

Mapping child protection systems in the EU (27)

Austria

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1. Legislative and regulatory framework and policies

1.1. Overview of normative and regulatory framework

Please provide an overview of the normative legal and regulatory framework of the national and sub-national child protection system. Include information on the scope of the child protection system, the specific needs it addresses, the human and financial resources allocated, and any relevant cultural, social, and historical factors. Please indicate the current priority areas in child protection.

In Austria, the normative and regulatory framework of the child protection system is characterised by the historically grown federalism and the resulting distribution of competences between the federal government and the nine provinces, which was still changing until recently. Overall, this leads to a considerable fragmentation of the child protection system.

The competences under federal law are concentrated on child protection in the context of court proceedings for young people as defendants, victims and witnesses. Important child protection policy measures at national level focus on children with disabilities (National Action Plan on Disability 2022-2023) and on compulsory education for all young people up to 18 years of age (youth coaching). With the establishment of the Child Protection Committee at the federal level, a further focus in child protection has recently been placed on the best interests of the child in asylum and alien law. Since a major constitutional amendment on 1 January 2020, the legislative competence for the focal area of child and youth welfare lies with the nine provinces.

The strong fragmentation of competences makes it impossible to give precise information on the human and financial resources deployed at these levels.

1.2. Legal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection

Question	YES	NO	Comments
1.2.1. Does the constitution contain any provisions on children's rights and child protection?	X		The Federal Constitutional Act on the Rights of Children (<i>Bundesverfassungsgesetz über die Rechte der Kinder</i>) ¹ entered into force in February 2011.
1.2.2. Is there a single legal instrument devoted to child protection and child rights, e.g. a Children's Act?		X	The Austrian legal order provides comprehensive child protection at both constitutional and ordinary law level and at both federal and provincial level (cf. e.g. the provisions related to children in need of protection below point 1.2.3.)

¹ Austria, Federal Constitutional Act on the Rights of Children (*Bundesverfassungsgesetz über die Rechte von Kindern*) Federal Law Gazette I No. 4/2011.

1.2.3. Please provide an inventory of key child protection related legislation, including hyperlinks, date of adoption and the areas covered. Please include civil, criminal, and administrative legislation covering different areas of child protection (please add rows, as needed).

Legislation	Date passed	Child protection areas covered
<p>The Federal Constitutional Act on the Rights of Children (<i>Bundesverfassungsgesetz über die Rechte von Kindern</i>)²</p>	<p>15 February 2011</p>	<p>Entitlement to the protection and care that is necessary for the child’s well-being and to optimal development and self-realisation as well as to the protection of his/her interests with regards to intergenerational equity; the well-being of the child shall be the primary consideration in respect of all measures affecting children that are taken by public and private institutions;</p> <p>entitlement to personal relations and direct contacts with both parents on a regular basis unless this is detrimental to the well-being of the child;</p> <p>entitlement to special protection and support of the state in case of permanent or temporary separation from his/her family surroundings;</p> <p>prohibition of child labour;</p> <p>right to adequate involvement and consideration of his/her opinion regarding all matters affecting the child in a manner that is commensurate with his/her age and development;</p> <p>right to non-violent education; prohibition of corporal punishment;</p> <p>right to protection against commercial and sexual exploitation;</p> <p>right to adequate compensation and rehabilitation for child victim of violence or exploitation;</p> <p>entitlement of children with disability to protection and care that meets his/her special needs;</p> <p>ensuring of equal treatment of disabled and non-disabled children in all areas of daily life.</p>

² Austria, Federal Constitutional Act on the Rights of Children ([Bundesverfassungsgesetz über die Rechte von Kindern](#)), Federal Law Gazette I No. 4/2011.

Federal Constitutional Law (<i>Bundes-Verfassungsgesetz</i>) ³	1930, last amended in 2022.	The Federal Constitutional Act stipulates in terms of competence that the protection of children and young people is the responsibility of the provinces in terms of both legislation and implementation.
Austrian Civil Code (<i>Allgemeines Bürgerliches Gesetzbuch</i>) ⁴	17 October 1856, last amended by Federal Law Gazette I No. 145/2022.	<p>Best interest of the child: § 138 Austrian Civil Code is the main provision laying down the best interest of the child as a centrepiece of the relationship between parents or other guardians and children. The Austrian Civil Code lists twelve criteria for assessing the best interests of the child. These are, among others, adequate care, careful upbringing, care, health, and consideration of the opinion and developmental possibilities of the child. With regard to violence the following aspects are mentioned: the avoidance of the risk for the child to suffer assaults or violence or to witness it on important caregivers.</p> <p>Care and guardianship: The responsibility for bringing up and caring for their children rests primarily with the parents. They must promote the welfare of their children, provide them with care, security and a careful upbringing (§ 137 Austrian Civil Code). Parents therefore have guardianship of their children, which includes care and education, administration of property and representation in all other matters (§ 158 Austrian Civil Code). If the behaviour of the parents endangers the welfare of the child, a court can withdraw or restrict the guardianship of the parents (§ 181 Austrian Civil Code).</p> <p>§§ 158 et seqq. Austrian Civil Code: provisions on guardianship of parents.</p> <p>§§ 204 et seqq. Austrian Civil Code: provisions on guardianship of other persons.</p> <p>§§ 207 et seqq. Austrian Civil Code: tasks of the child and youth welfare authority.</p>

³ Austria, Federal Constitutional Law ([Bundes-Verfassungsgesetz](#)), Federal Law Gazette No. 1/1930.

⁴ Austria, Austrian Civil Code ([Allgemeines Bürgerliches Gesetzbuch](#)), RGBI. No. 217/1895.

<p>Federal Child and Youth Welfare Act (<i>Bundes-Kinder- und Jugendhilfegesetz, B-KJHG 2013</i>)⁵</p>	<p>Last amended in October 2019.</p>	<p>Aspects of child and youth welfare regulated by federal law, such as notification obligations, administrative assistance, tax exemptions and federal co-financing of research and statistics.</p> <p>Cooperation: § 37 Federal Child and Youth Welfare Act obliges courts, authorities and organs of public supervision, facilities for the care or education of children and juveniles, facilities for psychosocial counselling, private facilities for child and juvenile welfare, hospitals and convalescent homes, and facilities for home nursing to immediately submit a written report to the locally competent child and youth welfare authority, if, in the course of a professional activity, there is reasonable suspicion that children or young people are being or have been abused, tormented, neglected or sexually abused, or that their well-being is at considerable risk in some other way, and this concrete considerable risk to a particular child or young person cannot be prevented in any other way. § 38 Federal Child and Youth Welfare Act obliges the organs of the Federation, the provinces, the associations of municipalities, the municipalities and the social insurance institutions to assist the child and youth welfare authorities in the fulfilment of their tasks.</p>
<p>9 Provincial Child and Youth Welfare Acts:</p> <p>Lower Austria Child and Youth Welfare Act (<i>NÖ Kinder- und Jugendhilfegesetz</i>)⁶</p> <p>Upper Austria Child and Youth Welfare Act 2014 (<i>Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014</i>)⁷</p> <p>Salzburg Child and Youth Welfare Act (<i>Salzburger Kinder- und</i></p>	<p>Adopted mainly in 2013, last amended until 2023.</p>	<p>Organisation of the child and youth welfare on provincial level (responsibilities, personnel, documentation, etc.); services of child and youth welfare (regulations on system services such as statistics, public relations; preventive assistance, educational assistance; socio-educational facilities, foster care; participation in adoption; child and youth ombudsman; regulations on bearing costs).</p>

⁵ Austria, Federal Child and Youth Welfare Act ([Bundes-Kinder- und Jugendhilfegesetz 2013, B-KJHG 2013](#)), Federal Law Gazette I No. 69/2013.

⁶ Lower Austria Child and Youth Welfare Act ([NÖ Kinder- und Jugendhilfegesetz \(NÖ KJHG\)](#)), LGBl. 9270-0.

⁷ Upper Austria Child and Youth Welfare Act 2014 ([Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014](#)), LGBl. No. 30/2014.

<p><u>Jugendhilfegesetz – S.KJHG</u>⁸</p> <p>Carinthia Child and Youth Welfare Act, (<u>Kärntner Kinder- und Jugendhilfegesetz – K-KJHG</u>).⁹</p> <p>Burgenland Child and Youth Welfare Act (<u>Burgenländisches Kinder- und Jugendhilfegesetz - Bqld. KJHG</u>)¹⁰</p> <p>Styria Child and Youth Welfare Act (<u>Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG</u>)¹¹</p> <p>Tyrol Child and Youth Welfare Act (<u>Tiroler Kinder- und Jugendhilfegesetz – TKJHG</u>)¹²</p> <p>Vienna Child and Youth Welfare Act (<u>Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013</u>)¹³</p> <p>Vorarlberg Child and Youth Welfare Act (<u>Gesetz über die Kinder- und Jugendhilfe</u>)¹⁴</p>		
<p>Agreement pursuant to Article 15a of the Federal Constitution on child and youth welfare¹⁵</p>	<p>1 January 2020</p>	<p>The Federal Government and the provinces agreed to maintain and further develop the previous level of protection in matters of child and youth welfare.</p>

⁸ Salzburg Child and Youth Welfare Act (Salzburger Kinder- und Jugendhilfegesetz – S.KJHG), LGBl. No. 32/2015.

⁹ Carinthia Child and Youth Welfare Act (Kärntner Kinder- und Jugendhilfegesetz – K-KJHG), LGBl. No. 83/2013.

¹⁰ Burgenland Child and Youth Welfare Act (Burgenländisches Kinder- und Jugendhilfegesetz - Bqld. KJHG), LGBl. No. 62/2013.

¹¹ Styria Child and Youth Welfare Act (Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG), LGBl. No. 138/2013.

¹² Tyrol Child and Youth Welfare Act (Tiroler Kinder- und Jugendhilfegesetz – TKJHG), LGBl. No. 150/2013.

¹³ Vienna Child and Youth Welfare Act (Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013), LGBl. No. 51/2013.

¹⁴ Vorarlberg Child and Youth Welfare Act (Gesetz über die Kinder- und Jugendhilfe), LGBl. No. 29/2013.

¹⁵ Austria, Agreement pursuant to Article 15a of the Federal Constitution on child and youth welfare (Vereinbarung gemäß Artikel 15a B-VG über die Kinder- und Jugendhilfe), LGBl. No. 149/2019.

Federal Act on Hospitals and Health Centres (<i>Bundesgesetz über Krankenanstalten und Kuranstalten</i>) ¹⁶ and implementing provincial laws	1957, last amended in 2022.	§ 8e Federal Act on Hospitals and Health Centres: establishment of child and victim protection groups in hospitals
School Education Act (<i>Schulunterrichtsgesetz</i>) ¹⁷	1986, last amended in 2022.	§ 47 (3) Corporal punishment, insulting remarks and collective punishment are prohibited.
Child and Youth Employment Act 1987 (<i>Kinder- und Jugendlichen-Beschäftigungsgesetz 1987</i>) ¹⁸	1987, last amended in 2022.	§ 22 (1) Child and Youth Employment Act 1987: Prohibition of corporal punishment or significant verbal abuse.
Security Police Act (<i>Sicherheitspolizeigesetz</i>) ¹⁹ and Act on the Enforcement of Judgments (<i>Exekutionsordnung, EO</i>) ²⁰	1987, last amended in 2022.	<p>According to § 38a Security Police Act organs of the public security service are authorised to issue a prohibition of entry and approach order for the purpose of protection against violence. If the person at risk is a minor, the organs of the public security service are not only obliged to inform the person at risk about the possibility of a temporary injunction according to §§ 382b and 382e Act on the Enforcement of Judgments and suitable victim protection facilities, but also to inform those people in whose care he/she is regularly in about the order of a prohibition of entry and approach, if this appears necessary in the individual case and, if a minor lives in the flat covered by the prohibition of entry, to immediately inform the locally competent child and youth welfare office about the order of a prohibition of entry and approach.</p> <p>According to § 382h (2) Act on the Enforcement of Judgments the content of the decision on an application for an interim injunction to protect against violence or to protect privacy, and of an order</p>

¹⁶ Austria, Federal Act on Hospitals and Health Centres (*Bundesgesetz über Krankenanstalten und Kuranstalten - KAKuG*), Federal Law Gazette No. 1/1957.

¹⁷ Austria, School Education Act (*Bundesgesetz über die Ordnung von Unterricht und Erziehung in den im Schulorganisationsgesetz geregelten Schulen, Schulunterrichtsgesetz – SchUG*), Federal Law Gazette No. 472/1986.

¹⁸ Austria, Child and Youth Employment Act 1987 (*Bundesgesetz über die Beschäftigung von Kindern und Jugendlichen 1987, Kinder- und Jugendlichen-Beschäftigungsgesetz 1987 – KJBG*), Federal Law Gazette No. 599/1987.

¹⁹ Austria, Security Police Act (*Bundesgesetz über die Organisation der Sicherheitsverwaltung und die Ausübung der Sicherheitspolizei, Sicherheitspolizeigesetz – SPG*), Federal Law Gazette No. 566/1991.

²⁰ Austria, Act on the Enforcement of Judgments (*Exekutionsordnung, EO*), RGBl. No. 96/1896.

		annulling the interim injunction, must be immediately communicated to the child concerned and to the competent youth welfare institution and the guardianship court, if the court file indicates that a minor person resides in the apartment covered by the interim injunction.
Criminal Code (<i>Strafgesetzbuch</i>) ²¹	1974, last amended in 2023.	The criminal law criminalises, among others, assault, dangerous threat, rape, coercion, sexual abuse of minors, abuse of a relationship of authority, stalking, forced marriage, insults and defamation committed directly or through the internet.
Code of Criminal Procedure 1975 (<i>Strafprozessordnung 1975</i>) ²²	1975, last amended in 2023.	<p>§ 66 (2) Code of Criminal Procedure: psychosocial and legal process support.</p> <p>This means that victims are informed by trained professionals from a number of institutions (including child protection centres as well as in the intervention centre or all violence protection centres against violence in the family) about possible steps to take after incidents of violence. Psychosocial support during legal proceedings includes the victim's preparation for the proceeding and the emotional burden caused thereby as well as supportive accompaniment to the police, court, court experts and lawyers. In the legal process support, those affected by violence receive legal advice from a lawyer and are represented in court. These support services are financed by the Federal Ministry of Justice. The quality standards contain, among other things, specifications regarding the requirement profile of legal process facilitators with the listed qualifications.</p> <p>Victims of sexual offences, underage victims and victims for whose protection a prohibition of entry and approach could be issued for protection against violence according to § 38a (1) National Security Police Act) are also considered "victims in need of special protection" (§ 66a Code of Criminal Procedure) and have additional rights in criminal proceedings. These include:</p>

²¹ Austria, Criminal Code ([Bundesgesetz vom 23. Jänner 1974 über die mit gerichtlicher Strafe bedrohten Handlungen, Strafgesetzbuch – StGB](#)), Federal Law Gazette No. 60/1974.

²² Austria, Code of Criminal Procedure 1975 ([Strafprozeßordnung 1975 - StPO](#)), Federal Law Gazette No. 631/1975.

		<ul style="list-style-type: none"> • the interrogation must be conducted by a person of the same sex, if possible, at the request of the victim, • to require that interpretation services are provided by a person of the same sex during questioning of the victim in the preliminary proceedings and in the main hearing, if possible, • to refuse to answer specific questions as far as they go into detail of the criminal act and the victim considers the answer unbearable, or which concern circumstances of the victim's intimately personal area of life, • the public can be excluded from the main hearing, • upon request, to be interviewed during the investigation and the trial phase in a protecting manner (§§ 165, 250 (3) Code of Criminal Procedure), namely a minor victim who could have been injured in his or her sexual sphere by the offence the accused person is charged with, in any event in the manner described in § 165 (3) Code of Criminal Procedure, if necessary, by an expert, • to be immediately informed ex officio of the release or escape of the accused person from custody and provisional custody (§§ 172 (4), 177 para 5, 181a Code of Criminal Procedure), • to be interviewed in the presence of a person of his/her trust (§ 160 (2) Code of Criminal Procedure), • to be notified of their special rights prior to their initial interrogation (§ 70 (1) Code of Criminal Procedure).
Juvenile Courts Act (<i>Jugendgerichtsgesetz</i>) ²³	Act 1988, last amended in 2023.	The Juvenile Courts Act regulates the special features of juvenile criminal proceedings.

²³ Austria, Juvenile Courts Act (*Jugendgerichtsgesetz 1988 – JGG*), Federal Law Gazette No. 599/1988.

Federal Office for Immigration and Asylum Procedures Act (<i>BFA-VG</i>) ²⁴	2014, last amended in 2022	<p>The best interest of the child is taken into account in all steps of the international protection procedure – from arrival and application for asylum in Austria to the final decision on the right of residence.</p> <p>Unaccompanied minors are provided with a legal representative to safeguard their rights in the asylum procedure as soon as they apply for asylum. It also follows from the principle of the best interest of the child that children may only be interviewed by the Federal Office for Immigration and Asylum (BFA) in the presence of their parent/legal guardian or a provided legal representative.</p>
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1.3. Policy framework

Question	YES	NO	Comments
<p>1.3.1. Is there a specific national or sub-national policy framework and/or a national or sub-national strategy on child rights and/or child protection? <u>If yes</u>, does it require an integrated approach to child protection?</p>	x		<p>With the decision of the Federal Government of 30 September 2020, 28 "Austrian Youth Goals" of all Federal Ministries were adopted. As of 8 September 2021, 5 more youth goals followed.</p> <p>Each youth goal is assigned to a field of action of the Austrian Youth Strategy. The Austrian Youth Strategy was developed as an ongoing process to bundle youth policy efforts in order to meet current requirements.</p> <p>Four topics have priority strategic importance for youth policy in Austria. They have therefore been defined as fields of action of the Youth Strategy: They indicate the direction in which the joint efforts must go.</p> <p>These are</p> <ul style="list-style-type: none"> • Education and employment • Participation and involvement • Quality of life and togetherness • Media and information <p>Corresponding goals were developed for the fields of action.²⁵</p>

²⁴ Austria, Federal Office for Immigration and Asylum Procedures Act (*BFA-Verfahrensgesetz – BFA-VG*), Federal Law Gazette I No. 87/2012.

²⁵ Austria, Federal Chancellery (2022), *Handlungsfelder der Österreichischen Jugendstrategie - Bundeskanzleramt Österreich*, Vienna.

		<p>The Youth Strategy does not require an integrated approach to child protection. The protection of young people is the responsibility of the federal states. As a general rule, young people must always comply with the respective regulations of the federal state in which they are currently staying. In case of violations of the youth protection laws, adults are subject to fines and at most to substitute custodial sentences, while young people are subject to obligatory counselling sessions and, under certain circumstances, to fines.²⁶</p> <p>The Austrian Youth Goals do neither address the risk of sexual exploitation nor child protection. The youth goals focus on work, education and participation.</p> <p>At the sub-national level, the City of Vienna aims to make Vienna the world's best city for children and young people to live in. The route towards achieving this goal is laid out in the Children and Youth Strategy for Vienna (2020-2025), which defines 9 objectives and 193 measures addressing all fields of local policy. The aim is to ensure that children and young people feel comfortable, can develop freely and have a say in important decisions for the future.</p> <p>The Children and Youth Strategy for Vienna is therefore a tool for the sustainable implementation of the Convention on the Rights of the Child.</p> <p>The four fields of action of the Austrian youth strategy (education and employment, participation and commitment, quality of life and togetherness, media and information) are also addressed within different objectives of the Children and Youth Strategy for Vienna. The measures relevant to child protection are dealt within the objective "Safety and security".</p>
1.3.2. Are there national or sub-national plans for action or policies targeting specific groups of children or particular areas, e.g. children with disabilities, children in care?	x	<p>No, there are no specific action plans dedicated to children. However, specific groups of children are targeted in other NAPs, such as the NAP Disability. The National Action Plan Disability contains a sub-chapter on children and the youth, including support and protection measures for children in institutions, foster care and the protection against violence.²⁷</p>

²⁶ Austria, Federal Chancellery (2022), [Jugendschutz - Bundeskanzleramt Österreich](#), Vienna.

²⁷ Austria, Federal Ministry for Social Affairs, Health, Care and Consumer Protection (2022), [Nationaler Aktionsplan Behinderung in Österreich \(sozialministerium.at\)](#), Vienna, pp. 14-17.

