to examine maladministration at regional level with legal status and mandates comparable to the Federal Ombudsman Board. Federal, provincial and municipal authorities are obliged to support the Ombudsman Board in the performance of its tasks and disclose all relevant information.

144. The Ombudsman Board's mandate was greatly expanded in 2012. Since then, it has also acted as the National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). As part of the Ombudsman Board, six independent regional commissions regularly monitor approximately 4,000 private and public places where people are deprived of their liberty, including police stations and prisons, reception centres for asylum seekers, military barracks, psychiatric facilities, old people's and nursing homes, crisis centres and residential youth communities. In addition, the Ombudsman Board is authorised to monitor the conduct of law-enforcement bodies when they execute coercive measures (e.g. police operations during demonstrations).

145. The Ombudsman Board is supported in its work by the Human Rights Advisory Council (*Menschenrechtsbeirat*), which advises on the priority for the monitoring proceedings, on the communication of findings and on the development of recommendations. The Council consists of equal numbers of representatives of Federal Ministries/regional government offices and representatives of non-governmental organisations.

146. Moreover, the Ombudsman Board serves as an independent monitoring body pursuant to Article 16 (3) of the Convention on the Rights of Persons with Disabilities (CRPD) and monitors institutions and programmes for persons with disabilities in order to prevent any form of exploitation, violence or abuse. The independent regional commissions conduct control visits to special establishments for disabilities.

147. The Ombudsman Board is the Austrian national human rights institution. Since the expansion of its mandate as the national preventive mechanism under OPCAT and

monitoring body under CRPD, the Ombudsman Board has been part of a constant, institutionalised dialogue with civil society and human rights experts from various fields.

**(b) Federal Disability Ombudsman**

148. The independent Federal Disability Ombudsman advises and supports persons with disabilities in cases of discrimination. He or she is also a member of the Federal Disability Advisory Board, which has an advisory function in all fundamental issues related to disability policy. Some of the regions (*Länder*) have also provided for Disability Ombudspersons or an equivalent advisory committee.

**(c) Independent CRPD Monitoring Committees**

149. The CRPD Monitoring Committee is an independent mechanism for the promotion, protection and monitoring of the implementation of the Convention on the Rights of Persons with Disabilities at the federal level. The *Länder* have established their own monitoring committees within their sphere of competences.

**(d) Data Protection Authority**

150. The Austrian Data Protection Commission, established in 1980, was replaced in 2014 by the Data Protection Authority (*Datenschutzbehörde*). It has the power to investigate formal complaints regarding the fundamental (constitutionally guaranteed) right to data protection in the public sector and — limited to the right of access — also in the private sector. Furthermore, the Data Protection Authority can act as an ombudsperson in both the public and private sector and is empowered to issue recommendations. It deals with all types of complaints against the police, public service organisations, telecommunication and insurance companies, banks and other financial service providers.

151. The director of the Data Protection Authority is appointed by the Federal President on the recommendation of the Federal Government. She/he enjoys full independence in conformity with EU directive 95/46/EC and may not be removed or discharged against her/his will.

**(e) Commissioners for Legal Protection**

152. Commissioners for Legal Protection have been installed within the Ministry of Justice, the Ministry of the Interior and the Ministry of Defence to examine the lawfulness of certain investigative measures taken by the public prosecutor's office, the police and intelligence agencies. Such measures include audio and video surveillance, the automatic comparison/matching of databases and covert investigations.

153. Depending on the level of interference with fundamental rights, the powers of the Commissioners range from ex ante approval to ex post supervision by means of appeal or complaint to the Data Protection Authority. The Commissioners submit annual activity reports to their respective ministers, who then report to the National Council.

154. The Commissioner within the Ministry of Justice is appointed by the Federal Minister of Justice on a joint recommendation of the President of the Constitutional Court, the Austrian Bar Association and the chairman of the Austrian Ombudsman Board. The Commissioners within the Ministry of the Interior and the Ministry of Defence are appointed by the Federal President on the proposal of the Federal Government, which has to take into consideration the views of the President of the Constitutional Court, the President of the Supreme Administrative Court and the President of the National Council.

155. Terms of office vary from three to five years; renewal is possible. Commissioners are fully independent and may not be removed or discharged against their will.

**(f) Equal Treatment Commission**

156. The Equal Treatment Commission is an independent mechanism scrutinising matters relating to discrimination under the Equal Treatment Act (*Bundes-Gleichbehandlungsgesetz*). It acts in the run-up to judicial proceedings. If the Commission concludes that a complainant has been discriminated against, it issues an expert opinion and



recommendations addressed to the employer/service provider. Proceedings aim at facilitating arrangements to avoid or settle legal disputes. Any claims for compensation must be asserted before a civil court unless the employer voluntarily complies with the Commission's recommendations.

**(g) Ombud for Equal Treatment**

157. The Ombud for Equal Treatment is an independent body providing assistance to victims of discrimination on grounds of gender, ethnicity, age, sexual orientation, religion and belief in employment and occupation and gender and ethnicity in other areas of the private sector of the economy. Its role is defined in accordance with EU equal treatment legislation, which requires member states to set up equality bodies to combat discrimination.

158. By amendment of the Austrian Federal Ministries Act, Federal Law Gazette (BGBl.) I No. 11/2014, the Ombud for Equal Treatment was established as an office of the Federal Chancellery. The Ombud for Equal Treatment consists of a central office and four regional offices.

159. The Ombud for Equal Treatment plays a role in combating discrimination and promoting equality that is distinct from government and civil society organisations. It offers individual legal advice to alleged victims of discrimination, negotiates with employers, companies, institutions and work councils to reach friendly settlements, and provides legal representation to victims of discrimination in proceedings before the Equal Treatment Commission. Other tasks include awareness raising and providing information to the public about the Equal Treatment Act and about cases of discrimination. As a central stakeholder within the multifaceted national equal treatment architecture, the Ombud for Equal Treatment acts as a helpdesk and clearing organisation.

160. The Ombud for Equal Treatment reports to the National Council biannually about its work, making observations and recommendations.

161. To foster non-discriminatory practices and ensure awareness of and compliance with equal treatment legislation, the Ombud for Equal Treatment engages with public bodies, employers and NGOs.

**(h) Federal Equal Treatment Commission**

162. The Federal Equal Treatment Commission is a federal administrative body that deals with individual complaints about discrimination on grounds of sex, ethnic origin, religion or belief, age or sexual orientation in public employment. Its tasks also include monitoring the implementation of measures targeting the advancement of women.

**(i) Ombudsperson for Children and Youth**

163. The Federal Ombudsperson's office is an independent body set up within the Federal Ministry of Family and Youth to promote the concept of a child-friendly society and the non-violent upbringing of children.

164. Independent ombudspersons in the regions (*Länder*) are entrusted with individual counselling, awareness raising and promoting children's rights. Tasks include counselling for parents, mediation in child custody proceedings and commenting on draft legislation that has an impact on children. In some *Länder* the ombudsperson is also authorised to act as a contact person for children in residential care.

**(j) Patient advocates**

165. Patient advocates are established as independent and autonomous *Länder* institutions. They help patients to exercise their rights in the health care and hospital sectors.

**(k) National Contact Point for the OECD Guidelines for Multinational Enterprises**

166. The National Contact Point (NCP) is established within the Federal Ministry of Science, Research and Economy according to the OECD Guidelines for Multinational Enterprises. The Guidelines provide non-binding principles and standards for responsible business conduct in a global context consistent with applicable laws and internationally recognised standards. NCPs assist enterprises and their stakeholders to take appropriate measures to further the implementation of the Guidelines. They also provide a mediation and conciliation platform for resolving any practical issues that may arise.