<p>1.3.3. Are there national or sub-national child protection policies regarding children in the digital space and when using online media?</p>	<p>x</p>	<p>Media and information competence is a separate field of action in the Youth Strategy. The following goals are mentioned in the strategy:</p> <ul style="list-style-type: none"> - Participatory and target group-oriented processing and dissemination of information. - Develop media and information literacy among young people in order to strengthen participation in social dialogue. - Young people are strengthened in their resilience to anti-democratic and extremist influence from within and outside Germany. - In the classroom, young people's digital competences and qualifications are expanded and their media literacy is strengthened so that young people leave the education system with those competences that enable them to use technology. - Provide young people with the knowledge and skills that will enable them to move consciously and safely in the digital environment. - The Internet and its dangers - supporting young people in the responsible use of digital media.²⁸ <p>There are no specific policies fighting the sexual abuse of children on the internet.</p> <p>In Vienna special guidelines have recently been developed, for example for youth work in Vienna (The City of Vienna's guidelines for digital child and youth work).</p>
<p>1.3.4. Is there a (regular) child participation policy and/or mechanism and/or body related to child rights and/or other child-related governance at national or sub-national level to ensure children have a (direct) voice in or can indirectly influence policy making, e.g. children's rights forum, child surveys, child participation platform? If yes, are appropriate child protection and safety measures in place?</p>	<p>x</p>	<p>Coordinator of the youth strategy is the Competence Centre Youth in the Federal Chancellery. The main task of the Competence Centre is the overall coordination and strategic development of the Austrian Youth Strategy. This includes the following tasks, among others:</p> <ul style="list-style-type: none"> - Participatory further development of the youth strategy - Supporting other ministries in developing participatory processes - Reporting and information measures on the youth strategy

²⁸ Austria, Federal Chancellery (2022), [Handlungsfelder der Österreichischen Jugendstrategie - Bundeskanzleramt Österreich](#), Vienna.

		<p>- Coordination of the youth strategy with all relevant stakeholders²⁹</p> <p>No, there are no explicit child protection and safety measures in place. The Competence Centre Youth in the Federal Chancellery does not consist of representatives of children and young people. However, its work and mandate foresees participation mechanisms for children and the youth when it comes to the further development of the youth strategy.³⁰</p> <p><u>The Austrian National Youth Council (<i>Bundes-Jugendvertretung - BJV</i>)</u></p> <p>This body is the official and legally established representative body of children and youth (until the age of 30) in Austria and together with their 59 member organisations it advocates for interests of young people, is led by young people and receives public funding. The BJV has a protection-concept for the protection and safety of children for many years.</p> <p><u>Federal Pupils' Representative Council (<i>Bundesschülervertretung - BSV</i>)</u></p> <p>This body is representing the interests of 1.1 million pupils in Austria and is newly elected at the beginning of every school year.</p> <p><u>Youth Advisory Board in the EU Safe Places Project (<i>Der Jugendbeirat von Safe Places</i>)</u></p> <p>This advisory board consists of children and young people from organisations that are currently developing or implementing child protection guidelines dealing with issues such as the actual current need of children and young people, the ongoing improvement of the guidelines and ways of involving children.</p>
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1.4. Particular groups of children: information on legislative and policy developments (if any) related to their protection

Please report on any significant developments in the last five years and comment briefly.

When answering you should consider all relevant civil, criminal, and administrative legislation, including regulations, ordinances, codes, ministerial decisions. On policy developments please include any relevant action plan, protocol, procedure, or guidance issued by competent authorities. Please always specify how

²⁹ Austria, Federal Chancellery (2022), [Kompetenzzentrum Jugend - Bundeskanzleramt Österreich](#), Vienna.

³⁰ Austria, Federal Chancellery (2022), [Kompetenzzentrum Jugend - Bundeskanzleramt Österreich](#), Vienna.

children’s participation in any respective judicial (civil, criminal, and administrative) proceedings are regulated and supported (e.g. procedural safeguards to be in place, ensuring children’s right to be heard).

1.4.1. Children victims of abuse, exploitation, or neglect

In the areas of online and offline sexual abuse, pornography, exploitation and child labour, trafficking; domestic violence and gender-based violence including harmful practices, such as genital mutilation, child/forced marriage, honour-related violence; abuse or discrimination; ICT and cyber bullying; school bullying; neglect and children at risk of abuse and neglect, including street children (begging or selling things)

Policy developments	Legislative developments
<p>The federal government has introduced a package of measures to protect children and young people from violence with a focus on sexual violence in January 2023. The package includes a seal of quality for institutions that follow a child protection concept according to international standards, more financial resources for victim support, an increase in the number of criminal investigation services in the field of child abuse and a significant increase in penalties. The details as well as the time period of implementation remain open, but according to the Federal Minister of Justice, a concrete legislative text is to be submitted to parliament in the first half of 2023.³¹</p>	<p>The Protection against Violence Act 2019³², which entered into force on 1 January 2020, introduced far-reaching changes for the protection against violence that also affect children. With this amendment, a total of 25 laws were changed. The main changes are listed below:</p> <p><i>Security Police Act (Sicherheitspolizeigesetz)</i>:³³ The Security Police Act now provides for a ban on entering the home (including a radius of 100m) and a person-related ban on approaching the person at risk (100m distance to the person at risk) instead of the previous ban on entering the school/kindergarten/day care centre. This is intended to prevent the endangering person from approaching the endangered person. Preventive protection also covers, for example, the workplace or the way to work of the person at risk.</p> <p>The Security Police Act now also provides a legal basis for convening “case conferences” under the direction of the police.</p> <p>The mandatory “violence prevention counselling” by suitable violence prevention centres has been introduced for cases in which a prohibition to enter and approach has been ordered. Accordingly, the person posing a threat has to make an appointment</p>

³¹ Austrian Broadcasting Corporation (2023), [Härtere Strafen und Opferschutz: Maßnahmenpaket gegen Kindesmissbrauch](#), 25 January 2023.

³² Austria, Protection against Violence Act 2019 ([Gewaltschutzgesetz 2019](#)), Federal Law Gazette I No. 105/2019).

³³ Austria, Security Police Act ([Bundesgesetz über die Organisation der Sicherheitsverwaltung und die Ausübung der Sicherheitspolizei, Sicherheitspolizeigesetz – SPG](#)), Federal Law Gazette No. 566/1991.

for counselling within five days after the order banning entry and approach has been issued.

Act on the Act on the Enforcement of Judgments (*Exekutionsordnung, EO*)³⁴: An interim injunction can now also include a prohibition of approach in line with the above-mentioned amendments to the Security Police Act. Accordingly, the defendant can be prohibited from approaching the endangered person or places to be specifically designated within a certain radius. An explicit coverage of cyberbullying has also been made with regard to the anti-stalking order. Accordingly, it can be prohibited to make or keep facts or images of the most personal sphere of life or violations of the honour or privacy of the endangered party perceptible to a larger number of people without his or her consent by means of telecommunications or by using a computer system. The child and youth welfare services can now also issue anti-stalking orders for minors.

Since the overall reform of the Act on the Enforcement of Judgments³⁵ in force since 1 July 2021, the locally competent child and youth welfare agency as well as the guardianship court shall be informed without delay of the content of the order deciding on an application for an interim injunction for protection against violence or for protection against interference with privacy, and of an order revoking the interim injunction, if one of the parties is a minor or if it is evident from the file that a minor lives in the flat covered by the interim injunction according to §382h Act on the Enforcement of Judgments.

Since 1 July 2022, courts may order a violent offender to participate in a violence prevention counselling. The application presupposes that in the proceedings concerning the protection against domestic violence (§ 382b EO) and the general protection against violence (§ 382c EO), the court has issued an interim injunction and that the defendant has not yet participated in violence prevention counselling under the Security Police Act. The offender concerned must contact a

³⁴ Austria, Act on the Enforcement of Judgments (*Exekutionsordnung, EO*), RGBI. No. 96/1896.

³⁵ Austria, Overall reform of the Act on the Enforcement of Judgments (*Gesamtreform des Exekutionsrechts*), Federal Law Gazette I No. 86/2021.

counselling centre to arrange counselling within five days after the injunction has been issued and actively participate in counselling on violence prevention. The consultation must start within 14 days after the contact.

Stricter penalties have been enshrined in the Criminal Code (*Strafgesetzbuch*),³⁶ for example: increase in the upper penalty limits for intentional criminal acts against life and limb, freedom and life, liberty and sexual integrity in the case of a qualified recidivism; introduction of minimum penalties in the sense of lower penalty limits for certain intentional criminal offences involving the use of force and dangerous threats; exclusion of conditional leniency and increase of the minimum sentence from one to two years for rape. Also, further aggravating circumstances were added to the Criminal Code. The most important one is that it is aggravating if the offence is committed by a person of full age against a minor or if the act is perceptibly directed against a person close to the minor. With regard to stalking, an increase of the penalty range to three years has been established if the victim is persistently persecuted for more than one year. In addition, someone who posts photos (with defamatory text) in the victim's living or working environment, for example on house walls or cars, can also be punished. A tightening of the threats of punishment has also been enacted in the case of continued use of violence. In addition, it was legally defined that female genital mutilation (FGM) always causes grievous bodily harm according to § 85 Criminal Code.

During questioning in preliminary proceedings and in the main hearing, victims can now demand that interpretation is provided by a person of the same sex if possible. Particularly vulnerable victims were explicitly included in § 250 (3) Code of Criminal Procedure which allows questioning in a manner set out in § 165 (3) Code of Criminal Procedure in the main hearing (adversarial interview of a witness in order to avoid secondary victimisation and the direct contact of the witness with the defendant). In addition, it was clarified that witnesses who meet the criteria listed in § 66a Code of Criminal

³⁶ Austria, Criminal Code ([Bundesgesetz vom 23. Jänner 1974 über die mit gerichtlicher Strafe bedrohten Handlungen, Strafgesetzbuch – StGB](#)), Federal Law Gazette No. 60/1974.

Procedure may be interviewed adversely (§ 165 (3) Code of Criminal Procedure) upon their request or upon the request of the public prosecutor's office. § 70 Code of Criminal Procedure on the victims' right to information has been restructured for better clarity. In addition, a postponement of the information to the victim should now only be permissible if there are special reasons to fear that the purpose of the investigations would otherwise be jeopardised.

It was also clarified that victims have the right to receive a written confirmation of their report and the transcript of their interview free of charge. The Criminal Records Act has been amended with the intention of further protecting vulnerable persons. For example, a new Certificate of Criminal Records (*Strafregisterauszug*) was provided for persons who want to carry out a certain professional or organised voluntary activity, which mainly comprises the care and support of vulnerable persons (*"Strafregisterbescheinigung Pflege und Betreuung"*).

By amending twelve legal provisions on confidentiality obligations the reporting and notification obligations for various health professionals, such as psychologists and psychotherapists and paramedics, were introduced. An obligation to report rape was also introduced for doctors. In other laws for health professionals, corresponding obligations to report were introduced for the first time ever (e.g. Psychotherapy Act), existing ones were adapted according to the provision in the Medical Act. The obligation to report exists, among other things, in cases of reasonable suspicion that death, serious bodily injury or rape has been caused by a criminal offence or that children or adolescents are being or have been abused, tortured, neglected or sexually abused, even if this information was disclosed to relatives under conditions of confidentiality. Exceptions to the obligation to report exist, for example, if reporting would contradict the express will of a patient who has reached the age of majority, provided there is no immediate danger to that person or to another person and the clinical forensic evidence has been medically secured.

§ 37 (1a) Federal Child and Youth Welfare Act (*Bundes-Kinder- und Jugendhilfegesetz, B-KJHG*)

2013)³⁷ has been introduced. According to this provision the hospital shall immediately notify the locally competent child and youth welfare agency in writing, if - in the course of carrying out a professional activity in the context of birth or birth registration in a hospital - there is a reasonable suspicion that the welfare of a child whose mother has been the victim of female genital mutilation is at considerable risk, and if this concrete considerable risk to the child cannot be prevented in any other way.

On 1 January 2021, the “Hate on the Net” legislative package³⁸ came into force, which has various impacts also for children.³⁹ The law provides more effective protection against hate postings on the Internet. With this package of measures, it was made clear that the Internet is not a lawless space, but that our rule of law also applies here. Even before the package of laws came into force, hate postings could fulfil various punishable offences and trigger claims under civil law and media law. However, the legislative package has expanded the claims and made it much easier for those affected to enforce the law. The following is an overview of the most important measures of the legislative package:

Judicial deletion of hate postings by means of a default action: Postings that violate human dignity can now be deleted quickly due to amendments to § 549 Civil Procedures Code (*Zivilprozessordnung*)⁴⁰. For this purpose, it is possible to obtain an injunction from the district court without a prior hearing.

Facilitated investigation of perpetrators of private prosecution offences: Typical hate postings usually fulfil the criminal offences of “Criminal defamation” (§ 111 Criminal Code), “Accusation of prior offences

³⁷ Austria, Federal Child and Youth Welfare Act ([Bundes-Kinder- und Jugendhilfegesetz 2013, B-KJHG 2013](#)), Federal Law Gazette I No. 69/2013.

³⁸ Austria, Combat-Hate-on-the-Internet-Act ([Hass-im-Netz-Bekämpfungsgesetz, HiNBG](#)), Federal Law Gazette I No. 148/2020.

³⁹ Austria, Federal Ministry of Justice (*Bundesministerium für Justiz*), Website on [Hate on the net](#).

⁴⁰ Austria, Civil Procedure Code ([Gesetz vom 1. August 1895, über das gerichtliche Verfahren in bürgerlichen Rechtsstreitigkeiten, Zivilprozessordnung – ZPO](#)), RGBl. No. 113/1895.

that have been served or waived” (§ 113 Criminal Code) or “Insult” (§ 115 Criminal Code). These are private prosecution offences where victims had to investigate perpetrators themselves, usually at great expense. This has been changed through amendments to § 71 Criminal Procedure Code 1975⁴¹. Now the authorities may start investigation of the accused person, if the offence was committed by means of telecommunication or using computer systems, provided this is requested at the regional court.

Elimination of the cost risk for victims: The cost risk in the case of an acquittal or dismissal used to be borne by the victim, who had to pay the legal costs. This was now amended by the Combat-Hate-on-the-Internet-Act through the removal of the private prosecutor's obligation to pay costs in § 390 (1a) Criminal Procedure Code 1975⁴² regarding the offences of “Criminal defamation” (§ 111 Criminal Code), “Accusation of prior offences that have been served or waived” (§ 113 Criminal Code) or “Insult” (§ 115 Criminal Code) if the offence was committed by means of telecommunication or using computer systems with the exception of cases where false accusations were made intentionally.

Improvement of psychosocial and legal support: § 66b (1) Criminal Procedure Code 1975⁴³ now stipulates that psychosocial and legal support (*Prozessbegleitung*) is also to be provided for

- victims of persistent stalking (§ 107a Criminal Code), persistent harassment involving telecommunication or computer systems (§ 107c Criminal Code) and incitement (§ 283 Criminal Code⁴⁴),
- slander (§ 111 Criminal Code), accusation of a judicially punishable offence that has already been dismissed (§ 113 Criminal

⁴¹ Austria, Criminal Procedure Code 1975 ([Strafprozeßordnung 1975, StPO](#)), Federal Law Gazette No. 631/1975.

⁴² Austria, Criminal Procedure Code 1975 ([Strafprozeßordnung 1975, StPO](#)), Federal Law Gazette No. 631/1975.

⁴³ Austria, Criminal Procedure Code 1975 ([Strafprozeßordnung 1975, StPO](#)), Federal Law Gazette No. 631/1975.

⁴⁴ Austria, Criminal Code ([Bundesgesetz vom 23. Jänner 1974 über die mit gerichtlicher Strafe bedrohten Handlungen, Strafgesetzbuch – StGB](#)), Federal Law Gazette No. 60/1974.

Code), insult (§ 115 Criminal Code) and defamation (§ 297 Criminal Code), if it can be assumed on the basis of certain indications that such an offence was committed by means of telecommunications or by using a computer system and

- minors who have witnessed violence in the social environment (violence in the family, violence against children)

Cyberbullying already from the first posting: Previously, insulting, threatening, exposing or harassing a person on the internet was only punishable if it was “continued”. Now, a single act can be enough to be punishable. An example would be posting a nude photo without the consent of the person concerned.

The offence of incitement to hatred has been extended: Incitement and public calls for violence against individuals because of their (for example, ethnic or religious) group affiliation are now included in the offence of incitement. Previously, such attacks had to be directed against the entire population group.

A new criminal offence against unauthorised image recording (so-called “Upskirting”) has also been introduced (§ 120a Criminal Code).

Transparent reporting procedure: On the respective platforms there is a permanently accessible and easily manageable reporting possibility. Reported content must be deleted from the platforms within 24 hours to 7 days, depending on the uniqueness of the criminal content.

Higher damages in media law and higher fines: The Combat-Hate-on-the-Internet-Act introduced higher compensation for violations of personal rights by a media.

Concerning the City of Vienna there has been a recent amendment to the Vienna Kindergarten Act⁴⁵ and the Vienna Day Care Act⁴⁶ by November 2022. These laws regulate the legal standards for

⁴⁵ Vienna Kindergarten Act ([Wiener Kindergartenengesetz, WKGG](#)), LGBl. No. 17/2003.

⁴⁶ Vienna Day Care Act ([Wiener Tagesbetreuungsgesetz, WTBG](#)), LGBl. No. 73/2001.

	<p>early childcare providers in Vienna. It is now required that all of the communal and private kindergartens as well as the parent-organized daycare centers have an obligatory concept of how they provide and ensure child protection within their organizations by the end of 2023. In addition, the adaptations of these laws demand that every early childcare provider has to assign at least one obligatory child protection agent. It will also be necessary that all the staff working in these institutions attend specific further education programs concerning child protection and children's rights. This is one important step to spread awareness concerning children's rights of profound support and protection upon professionals working in the field of ECEC.</p>
<p>1.4.2. Children with disabilities</p> <p>Please include children with learning difficulties, autism, and mental health impairments / psycho-social disabilities, severe chronic illnesses that prevent them e.g. from attending onsite school or sports activities</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>The National Action Plan Disability 2022-2023 includes a topical area on children with disabilities. The objectives and measures focus on protection of children with disabilities, including measures as trainings for judges on the right to personal freedom and restrictions of freedom in care institutions, data collection, simplification of procedures to access funding and many more.⁴⁷</p>	<p>No significant developments to be reported for the reporting period.</p>
<p>1.4.3. Children in the context of migration</p> <p>Specific thematic areas: unaccompanied-separated children from third countries and within the EU; children in undocumented – irregular migrant families; asylum seeking children; refugee children</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>Asylum procedures regarding minors are assigned to appropriately trained employees of the Federal Office for Immigration and Asylum (BFA). In accordance with the Convention on the Rights of the Child and the Austrian Federal Constitutional</p>	<p>No significant developments to be reported for the reporting period.</p>

⁴⁷ Austrian Federal Ministry for Social Affairs, Health, Care and Consumer Protection (2022), [Nationaler Aktionsplan Behinderung in Österreich](#), Vienna.

Act on the Rights of Children, the best interest of the child must always be a primary consideration. Thus, when interviewing a minor, questions are to be adapted to a child- or youth-friendly manner or to the mental development of the minor.

When implementing the corresponding trainings for the BFA, external experts from the Federal Administrative Court, UNHCR and the European Union Agency for Asylum (EUAA) as well as from the psychological, medical and legal fields are consulted in addition to internal experts, thus ensuring a high standard of trainings offered.⁴⁸

On 15 February 2021, the Child Welfare Commission was established in accordance with § 8 of the Federal Ministries Act to advise the Minister of Justice.

The Child Welfare Commission consists of five experts. It is chaired by the former President of the Supreme Court. The commission's task is to review the legal framework conditions for children and their application in the field of asylum and right of abode procedures and to make a Europe-wide comparison. Based on this, it is to develop criteria to ensure the best interests of the child and make recommendations.

The experts from different scientific disciplines deal with the question of how much the central concern of the best interests of the child is taken into account in decisions on asylum and right of residence procedures. With its final report of 13 July 2021, the Child Welfare Commission concluded its work.⁴⁹ Shortly after the publication of the report, a contact judge for child welfare issues was appointed at the Federal Administrative Court (FAC). Together with her team, she serves as the first point of contact for questions related to the examination of the best interests of the child in asylum and aliens law proceedings. Starting in November 2021, numerous interdisciplinary training events were held with internal and external

⁴⁸ Information provided by the Austrian Federal Chancellery, 14 August 2023.

⁴⁹ Austrian Independent Commission for the Protection of Children's Rights and Welfare in Asylum and Aliens Law (2021), Short version of the report ([Kurzfassung des Berichtes](#)), 13 July 2021.

experts in cooperation with national and international refugee organisations.⁵⁰

In July 2022, as the third pillar of the implementation of the recommendations of the Child Welfare Commission, the guideline "Child Welfare in Asylum and Aliens Law" was published for the Federal Administrative Court. This is the result of intensive work by judges of the Federal Administrative Court, taking external suggestions into account. The Guidelines are a "living" document, as the further development of case law requires constant adaptation to legal changes and decisions of the highest courts.⁵¹

Since 1 July 2017, there has been compulsory education in Austria until the age of 18. According to this law, all young people in Austria must be in some kind of education until the age of 18. However, asylum seekers are explicitly excluded from this law. Therefore, the state is not obliged to offer training opportunities for underage asylum seekers. Otherwise, there is no nationwide offer for the education or training of young asylum seekers. Whether and which educational opportunities are available varies greatly from region to region.⁵²

BUNT - Association for the Self-Representation and Support of Refugee Youth in Austria

With the help of Erasmus+ support, the asylum coordination founded an interest group of and for young refugees. It is about participation and political co-determination by and for young refugees.

Young refugees politically represent other refugee youth. The association consists of young people who live in Austria and come from different countries of origin, they elected the board in Tulln, Lower Austria and consists of girls and boys from Afghanistan and Somalia.

It is a place of self-organisation and the organisation has both an "internal" function (in their own peer

⁵⁰ Austrian Independent Commission for the Protection of Children's Rights and Welfare in Asylum and Aliens Law ([Kindeswohlkommission - BMJ](#))

⁵¹ Federal Administrative Court Republic of Austria (*Bundesverwaltungsgericht der Republik Österreich*), 'Guideline "Child Welfare in Asylum and Aliens Law' ([BVwG - Leitfaden „Kindeswohl im Asyl- und Fremdenrecht“](#)), Vienna.

⁵² Asylkoordination Österreich (2022), 'Care and education for refugee orphans' ([Betreuung & Bildung für Fluchtweisen.de](#)), Vienna.

group) and an "external" function (institutional-political). The young people do advocacy work and have been able to prove this at meetings with politicians (members of the National Council and the Federal Council of the SPÖ, Greens, ÖVP, NEOS and Liste Jetzt), UNHCR, other youth organisations and national and international (youth) exchange meetings.

The young people act as multipliers in the peer group and those in the UMF facilities also as multipliers in the facilities.⁵³

For dealing with unaccompanied minors from Ukraine, the same legal framework as for all other unaccompanied minors in the asylum procedure is to be applied. However, according to the Asylum Coordination Austria, there are hardly any arriving. Numerous specific offers are available to displaced Ukrainian children and young people who have fled in Austria, such as a Buddy Programme, summer intensive courses to prepare them for the German language, and leisure activities with networking opportunities for integration. As a rule, children from Ukraine do not arrive unaccompanied. Sometimes, children do not arrive with their parents, but with other families or other relatives. In these cases, the authorities assess whether these children may stay with their persons of trust. But there is neither a specific policy nor data on unaccompanied minors from Ukraine.⁵⁴ However, according to the Federal Ministry of Interior there is data available to unaccompanied minors from Ukraine in reception.⁵⁵

With regard to the field of legal migration, according to § 41a (10) Settlement and Residence Act⁵⁶ unaccompanied minors from a third country, staying in the federal territory, shall be granted a

⁵³ Asylkoordination Österreich (2022), *ASYLKOORDINATION ÖSTERREICH BUNT - Jugend mit Power about*, Vienna.

⁵⁴ Asylkoordination Österreich (2022), 'Foster and host parents for refugee orphans' (*Pflege- und Gasteltern für Fluchtwaisen*), Vienna.

⁵⁵ Information provided by the Federal Ministry of the Interior on 16 June 2023.

⁵⁶ § 41a Settlement and Residence Act 2005 (*Niederlassungs- und Aufenthaltsgesetz*), Federal Law Gazette I No. 100/2005 <https://www.ris.bka.gv.at/NormDokument.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004242&Artikel=&Paragraf=41a&Anlage=&Uebergangsrecht=>.

residence permit „Red-White-Red Card plus“ <i>ex officio</i> or upon founded application despite the existence of certain granting hindrance as well as despite the lack of certain granting requirements.	
<p>1.4.4. Children in alternative care</p> <p>Specific thematic areas: residential – institutional care; foster care; adoption (including international adoption)</p>	
Policy developments	Legislative developments
Nothing new has developed in the reporting period for this report. There is no data available about children fleeing the war in Ukraine from children houses and their adaption in the country alternative facilities. ⁵⁷	Since 1 July 2018, the Nursing Home Residence Act (<i>Heimaufenthaltsgesetz</i>) ⁵⁸ , which regulates the conditions for restrictions on freedom in institutions, also applies to institutions for the care and education of children.
<p>1.4.5. Children affected by custody disputes, including parental abduction</p>	
Policy developments	Legislative developments
Nothing new has developed in the reporting period for this report.	No significant developments to be reported for the reporting period.
<p>1.4.6. Missing children</p>	
Policy developments	Legislative developments
Nothing new has developed in the reporting period for this report.	No significant developments to be reported for the reporting period.
<p>1.4.7. Children at risk of poverty or social exclusion, or severely materially and socially deprived or living in a household with a very low work intensity (AROPE)</p>	
Policy developments	Legislative developments
National action plan for the Child Guarantee:	As a result of the Covid pandemic, various measures to support low-income groups were taken. In 2021, the

⁵⁷ The following resources were consulted: Statistics Austria, Austrian Integration Funds, Youth Welfare Statistics, the responsible resorts in the Austrian provinces.

⁵⁸ Austria, Nursing Home Residence Act (*Heimaufenthaltsgesetz*), Federal Law Gazette I No. 11/2004.

The Federal Ministry of Social Affairs, Health, Care, and Consumer Protection was given the coordinating role of implementing the EU Child Guarantee in coordination with the Federal Ministry of Family Affairs and Youth as well as the Federal Ministry for Education, Science, and Research. The cabinet appointed Dr. Klaus Vavrik as the national coordinator of the EU Child Guarantee.⁵⁹

Austria was not able to fulfil its obligation to submit the National Action Plan (NAP) to the EU Commission by March 2022. In response to a parliamentary question submitted on 7 July 2022, the Minister of Social Affairs explained it referring to the high complexity of the individual subject areas, the large number of measures and also to the effects of the pandemic. According to the Minister of Social Affairs, the National Action Plan is in the final political vote. After the political agreement, the National Action Plan will be submitted to the Council of Ministers. Following the decision of the Council of Ministers, the National Action Plan is submitted to the President of the National Council and the President of the Federal Council.⁶⁰

Members of the Social Democratic Party submitted a Parliamentary Inquiry to the Minister of Social Affairs in the National Council, requesting information on the completion of the NAP, the measures envisaged, as well as on financing and monitoring the implementation of the measures foreseen in the NAP. The receipt of the Parliamentary Inquiry by the National

“COVID 19 Poverty Act”⁶⁴ provides for a special budget of € 20 million for financial assistance to social assistance recipients, which was increased by a further maximum of € 14 million in March 2021. Specifically, the following child-specific support benefits could be granted: € 100 for each child in a social assistance household. The precondition for this support is that at least one parent is in receipt of a social assistance on 31 January 2021. Additional funds of up to € 200 for each child in a social assistance income household. The precondition for this support is that at least one parent is in receipt of social assistance on 31 July 2021. The allowances are paid out once and do not have to be applied for separately (automatic payment). They are also not offset against social assistance or minimum benefits and are therefore paid in addition to these benefits.

In 2022, the federal government adopted inflation relief measures to alleviate inflation.⁶⁵ On the one hand, the population will be relieved with immediate measures such as one-off payments and, on the other hand, with permanent tax measures in order to secure purchasing power despite the current price increase and to avoid social hardship.

Since summer 2022, the following measures have been adopted, among others, which also aim to reduce child poverty and increase the well-being of children. Please note that some of measures reported below are outside the reference period.

3rd anti-inflation package (June 2022):

- [3. Anti-Teuerungspaket in Österreich: So erhalten Sie Ihr Geld \(sozialministerium.at\)](https://www.sozialministerium.at/Content/Navigation/3-Anti-Teuerungspaket-in-sterreich-So-erhalten-Sie-Ihr-Geld)
- [Maßnahmen zur Abfederung der hohen Energiekosten \(bmf.gv.at\)](https://www.bmf.gv.at/energie/energiekosten/maessnahmen-zur-abfederung-der-hohen-energiekosten)

⁵⁹ Austria, Federal Ministry for Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und KonsumentInnenschutz*) (2021), ‘Report on the Multi-Stakeholder Dialogue on the EU Child Guarantee ([Bericht zum Multi-Stakeholder-Dialog zur EU Kindergarantie](#))’, 13 – 14 December 2021.

⁶⁰ Austria, Federal Ministry of Social Affairs (*Sozialminister*), ‘Response to the written parliamentary question concerning the notification of measures for the European Child Guarantee (*Antwort auf die schriftliche parlamentarische Anfrage Nr. 11054/J betreffend die Europäische Kindertagesbetreuung*)’, Parliamentary question No. 11054 /J, 7 July 2022.

⁶⁴ Austria, COVID 19 Poverty Act ([COVID 19-Gesetz-Armut](#)), Federal Law Gazette I No. 135/2020.

⁶⁵ Austria, Inflation Relief Package ([Teuerungs-Entlastungspaket](#)), Federal Law Gazette I No. 93/2022.

Council has been confirmed on 13 December 2022, the deadline for providing the requested information was 1 February 2023.⁶¹

Also civil society released an urgent appeal to finalise the National Action Plan to Combat Child Poverty in Austria on 13 December 2022. The urgent appeal was signed by several civil society organisations dealing with child rights.⁶²

The Austrian Child Guarantee is still not developed and submitted to Brussels. Austrian experts on child rights and poverty criticised this in an interview with the Austrian Press Agency on 11 April 2023.

By 15 March 2022, the EU should have a national action plan on the strategy on the intended measures in relation to the child guarantee. When asked, the plan was promised by the Austrian authorities for the first quarter of 2023. But that has already passed as well. The experts criticized Austria's tardiness in this regard.⁶³

Further relief measures and programmes created in 2022 and 2023:

- Electricity cost brake: [Stromkostenbremse \(bmk.gv.at\)](https://www.bmk.gv.at)
- Eco-social tax reform: [Ökosoziale Steuerreform \(bmk.gv.at\)](https://www.bmk.gv.at)
- Anti-inflationary package for families and children (June 2023): [Maßnahmenpaket für Familien, Bundeskanzleramt, 17 May 2023](https://www.bundeskanzleramt.gv.at)
- Programme „WOHNSCHIRM“: [Wohnschirm: Hilfe bei Mietrückstände in Österreich \(sozialministerium.at\)](https://www.sozialministerium.at) – total volume currently € 164 Mio.
- „Schulstartklar!“ campaign: Aktion "Schulstartklar!" unterstützt Familien mit geringem Einkommen (sozialministerium.at)

In addition, in 2023, the Ministry of Social Affairs, Health, Care and Consumer Protection has budgeted a further € 25 Mio. to support various projects in the field of combating child poverty and promoting child well-being.

The Ministry of Social Affairs, Health, Care and Consumer Protection continuously undertakes numerous efforts to improve the evidence on child poverty and child well-being in Austria in order to inform future policy making (e.g., studies on child costs).

1.4.8. Children belonging to minority ethnic groups, e.g. Roma, Sami, etc.

Policy developments

Legislative developments

⁶¹ Republic Austria, Parliament (2022), Parliamentary question No. 13174/J of 1 December 2022 (XXVII. GP) on the notification of measures for the European Child Guarantee (Parlamentarische Anfrage 13174/J betreffend [Maßnahmenmeldung für die Europäische Kindergarantie](#)).

⁶² Schink, R. (2022), Urgent Appeal: Where is the National Action Plan to Combat Child Poverty in Austria? ([Dringender Appell: Wo bleibt der Nationale Aktionsplan zur Bekämpfung von Kinderarmut in Österreich?](#)), Press Release of 13 December 2022, published by the Austrian Press Agency, APA.

⁶³ Austrian Press Agency ([Österreichische Presseagentur](#)), (2023), 'Austria is in default in the fight against child poverty' ([Österreich ist im Kampf gegen Kinderarmut säumig](#)), Press Release, Vienna 11 April 2023.

<p>The Strategy for the continuation of Roma inclusion in Austria is not implemented by means of one or several action plan(s). The strategic framework itself points out specific implementation measures and addresses their financing. The Strategy for the continuation of Roma inclusion in Austria contains a chapter on education and a chapter on youth participation.⁶⁶</p>	<p>No significant legislative developments to be reported for the reporting period. According to the Ethnic Groups Act (<i>Volksgruppengesetz</i>), the federal government has to promote measures and projects aimed at preserving and safeguarding the existence of ethnic groups, their people, and their characteristics and rights, as well as promote intercultural projects that serve the coexistence of ethnic groups. This financial support is usually spent on structural support and project support. According to the most recent report dates from 2021 and explains that the structural promotion of associations dedicated to extracurricular learning assistance for young people as well as youth and parental work took on a central role in the financial support for Roma.⁶⁷ In addition, future oriented funding focal points have been introduced in the funding approach “Other Grants”. In 2023, one of this funding focal points is “Youth”. Youth projects are promoted here, which enable young people to strengthen their minority group identity, to actively network and to enter into a dialogue.⁶⁸</p>
<p>1.4.9. Children involved in judicial proceedings as victims or witnesses or parties</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>Nothing new has developed in the reporting period for this report.</p>	<p>See above under “Children victims of abuse, exploitation, or neglect”.</p>
<p>1.4.10. Children involved in judicial proceedings as suspects or accused persons</p>	
<p>Policy developments</p>	<p>Legislative developments</p>

⁶⁶ Austria, Federal Chancellery (*Bundeskanzleramt*) (2021), ‘EU Strategic Framework on Equality, Inclusion and Roma participation until 2030 Strategy for the continuation of the Inclusion of Roma in Austria’ (*Strategischer Rahmen der EU zur Gleichstellung, Inklusion und Teilhabe der Roma bis 2030 Strategie zur Fortführung der Inklusion der Roma in Österreich*), Vienna, 2021.

⁶⁷ Austria, Federal Chancellery (*Bundeskanzleramt*) (2021), Report on the Support for Ethnic Groups of the Federal Chancellery 2020 (*Bericht über die Volksgruppenförderung des Bundeskanzleramtes 2020*).

⁶⁸ Austria, Federal Chancellery, [Other Grants](#) (Sonstige Zuschüsse, Volksgruppenförderung 2023).

Nothing new has developed in the reporting period for this report.

The EU Criminal Law Adaption Act⁶⁹ entered into force on 1 June 2020 and provides for improvements for the juveniles' criminal procedure rights. The most important amendments are:

§ 31a of the Juvenile Courts Act⁷⁰ now stipulates a special acceleration requirement for juvenile criminal cases. § 32a Juvenile Courts Act comprehensively regulates the legal instruction of juveniles. § 37 Juvenile Courts Act stipulates the obligatory representation of a juvenile by a defence lawyer during interrogation in the event of arrest or presentation for immediate interrogation, during a reconstruction of the offence and during a confrontation. The juvenile must not waive the right to a defence lawyer in these types of interrogation. In all other cases of interrogation, if the juvenile is not represented by a defence lawyer, a person of trust shall be called in or, if such a call in is not possible within a reasonable period of time due to the lack of a suitable person being available, the interrogation shall be recorded in sound and vision (§ 36a Juvenile Courts Act). Moreover, if it is doubtful whether an accused person was an adult or minor at the time of the accused crime or at the time of the procedural act, the provisions for minors apply.

In March 2023, the Enforcement of Measures Amendment Act (*Maßnahmenvollzugsanpassungsgesetz*)⁷¹ containing amendments to the Juvenile Courts Act⁷² was published. The amendments to the Juvenile Courts Act, which will enter into force in September 2023, introduce special provisions for juveniles and young adults concerning the imposition and enforcement of measures under § 21 Criminal Code (placement in a forensic-therapeutic centre) and § 23 Criminal Code (placement in an institution for dangerous recidivists). More specifically,

⁶⁹ Austria, Criminal Law EU Amendment Act 2020 ([Strafrechtliches EU-Anpassungsgesetz 2020 – StrEU-AG 2020](#)), Federal Law Gazette I No. 20/2020.

⁷⁰ Austria, Juvenile Courts Act ([Jugendgerichtsgesetz 1988 – JGG](#)), Federal Law Gazette No. 599/1988.

⁷¹ Ministerial Bill concerning a Federal Act amending the Criminal Code, the Code of Criminal Procedure 1975, the Correctional Services Act, the Juvenile Courts Act 1988 and the Criminal Records Act 1968 (Measures Execution Adjustment Act 2021) [Bundesgesetz, mit dem das Strafgesetzbuch, die Strafprozeßordnung 1975, das Strafvollzugsgesetz, das Jugendgerichtsgesetz 1988 und das Strafregistergesetz 1968 geändert werden \(Maßnahmenvollzugsanpassungsgesetz 2021\)](#), 128/ME XXVII GP - Ministerial Bill.

⁷² Austria, Juvenile Courts Act ([Jugendgerichtsgesetz 1988 – JGG](#)), Federal Law Gazette No. 599/1988.

	the Juvenile Court's Act now includes more restrictive criteria for placement (only in case of capital crimes). Previously, juveniles and young adults were treated similarly to adults.
1.4.11. Children at risk of harmful practices, including female genital mutilation; child /forced marriages, honour-related violence	
Policy developments	Legislative developments
In 2022, a new coordination office against female genital mutilation started its work. ⁷³ The centre functions as an Austria-wide coordination and information platform on female genital mutilation. The specialised counselling centres for sexual violence will be further strengthened financially in order to sustainably expand the range of support services for sexual violence according to the Minister.	§37 (1a) Federal Child and Youth Welfare Act (<i>Bundes-Kinder- und Jugendhilfegesetz, B-KJHG 2013</i>) ⁷⁴ has been introduced. According to this provision the hospital shall immediately notify the locally competent child and youth welfare agency in writing, if - in the course of carrying out a professional activity in the context of birth or birth registration in a hospital - there is a reasonable suspicion that the welfare of a child whose mother has been the victim of female genital mutilation is at considerable risk, and if this concrete considerable risk to the child cannot be prevented in any other way.
1.4.12. Children whose parents are in prison/custody	
Policy developments	Legislative developments
Nothing new has developed in the reporting period for this report.	No significant developments to be reported for the reporting period.
1.4.13. Children who drop out of compulsory education and working children under the legal age for work	
Policy developments	Legislative developments
The youth coaching is counselling and orientation for young people at risk of exclusion or dropping out of school. The aim of the youth coaching support service is to identify pupils at risk of dropping out of school or exclusion from the individual 9th year of school attendance, to provide them with counselling and, if necessary, to	No significant developments to be reported for the reporting period.

⁷³ FGM/C Koordinationsstelle, Kompetenzzentrum Österreich, [website](#).

⁷⁴ Austria, Federal Child and Youth Welfare Act (*Bundes-Kinder- und Jugendhilfegesetz 2013, B-KJHG 2013*), Federal Law Gazette I No. 69/2013.

accompany them in the longer term. Youth coaching aims at a successful transition between school and work or lower and upper secondary education and supports young people in difficult situations in their educational careers. In the sense of compulsory education up to the age of 18, the youth coaching measure aims to motivate pupils to attend school or to obtain a qualified qualification for as long as possible. Youth coaches work in and out of school. Young people are supported in difficult situations that endanger a successful school career or training and are enabled to make appropriate decisions after completing compulsory schooling or dropping out of education. The method of youth coaching consists of case management in three stages. Counselling and support is provided until the young person has arrived at a training offer that is suitable for him/her and thus ensures the continuation of qualified training. Ideally, youth coaches work closely with the school or the school support system (pupil and educational counselling, school psychology, school social work, etc.) and, if desired, also with parents.

Youth coaching is a service of NEBA (Network for Vocational Assistance) and is implemented by corresponding supporting associations.⁷⁵

There are no data on children, who drop out of compulsory education and working children under the legal age of work available. Data are only available for those, who drop out after completion of compulsory education.⁷⁶

1.4.14. Please insert any other group of children that is not listed above, such as children with drug or alcohol addictions (*add rows as needed*)

Policy developments	Legislative developments
n.a.	n.a.

⁷⁵ Austria, Federal Ministry for Education, Science and Research, *Website on Youth Coaching (Jugendcoaching)*.

⁷⁶ Consulted sources: Statistics Austria, Statistic departments of all provinces, Directorates of Education, Federal Ministry of Education.

1.5. Contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards

Are there any contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards that have been pointed out by international bodies, national human rights institutions, ombudspersons, or civil society organisations? Please also refer to any contradictions within national and sub-national legislation.

In the course of the constitutional amendment in 2018, the exclusive competence over child and youth welfare protection was transferred from the federal level to the 9 provinces. The shift in competence resulted in differentiated application of the legislation, fragmentation and inconsistencies in the implementation of the child rights across the country. The concern of incoherent implementation of the child welfare protection between the nine provinces has also been raised in the Concluding Observations of the Committee on the Rights of the Child.⁷⁷

In general, it must be mentioned that the best interests of the child are taken into account in all steps of the international protection procedure – from arrival and application for asylum in Austria to the final decision on the right of residence. The fundamental rights to protection, care and participation anchored in the Convention on the Rights of the Child are considered through a number of domestic provisions and procedural guarantees.

Furthermore, several action plans include chapters on child rights, but there is no comprehensive policy and strategy on children and child protection, that is supported by sufficient resources for implementation.⁷⁸

The Austrian civil society organisations in child protection recommend the state to develop and implement a National Action Plan on Children's Rights as a comprehensive programme of strategy and action, involving civil society and children and young people, based on the experience of the previous action plan and similar instruments, in particular ensuring indicators to measure progress and independent monitoring of implementation.⁷⁹

1.6. Orientation/fragmentation of national child protection policy and legislation

Based on the above information please assess and explain if the national child protection policy and legislation is fragmented and if the child protection system is oriented towards prevention and/or intervention.

As the variety of legal norms presented above shows, the Austrian child protection system is very fragmented, not only across to civil, criminal and administrative law, but also across individual acts within these areas of law, as well as across the federal and the provincial levels. A coherent "Child Protection Act"

⁷⁷ United Nations (UN), Committee on the Rights of the Child (CRC) (2020), *Concluding observations on Austria*, 6 March 2020.

⁷⁸ Ibid.