**IV. Non-governmental organisations**

167. Civil society organisations and non-governmental organisations play a key role in the protection, promotion and advancement of human rights in Austria. The expert knowledge of representatives from thematically specialised non-governmental organisations is much appreciated and drawn upon by the Government as much as possible when developing and implementing specific policy measures and initiatives. Non-governmental organisations also play a major part in human rights training amongst Government officials and in raising public awareness on key human rights issues and receive public funding from the state, the *Länder* and municipalities.

168. Since the first Universal Periodic Review (UPR) in 2011, there has been a constant dialogue with representatives of civil society on implementing the UPR recommendations, which contributed to building confidence and a positive culture of communication between the Government and non-governmental organisations.

**V. Human rights education**

**(a) Judicial, legal and official training in human rights**

169. Education on human rights forms an integral part of the curriculum for the Qualifying Law Degree in all Austrian universities, and also pervades the vocational courses for lawyers, prosecutors and judges.

170. Police officers are provided with mandatory human rights training with a special focus on non-discriminatory police work in a multicultural society. The curriculum for the mandatory basic training for police officers provides for 56 hours of human rights education. Mid-level officers participate in a three day seminar on human rights in the course of their professional training. Senior officers develop their skills in the field of human rights in a 2 ECTS comprehensive follow-up seminar. Human rights education is also part of personality training and security police conduct courses. Regular human rights seminars are held in cooperation with non-governmental organisations as part of lifelong learning. The Austrian Ministry of the Interior partners with the Anti-Defamation League to provide anti-bias and diversity training to Austrian law enforcement officers as a compulsory element of the police forces' human rights education. Today, it reaches about 1,000 police men and women per year.

171. A variety of measures have been taken concerning human rights training for judges and public prosecutors. A human rights course is mandatory for all future judges and public prosecutors. Human rights, including equal treatment and anti-discrimination, are part of the final exams for future judges. Since 2009, all future judges and public prosecutors have had to complete an internship of at least two weeks in an institution for the protection of victims or a welfare institution. Additional human rights courses are offered on a voluntary basis.

172. The Prison Staff Academy offers anti-bias and diversity training to prison officers on dealing with conflict situations involving prison inmates.

**(b) Education in human rights among wider society**

173. Human rights education forms an integral part of citizenship education, which is an educational principle that has been in force since 1978 and provides for civic and human

rights education at all school levels and in all school types. Human rights are dealt with in numerous ways, ranging from education in history and political science to children's rights.

174. The Austrian Centre for Citizenship Education in Schools (*polis*) is an educational service institution operating under the Ministry of Education, which offers training courses for teachers, teaching material and textbooks developed in close cooperation with national and international organisations (e.g. ETC Graz, AMNESTY ACADEMY, Council of Europe, Anti-Defamation League etc.). The programmes primarily aim at linking universal human rights with everyday experience, focusing on the importance of these rights in practice.

## VI. National dissemination of human rights instruments

175. There are various methods through which materials relating to international human rights instruments are disseminated throughout Austria. All of Austrian law, including international human rights treaties ratified by Austria and statutes containing fundamental rights, is electronically published through the Legal Information System of the Republic of Austria (RIS), which is available on the internet free of charge ([www.ris.bka.gv.at](http://www.ris.bka.gv.at)).

176. Reports concerning compliance with international obligations under UN or Council of Europe human rights instruments are both drafted and made available by the relevant Federal Ministry responsible for overseeing implementation and compliance.

## C. Reporting process at national level

177. Austria fulfils its obligation to periodically report to international human rights monitoring mechanisms. Preparation of and follow-up to the reports is mainly done by the network of the group of human rights coordinators in the Federal Ministries and the regions (*Länder*). The following table identifies the Federal Ministry responsible for the coordination of the reporting process under the eight main UN human rights instruments ratified by Austria and the Universal Periodic Review. The drafting process usually involves comprehensive participation by other relevant Federal Ministries and the *Länder*. Reports are published on the relevant ministry's official website.