⁷⁹ Network Child Rights Austria (2019), Supplementary Report to the 5th and 6th Report of the Republic of Austria to the United Nations pursuant to Article 44, Paragraph 1B of the Convention on the Rights of the Child (CRC), Vienna.

still does not exist. The Constitutional Law on the Rights of the Child is also not to be understood as such a law, as it only contains a small number of specific provisions on the rights of the child.

The Austrian child protection system is geared towards both prevention and intervention. The previously reported trend towards more preventive approaches continued in the reporting period. Examples for such approaches are the reported amendments to the Security Police Act and measures related to the Youth Coaching.

1.7. Development in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection legislation and policies in the past 8 years, incl. achievements and (persisting) gaps and challenges.

On 1 January 2020, the amendment to the Federal Constitutional Act (B-VG), Federal Law Gazette I No. 14/2019, entered into force, with which the legislative competence for matters of child and youth welfare was transferred to the provinces. While Part 1 of the B-KJHG 2013, which regulates the basic provisions, expired on 1 January 2020, Part 2 of the B-KJHG 2013, which regulates directly applicable federal law - such as notification obligations, administrative assistance, tax exemptions and federal co-financing of research and statistics - remains in force unchanged. Prior to this, the Federal Government regulated the principles of child and youth welfare in the Federal Child and Youth Welfare Act (*Bundes-Kinder- und Jugendhilfegesetz, B-KJHG 2013*) within the framework of its basic legislative competence, which was concretised by the provinces in their respective implementing laws. In the agreement pursuant to Article 15a B-VG on child and youth welfare, which also entered into force on 1 January 2020, the Federal Government and the provinces undertake to maintain and further develop the previous level of protection in matters of child and youth welfare. However, in practice, the level of protection in matters of child protection has not been further developed – the provinces rather implement the minimum standards.

The policy developments mirror the fragmented responsibility for child protection in Austria. The Youth Strategy for instance does not require an integrated approach to child protection. The protection of children is the responsibility of the provinces, which challenges the establishment of coherent policies and strategies across the country.⁸⁰

Please list and briefly describe any promising practice in child protection legislation and policies that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

On January 25, 2023, the Austrian Federal Government adopted a comprehensive package of measures that aim to protect children and young people from violence with a focus on sexual violence.⁸¹ These measures include:

- support for the implementation of child safeguarding policies in organisations that work with children as well as the establishment of an independent quality assurance agency for child protection, which is tasked with awarding seals of approval for child safeguarding policies;

⁸⁰ Austria, Federal Chancellery (2022), [Jugendschutz - Bundeskanzleramt Österreich](#), Vienna.

⁸¹ Austrian Broadcasting Corporation (2023), [Härtere Strafen und Opferschutz: Maßnahmenpaket gegen Kindesmissbrauch](#), 25 January 2023.

- a nationwide campaign to raise awareness and educate people about the right of children to be free from violence and strengthen children's rights;
- changes in criminal law with regard to the possession and the production of child pornographic material;
- expanding cyber investigations by specialists in the state criminal investigation departments;
- expansion of psychosocial aftercare for children and adolescents who have been victims of sexual abuse;
- expansion of individual sexual therapy services for sexual offenders;
- expansion of the implementation of child safeguarding policies according to international standards in institutions dealing with children and adolescents.

2. Governance, coordination structures, and services

2.1. Primary institutions and main service providers responsible for child protection

Question	Yes	No	Comments
<p>2.1.1. Is there any lead institution/body (e.g. child protection agency, ministry, etc.) primarily responsible for child protection at the national level?</p> <p><u>If yes</u>, please provide the name in the comments box.</p>	X		<p>With the entry into force of the Federal Ministries Act Amendment 2021 on 1 February 2021, the area of responsibility “Family and Youth” was assigned to the Federal Chancellery.⁸² There, the section “Family and Youth”, headed by the minister, is responsible for family policy, family support and matters of child and youth welfare.⁸³</p> <p>On 1 January 2020, the amendment to the Federal Constitutional Act (<i>Bundes-Verfassungsgesetz</i> - B-VG), Federal Law Gazette I No. 14/2019, entered into force, transferring the legislative competence for matters of child and youth welfare to the federal provinces in their entirety. Since then, the <i>provinces</i> have been solely responsible for child and youth welfare issues.</p>
<p>2.1.2. Are there different structures sharing the primary responsibility (e. g. departments in the same or different ministries, different agencies etc.)?</p>	X		<ul style="list-style-type: none"> • <u>Federal Chancellery, Section Family and Youth</u>: Child protection through financial support for children and families, promotion of child protection concepts, free school transports, co-financing of child care, provision of information materials on child protection, various counselling services for children and families, children's rights and family law policy, combating child trafficking

⁸² Austria, Federal Ministries Act Amendment 2021 ([Bundesministerien-gesetz-Novelle 2021](#)), Federal Law Gazette I No. 30/2021.

⁸³ Austrian Federal Chancellery (*Bundeskanzleramt*), [Website of the Federal Minister for Women, Family, Integration and Media in the Federal Chancellery](#).

<p>If <u>yes</u>, please provide the name under the comments box and please also mention which body has the lead in coordinating child protection policies and actions.</p>		<ul style="list-style-type: none"> • <u>Federal Ministry of the Interior</u>: Child protection in asylum procedures and in basic care • <u>Federal Ministry of Justice</u>: Child protection at the legal level • <u>Federal Ministry of Education, Science and Research</u>: Education and child protection concepts at schools • <u>Federal Ministry of Social Affairs, Health, Care and Consumer Protection</u>: Combating poverty, child guarantee and disability policy
<p>2.1.3. Are there child focal points or similar in different ministries or agencies?</p> <p>If <u>yes</u>, in which ministry are they located, what are they called, and what role/functions do they have? How do they coordinate?</p>	x	<p>The Austrian Federal Criminal Police Office (<i>Bundeskriminalamt</i>), which is part of the Federal Ministry of the Interior (<i>Bundesministerium für Inneres</i>) runs various reporting and contact points, including on the topics of child pornography and child sex tourism, as well as human trafficking.⁸⁴</p> <p>On 15 February 2021, the Child Welfare Commission (<i>Kindeswohlkommission</i>), consisting of five experts, was established to advise the Minister of Justice.⁸⁵ The experts from different scientific disciplines dealt with the question of how the best interests of the child is taken into account in the decisions on asylum and right of residence procedures. The Child Welfare Commission concluded its work with its final report of 13 July 2021.</p> <p>Human rights coordinators are appointed in all federal ministries to serve, <i>inter alia</i>, as contact points in questions of human rights protection.⁸⁶</p>

⁸⁴ Austria, Austrian Federal Criminal Police Office (*Bundeskriminalamt*), [Website on reporting points](#).

⁸⁵ Austria, Federal Ministry of Justice (*Bundesministerium für Justiz*), [Website on the Child Welfare Commission](#).

⁸⁶ Austrian Federal Chancellery (*Bundeskanzleramt*), [List of human rights coordinators](#).

Please provide in the table below a list of the national/regional/local bodies or authorities having certain responsibilities related to child protection, e.g. child ombuds institution.

Please note: For the regional and the local levels please indicate only the type of body, do not list all different bodies at regional/local level in the country.

Name of the body	Level (national/regional/local).	Area of responsibility and roles in child protection <i>(for example coordination, legislation, policy making, training, monitoring, financing, implementing)</i>	Comments <i>(for example in case of ombuds institution, compliance with the Paris Principles)</i>
Austrian Federal Chancellery, Section VI: Family and Youth, <i>(Bundeskanzleramt, Sektion VI: Familie und Jugend)</i>	National	Coordination, legislation, policy making, training, monitoring, financing, implementing	Holds the primary responsibility for child protection. ⁸⁷ Social assistance is under the competence of the Federal Chancellery, Family and Youth.
Austrian Federal Chancellery, Platform Against Violence <i>(Plattform gegen die Gewalt)</i>	National	Networking, raising public awareness	The Platform Against Violence, initiated by the Austrian Federal Chancellery, serves as an instrument for networking support institutions, as an Austria-wide forum for the exchange of experiences and as a contribution to raising public awareness. ⁸⁸

⁸⁷ Austrian Federal Chancellery (*Bundeskanzleramt*), [Website of the Federal Minister for Women, Family, Integration and Media in the Federal Chancellery](#).

⁸⁸ Austrian Federal Chancellery, Platform against Violence (*Plattform gegen die Gewalt*), [Website of the Platform against Violence](#).

<p>Federal Ministry of Justice (<i>Bundesministerium für Justiz</i>)</p>	<p>National</p>	<p>Coordination, legislation, policy making, training, monitoring, financing, implementing</p>	<p>Is responsible for all children, including for children involved in judicial proceedings, including for victim support and process support.⁸⁹</p> <p>The Management Centre for Victim Support (<i>Management Zentrum Opferhilfe</i>) was established by the Federal Ministry of Justice and performs the function of a central coordination office and networking hub for the justice sector for the authorities, organisations and persons active in the field of victim assistance and victim protection, especially in the sense of a sustainable exchange of information and experience. The central tasks of the Management Centre for Victim Support include participation in the elaboration and implementation of training and further training concepts and in the further development of existing professional standards in cooperation with the authorities, organisations and persons active in the field of victim assistance and victim protection.⁹⁰</p>
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⁸⁹ Austria, Federal Ministry of Justice (*Bundesministerium für Justiz*), [Website on victim support and process support](#).

⁹⁰ Austria, Centre of Legal Competence, [Website on the Management Centre for Victim Support](#).

Federal Ministry of the Interior (<i>Bundesministerium für Inneres</i>)	National	Coordination, legislation, policy making, training, monitoring, financing, implementing	Is responsible for all children, including in particular basic care for asylum seeking children. ⁹¹
Austrian Federal Criminal Police Office (<i>Bundeskriminalamt</i>), Competence Centre for Missing Persons (<i>Kompetenzzentrum für Abgängige Personen</i>)	National	Coordination, monitoring, implementing	The Competence Centre for Missing Persons, established in the Federal Criminal Police Office in 2013 deals with the preparation of situation reports, optimisation of processes, networking of authorities in Austria and abroad, as well as support for relatives and prevention work in relation to missing persons, including children. ⁹²
Federal Ministry of Social Affairs, Health, Care and Consumer Protection (<i>Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz</i>)	National	Coordination, legislation, policy making, training, monitoring, financing, implementing	Is responsible for all children, including in particular for children with disabilities. ⁹³
Austrian Ombudsman Board (<i>Volksanwaltschaft</i>)	National	Monitoring, provide support	“The Austrian Ombudsman Board has been responsible for protecting and promoting human

⁹¹ Austria, Federal Ministry of the Interior (*Bundesministerium für Inneres*), [Website of the Federal Ministry of the Interior](#).

⁹² Austrian Federal Criminal Police Office (*Bundeskriminalamt*), [Website of the Competence Centre for Missing Persons](#).

⁹³ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*), [Website on the organisation of the Federal Ministry of Social Affairs, Health Care and Consumer Protection](#).

			<p>rights in the Republic of Austria since 1 July 2012. The Austrian Ombudsman Board along with one federal and six regional commissions monitor institutions in which there is or can be a deprivation or restriction of personal liberty, including residential groups for children and juveniles supervised by youth and welfare services and facilities for people with disabilities”.⁹⁴</p> <p>Moreover, an independent Pension Commission was set up at the Austrian Ombudsman Board. “The Pension Commission is responsible for individuals who suffered violence in Austria in a public children's home or a children's home of the catholic or protestant church, foster family, hospital, psychiatric institution or sanatorium as a child between 1945 and 1999 and who have not yet been designated as victims. The same applies to individuals who were victims of violence in Austria in a private facility, assuming that a referral was made by a child and youth welfare facility.”⁹⁵</p>
Child and youth welfare services (<i>Kinder- und Jugendhilfe</i>)	Local/Regional (nationwide)	Support, counselling	Child and youth welfare services comprise all services provided by public and private child and youth welfare organisations which contribute to supporting the rights of children and young people to promote their development and upbringing as

⁹⁴ Austria, Austrian Ombudsman Board (*Volksanwaltschaft*), [Website of the Austrian Ombudsman Board](#).

⁹⁵ Austria, Austrian Ombudsman Board (*Volksanwaltschaft*), [Website of the Austrian Ombudsman Board](#).

			<p>independent and socially competent personalities, to protect them from all forms of violence and to strengthen the educational capacity of families.⁹⁶</p> <p>The concrete services and counselling of child and youth welfare are provided by services in the political districts and cities. However, recognised private institutions also offer their services.</p>
Ombudsoffice for Children and Youths (<i>Kinder- und Jugendanwaltschaft</i>)	Regional (nationwide)	Representing the rights and interests of children and youth, provide advice, networking with international and national networks as well as raising awareness of children's rights	Ombudsoffices for Children and Youths are legally established in each of the nine federal provinces of Austria. ⁹⁷
Federal Ombud for Children and Young People (<i>Kinder- und Jugendanwaltschaft des Bundes</i>)	National	Advocacy	In addition to the Ombud for Children and Young People in the Federal Provinces, the Federal Ombud for Children and Young People has been set up in the Federal Chancellery. The central tasks of the Federal Children's and Youth Ombudsman's Office are generally the commitment to a more child-friendly society as well as the public representation of the postulate of non-violent upbringing.

⁹⁶ Austrian Federal Chancellery (*Bundeskanzleramt*), [Website on Child and youth welfare services](#).

⁹⁷ Ombudsoffices for Children and Youths (*Kinder- und Jugendanwaltschaften*), [Common website of the nine provincial organisations](#).

Child and victim protection groups in hospitals	Local (nationwide)	Early detection of violence against or neglect of children and raising awareness of violence against children among relevant professional groups, as well as early detection of domestic violence against victims who have not yet reached 18 years of age	Based on the Federal Act on Hospitals and Health Centres (<i>Bundesgesetz über Krankenanstalten und Kuranstalten</i>) ⁹⁸ and implementing provincial laws.
Children's Rights Network Austria (<i>Netzwerk Kinderrechte</i>)	National	Advocacy	The Children's Rights Network Austria is an independent network of 50 organisations and institutions promoting the implementation of the UN Convention on the Rights of the Child in Austria. It advocates for the rights of all children and adolescents without any discrimination. ⁹⁹
Independent Victim Protection Ombud - Initiative against Abuse and Violence (<i>Unabhängige Opferschutzanwaltschaft – Initiative gegen Missbrauch und Gewalt</i>)	National	provide support	The Independent Victim Protection Ombud - Initiative against Abuse and Violence - is a civil society institution that acts freely and autonomously and is available to all victims of abuse and violence in church and society in Austria and aims to provide serious, sensitive and effective help. ¹⁰⁰

⁹⁸ Austria, Federal Act on Hospitals and Health Centres (*Bundesgesetz über Krankenanstalten und Kuranstalten - KAKuG*), Federal Law Gazette No. 1/1957.

⁹⁹ Children's Rights Network Austria (*Netzwerk Kinderrechte*), [Website of the Children's Rights Network Austria](#).

¹⁰⁰ Independent Victim Protection Ombud - Initiative against Abuse and Violence (*Unabhängige Opferschutzanwaltschaft – Initiative gegen Missbrauch und Gewalt*), [Website of the Independent Victim Protection Ombud](#).

Children's Rights Board (<i>Kinderrechte-Board</i>)	National	Exchange of expertise	Children's Rights Board at the Federal Chancellery – Section Family and Youth, promotes and protects children's rights in particular by identifying issues, questions, and problems of relevance to the living situation of children in Austria. The Board consists of children's rights experts from different professions and fields of activity. It meets regularly. The last two meetings (23 March 2023 and 12 May 2023), for example, dealt with the topics: "Child-friendly justice and administration" and "Protection against violence - children's rights in a digital world".
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2.1.4. Please indicate if there were in the past five years any important changes concerning the child protection mandate/roles/responsibilities and outline what caused or influenced these changes (for example, a transfer of responsibility for child protection from one ministry to another ministry or a body or merging of responsibilities, etc. Please indicate notably if an integrated approach has been sought and/or achieved.

There has been one major change concerning the overall legislative competence for matters of child and youth welfare. On 1 January 2020, the amendment¹⁰¹ to the Austrian Federal Constitution (*Bundes-Verfassungsgesetz, B-VG*)¹⁰² came into force. With this amendment the legislative competence for matters of child and youth welfare was transferred in its entirety to the federal provinces. Prior to this, the Federal Government regulated the principles of child and youth welfare in the Federal Child and Youth Welfare Act (*Bundes-Kinder- und Jugendhilfegesetz, B-KJHG 2013*)¹⁰³ within the framework of its basic legislative competence, which was concretised by the provinces in their respective implementing laws. While Part 1 of the B-KJHG 2013 has ceased to be in force as of 1 January 2020, Part 2 of the B-KJHG 2013, which regulates directly applicable federal law - such as notification obligations, administrative assistance, tax exemptions and federal co-financing of research and statistics - remains in force unchanged. In the Agreement pursuant to Article 15a of the Federal Constitution on child and youth welfare, which also

¹⁰¹ Austria, Amendment to the Federal Constitutional Act (*Änderung des Bundes-Verfassungsgesetzes*) Federal Law Gazette I No. 14/2019.

¹⁰² Austria, Federal Constitutional Act (*Bundes-Verfassungsgesetz, B-VG*), Federal Law Gazette No. 1/1930.

¹⁰³ Austria, Federal Child and Youth Welfare Act (*Bundes-Kinder- und Jugendhilfegesetz 2013, B-KJHG 2013*), Federal Law Gazette I No. 69/2013.

entered into force on 1 January 2020, the Federal Government and the provinces agreed to maintain and further develop the previous level of protection in matters of child and youth welfare.¹⁰⁴

2.1.5. Please indicate, in the table below, the major service providers at national level in the area of child protection. Include family support services /measures (i.e. counselling, financial assistance) that are part of the overall social protection/welfare system for children in risk.

Service providers <i>(include the name and the type of institution i.e. public authority, NGOs, religious institutions, private)</i>	Type of services <i>(Include counselling, care institutions, day care centres, financial assistance, legal advice, rehabilitation services for victims, education awareness –training activities, etc.)</i>	Target groups <i>(For example, children with disability, children in risk of or living in poverty, immigrant children, children deprived form parental care, child victims of abuse or exploitation. When relevant, please indicate if third country nationals and irregular immigrants are entitled to such services)</i>	Funding <i>(national budget, EU funded, other)</i>
Child and youth welfare (<i>Kinder- und Jugendhilfe</i>), public	Counselling, service, support	all children including third country nationals and irregular immigrants	National and provincial budget
Ombudsoffice for Children and Youths (<i>Kinder- und Jugendanwaltschaft</i>), public	Counselling, support, mediation	all children including third country nationals and irregular immigrants	Provincial and local budgets

¹⁰⁴ Austria, Agreement pursuant to Article 15a of the Federal Constitution on child and youth welfare ([Vereinbarung gemäß Artikel 15a B-VG über die Kinder- und Jugendhilfe](#)), LGBl. No. 149/2019.

Centres for the protection from violence (Interventionsstelle und Gewaltschutzzentren), public	Counselling (including on mobbing and stalking), psychosocial and legal process support, prevention, awareness raising	all children including third country nationals and irregular immigrants	National and provincial budget
Child Protection Centres (Kinderschutzzentren), public	Counselling, crisis intervention and psychotherapy in cases of violence or suspected violence against children and youth, process support.	all children including third country nationals and irregular immigrants	National, provincial and local budget
Women's shelters: Association Autonome Österreichische Frauenhäuser (AÖF, Umbrella organization of the autonomous women's shelters in Austria) and association Zusammenschluss Österreichischer Frauenhäuser (ZÖF, Union of Austrian Shelters for Women), NGO (associations)	Temporary residence, drawing up of a security plan, support, psycho-social and legal counselling, escorting to court, the police, or authorities; legal and psycho-social support at court hearings in the framework of criminal proceedings, financial support.	Women with all children including third country nationals and irregular immigrants	Mainly provincial
Rat auf Draht 147 , private (initiative by SOS Kinderdorf and Austrian Broadcasting), NGO	hotline; counselling for children, juveniles	All children and juveniles including third country nationals and irregular immigrants	National, provincial, local and private

<u>Kindernotruf 0800 - 567 567</u> (Childrens' emergency hotline, Association Lichtblick), NGO (private associations)	hotline; counselling for children, juveniles	All children and juveniles including third country nationals and irregular immigrants	National, provincial, local and private
<u>Frauenhelpline gegen Gewalt 0800 - 222 555</u> (Womens' helpline against violence), NGO	hotline; counselling also for children, juveniles	All children and juveniles including third country nationals and irregular immigrants	National and provincial
<u>Opferotruf - 0800 112 112</u> (initiative of the Federal Ministry of Justice run by Weisser Ring), public and NGO	contact point for all people including children and youth who are directly or indirectly affected by a crime; counselling and support.	All children and juveniles including third country nationals and irregular immigrants	National
<u>Männerinfo</u> (Men's crisis hotline 0800/400777), NGO	Counselling hotline	Men of all age including third country nationals and irregular immigrants	National
<u>Männerberatungsstellen</u> (Men's counselling centres), NGO	Counselling	Men of all age including third country nationals and irregular immigrants	National
<u>Der Weisse Ring</u> (The White Ring), NGO	Counselling, legal advice, procedural guidance, financial assistance	All child victims of violence including third country nationals and irregular immigrants	National

<u>Netzwerk Frauen- und Mädchenberatungsstellen</u> (Women's and girls' counselling centres), NGO	Counselling	All girls including third country nationals and irregular immigrants	National
<u>Orient Express</u> , NGO	Counselling, shelter	All Turkish and Arabic speaking women. In the case of forced marriage and all girls and women, regardless of their origin and nationality	National, provincial, local, EU
<u>Die Boje</u> , NGO	Immediate help in crisis situations	All children including third country nationals and irregular immigrants	private
<u>Selbstlaut</u> , NGO	Counselling, prevention	All child victims of sexual violence including third country nationals and irregular immigrants	National, provincial, local and private
<u>Frauen für Frauen</u> , NGO	counselling	All women and girls in the region including third country nationals and irregular immigrants	National, provincial
<u>Frauenberatungsstelle bei sexueller Gewalt</u> , NGO	counselling and process support	Women of all ages and girls aged 14 and over who are/were affected by sexual violence including third country nationals and irregular immigrants	National, provincial

Caritas Austria , religious institution	Financial support, counselling, street work, day care centres, care institutions for children with disabilities and refugee children, learning cafés for immigrant children	All children including third country nationals and irregular immigrants	church
Diakonie Austria , religious institution	Day care centres and schools; counselling; care institutions for children in crises; care institutions and therapy for children with disabilities; care institutions for refugee children	All children including third country nationals and irregular immigrants	church
Hilfswerk Austria , NGO	Day care institutions; counselling	All children including third country nationals and irregular immigrants	National and private
Jugend am Werk , NGO	Preventive early intervention, acute crisis support, assisted living communities, job search and qualification measures	All children including third country nationals and irregular immigrants	National, provincial, local, private, and EU
Volkshilfe Austria , NGO	Integrative day care facilities, social-pedagogical family assistance, labour market policy projects for young people at risk of exclusion and young people with disabilities, targeted learning support	All children including third country nationals and irregular immigrants	National, provincial, local and private

<u>Lebenshilfe Österreich</u> , NGO	Day care centres; care institutions; counselling and support (job market); education and training; measures of integration of juveniles with disabilities into the job market	Children with disabilities	National and provincial
<u>Tamar</u> , NGO	Counselling, legal as well as psychosocial process support and psychotherapy for children and adolescent girls.	girls, women and children who have experienced sexualised violence or sexual abuse including third country nationals and irregular immigrants	provincial
<u>Amazone</u> , NGO	Counselling	All girls including third country nationals and irregular immigrants	National, provincial, local and private
<u>Mädchenberatung</u> , NGO	Support in overcoming crises, counselling, and process support	Mainly girls in the context of sexual violence including third country nationals and irregular immigrants	National and local
<u>Beratungsstelle TARA</u> , NGO	Information, counselling and crisis intervention talks as well as psychotherapy, psychosocial and legal process support	women and girls (16 years and older) who have experienced sexual violence, including third country nationals and irregular immigrants	National, provincial, local and private
<u>Krisenhilfe Oberösterreich</u> (Crisis support Upper Austria), NGO	Telephone crisis intervention, personal crisis intervention and crisis support, online crisis counselling	All children and juveniles in Upper Austria including third country nationals and irregular immigrants	provincial

Neustart , Association, NGO	probation, conflict regulation, social work	All children including third country nationals and irregular immigrants	National
Rainbows , NGO	Support for children during or after separation or death of their parents	All children including third country nationals and irregular immigrants	National
Die Kinderfreunde , NGO	day care centres; mediation of child visits	All children including third country nationals and irregular immigrants	Provincial, local, private

2.1.6. Please indicate if any child participation or feedback mechanisms are part of child protection services.

Child participation and feedback mechanisms are part of child protection services. In Upper Austria, for instance, the Department for Child and Youth Welfare Upper Austria and the Association for Social Pedagogy Upper Austria started a project to promote participation in socio-educational residential groups. The aim is to increase the participation of young people in assistance planning and the participation processes in everyday life together in the respective residential group in order to, among other things, recognise the needs of all participants, perceive conflicts and solve them. The young people in the residential groups and the caregivers are prepared for the topic of participation in workshops.¹⁰⁵ In the province of Salzburg a Children's and Youth Council has been established. Children and young people who cannot live with their parents and live, for example, in a shared flat or assisted living, can actively speak up for their rights.¹⁰⁶

¹⁰⁵ Pfandt, F., Mandl, S. (Ludwig Boltzmann Institut für Menschenrechte) (2018), Child Protection in Austria. Inventory. Violence against Children and access to support, ([Kinderschutz in Österreich: Bestandsaufnahme, Gewalt gegen Kinder und Zugang zur Unterstützung](#)), Queen's University Belfast, Vienna, p. 26.

¹⁰⁶ Salzburg, Children's and Youth Council Salzburg ([Kinder- und Jugendrat Salzburg](#)), without date.

2.2. Civil society organisations active in the area of child protection. Please consider also including information on the role of religious institutions and groups active in the area of child protection.

Question	YES	NO	Comments
<p>2.2.1. Is there a registry of civil society organisations operating in the child protection area?</p> <p><u>If yes</u>, briefly provide information on the legislative-regulatory framework and the responsible authority.</p>	x		<p>The Federal Association of child protection centres Austria (<i>Bundesverband österreichischer Kinderschutzzentren</i>) was constituted as a representation of interests of the Austrian child protection centers in May 2011. Its concern is to act as a strong voice for child protection in Austria and to support the activities of the child protection centers. The Federal Association provides a registry of CSOs operating in the child protection area.¹⁰⁷</p> <p>The Federal Association of child protection centres Austria has defined quality criteria for child protection centres.¹⁰⁸</p>
<p>2.2.2. Is there a legal obligation for the accrediting; licensing; registering; inspecting the activity of any type of civil society organisations, e. g. NGOs, charities, church organisations, etc. in the area of child protection?</p>	x		<p>The nine provinces have enacted their own provincial Child and Youth Welfare Acts, which outline these legal obligations.¹⁰⁹ The Youth and Family Department of a district authority or, in cities, by the responsible municipal department carries out the executive activity (accrediting,</p>

¹⁰⁷ [Kinderschutzzentren Österreich.](#)

¹⁰⁸ *Bundesverband Österreichische Kinderschutzzentren* (2022), [Qualitätskriterien der Österreichischen Kinderschutzzentren.](#)

¹⁰⁹ Lower Austria Child and Youth Welfare Act ([NÖ Kinder- und Jugendhilfegesetz \(NÖ KJHG\)](#)), LGBl. 9270-0; Upper Austria Child and Youth Welfare Act 2014 ([Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014](#)), LGBl. No. 30/2014; Salzburg Child and Youth Welfare Act ([Salzburger Kinder- und Jugendhilfegesetz – S.KJHG](#)), LGBl. No. 32/2015; Carinthia Child and Youth Welfare Act ([Kärntner Kinder- und Jugendhilfegesetz – K-KJHG](#)), LGBl. No. 83/2013; Burgenland Child and Youth Welfare Act ([Burgenländisches Kinder- und Jugendhilfegesetz - Bgld. KJHG](#)), LGBl. No. 62/2013; Styria Child and Youth Welfare Act ([Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG](#)), LGBl. No. 138/2013; Tyrol Child and Youth Welfare Act ([Tiroler Kinder- und Jugendhilfegesetz – TKJHG](#)), LGBl. No. 150/2013; Vienna Child and Youth Welfare Act ([Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013](#)), LGBl. No. 51/2013; Vorarlberg Child and Youth Welfare Act ([Gesetz über die Kinder- und Jugendhilfe](#)), LGBl. No. 29/2013.

<p>If <u>yes</u>, which is the responsible authority? How frequent are reviews and inspections?</p>		<p>licensing, registering, inspecting) and supervision on site.¹¹⁰</p> <p>The Styrian Child and Youth Welfare Act for instance outlines for private child and youth welfare agencies standards regarding specialisation (§ 8), staff and staff training (§ 9), documentation (§ 10), confidentiality (§ 11) and the types of services (section 2 of the law, §§ 19-23).</p>
<p>2.2.3. Are there cooperation agreements/partnerships between government and the civil society at national or local level?</p> <p>If <u>yes</u>, What is the prevalence of this practice?</p> <p>Please provide <u>indicative examples</u> and information regarding the main areas covered, type of services targeted, and financial aspects of such partnerships (i.e. if done in view of accessing EU funds).</p>	<p>X</p>	<p>The provinces commission private child and youth welfare institutions to provide child and youth welfare services. The provinces tasks include the authorization (accrediting) and professional supervision of private inpatient, outpatient and mobile child and youth welfare services. This practice is prevalent all over Austria.¹¹¹</p> <p>Other indicative examples of civil society services, commissioned by the national and regional governments, are mentioned in the 2014 report, such as procedural guidance in criminal proceedings or family counselling in case of divorce.¹¹²</p>

2.3. Inter-agency cooperation in the area of child protection

Question	YES	NO	Comments
<p>2.3.1. Is there <u>coordination between national, regional, or local authorities</u> in developing and implementing policies and legislation in the area of child protection?</p> <p>If <u>yes</u>, how is this done? Please comment on the strengths and weaknesses.</p>		<p>X</p>	<p>In September 2020, the Austrian Federal Government decided on the joint continuation of the Youth Strategy. Based on the fields of action of the Youth Strategy, youth goals were developed in each Federal Ministry, which are backed by measures. The Federal Chancellery coordinates the implementation of the Youth Strategy. While there is evidence for cooperation with civil society in</p>

¹¹⁰ Act of 15 October 2013 on Assistance for Families and Educational Assistance for Children and Adolescents (Styrian Child and Youth Welfare Act – StKJHG) ([Kinder- und Jugendhilfegesetz Steiermark](#)) LGBl. No. 138/2013.

¹¹¹ Here is an overview of [private child and youth welfare service organisations and their services, as contractually commissioned by the Province](#).

¹¹² Fundamental Rights Agency (2014), EU mapping of child protection systems. Report Austria, pp. 43 et seqq.

<p><u>For example</u>, is this cooperation – coordination regulated by the legislative framework? Does cooperation take place ad hoc, e.g. addressing specific issues and on specific thematic areas of interest or is it a key feature of the system?</p>		<p>implementing the youth strategy, coordination with the regional or local authorities is missing.¹¹³</p> <p>The Alliance for Child Protection is a nationwide network of organisations and institutions active in child protection. Its goal is, on the basis of a common attitude, sustainable networking, to initiate and implement a regular exchange and joint (lobbying) activities for child protection in Austria.</p> <p>The alliance consists of civil society organisations and authorities, who are active in the following areas:</p> <p>Prevention: These organisations address children, young people and adults and offer workshops, for example in kindergartens and schools, as well as further training for professional groups on topics such as violence prevention, sexual education and child protection.</p> <p>Specialist counselling centres: These organisations offer crisis intervention, counselling and therapy for children, adolescents and their caregivers affected by violence, as well as process support, child advocacy and visitation support. Emergency hotlines can also be found in this group.</p> <p>Authorities: These organisations are active in official child protection. They include early help as well as child and youth welfare; also the executive and the judiciary. The services offered here range from prevention to intervention.¹¹⁴</p> <p>The alliance exchanges know-how and information and it coordinates child protection activities. Moreover, the alliance agrees on minimum quality standards for institutional child protection and it does joint lobbying for child protection in Austria.¹¹⁵</p> <p>Child protection institutions as the Ombudsoffices for Children and Juveniles in Austria are invited to elaborate statements on draft laws but as they</p>
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¹¹³ Austria, Federal Chancellery, ‚Austrian Youth Strategy‘ ([Österreichische Jugendstrategie](#)), Vienna.

¹¹⁴ Ibid.

¹¹⁵ Website of the Alliance for Child Protection ([Allianz für Kinderschutz \(allianz-kinderschutz.at\)](#))

			noted, these statements are respected only in an insufficient way. ¹¹⁶
2.3.2. Is there inter-agency cooperation between the relevant actors having responsibility in the area of child protection (including civil society organisations)?	X		<p>According to the provincial child and youth welfare acts¹¹⁷, the institutions on help for children and juveniles (<i>Kinder- und Jugendhilfe</i>) have to work in close cooperation and interaction with all relevant actors for child protection in the system of education, health and social welfare.</p> <p>Moreover, there are several networks dealing with child protection, including civil society organisations, implemented in Austria. Examples include the Platform Child Protection Concepts (<i>Plattform Kinderschutzkonzepte</i>)¹¹⁸ the Network Child Rights (<i>Netzwerk Kinderrechte</i>)¹¹⁹, the Austrian Child Protection Centres (<i>Österreichische Kinderschutzzentren</i>)¹²⁰ and the Children's Rights Board (<i>Kinderrechte-Monitoring-Board</i>) at the Federal Chancellery – Section Family and Youth¹²¹.</p> <p>These networks publish opinions, press releases and guidelines on child protection. They meet regularly and carry out joint projects. There is no specific leading actor.</p>
If yes, please mention how this is done (for examples are there standing inter-agency committees or meetings, are digital tools used?). Which actor has a leading role?			

¹¹⁶ Information provided by Brigitte Pörsch and Krista Mittelbach, KIJA Steiermark, in a personal Interview on 12 March 2014.

¹¹⁷ Lower Austria Child and Youth Welfare Act (*NÖ Kinder- und Jugendhilfegesetz (NÖ KJHG)*), LGBl. 9270-0; Upper Austria Child and Youth Welfare Act 2014 (*Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014*), LGBl. No. 30/2014; Salzburg Child and Youth Welfare Act (*Salzburger Kinder- und Jugendhilfegesetz – S.KJHG*), LGBl. No. 32/2015; Carinthia Child and Youth Welfare Act (*Kärntner Kinder- und Jugendhilfegesetz – K-KJHG*), LGBl. No. 83/2013; Burgenland Child and Youth Welfare Act (*Burgenländisches Kinder- und Jugendhilfegesetz - Bgld. KJHG*), LGBl. No. 62/2013; Styria Child and Youth Welfare Act (*Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG*), LGBl. No. 138/2013; Tyrol Child and Youth Welfare Act (*Tiroler Kinder- und Jugendhilfegesetz – TKJHG*), LGBl. No. 150/2013; Vienna Child and Youth Welfare Act (*Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013*), LGBl. No. 51/2013; Vorarlberg Child and Youth Welfare Act (*Gesetz über die Kinder- und Jugendhilfe*), LGBl. No. 29/2013.

¹¹⁸ Platform Child Protection Concepts, online information on child protection concepts ([Über Kinderschutzkonzepte - Plattform Kinderschutzkonzepte](#)).

¹¹⁹ Website of the 'Network Children have Rights' ([Netzwerk – Kinder haben Rechte](#))

¹²⁰ Website of the Austrian Child Protection Centres ([Startseite - Die Österreichischen Kinderschutzzentren \(oe-kinderschutzzentren.at\)](#))

¹²¹ Information provided by the Austrian Federal Chancellery, 14 August 2023.

			The Children's Rights Board (see point 2.1.3. above) cooperates with governmental and non-governmental institutions and publishes opinions and reports on children's rights.
2.3.3. What are the main challenges regarding effective cooperation and coordination? (For example, lack of clarity regarding responsibilities and roles of actors, overlaps of responsibilities, and communication between organisations is not adequately structured and resourced)?			
<p>In Austria, there is fragmentation of competences for child and youth welfare at the regional level without any obligations to cooperation and coordination. The youth welfare laws of the provinces do not provide clear obligations for cooperation between different sectors, especially in the areas of police, justice and asylum. There are also no specific standards for international cooperation in child and youth welfare.¹²²</p> <p>Child protection organisations as civil society organisations work in a network and, if necessary, in cooperation with the relevant child and youth welfare authorities. Measures such as documentation, supervision and further training ensure the quality of professional child protection.¹²³ E.g. the counselling and therapy facility "die möwe", a non-profit association, offering a range of services to families and children, affected by violence, as well as crisis intervention after experiences of violence and process support to coming to terms with experiences in psychotherapy closely cooperates with the Federal Ministry of the Interior (police). Moreover, "die möwe" cooperates with youth welfare offices, courts and hospitals, for example with the Vienna Regional Health Insurance Fund, with which the programme "gutbegleitet - Frühe Hilfen in Wien".¹²⁴</p>			
Question	YES	NO	Comments
2.3.4. Are child protection authorities engaging in <u>transnational cooperation</u> in the area of child protection, for example with regards to missing children, parental abduction, or migrant children?		X	<p>No, the child protection authorities do not. However, civil society in child protection authorities join international networks, such as:</p> <p>EUROCHILD¹²⁵ Eurochild is a network of organisations and individuals working with and for children in Europe. We are striving for a society where all children and young people grow up happy, healthy, confident and respected as individuals in their own right. Our work is</p>

¹²² Pfandt, F., Mandl, S. (Ludwig Boltzmann Institut für Menschenrechte) (2018), *Child Protection in Austria. Inventory. Violence against Children and access to support*, ([Kinderschutz in Österreich: Bestandsaufnahme, Gewalt gegen Kinder und Zugang zur Unterstützung](#)), Queen's University Belfast, Vienna, p. 16.

¹²³ Austrian Federal Association of Child Protection Centres (2023), 'Child Protection needs expertise: Not everywhere that says child protection on it, is child protection' ([Kinderschutz braucht Expertise: Nicht überall wo Kinderschutz draufsteht, ist Kinderschutz drin | Bundesverband Österreichischer Kinderschutzzentren, 06.02.2023 \(ots.at\)](#)), Press release, 6 February 2023.

¹²⁴ Austria, Federal Ministry of the Interior, Online Information on Collaboration with the Child Protection Centre „die Möwe“ ([Innenministerium setzt Zusammenarbeit mit Kinderschutzzentrum 'die möwe' auch 2022 fort \(bmi.gv.at\)](#)).

¹²⁵ Website of [Eurochild](#).

		<p>underpinned by the United Nations Convention on the Rights of the Child.</p> <p>CHILD RIGHTS CONNECT¹²⁶ Mission: The realisation of Children’s Rights through the United Nations human rights system. We are an independent, non-profit network made up of more than 90 national, regional, and international organisations. Through our members we reach out to every country on the planet. Our shared aim is to ensure that all children can fully enjoy their rights, as defined by the UN Convention on the Rights of the Child.”</p> <p>CRIN ¹²⁷ “CRIN is a creative think tank that produces new and dynamic perspectives on human rights issues, with a focus on children’s rights.”</p>
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If yes, please briefly comment and include information on transnational agreements-protocols of cooperation as well as on the interaction between child protection authorities and other actors involved in transnational cooperation processes, for example law enforcement and judicial authorities, migration authorities, social services, Central Authorities under Brussels IIbis Regulation/Hague Convention, consular or diplomatic authorities. Are there any challenges relating to transnational cooperation? Are the challenges different for cross-border cases among EU countries or with third countries?

Please provide information on main relevant agreements – cooperation schemes in two of the following areas: missing children, parental abduction, inter-country adoption, migrant children (family tracing-family reunification –return-relocation).

For the area return:

Safeguarding the child’s best interests is a key priority in Austria in the area of return. Specifically, the best interests of the child are to be considered first when issuing any return decision (Art. 1 Federal Constitutional Act on the Rights of Children). In particular when assessing cases to determine a possible violation of the fundamental right to private and family life, the Federal Office for Immigration and Asylum is required to duly consider the best interests of any children concerned. Accordingly, a planned return of any unaccompanied minor must involve an assessment of whether the return is compatible with the child’s best interests.

In procedures relating to the issuing of a return decision, the best interests of the child are assessed by the competent officials of the Federal Office for Immigration and Asylum. The officials in the specific case can consult with experts from the youth welfare authority (§ 52 of the General Administrative Procedures Act [*Allgemeines Verwaltungsverfahrensgesetz 1991*], Federal Law Gazette No. 51/1991; Supreme Administrative Court of 25 February 2014, 2011/01/0244). Such an assessment is not, however, subject to any internal rules or procedures. When assessing the child’s best interests, an important role is typically played by the non-exhaustive list of criteria for assessing a child’s best interests specified in § 138 of the Civil Code. Examples of such criteria include: appropriate consideration of the child’s needs (§ 138 subpara

¹²⁶ Website of [Child Rights Connect](#).

¹²⁷Website of the [Child Rights International Network](#).

1); the child's welfare, a secure environment and protection of the child's physical and emotional integrity (subpara 2); appreciation and acceptance of the child (subpara 3); consideration of the child's opinion (subpara 5); and safeguarding the child's rights, entitlements and interests (subpara 11). The assessment may consider the opinions of the child's parents or guardian, but only to the extent that such views affect the welfare of the child in question. Priority is given to the best interests of the child and not the best interests of parents or guardians.

In the case of returning an unaccompanied minor, it must be ensured that prior to the removal, the Federal Office for Immigration and Asylum ensures that the minor can be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the destination country. In general, an expulsion of an accompanied minor has to be organized and carried out together with the relatives.

2.4. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection governance, coordination structures, and services in the past 8 years, incl. achievements and (persisting) gaps and challenges

With the entry into force of the Federal Ministries Act Amendment 2021 on 1 February 2021, the area of responsibility "Family and Youth" was assigned to the Federal Chancellery. There, the section "Family and Youth", headed by the minister, is responsible for family policy, family support and matters of child and youth welfare, which are in federal level responsibility.