<i>UN instrument</i>	<i>Coordinating Federal Ministry</i>
ICERD	Federal Chancellery
ICCPR	Federal Chancellery
ICESCR	Federal Ministry of Labour, Social Affairs and Consumer Protection
CEDAW	Federal Ministry of Health and Women's Affairs
CAT	Federal Ministry for Europe, Integration and Foreign Affairs
CRC	Federal Ministry of Family and Youth
CRPD	Federal Ministry of Labour, Social Affairs and Consumer Protection
UPR	Federal Ministry for Europe, Integration and Foreign Affairs
CED	Federal Ministry of Justice

## III. Information on Non-Discrimination and Equality

### A. Legislation and effective remedies

#### I. Legislation

178. The principle of equal treatment and non-discrimination is enshrined in the Federal Constitution. In addition, extensive anti-discrimination legislation has been adopted, which

is continuously being enhanced. Legislation generally prohibits direct discrimination, indirect discrimination, victimisation and harassment. It prohibits discrimination in the areas of employment, social protection, vocational training, education in schools and the provision of goods, facilities and services available to the public.

179. In the administrative and civil law area, the implementation of relevant EU directives has reinforced anti-discrimination legislation in Austria. The regions (*Länder*) have adopted their own equal treatment and anti-discrimination acts within their spheres of competence, part of which exceed the scope of anti-discrimination protection guaranteed at federal level.

180. Persons with disabilities are protected by comprehensive anti-discrimination legislation. It provides for a prohibition of discrimination in everyday life, which covers access to and supply with goods and services available to the public and the working environment as well as the area of the federal executive administration. The *Länder* have issued anti-discrimination laws for their own spheres of competence.

181. On 1 January 2010 the Registered Partnership Act (*Eingetragene Partnerschaft-Gesetz*) came into force. It provides same-sex couples with a formal mechanism for having their relationships recognised and given legal status. The rules on the establishment of a registered partnership, its effects and its dissolution largely resemble the rules governing marriage.

## **II. Effective remedies**

182. The Equal Treatment Commission, the Federal Ombudsmen for Disability, the Ombud for Equal Treatment and the relevant bodies in the *Länder* provide for protection against discrimination in employment and access to goods and services. Sanctions for all forms of discrimination have been continuously expanded and have been consistently applied by Austrian courts. This includes compensation for material and immaterial damage. These efforts have contributed to an ever-increasing awareness and public sensitivity about discrimination issues.

183. Victims of discrimination by law enforcement officials may file a complaint with the administrative courts of first instance. These courts assess the lawfulness of the police action but are not authorised to impose any sanctions or grant compensation. Disciplinary measures are to be taken by the superior of the official concerned and/or by a separate disciplinary commission. If the misconduct of the law enforcement official constitutes a criminal offence, it must be reported to the public prosecutor's office, which is obliged to initiate an investigation.

184. In this context, reference is made to more specific information provided in Section II B. The Constitutional Court reviews the conformity of statutes, treaties and regulations, with the principles of equality and non-discrimination enshrined in the Constitution.

## **B. Government activities**

185. The following list contains a non-exhaustive selection of government activities aiming at the prevention of discrimination of vulnerable groups in different policy fields.

### **I. Women's rights and gender equality**

186. Austria pursues a dual strategy to strengthen women's rights and gender equality, namely the interplay of gender mainstreaming on the one hand and the promotion of women on the other. Despite significant improvements in the situation of women and girls and gender equality in recent years, considerable differences between the income of women and men remain, as do inequalities in other walks of life.

187. To improve gender equality in the labour market, various measures and strategies are being and have been implemented, such as the NAP for Gender Equality in the labour market, as well as the ongoing initiatives of girl's days and meineTechnik.at, an information platform for STEM professions. The ongoing work aims to reduce the gender

pay gap and to improve career opportunities regarding access to decision-making positions and re-entry after childbirth.

188. The ongoing work of the Equal Treatment Commission (cf. paras 157 and 182) is an important pillar for the examination and implementation of equal treatment of women and men, especially in the working sphere. In 2016, an evaluation report of the instruments of the equality laws was completed. This expert report will lead to further improvement of the measures for enforcement of equal treatment and protection against discrimination in the private and public sectors.