Child Care: The constitutional distribution of competences provides that the provinces have sole responsibility for child care. Therefore, a federal-state agreement (agreement according to Article 15a of the Federal Constitutional Law) was concluded, which allows the federal government to make investments that are linked to conditions for the provinces. This agreement regulates the conditions or obligations in connection with the use of special-purpose grants. Special-purpose grants represent additional financial resources that the Federation makes available to the provinces.¹²⁸

Education: The Education Directorate represents a new administrative authority for the entire school sector, in which the administrative tasks of the federal government (responsible for federal schools) and the provinces (responsible for compulsory schools) are merged. The Education Directorates perform tasks uniformly throughout Austria, which were previously constitutionally located in the offices of the provincial governments and were organised very differently from region to region. The creation of the Education Directorates as a joint federal-provincial authority thus represents a central education authority. The Education Directorates are responsible for enforcing the entire school law (with the exception of the agricultural and forestry school system and the central educational institutions). The education directorates also enforce the employment law and the staff representation law of federal and provincial teachers and other staff at public schools (with the exception of agricultural and forestry schools).¹²⁹

Justice: Responsibility of federal ministry (assigns tasks to the regional courts and prosecutor's offices. and the courts. In accordance with the sixth section of the Juvenile Courts Act (JGG), the Juvenile Court Assistance (*Jugendgerichtshilfe, JGH*) supports the public prosecutors' offices and courts in fulfilling the

¹²⁸ Austria, Federal Chancellery (2023), 'Child care and education' (*Kinderbildung und -betreuung*), Vienna.

¹²⁹ Austrian Federal Ministry for Education, Science and Research (2023), 'The Education Directorates' (*Die Bildungsdirektionen*), Vienna.

tasks assigned to it by this federal law. Essentially, the JGH is responsible for conducting youth assessments and providing detention decision support.¹³⁰

Social protection: As mentioned, several times throughout this report, the transformation of the responsibility for child and youth welfare from the federal to the regional (provincial) level, was a major development relating governance in the past years. Uniform minimum standards throughout Austria are not sufficiently protected within the framework of a 15a-Agreement, since such an agreement can be terminated at any time and its content can be changed. Moreover, no subjective rights for children and adolescents can be derived from a 15a-Agreement. The Ombuds Offices for Children and Youths critically remark that children's rights in the sense of the CRC are oriented towards the special needs of children which are not protected by the catalogue of general fundamental rights in Austria. There are no essential fundamental rights guarantees, in particular regulations for child refugees, for juveniles under juvenile criminal law, for members of minorities or rights of review for children in alternative care.¹³¹ In Austrian national legislation, family reunification of third-country nationals is regulated in the Settlement and Residence Act (*Niederlassungs- und Aufenthaltsgesetz*, Federal Law Gazette I No. 100/2005) and in the Asylum Act (*Asylgesetz 2005*, Federal Law Gazette I No. 100/2005).

2.5. Promising practices

Please list and briefly describe any promising practice in governance, coordination structures, and services that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

In Upper Austria, the Department for Child and Youth Welfare Upper Austria and the Association for Social Pedagogy Upper Austria started a project to promote participation in socio-educational residential groups. The aim is to increase the participation of young people in assistance planning and the participation processes in everyday life together in the respective residential group in order to, among other things, recognise the needs of all participants, perceive conflicts and solve them. The young people in the residential groups and the caregivers are prepared for the topic of participation in workshops.¹³²

¹³⁰ Austrian Federal Ministry of Justice (2023), 'Tasks of the Juvenile Court Assistance' (*Aufgaben der Jugendgerichtshilfe*), Vienna.

¹³¹ Austrian Ombuds Offices for children and the youths (2020), [Supplementary Report of the Austrian Ombuds Offices for Children and Youths on the 5th and 6th State Party Report of the Republic of Austria to the United Nations pursuant to Article 44\(1b\) of the Convention on the Rights of the Child.](#)

¹³² Pfandt, F., Mandl, S. (Ludwig Boltzmann Institut für Menschenrechte) (2018), Child Protection in Austria. Inventory. Violence against Children and access to support, (*Kinderschutz in Österreich: Bestandsaufnahme, Gewalt gegen Kinder und Zugang zur Unterstützung*), Queen's University Belfast, Vienna, p. 26.

3. Capacities (human and financial resources)

3.1. Information on budget allocation and funding

Question	YES	NO	Comments
3.1.1. Is budget allocation on child protection incorporated into legislative and policy instruments?	X		Budget allocations on matters related to child protection are incorporated in the provincial budgets. ¹³³ Moreover, the federal budget includes, for instance, funds for child protection centres and family counselling centres. ¹³⁴
3.1.2. Is the budget allocated to child protection (alternatively on children's rights or on social welfare) clearly specified in the annual national budget? Please refer to the specific budget item allocated to this in 2022?		X	<p>The strategy report with regard to the Federal Fiscal Framework Act (<i>Bundesfinanzrahmengesetz</i>)¹³⁵ 2023-2026 sets out the following budget allocations to "Family and Youth", where measures for child protection, such as child protection centres and family counselling centres, are included:</p> <p>2022: € 7.687,1 million</p> <p>2023: € 8.122,623 million</p> <p>2024: € 8.651,852 million</p> <p>2025: € 9.042,437 million</p> <p>2026: € 9.367,935 million</p> <p>In 2022 the federal provinces spent an amount of € 796 million on alternative care for children and youth (0-17 years) and young people (18-20 years as well as educational support of minors.¹³⁶</p>

¹³³ See for instance the budget of the province of Burgenland. Austria, Burgenland, Budget 2023 (*Landesvoranschlag 2023*), pp. 119 et seqq.

¹³⁴ Austria, Explanations on the budget 2023 (*Erläuterungen zum Budget 2023*), p. 134.

¹³⁵ Austria, Federal Fiscal Framework Act (*Bundesgesetz, mit dem das Bundesfinanzrahmengesetz 2023 bis 2026 erlassen wird (Bundesfinanzrahmengesetz 2023 bis 2026 – BFRG 2023-2026)*), Federal Law Gazette I No. 184/2022.

¹³⁶ Statistics on Children and Youth Services 2022 (*Kinder- und Jugendhilfe Statistik*), Statistik Austria 2023.

3.1.3. What percentage of the total state budget was allocated to child protection in the last five years? If data is not available, please provide information on the budget allocated to social protection/social welfare in general.

The percentage of the total state budget allocated to child protection or social protection/social welfare is not available. The budget allocated to “Family and Youth” was

€ 7.185,8 million in 2018 (out of a total budget of € 77.983 million thus equalling around 9.21%), € 7.119,8 million in 2019 (out of a total budget of € 78.870 million, thus equalling around 9.02%), € 8.067,7 million in 2020 (out of a total budget of € 100.334 million, thus equalling around 8.04%), € 7.585,1 million in 2021 (out of a total budget of € 107.138 million, thus equalling around 7.08%) and € 7.687,1 million in 2022 (out of a total budget of € 113.703 million, thus equalling around 6.76%).¹³⁷

In its most previous report, the Committee on the Rights of the Child stated the following in respect to the budget for the realization of children’s rights: “With reference to its general comment No. 19 (2016) on public budgeting for the realization of children’s rights, the Committee recommends that the State party incorporate a child rights perspective into its budgeting process, with clear allocations to children in the relevant sectors and agencies and with specific indicators and a tracking system to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated for implementation of the Convention, including by: (a) Setting performance targets linking child-related programme goals to budget allocations and actual expenditure, to allow monitoring of the outcomes and of the impacts on children, including those in vulnerable situations; (b) Developing detailed budget lines and codes for all planned, enacted, revised and actual expenditure that directly affects children; (c) Using budget classification systems that allow expenditure related to the rights of the child to be reported, tracked and analysed; (d) Ensuring that fluctuations or reductions in budget allocations for the delivery of services do not reduce the existing level of enjoyment of children’s rights; (e) Strengthening audits to increase transparency and accountability with regard to public expenditure across all sectors, in order to mobilize the maximum available resources for the implementation of the rights of the child.”¹³⁸

Question	YES	NO	Comments
3.1.4. Is the existing budget and funding of child protection services/institutions considered sufficient <u>and</u> sustainable (as compared to only project based for a limited period of time)?		x	No relevant comprehensive studies or reports identified. The significant fragmentation of competences makes it impossible to draw overall conclusions. Only partial studies exist, as for instance, an evaluation of the child and youth welfare authority Vorarlberg found that professionals see a need for improvement in

¹³⁷ Austria, Federal Ministry of Finances (*Bundesministerium für Finanzen*) (2020), Budget Report 2021 ([Budgetbericht 2021](#)); Austria, Federal Ministry of Finances (*Bundesministerium für Finanzen*) (2021), Budget Report 2022 ([Budgetbericht 2022](#)); Austria, Oesterreichische Nationalbank, [Website on the Federal Budget](#).

¹³⁸ Committee on the Rights of the Child (2020), [Concluding observations on the combined fifth and sixth periodic reports of Austria](#), CRC/C/AUT/CO/5-6, 6 March 2020.

<p><i>(Please consider available studies, reports at national level conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as the concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		<p>youth welfare services in Vorarlberg also in terms of financial resources.¹³⁹</p>
<p>3.1.5. Do EU funds play a substantial role in the funding of the national child protection system and/or related policies?</p> <p>Please provide information on the child protection areas and related services incl. providers that use EU funds (including what type of funds for which period of time).</p>	<p>x</p>	<p>Initiatives and projects by some service providers (NGOs), such as Orient Express, Jugend am Werk, are partly funded by EU funds. The EU-funded project “Safe Places” (1 September 2019 to 31 August 2021) conducted several activities to establish, promote and strengthen child protection structures.</p> <p>The Austrian National Program of the EU-Fonds for Asylum-, Migration- and Integration for the financial period 2021-2027 provides funding for measures regarding child protection. The area is seen as a cross-cutting topic within the implementation of the fund.</p> <p>EU-funds are also used for the support to young unaccompanied migrants and asylum seekers. From 2020 to 2022 € 1.718 million¹⁴⁰ from the Asylum, Migration and Integration Fund have been used for the NIPE project. NIPE stands for “Network for Intercultural Psychotherapy after Extreme Traumatization”. NIPE is an Austria-wide network comprising eleven psychotherapy centre specialised in the treatment of refugees. The NIPE centres work with interpreters and native-speaking therapists and are particularly competent in the treatment of trauma. Treatment is free of charge, travel costs are reimbursed.¹⁴¹</p>

¹³⁹ Kapella, O., Wernhard, G., Hornung, H., Österreichisches Institut für Familienforschung (2023), Evaluation of the Child and Youth Welfare Vorarlberg ([Evaluierung der Kinder- und Jugendhilfe in Vorarlberg \(u:scholar - o:1627607\) \(univie.ac.at\)](#)), Vienna, ÖIF-Research Report, Vienna, p. 189.

¹⁴⁰ Austria, Federal Ministry of the Interior, [AMIF Förderprojekte 01.01.2020-31.12.2022](#).

¹⁴¹ Austria, Website of [NIPE - Netzwerk für interkulturelle Psychotherapie nach Extremtraumatisierung](#).

			<p>From 2020 to 2022 € 283.184¹⁴² from the Asylum, Migration and Integration Fund have been used by <i>Hilfswerk Niederösterreich</i> for psychological and psychotherapeutic treatment for asylum seekers and persons with international protection status in Austria.</p> <p>There are further projects providing support to young unaccompanied migrants and asylum seekers funded by the ESF.¹⁴³</p>
<p>3.1.6. Is corporate social responsibility developed at national level in relation to child protection services?</p> <p><u>If yes</u>, please provide information on major child protection national programmes and actions that are primarily funded by the private sector or by public-private schemes/synergies.</p>		x	No such initiative identified.
<p>3.1.7. Has the involvement of the private sector in child protection recently significantly increased? Are there projects or programmes receiving governmental funding which outsource protection services for children? Please include civil society organisations and private companies contracted by government/local authorities to provide services.</p> <p><u>If yes</u>, please explain the changes and the reasons hereof. Please provide information on the legal provisions regulating this and on the main services / groups of children that are covered. Provide information based on indicative examples.</p>		x	<p>There is no recent increase the private sector observable for the reporting period. The key private associations contracted by authorities continue to be the Child Protection Centres (<i>Kinderschutzzentren</i>), providing comprehensive support including counselling, crisis intervention and psychotherapy in cases of violence or suspected violence against children and youth, as well as process support.</p>

¹⁴² Austria, Federal Ministry of the Interior, [AMIF Förderprojekte 01.01.2020-31.12.2022](#).

¹⁴³ ESF in Austria, List of projects ([Liste der Vorhaben](#)).

3.2. Information on human resources, qualification requirements, and training

Question	YES	NO	Comments
<p>3.2.1. Are the allocated human resources in the area of child protection at all levels sufficient? (services, institutions etc.)?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		x	<p>An evaluation of the child and youth welfare authority Vorarlberg found that resources for the services of the child and youth welfare authority are limited, consequently decisions are felt not as quickly as expected / needed. Moreover, the services do not sufficiently cover the need for help in some cases, especially in matters of alimony and divorce, or with regard to single parents.¹⁴⁴ The Social Fonds of the province Vorarlberg commissioned the Austrian Institute for Family Research at the University of Vienna with an evaluation of the child and youth welfare Vorarlberg. There are no such evaluations for the other provinces.</p> <p>The umbrella organisation of the Austrian child and Youth Welfare (<i>Dachverband der österreichischen Kinder- und Jugendhilfe</i>) states in a press release of July 2022 that child and youth welfare is at risk due to a lack of staff. More and more facilities have to be closed because staff are quitting and it is becoming increasingly difficult to find qualified staff. The umbrella organisation of the Austrian child and youth welfare services therefore calls for (1) federal crisis management in child and youth welfare (2) reintroduction of a federal child and youth welfare act (3) provision of federal funds for child and youth welfare analogous to the care, the disabled and the kindergarten sector.¹⁴⁵</p>
<p>3.2.2. Are the allocated human resources competent in the area of child protection and appropriately trained?</p>			<p>It is difficult to answer this question with yes or no. The findings of research indicate contradictory assessments. While some experts, parents and foster parents state that the social workers of the child and youth welfare authority</p>

¹⁴⁴ Kapella, O., Wernhard, G., Hornung, H., Österreichisches Institut für Familienforschung (2023), Evaluation of the Child and Youth Welfare Vorarlberg ([Evaluierung der Kinder- und Jugendhilfe in Vorarlberg \(u:scholar - o:1627607\) \(univie.ac.at\)](#), Vienna, ÖIF-Research Report, Vienna, p. 60.

¹⁴⁵ Austria, Umbrella Organisation of the Austrian Child and Youth Welfare (*Dachverband der österreichischen Kinder- und Jugendhilfe*) (2022), [Kinder- und Jugendhilfe brennt!](#), Press release, 29 July 2022.

<p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		<p>are competent in the area of child protection and appropriately trained, others have different views. The evaluation study found, that some parents feel in discussions with professionals, that they are being judged and not believed, that they were laughed at and generally treated disrespectfully. Some parents also felt that they had been treated unfairly and that the counsellors or individual professionals were biased. Aspects worthy of improvement, which were given as reasons for a negative assessment were the frequent changes in staff, the complicated cooperation between the different between different agencies of the child welfare services and the neglect of Corona-related effects.¹⁴⁶</p> <p>The same study found that the work principles are not implemented coherently – it rather depends on the individual social worker.¹⁴⁷</p> <p>During initial training, judges, public prosecutors and court staff receive training on various aspects related to children in legal proceedings. In addition, all trainee judges and prosecutors must complete a two-week internship at a victim protection institution including such specialised on children (e.g. “Die Möwe”).</p> <p>Judges and prosecutors working in the area of child welfare or juvenile criminal law (as well as every other judge and public prosecutor) are obliged by law to regularly participate in further training. § 57 of the Judges and Prosecutors Public Services Act (<i>Richter- und Staatsanwaltdienstgesetz - RStDG</i>) provides for a general training obligation (s. 3.2.5). In Austria, there are 14 judicial training providers (e.g. four Higher Regional Courts, the Supreme Court, four Senior Public Prosecutors’ Offices, the Federal Ministry of Justice et al.) offering (interdisciplinary) training on adequate interaction with children on a regular basis dealing with topics such as child friendly</p>
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¹⁴⁶ Kapella, O., Wernhard, G., Hornung, H., Österreichisches Institut für Familienforschung (2023), Evaluation of the Child and Youth Welfare Vorarlberg ([Evaluierung der Kinder- und Jugendhilfe in Vorarlberg \(u:scholar - o:1627607\) \(univie.ac.at\)](#), Vienna, ÖIF-Research Report, Vienna, p. 60.

¹⁴⁷ Ibid., p. 72.

		<p>interrogation, dealing with traumatized children, interdisciplinary supervision, etc.</p> <p>Since 2020, more than ten training events related to children in legal proceedings have been implemented with a total number of more than 470 participants.</p>
<p>3.2.3. Is there a <u>compulsory certification or licencing</u> process for social workers and other professionals who work for child protection?</p> <p>If <u>yes</u>, briefly describe the process.</p>	<p>x</p>	<p>The Vienna child and youth welfare authority has the following job profile and qualification requirements:</p> <p>Child and youth welfare worker: Child and youth welfare workers support children, young people and families in challenging life situations. The range of tasks varies depending on the field of activity. The authority is looking for empathetic, strong personalities with a high level of reflective ability and a sound education (certificate as): Social workers (<i>FH Soziale Arbeit</i>), Pedagogues, Psychologists (Master's degree). In some mobile services, persons also need at least 2 years of full-time professional experience in the relevant field of work in child and youth welfare. In residential youth communities, working experience is desired but not mandatory.¹⁴⁸</p> <p>The requirements in other Austrian provinces are similar.¹⁴⁹</p> <p>All judges and public prosecutors have to complete an initial training, which usually is three years long. While the initial training is mainly an on-the-job training, during which trainee judges assist judges and public prosecutors in all relevant fields of law (including family law), it also consists of regular theoretical parts on all relevant fields of law (including family law).</p> <p>In addition, judges, public prosecutors, and district prosecutors working in juvenile criminal law have to have the appropriate pedagogical skills as well as knowledge in the field of social</p>

¹⁴⁸ City of Vienna, Website on working at the Child and Youth Welfare Authority ([Arbeiten bei der Stadt Wien - Kinder- und Jugendhilfe \(MA 11\)](#))

¹⁴⁹ Youth at Work (*Jugend am Werk*), online information on job profiles of employees at the Child and Youth Welfare authority ([Jobprofil: Kinder- und Jugendhilfe | Jugend am Werk Steiermark \(jaw.or.at\)](#))

			work, psychology, psychiatry, and criminology (§ 30 Juvenile Court Act; [<i>Jugendgerichtsgesetz - JGG</i>]).
3.2.4. Are there any <u>selection criteria</u> (for example qualification requirements) and <u>vetting procedures</u> for volunteers working with children in various areas? <u>If yes</u> , please describe briefly.		x	There are no formal qualification requirements for volunteers. In most NGOs, dealing with children and the protection of children, an introductory talk and taster days take place with volunteers. Moreover, there are no formal vetting procedures for volunteers. Volunteer coordinators are available at many NGOs and offices to answer volunteers' questions about volunteering. They advise volunteers and discuss successes, challenges, ideas and wishes regarding the volunteer work. ¹⁵⁰
3.2.5. Is there <u>regular training</u> on issues related to the identification, referral, and intervention for children delivered to specialists involved in this area? <u>If yes</u> , please include information on the training of law enforcement officials (judges, prosecutors, police), health and education personnel (doctors, nurses, teachers, school counsellors). Please provide information on the mandatory nature of training, its frequency, funding, if it relates to specific needs of children, etc.		x	In Austria there is no systematic and mandatory training for professionals involved in this area. ¹⁵¹ However, pertinent trainings are provided for different professional groups as outlined in more detail below. <u>Judges and Prosecutors:</u> The general obligations mentioned in § 57 Judges and Prosecutors Public Services Act (<i>Richter- und Staatsanwaltdienstgesetz, RStDG</i> ¹⁵²) foresee an obligation to further training (<i>Fortbildung</i>). For further details please see above point 3.2.2. and 3.2.3. <u>Police:</u> Systematic training on related issues is carried out in the basic and further training of all police officers. Further training (<i>Fortbildung</i>) is provided by the White Ring, the Centres for the protection from violence (<i>Gewaltschutzzentren</i>)

¹⁵⁰ See e.g. the online information on volunteer work at the NGO SOS-Kinderdorf ([Freiwilligenarbeit bei SOS-Kinderdorf](#)) (similar procedures in other NGOs).

¹⁵¹ United Nations (UN), Committee on the Rights of the Child (CRC) (2020), *Concluding observations on Austria*, 6 March 2020.

¹⁵² Austria, Act on Judges' and Prosecutors' Service Law, ([Bundesgesetz über das Dienstverhältnis der Richterinnen und Richter, Staatsanwältinnen und Staatsanwälte und Richteramtsanwärterinnen und Richteramtsanwärter \(Richter- und Staatsanwaltschaftsdienstgesetz - RStDG\)](#), Federal Law Gazette No. 305/1961.

		<p>in the course of the training at the Federal Security Academy (<i>Sicherheitsakademie</i>).¹⁵³</p> <p><u>Health sector:</u></p> <p>In the health sector there are no regular trainings on related issues. But there are general rules on violence against children. The provinces are obliged to install child protection groups at the hospitals.¹⁵⁴</p> <p>Educational personal: There are no regular trainings for educational personal on related issues. But pedagogues can find basic information as well as a checklist on violence against children on the website of the Federal Chancellery, Section Family and Youth.¹⁵⁵</p> <p>The organization The Seagull (<i>Die Möwe</i>) offers further regular vocational training sessions for its employees in different areas (e.g. legal developments, developments in the area of psychology). Furthermore, supervision groups are obligatory for the employees.¹⁵⁶</p> <p>TAMAR offers regular supervision meetings for its employees. Furthermore, vocational training is offered and each employee has a separate vocational training budget (<i>Fortbildungsbudget</i>).¹⁵⁷</p>
3.2.6. Are child rights and child protection topics included in the curriculum of studies for professionals other than social workers and psychologists	X	<p>Trainee judges are obliged to attend the training service at the district court and at the regional court, which shall last at least one year each and at the public prosecutor's office at least six months. Moreover, they are obliged to attend</p>

¹⁵³ Austrian Federal Ministry of the Interior, Security Academy (*Sicherheitsakademie*) (2023), Training Catalogue (*Bildungskatalog 2023*), Vienna.

¹⁵⁴ § 8e of the 35. Federal Act on hospitals care centers (*35. Bundesgesetz über Krankenanstalten und Kuranstalten, KaKuG*).

¹⁵⁵ Austria, Federal Chancellery, Section Family and Youth (2023), Actions of persons working with children (pedagogues) (*Vorgehen von Personen, die mit Kindern arbeiten (Pädagogen/innen)*), Vienna.

¹⁵⁶ Information provided by Mag. Hedwig Wölfl of the association The Seagull in response to an information request for a previous FRANET-report on 7 March 2012.

¹⁵⁷ Information provided by Sonja Wohlatz of the association TAMAR in response to an information request for a previous FRANET-report on 7 March 2012.

<p>involved in child protection systems? (Please include information regarding law enforcement officials, judges, prosecutors, lawyers, health, and education personnel)</p> <p><u>If yes</u>, please describe briefly.</p>		<p>training at an institution for the execution of custodial sentences or preventive measures for at least three weeks and to attend the training service at a victim protection or welfare institution at least two weeks.¹⁵⁸</p> <p>The judicial examination also includes issues of victim protection. However, child protection and child rights are not explicitly mentioned.¹⁵⁹</p>
<p>3.2.7. Are there <u>joint training activities</u> involving professionals and personnel from various disciplines in place?</p> <p>Please provide some examples.</p>	x	<p>The Child Protection Organisation ‘the Seagull’ offers regular vocational training sessions for professionals in different areas. Examples include seminars on violence between children and how to act in such cases, basic information on child protection concepts or trauma pedagogics.¹⁶⁰</p> <p>In addition, the aforementioned judicial training providers offer joint training activities for judges, public prosecutors, district prosecutors as well as members of public and private child care institutions such as the Family and Youth Court Assistance (<i>Familien- und Jugendgerichtshilfe</i>).</p>
<p>3.2.8. Outline briefly the <u>main challenges and/ or gaps relating to human resources, qualification requirements and training</u> underlined the relevant authorities and/ or child protection civil society organisations.</p>		<p>An evaluation of the child and youth welfare authority Vorarlberg found that resources for the services of the child and youth welfare authority are limited, consequently decisions are felt not as quickly as expected / needed. Moreover, the services do not sufficiently cover the need for help in some cases, especially in matters of alimony and divorce, or with regard to single parents.¹⁶¹</p>

¹⁵⁸ Austrian Federal Ministry of Justice (2020), Legal professions in Austria ([Rechtsberufe in Österreich](#)), Vienna, pp. 25 et seqq.

¹⁵⁹ Ibid., p. 62.

¹⁶⁰ Die Möwe (2023), Services for Professionals ([Angebote für Fachkräfte](#)).

¹⁶¹ Kapella, O., Wernhard, G., Hornung, H., Österreichisches Institut für Familienforschung (2023), Evaluation of the Child and Youth Welfare Vorarlberg ([Evaluierung der Kinder- und Jugendhilfe in Vorarlberg \(u:scholar - o:1627607\) \(univie.ac.at\)](#)), Vienna, ÖIF-Research Report, Vienna.

3.3. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection capacities in the past 8 years, incl. achievements and (persisting) gaps and challenges

There is no overall assessment on the sufficiency of the budget allocation and funding, due to the split competences for child protection. An evaluation of the child and youth welfare authority Vorarlberg found that resources for the services of the child and youth welfare authority are limited, consequently decisions are felt not as quickly as expected / needed. Moreover, the services do not sufficiently cover the need for help in some cases, especially in matters of alimony and divorce, or with regard to single parents. Moreover, a lack of staff is identified for the child and youth welfare authority. The umbrella organisation of the Austrian child and youth welfare services therefore calls for (1) federal crisis management in child and youth welfare (2) reintroduction of a federal child and youth welfare act (3) provision of federal funds for child and youth welfare analogous to the care, the disabled and the kindergarten sector.

The standards for the qualification of staff in the child and youth protection area are clearly defined. Moreover, there is a wide range of training available from public and private providers. However, issues of child protection are not always explicitly mentioned.

The NPM commissions observed on their monitoring visits in socio-pedagogical facilities that staff shortages and working conditions constitute a challenge, that has already existed before the pandemic, but got worse during the pandemic. Thus, the NPM took up the topic of "training and further education of socio-pedagogical staff" in 2020 and initiated preparatory work for a new monitoring priority. Since 1 April 2021 the commissions have been examining the level of training and qualifications of the employees on all monitoring visits to child and youth welfare facilities. One topic addresses the roster planning and on-call duty during the night, at weekends and in the holidays as well as flexible employees when staff levels are low. A further subject that is examined is whether the fluctuation in the facility is within the normal range and which programmes are available for reflection and support. Even though the monitoring priority is still running until mid-2022, it is already evident that many of the planned further education measures have not taken place in the past two years due to the COVID-19 pandemic. Another challenge, identified by monitoring priority and also associated with the pandemic is the shortening of the initial training phase for new employees. The considerable amount of sick leave and quarantine-related absence means that the initial training concepts are not implemented as planned. The NPM perceives this as alarming, as work overload perceived at the beginning of a career fosters leaving the profession prematurely.¹⁶²

3.4. Promising practices

Please list and briefly describe any promising practice in child protection capacities that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

In 2023, FICE Austria has published a "CURRICULUM for the dual practice-oriented further training of professionals in inpatient child and youth welfare", which bases on the "Quality standards for in-patient

¹⁶² Austrian Ombudsman Board (2022), [Annual Report on the activities of the Austrian national Preventive Mechanism \(NPM\). Protection & Promotion of Human Rights](#), Vienna, pp. 67 et seqq.

child and adolescent care". The target group of trainings are experts in the child and youth welfare authority.¹⁶³

¹⁶³ FICE Austria (ed.) (2023), 'Curriculum for the dual practice-oriented further training of professionals in inpatient child and youth welfare' (*Curriculum Duale praxisorientierte Weiterbildung für Fachkräfte der stationären Kinder- und Jugendhilfe*), Plöchl, Vienna.

4. Care

4.1. Prevention measures and services

4.1.1. Please provide information on the interaction between the child protection system and the social welfare and social protection system in place. Is there an inherent coordination of measures and interventions? Are responsible authorities and service providers the same or different?

Child and youth welfare comprises services provided by public and private child and youth welfare organisations that contribute to supporting the rights of children and adolescents to promote their development and upbringing as independent and socially competent individuals, to protect them from all forms of violence and to strengthen the educational capacity of families. On 1 January 2020, the amendment to the Federal Constitutional Act (B-VG),¹⁶⁴ came into force, transferring the legislative competence for matters relating to child and youth welfare entirely to the provinces. Prior to this, the Federal Government regulated the principles of child and youth welfare in the Federal Child and Youth Welfare Act¹⁶⁵ () within the framework of its basic legislative competence, which was concretised by the provinces in their respective implementing laws. The concrete services and counselling of child and youth welfare are provided by services in the political districts and cities with their own statute (so-called youth welfare offices / *Jugendämter*).¹⁶⁶

Recognised child protection institutions work in close connection with the responsible institution on help for children and juveniles (*Kinder- und Jugendhilfeträger*).

Interactions between child protection centres and the child and youth welfare authority: The child protection centres support the youth welfare authority by counselling, planning and preparation of case-related child protection interventions in cooperation with public youth welfare services in cases

¹⁶⁴ Austria, Federal Act amending the Federal Constitutional Act, the Transitional Act of 1 October 1920, as amended by Federal Law Gazette No. 368 of 1925, the Federal Constitutional Act concerning Principles for the Establishment and Management of the Offices of the Provincial Governments other than Vienna, the Federal Forestry Act 1996, the Data Protection Act, the Federal Law Gazette Act, the Settlement and Residence Act and the Federal Act on the European Investigation Order in Administrative Criminal Matters are amended, Federal Constitution Act ([Bundesgesetz, mit dem das Bundes-Verfassungsgesetz, das Übergangsgesetz vom 1. Oktober 1920, in der Fassung des B. G. Bl. Nr. 368 vom Jahre 1925, das Bundesverfassungsgesetz betreffend Grundsätze für die Einrichtung und Geschäftsführung der Ämter der Landesregierungen außer Wien, das Bundesforstgesetz 1996, das Datenschutzgesetz, das Bundesgesetzblattgesetz, das Niederlassungs- und Aufenthaltsgesetz und das Bundesgesetz über die Europäische Ermittlungsanordnung in Verwaltungsstrafsachen geändert werden](#)), Federal Law Gazette I No. 14/2019.

¹⁶⁵ Austria, Federal Act on the Principles of Assistance for Families and Educational Assistance for Children and Adolescents, Federal Child and Youth Assistance Act 2013 - B-KJHG 2013 ([Bundesgesetz über die Grundsätze für Hilfen für Familien und Erziehungshilfen für Kinder und Jugendliche, Bundes-Kinder- und Jugendhilfegesetz 2013 – B-KJHG 2013](#)), Federal Law Gazette I No. 69/2013.

¹⁶⁶ Austrian Federal Chancellery, online information on the mandate of the Child and Youth Welfare authority ([Ziele und Aufgaben - Bundeskanzleramt Österreich](#)).

of suspected and/or known violence against children and adolescents (physical, psychological and sexual violence). In crisis situations, the child protection centres offer low-threshold counselling of psychosocially stressed children and adolescents and their families, as well as psychological and psychotherapeutic treatment of traumatised children and adolescents, involving their family environment as well as their educational and care institutions.

In general, the child protection centres accompany processes where violence is detected and help plans are developed, both on the part of the child and the help system (youth welfare authority).

The child and protection centres also do project-related preventive measures to raise awareness about the protection of children and young people from all forms of violence. Thus, they indirectly support the child and youth welfare authority by means of prevention.¹⁶⁷

4.1.2. Is there evidence that families are supported in their role of primary caregivers? Is the primary position of families in child caregiving and protection recognised and supported through universal and targeted services and through every stage of the intervention, particularly through prevention? Which type of support (incl. financial, medical, psycho/social advice, legal advice, care staff, care equipment, guidance and training etc.) is available to families in need.

Yes, families are supported by the child and youth welfare agencies in their role as primary caregivers in various ways. The Styrian Child and Youth Welfare act (as for each Austrian Province) outlines the prevention services, which support the development of the children. According to § 19 “Preventive Support”, Developmental support is aimed at supporting positive developmental conditions for children and adolescents as well as strengthening their aptitudes and abilities and those of their parents or other persons entrusted with care and upbringing and caregivers from the private environment.¹⁶⁸ The following types of support are available: early help, mobile, outpatient and inpatient help – they are offered also on a group-oriented and case-unspecific basis. Children and their care givers are offered counselling and guidance, social work, psychotherapeutic, psychological and socio-educational assistance.

If there is a concrete suspicion of a risk to the child's well-being, in particular due to statutory notification obligations, professional obligations or credible reports from third parties, the risk assessment must be initiated and carried out immediately, taking into account the urgency, in order to assess the risk of danger. Based on an assessment of the risk of danger, the youth and welfare authority offer support in childcare or takes over the childcare in close cooperation with the parents and under strong involvement of the child. Childcare may be granted in individual cases either on the basis of an agreement (§ 29) or on the basis of a court order or in case of imminent danger (§ 30).¹⁶⁹

¹⁶⁷ Austrian Child Protection Centres (2023), ‘Tasks’ ([Aufgaben](#)).

¹⁶⁸ Act of 15 October 2013 on Assistance for Families and Educational Assistance for Children and Adolescents (Styrian Child and Youth Welfare Act - StKJHG) ([Kinder- und Jugendhilfegesetz Steiermark](#)), LGBl. No. 138/2013.

¹⁶⁹ Act of 15 October 2013 on Assistance for Families and Educational Assistance for Children and Adolescents (Styrian Child and Youth Welfare Act - StKJHG) ([Kinder- und Jugendhilfegesetz Steiermark](#)), LGBl. No. 138/2013, §§24-31.

4.1.3. When a child in need of care is identified, who coordinates support to the family and the child to ensure protection and prevent abuse and/ or placement of the child and how?

The child and youth welfare authority at the provincial level are in charge with the coordination of support to the family and the child. This task is carried out by means of a) risk assessment and b) planning of support services.¹⁷⁰

When and by whom?

The risk assessment (=assessment of the suspicion of endangerment of a child's best interest) is to be done by qualified representatives of the child and youth welfare authority. In some provinces, the four-eyes principle (at least two experts) is mandatory, in others it is only to be applied if necessary.¹⁷¹ In practice, the risk assessment is carried out due to legally standardised notification obligations, professional obligations or credible reports from third parties. The risk assessment must be initiated and carried out immediately, taking into account the urgency, in order to assess the risk of danger.¹⁷²

How?

The risk assessment consists of the collection of those facts that are important for the whether there is a risk to the well-being of the child. The assessment shall be carried out in a structured manner, taking into account professional standards and the type of risk to be expected. Sources of information are in particular discussions with the children and adolescents concerned, their parents or other persons entrusted with care and upbringing, persons in whose care the children and adolescents regularly are, visits to the place of residence or stay of the children and adolescents, statements, reports and expert opinions of professionals as well as the written endangerment reports. Children, juveniles, parents or other persons entrusted with care and upbringing shall be involved in the risk assessment. Parents or other persons entrusted with care and education shall facilitate the risk assessment. They are obliged to provide the necessary information to verify the existence of a risk,

¹⁷⁰ Kapella, O., Rille-Pfeiffer, Ch., Schmidt, E., Österreichisches Institut für Familienforschung (2018), Evaluation of the Federal Child and Youth Welfare Act. Summary Report of all Modules and Assessment ([Evaluierung des Bundes-Kinder- und Jugendhilfegesetzes \(B-KJHG\) 2013 Zusammenfassender Bericht aller Module und Beurteilung](#)), ÖIF Research Reports, Vienna, pp. 26 et seqq.

¹⁷¹ Kapella, O., Rille-Pfeiffer, Ch., Schmidt, E., Österreichisches Institut für Familienforschung (2018), Evaluation of the Federal Child and Youth Welfare Act. Summary Report of all Modules and Assessment ([Evaluierung des Bundes-Kinder- und Jugendhilfegesetzes \(B-KJHG\) 2013 Zusammenfassender Bericht aller Module und Beurteilung](#)), ÖIF Research Reports, Vienna, pp. 40-41.

¹⁷² Act of 15 October 2013 on Assistance for Families and Educational Assistance for Children and Adolescents (Styrian Child and Youth Welfare Act - StKJHG) ([Kinder- und Jugendhilfegesetz Steiermark](#)), LGBl. No. 138/2013, §§24-31

to provide the necessary documents and personal data and to allow contact with the children and young people and the inspection of premises.¹⁷³

4.1.4. What are the crisis emergency responses in place?

Child protection centres offer crisis intervention, counselling and psychotherapy in cases of violence or the suspicion of violence against children and adolescents. Many child protection centres also offer counselling on child care for families, process support, attendance during visits and child support. These services are targeted directly towards affected children and adolescents (also as witnesses of violence), their families and caregivers, including persons from whom violence emanates, as well as all those who are confronted with the problem of violence against children and adolescents in their professional work or in their private lives. The persons in need are referred to the child protection centres by the child and youth welfare authority.¹⁷⁴

In case of acute danger, the Child and Youth Welfare Authority may provisionally take necessary measures to protect the child or adolescent without a court order. These remain in place until a court decision is made. In order to protect a child or adolescent (for example in cases of family violence), temporary admission to an extended family unit, a crisis centre or a crisis foster family may be necessary. During this time, the current problem situation is clarified together with the guardians and the children or adolescents concerned and further steps are agreed upon.¹⁷⁵

4.2. Identification and reporting procedures

Question	Yes	No	Comments
4.2.1. Is there an identification/reporting obligation	x		All actors (courts, authorities, police, persons involved into care and education, child and youth agencies, hospitals, freelancers), are obliged to

¹⁷³ Kapella, O., Rille-Pfeiffer, Ch., Schmidt, E., Österreichisches Institut für Familienforschung (2018), Evaluation of the Federal Child and Youth Welfare Act. Summary Report of all Modules and Assessment ([Evaluierung des Bundes-Kinder- und Jugendhilfegesetzes \(B-KJHG\) 2013 Zusammenfassender Bericht aller Module und Beurteilung](#)), ÖIF Research Reports, Vienna, p. 27; see also exemplarily: Act of 15 October 2013 on Assistance for Families and Educational Assistance for Children and Adolescents (Styrian Child and Youth Welfare Act - StKJHG) ([Kinder- und Jugendhilfegesetz Steiermark](#)), LGBl. No. 138/2013, §§24-31.

¹⁷⁴ The Austrian Child Protection Centres, online information on working areas of child protection centres ([Arbeitsfelder - Die Österreichischen Kinderschutzzentren \(oe-kinderschutzzentren.at\)](#))

¹⁷⁵ City of Vienna, online information on immediate measures to protect children and young people in family crisis situations ([Kinder und Jugendliche bei akuter Gefahr in Familienkrisen schützen \(wien.gv.at\)](#))

<p>foreseen in the legislation?</p> <p>If <u>yes</u>, please provide the relevant provisions and indicate authorities and/or individuals that have identification/reporting obligations.</p>		<p>report to the child and youth welfare authority, if there is a reasonable suspicion that a specific child is being or has been abused, sexually abused, neglected or is otherwise at considerable risk, if the danger cannot be averted by own professional action and if the risk is perceived in the context of the professional activity.¹⁷⁶ The suspicion must relate to a current hazard or past events must have a dangerous effect on the present. Reasonable suspicion exists if there are concrete indications of the danger that go beyond presumptions and if the indications relate to a concrete child known by name. Indications result from the child's/adolescent's own perceptions, narratives and professional conclusions. Investigations beyond one's own area of responsibility are not necessary, but simple enquiries are. This exists if there is a reasonable suspicion that a specific child is being or has been abused, sexually abused, neglected or is otherwise at considerable risk.¹⁷⁷</p> <p>The obligation to notify (Mitteilungspflicht) the child and youth welfare authority in case of suspected child endangerment is regulated in the Federal Child and Youth Welfare Act, § 37.¹⁷⁸</p>
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4.2.2. Please describe available national and/or sub-national reporting procedures for cases of abuse, exploitation, violence, harassment, discrimination, or neglect against children in all available reporting mechanisms, including, helplines and hotlines. Include the legislative and regulatory framework, actors involved (e.g. police, child protection centres, victims support organisations), and timeframe.

Please provide details such as if there a common or different procedures or helplines/hotlines for specific issues. What is the profession of the staff receiving the reporting? Is the staff competent and trained for the purpose?

¹⁷⁶ Kapella, O., Rille-Pfeiffer, Ch., Schmidt, E., Österreichisches Institut für Familienforschung (2018), Evaluation of the Federal Child and Youth Welfare Act. Summary Report of all Modules and Assessment ([Evaluierung des Bundes-Kinder- und Jugendhilfegesetzes \(B-KJHG\) 2013 Zusammenfassender Bericht aller Module und Beurteilung](#)), ÖIF Research Reports, Vienna, pp. 15 et seqq.

¹⁷⁷ Austrian Federal Chancellery, Section Family and Youth (2023), Reporting obligations to the child and youth welfare authority ([Mitteilungspflicht an die Kinder- und Jugendhilfe: gewaltinfo.at](#))

¹⁷⁸ Austria, Province of Vorarlberg, Child and Youth Welfare Act ([Gesetz über die Kinder- und Jugendhilfe](#)), LGBl. No. 29/2018.

As there is a reporting obligation foreseen in the federal child and youth welfare act, the reporting procedures for cases of abuse, exploitation or neglect against children are the same in all available reporting mechanism. The institutions and persons named in § 37 B-KJHG 2013 (*Bundes-Kinder- und Jugendhilfegesetz 2013*)¹⁷⁹ are obliged to immediately notify the Child and Youth Welfare Authority when they have a justified suspicion (see above) that the welfare of a child is in danger. Therefore, they have to file a report of endangerment (*Gefährdungsmeldung*) to the youth welfare services (*Kinder- und Jugendhilfe*)¹⁸⁰. The reports of endangerment must be in writing, include all relevant facts and conclusions as well as the name and address of the child in question and of the person filing the report (§ 37 (4)).