189. To further reduce socio-economic inequalities and to strengthen women's rights in all areas of life, continuous efforts to combat gender-based violence have been made, inter alia by an ambitious NAP covering the 2014-2016 period to implement the Council of Europe Convention on preventing and combating violence against women and domestic violence. To further monitor its implementation and to continue to collect existing data on violence against women, the National Coordination Office "Violence against Women" ([www.coordination-vaw.gv.at](http://www.coordination-vaw.gv.at)) was created in 2016. Legislation against domestic violence, which is regularly updated, follows the principle "whoever hits must leave" and includes the statutory prerequisites for fast and efficient protection of victims of domestic violence.

## II. Rights of persons with disabilities

190. Persons with disabilities have equal access to all measures that are available to job seekers. An employment quota for persons with disabilities shall ensure their inclusion in the labour market. Companies who do not employ persons with disabilities must pay compensation into a fund. Amounting to approximately € 175 million, this fund — in conjunction with resources from the federal budget and the European Social Fund — is used to finance contributions to labour costs, workplace equipment and adjustments, integration assistance, support during occupational training, career counselling after school, personal assistance at work and other measures.

191. The inclusion of children with disabilities at primary and secondary schools was provided for by law in 1993 and 1996. At the parents' request, children in need of special educational support may either attend a special needs school or be taught in a regular school. Inclusive education is organised either in inclusive classes or individually. For several years, more than half of all children in need of special educational support have been receiving inclusive education. Special statutory provisions were enacted in order to guarantee inclusive assistance for students with disabilities in upper secondary schools. Inclusive vocational training is realised by extending the apprenticeship by one year or, in exceptional cases, by two years and/or in the form of partial qualification for a skilled trade with one to three years of training. The Vocational Training Act provides for a reduction of the regular daily and weekly working hours for apprentices with disabilities. University students with disabilities are supported in all fields of their studies by Disabled Students' Officers.

## III. Tackling of economic and social disparities

192. To continue to secure the comprehensive social network in economically challenging times, the Government takes specific reform measures to achieve full employment and combat poverty.

193. The promotion of education, training and youth employment and the integration of marginalised groups into the labour market are priority areas of the labour market policy. On behalf of the Government, Public Employment Service Austria (AMS) provides employment services, advice, qualifications and financial support and thus plays an essential role in preventing and eliminating unemployment in Austria.

194. All services by the AMS are equally available to migrants. Specific courses such as orientation courses for persons with non-German mother tongue, courses to improve higher qualified job opportunities, assistance with job applications, or German courses promote migrants' access to the labour market. Special attention is paid to the cooperation between the AMS and various organisations for migrants. To further improve integration into the labour market, the Recognition and Evaluation Act (*Bundesgesetz über die Vereinfachung*

*der Verfahren zur Anerkennung und Bewertung ausländischer Bildungsabschlüsse und Berufsqualifikationen — Anerkennungs- und Bewertungsgesetz*) came into force in July 2016.

195. Strengthening social solidarity and combating poverty are central objectives of the government in all policy areas. In December 2010, the Austrian social assistance scheme was reformed and the means-tested minimum-income scheme (*Bedarfsorientierte Mindestsicherung — BMS*) implemented by an agreement between the Federation and the Federal States pursuant to Article 15a of the Federal Constitutional Law. The BMS is granted to persons who do not have sufficient means to cover their own and their relatives' costs of living on their own by way of a lump sum to ensure the means of subsistence and living (minimum standards) outside of residential institutions on the one hand and necessary health services in the event of illness, pregnancy and childbirth on the other. In principle, this also applies to persons who have been granted refugee status or subsidiary protection status (beneficiaries of international protection), but not to asylum seekers as the latter receive in-kind benefits. Mainly single parents, who are particularly at risk of poverty, are benefiting from this improvement. One of the core objectives of the means-tested minimum-income scheme is to (re)integrate marginalised groups into the labour market.

#### **IV. Educational measures**

196. The core elements of the Austrian education policy are education and training for everyone, increase of knowledge, abilities and skills, recognition of individual performance and promotion of value-oriented personal development. Education means promotion of creativity, social competence, intercultural understanding, tolerance and democracy, which is strengthened primarily through political education. Primary and secondary schools have to ensure the highest possible level of education for everyone. Children and young adults in Austria should receive the best possible education. On the basis of equal opportunity and gender equality the school has to ensure non-discriminatory development for children with different family backgrounds and cultural origins.

197. Austria has taken comprehensive measures in the field of adult education to give people a second chance to obtain school qualifications. Another focus is on basic education for adults, in particular for migrants, and the acquisition of key qualifications to improve professional opportunities; a network to promote literacy and individual counselling for migrants has been established.

#### **V. Health care**

198. The Federal Government is committed to a strong public health system and to guaranteeing high-quality medical care for everyone in Austria, irrespective of income, age, origin, religion, gender, language, colour, sexual or political orientation, disability or social affiliation. To increase patient safety, the Austrian Federal Government supports a joint initiative of Austrian doctors and other health care professionals for the implementation of a national error reporting and learning system for the Austrian health care system, which has been publicly accessible online since November 2009.

199. In 2011 10 health targets were formulated by all relevant stakeholders in a broad and participative process (involving more than 40 stakeholders from relevant institutions and civil society). In 2012 these targets were approved by the Federal Health Commission (*Bundesgesundheitskommission*). In 2013 the Federal Government included the targets in its current working programme. The targets aim to prolong the healthy life years of the Austrian population over the coming 20 years (until 2032), irrespective of the level of education, income or personal living conditions.

#### **VI. Long-term care (Pflegegeld)**

200. In 1993, universal coverage of a tax-financed long-term care allowance was introduced to fund long-term care. The long-term care system combines cash and in-kind benefits. It enables persons in need to remain at home for as long as possible and to live independent lives. If necessary, 24-hour care in private households is provided.

201. The allowance is the core of the system and granted regardless of the reasons for care needs or the income or assets of the person concerned. The allowance provides flat-rate compensation for additional costs caused by care requirements and is granted at seven levels according to the extent of care required, ranging from € 157.30 (level 1) to € 1,688.90 (level 7). In 2013, around 5 percent of Austria's population received this allowance.

202. In 2011, the long-term care fund was introduced in Austria. The grants from this fund are aimed at securing the availability and sustainability of long-term care services, which are provided by the regions (*Länder*) and municipalities in cooperation with non-profit organisations. The long-term care fund sets priorities for the nationwide expansion of mobile services and is primarily used for non-stationary services. Between 2011 and 2016 a total of € 1,335 billion was transferred for this purpose (2/3 by the Federal State and 1/3 by the *Länder* and municipalities).

203. Today, the long-term care system also comprises the care leave benefit to support family carers to better coordinate work and care by taking care leave or part-time care. The care leave benefit depends on the applicant's income.

## **VII. Integration**

204. The State Secretariat on Integration was created in 2011 and incorporated into the Foreign Ministry in March 2014, changing its name to the Federal Ministry for Europe, Integration and Foreign Affairs and thus being identified as a primary responsibility of the Federal Government. This facilitated the use of new synergies and shows how this subject matter has become an important socio-political element in Austria. Since the National Action Plan on Integration entered into force in 2010 a great deal of progress has been made on the subject of integration, both structurally and in substance. The underlying concept of "Integration from the very beginning" has been pursued since 2012. An Expert Council and an Integration Advisory Council have been established in order to evaluate and further develop the ongoing integration measures, and also include representatives of civil society. Scientifically developed integration indicators can be used to quantify the success of the integration process. In January 2016, "50 Action Points — A Plan for the Integration of Persons Entitled to Asylum or Subsidiary Protection in Austria" was issued by the Government in order to develop social framework conditions that enable the best-possible integration of refugees without releasing them from their responsibility to undertake integration effort. Both the measures taken and the implementation status are described in detail in the integration reports, which are published annually and are publicly available.

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