On the website gewaltinfo.at, run by the Federal Chancellery, Section Family and Youth, checklists for recognising different forms of violence against children, guidelines on documentation and reporting as well as guidelines on how to proceed, can be found. The website also informs about the formal requirements of the report (*Mitteilung an die Kinder und Jugendhilfe bei Verdacht der Kindeswohlgefährdung*).¹⁸¹ The website does not target children specifically. It mainly targets professionals by providing studies on the prevalence and forms of violence as well as the already mentioned guidelines on how to proceed in cases of suspected violence.

A checklist for identification of different forms of violence against children is available for police officers. In cases where the welfare of a child is in danger, the police will immediately notify the Child and Youth Welfare Office with the relevant facts and data.¹⁸²

There is no reporting obligation foreseen for private persons. Private persons may report anonymously.¹⁸³ Therefore different hotlines are installed. Some of them are open 24/7.¹⁸⁴ These hotlines offer counselling (upon request anonymous). The website provides information on different kinds of violence, affecting children, in child-friendly language. The staff at the hotlines are trained to talk child-friendly and with empathy on the case – also if the child is intimidated and reluctant to talk. Moreover, they to provide information about additional service or referrals. Moreover, information on referrals to the procedures of the child and youth welfare authority are provided. Sometimes,

¹⁷⁹ Austria, Federal Law on help for families and educational help for children and juveniles 2013 (*Bundesgesetz über die Grundsätze für Hilfen für Familien und Erziehungshilfen für Kinder und Jugendliche, Bundes- Kinder- und Jugendhilfegesetz*), Federal Law Gazette I No. 69/2013.

¹⁸⁰ Federal Chancellery, Section Family and Youth (*Bundeskanzleramt – Sektion VI: Familie und Jugend*), *Mitteilung an die Kinder- und Jugendhilfe bei Verdacht der Kindeswohlgefährdung*.

¹⁸¹ Federal Chancellery, Section Family and Youth (*Bundeskanzleramt – Sektion VI: Familie und Jugend*), Guideline for documentation (*Leitfaden zur Dokumentation*), Checklist for early identification of violence against children (*Checkliste zur Früherkennung von Gewalt an Kindern*), Visible signs of psychological violence against children (*Anzeichen psychischer Gewalt gegen Kinder*), How can I identify sexual violence against children? (*Wie kann ich sexuelle Gewalt an Kindern erkennen?*), Action at suspect (*Vorgehensweise bei Verdacht*), Actions of persons working with children (pedagogues) (*Vorgehen von Personen, die mit Kindern arbeiten (Pädagogen/innen)*).

¹⁸² Austria, Federal Ministry of Justice, Findings from the Task Force Child Protection (*Ergebnisse der Task Force Kinderschutz*).

¹⁸³ Information provided by Brigitte Pörsch and Krista Mittelbach, KIJA Steiermark, in a personal interview on 12 March 2014.

¹⁸⁴ Some of these hotlines are named on the website of the Federal Chancellery, Section Family and Youth (*Bundeskanzleramt – Sektion VI: Familie und Jugend*), gewaltinfo.at.

children fear that the youth welfare will immediately organise alternative care or interfere in family relations. The counsellors at “*Rat auf Draht*” offer an anonymous conference call at the child and youth welfare authority to find out what they would do in this case. Based on this information, the child may decide how to proceed. Nothing is done against the will of the child, at “*Rat auf Draht*”.¹⁸⁵ Moreover, an evaluation of the Federal Child and Youth Welfare Act briefly summarises the obligations as well as the exceptions according to the law. There is no obligation to report if the risk to the child's well-being can be averted by the professionals and their professional actions, or if the facts giving rise to the suspicion lie in the past and there is no current risk to the child's well-being.¹⁸⁶ A child protection concept, also called child protection policy or child protection guideline, is an organisational development process in which organisations deal with possible risks for children in their services and define measures to counter these identified risks. At the end of such a process, any risks are made aware, a clear stance against violence is taken, the legal framework is defined, responsibilities and procedures are fixed, recruitment criteria for staff are established, behavioural guidelines or a code of conduct are formulated, a complaints management system is developed and an intervention plan is worked out, and all this is cast in a formulated child protection policy. Children and young people are involved in this process. A child protection concept has the effect that the risk to children and young people in the organisation is minimised, the staff are protected because they know procedures and know what to do and who to inform if they are concerned about a child, and the organisation itself is protected. With a protection concept, the organisation shows that it takes child protection seriously and puts prevention into practice.¹⁸⁷ Behavioural guidelines, the code of conduct¹⁸⁸ as well as the complaint management¹⁸⁹ regulate (among others) the dealing with complaints and reports from children.

An amendment to the School Instruction Act is currently under consideration, which provides for mandatory child protection concepts at schools. The *provinces* are responsible for introducing mandatory child protection concepts in elementary educational institutions (kindergartens). In Vienna, the mandatory implementation of child protection concepts has already been regulated by law. There is no legal obligation to introduce child protection concepts for associations and institutions working with children - for example in the field of culture, sports, extracurricular youth work, parent and child support in the event of divorce and separation, and parent education. In April

¹⁸⁵ Council on the wire, telephone counselling service for children (*Rat auf Draht*), (2023), ‘What does the child and youth welfare do in case of violence and abuse?’ ([Was macht die Kinder- und Jugendhilfe bei Gewalt und Misshandlung? - 147 Rat auf Draht](#))

¹⁸⁶ Kapella, O., Rille-Pfeiffer, Ch., Schmidt, E., Österreichisches Institut für Familienforschung (2018), Evaluation of the Federal Child and Youth Welfare Act. Summary Report of all Modules and Assessment ([Evaluierung des Bundes-Kinder- und Jugendhilfegesetzes \(B-KJHG\) 2013 Zusammenfassender Bericht aller Module und Beurteilung](#)), ÖIF Research Reports, Vienna, pp. 16 et seqq.

¹⁸⁷ Platform Child Protection Concepts, online information on child protection concepts ([Über Kinderschutzkonzepte - Plattform Kinderschutzkonzepte](#)).

¹⁸⁸ BOJA – Nationwide Network Open Youth Work (*Bundesweites Netzwerk Offene Jugendarbeit*) (2023), ‘Code of Conduct Child Protection’ ([DINA4 Download boJA 3 Verhaltenskodex Kinderschutz.pdf](#)).

¹⁸⁹ BOJA – Nationwide Network Open Youth Work (*Bundesweites Netzwerk Offene Jugendarbeit*) (2023), ‘Overview Reporting and Case management’ ([DINA4 Download boJA 11 Ueberblick Melde- und Fallmanagement.pdf](#)).

2023, the Federal Chancellery, Section Family and Youth, launched a funding call to strengthen child protection in the amount of EUR 600,000, which will support, *inter alia*, the implementation of child protection concepts.

Question	Yes	No	Comments
<p>4.2.3. Do children have the right to report independently?</p> <p>If <u>yes</u>, please provide information on the availability of <u>age-appropriate and child-friendly</u> reporting procedures (to whom and how children can report child rights' violations and abuse). Is the anonymity and confidentiality of the child in the reporting protected? Please comment briefly.</p>	x		Children may report directly at the child and youth welfare authority or via counselling telephone hotlines / chats. All these reporting offers are anonymous and confidentially. ¹⁹⁰
<p>4.2.4. Are children informed of their right to report and how they can do it? If yes, by whom and how?</p>	x		The child and youth advocacy (<i>Kinder- und Jugendanwaltschaft</i>) offers age-appropriate and child friendly information on how children may report independently at the child and youth welfare authority. Moreover, in a child-friendly way, information on child rights in proceedings are provided. ¹⁹¹ Counselling centres and hotlines also provide information on violence and how to report in easy language. ¹⁹²
<p>4.2.5. What are the main challenges and/or gaps relating to identification and reporting procedures underlined by relevant authorities and/or child protection civil society organisations?</p> <p>The specification of the obligation to report in the Federal Child and Youth Welfare Act 2013 has led to a high level of awareness on the obligation to report suspected threats to the well-being of children.</p> <p>However, there is clear potential for improvement of the professionals' level of knowledge on the specific provisions (e.g. that notifications must be made in writing and that the duty to notify is not suspended by professional confidentiality provisions, especially in medical and educational professions). The evaluation found that the clarification and sensitization for different forms of violence should be further promoted. Reporting obligations not only exist in relation to physical</p>			

¹⁹⁰ Rat auf Draht gemeinnützige GmbH, [Website](#).

¹⁹¹ Ombudsoffice for Children and the youth, Custody and contact rights (*Obsorge und Kontaktrecht*).

¹⁹² Rat auf Draht gemeinnützige GmbH, Help in Case of Violence in Relationships (*Hilfe bei Gewalt in Beziehungen*).

violence or visible consequences of injuries, but also psychological violence, bullying, neglect, violence that children and adolescents witness in the family, even if they are not affected themselves.

As regards the risk assessment, the four-eyes principle has been well established in practice through the B-KJHG and represents and is a working principle for professionals. 97% of the social workers in charge of the case always or mostly apply the principle of dual control (=four-eyes principle) for the assessment of a risk after a report of a suspected risk to the well-being of a child was submitted. The joint assessment of the situation in the case of a risk report by two qualified professionals gives the professionals the most security in the assessment and the decision to be made.

With the reform of the B-KJHG, a fundamental framework was created to better protect children and young people from violence and other dangers. However, professionals can only implement the measures and principles of action to a limited extent, because their staff and time resources have not been improved.¹⁹³

4.3. Referral procedures(s) and investigation and protection

4.3.1. Please describe the referral mechanisms in place following reporting and identification procedures.

In the answer please include the legislative and regulatory framework, interagency protocols and guidelines, the actors involved and their role and responsibilities, as well as the applicable timeline. Please also specify the procedure, if different, for other groups of children (e.g. with disabilities, migrant, victim of a particular form of violence etc.)

The provincial child and youth welfare acts¹⁹⁴ regulate the investigation and assessment procedures in case the endangerment of a child's wellbeing is suspected by professionals (teacher, doctor, pedagogue, nurse, etc.). If in the course of a professional activity, there are reasonable grounds to suspect that children or young people are being or have been abused, tormented, neglected or their

¹⁹³ Kapella, O., Rille-Pfeiffer, Ch., Schmidt, E., Österreichisches Institut für Familienforschung (2018), Evaluation of the Federal Child and Youth Welfare Act. Summary Report of all Modules and Assessment (*Evaluierung des Bundes-Kinder- und Jugendhilfegesetzes (B-KJHG) 2013 Zusammenfassender Bericht aller Module und Beurteilung*), ÖIF Research Reports, Vienna, pp. 117 et seqq.

¹⁹⁴ Lower Austria Child and Youth Welfare Act (*NÖ Kinder- und Jugendhilfegesetz (NÖ KJHG)*), LGBl. 9270-0; Upper Austria Child and Youth Welfare Act 2014 (*Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014*), LGBl. No. 30/2014; Salzburg Child and Youth Welfare Act (*Salzburger Kinder- und Jugendhilfegesetz – S.KJHG*), LGBl. No. 32/2015; Carinthia Child and Youth Welfare Act (*Kärntner Kinder- und Jugendhilfegesetz – K-KJHG*), LGBl. No. 83/2013; Burgenland Child and Youth Welfare Act (*Burgenländisches Kinder- und Jugendhilfegesetz - Bgld. KJHG*), LGBl. No. 62/2013; Styria Child and Youth Welfare Act (*Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG*), LGBl. No. 138/2013; Tyrol Child and Youth Welfare Act (*Tiroler Kinder- und Jugendhilfegesetz – TKJHG*), LGBl. No. 150/2013; Vienna Child and Youth Welfare Act (*Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013*), LGBl. No. 51/2013; Vorarlberg Child and Youth Welfare Act (*Gesetz über die Kinder- und Jugendhilfe*), LGBl. No. 29/2013.

well-being is in any other way seriously endangered, the Youth Welfare Authority has to be notified in writing. The Youth Welfare Authority then does the assessment of danger (*Gefährdungsabklärung*). The procedures regarding the assessment of imminent danger of the child's welfare are set out in detail. Consultations are held with the child concerned, its parents and other members of the social environment, such as teachers. Additionally, the responsible youth welfare service visits the home of the child and ask for expert opinions (*Gutachten*) by psychologists. The assessment of danger is to be done applying the four-eyes principle.

Question	Yes	No	Comments
4.3.2. Are there applicable standards in the form of legal provisions, guidelines, protocols, interagency agreements or regulatory frameworks regarding investigation and assessment procedures following reporting and identification procedures?	x		The Federal chancellery – section family and the youth published guidelines on how to recognise and act if a child's welfare is endangered. ¹⁹⁵
4.3.3. Is the assessment carried out by a multidisciplinary team of professionals?	x		The provincial child and youth welfare acts ¹⁹⁶ introduced the principle that at least two well-trained specialists (<i>Fachkräfte</i>) should assess whether there is an imminent danger to the child's best interests. There are no legal provisions regulating the profession (disciplines) of these two specialists, they must be professionals (<i>Fachkräfte</i>). An evaluation study indicate that the two professionals (social workers) are colleagues,

¹⁹⁵ Austria, Federal Chancellery, Section Family and Youth (2020), (No) Safe Place – Child welfare endangerment: recognising and helping, a guidance, ([K\)kein sicherer Ort - Kindeswohlgefährdung erkennen und helfen \(gewaltinfo.at\)](#)), Vienna.

¹⁹⁶ Lower Austria Child and Youth Welfare Act ([NÖ Kinder- und Jugendhilfegesetz \(NÖ KJHG\)](#)), LGBl. 9270-0; Upper Austria Child and Youth Welfare Act 2014 ([Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014](#)), LGBl. No. 30/2014; Salzburg Child and Youth Welfare Act ([Salzburger Kinder- und Jugendhilfegesetz – S.KJHG](#)), LGBl. No. 32/2015; Carinthia Child and Youth Welfare Act ([Kärntner Kinder- und Jugendhilfegesetz – K-KJHG](#)), LGBl. No. 83/2013; Burgenland Child and Youth Welfare Act ([Burgenländisches Kinder- und Jugendhilfegesetz - Bgld. KJHG](#)), LGBl. No. 62/2013; Styria Child and Youth Welfare Act ([Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG](#)), LGBl. No. 138/2013; Tyrol Child and Youth Welfare Act ([Tiroler Kinder- und Jugendhilfegesetz – TKJHG](#)), LGBl. No. 150/2013; Vienna Child and Youth Welfare Act ([Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013](#)), LGBl. No. 51/2013; Vorarlberg Child and Youth Welfare Act ([Gesetz über die Kinder- und Jugendhilfe](#)), LGBl. No. 29/2013.

			thus they are not necessarily of different disciplines. It is rather a peer-counselling on the case. ¹⁹⁷
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4.3.4. Please provide information on who is responsible to investigate and assess the situation of the child and the family and how this is done. Please provide information and describe the role and responsibilities of judicial authorities in the reporting and referral procedure.

The Youth Welfare Authority then does the assessment of danger (*Gefährdungsabklärung*). The procedures regarding the assessment of imminent danger of the child's welfare (*Gefährdungsabklärung*) are set out in detail. Consultations are held with the child concerned, its parents and other members of the social environment, such as teachers. Additionally, the responsible youth welfare service visits the home of the child and ask for expert opinions (*Gutachten*) by psychologists (§ 22 (3) B-KJHG). The assessment of danger is to be done applying the four-eyes principle. In some provinces, the four-eye principle is obligatory in other provinces it is only to be done if necessary (i.e. in very complex cases, where the assessment of danger is difficult and not in cases, where the factual situation is rather obvious).

Judicial authorities are involved into reporting and referral procedures. The police may - especially after an act of abuse or threat - expel persons who endanger the health, freedom or even the life of a victim from a flat or house for two weeks and prohibit the approach of persons at risk within a radius of one hundred metres. This applies to adult and child victims. If a child victim is included in the case, the judicial authorities refer the case to the child and youth welfare authority.

If a child endangerment is reported to the judicial authorities by a witness (professional or private person), they initiate the criminal investigations ex officio. According to § 78 (1) Code of Criminal Procedure, authorities or public offices, who suspect a criminal act, are obliged to report it to the police or prosecutor - except in the cases provided for in § 78 (2) Code of Criminal Procedure – private persons have a right to do so, but they are not obliged to.

When it comes to a criminal proceeding, the judicial authorities interfere in the case in the framework of the criminal investigations (interrogations at police and court).¹⁹⁸

However, not every endangerment of the child's welfare is a criminal act.

Question	Yes	No	Comments
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¹⁹⁷ Kapella, O., Rille-Pfeiffer, Ch., Schmidt, E., Österreichisches Institut für Familienforschung (2018), *Evaluation of the Federal Child and Youth Welfare Act. Summary Report of all Modules and Assessment (Evaluierung des Bundes-Kinder- und Jugendhilfegesetzes (B-KJHG) 2013 Zusammenfassender Bericht aller Module und Beurteilung)* ÖIF Research Reports, Vienna, pp. 39 et seqq.

¹⁹⁸ Austria, Federal Chancellery, Section Family and Youth (2020), *(No) Safe Place – Child welfare endangerment: recognising and helping, a guidance, (K)ein sicherer Ort - Kindeswohlgefährdung erkennen und helfen (gewaltinfo.at)*, Vienna, p. 15, 29.

4.3.5. Are the roles and responsibilities of the various actors and professionals involved in these procedures (including civil society organisations) clearly stated in the legislative and regulatory framework?	x		The roles and responsibilities of the various actors are stated in the legislative framework of the child and youth welfare acts, ¹⁹⁹ as well as in the guidelines of the section family and youth of the Federal chancellery, as published in 2020 (p. 15 et seqq). ²⁰⁰
4.3.6. Are there any inter-agency cooperation protocols and agreements in place to strengthen cooperation between actors with responsibility in the referral procedure and enhance the efficiency of their actions?	x		<p>Successful communication and cooperation between child and youth welfare services and other partners in the system plays a central role in risk assessment. A risk assessment is often initiated by a notification of a suspected risk to the well-being of a child (see above).</p> <p>The evaluation of the Federal Child and Youth Welfare act indicates room for improvement regarding the communication and cooperation between child and youth welfare and those, obliged to report a suspected risk. The agreements already in place only regard the obligation to report and a template for reporting, that is available at the website gewaltinfo.at. The further cooperation or exchange of information is not regulated.²⁰¹ Improvement is requested regarding the form and content of the report, and on the</p>

¹⁹⁹ Lower Austria Child and Youth Welfare Act (*NÖ Kinder- und Jugendhilfegesetz (NÖ KJHG)*), LGBl. 9270-0; Upper Austria Child and Youth Welfare Act 2014 (*Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014*), LGBl. No. 30/2014; Salzburg Child and Youth Welfare Act (*Salzburger Kinder- und Jugendhilfegesetz – S.KJHG*), LGBl. No. 32/2015; Carinthia Child and Youth Welfare Act (*Kärntner Kinder- und Jugendhilfegesetz – K-KJHG*), LGBl. No. 83/2013; Burgenland Child and Youth Welfare Act (*Burgenländisches Kinder- und Jugendhilfegesetz - Bqld. KJHG*), LGBl. No. 62/2013; Styria Child and Youth Welfare Act (*Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG*), LGBl. No. 138/2013; Tyrol Child and Youth Welfare Act (*Tiroler Kinder- und Jugendhilfegesetz – TKJHG*), LGBl. No. 150/2013; Vienna Child and Youth Welfare Act (*Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013*), LGBl. No. 51/2013; Vorarlberg Child and Youth Welfare Act (*Gesetz über die Kinder- und Jugendhilfe*), LGBl. No. 29/2013.

²⁰⁰ Austria, Federal Chancellery, Section Family and Youth (2020), (No) Safe Place – Child welfare endangerment: recognising and helping, a guidance (*(K)kein sicherer Ort - Kindeswohlgefährdung erkennen und helfen (gewaltinfo.at)*), Vienna.

²⁰¹ Austria, Federal Chancellery (2023), 'Template on the notification to the child and youth welfare authority if there is a suspicion that the welfare of a child is at risk' (*Meldeformular an die Kinder- und Jugendhilfe bei Verdacht der Kindeswohlgefährdung*).

			other hand with regard to the feedback after receipt of a report. There are key differences between these two groups regarding the question of whether, when and, above all, which information should be passed on by public child and youth welfare workers to professionals who are obliged to report as part of the overall process of risk assessment. Those, who report, request more information and cooperation, than those, who carry out the risk assessment – based on the report. ²⁰²
4.3.7. Is it likely that procedures will differ, depending on the migration – residential status of the child concerned? <i>Please also consider potential divergences depending on main actors involved.</i>		X	The resources do not indicate any different <u>procedures</u> depending on the migration, residential status of a child concerned. However, practical challenges are related to dealing with migrant children, particularly unaccompanied minors. ²⁰³
4.3.8. Are affected children heard as part of the procedures? <u>If yes</u> , are the hearings child-sensitive and designed age-appropriately and in child-friendly language? Do children receive information and support by competent and trained professionals?	x		The Austrian Criminal Procedure Code foresees special regulations and protections for the police interrogation of children and juveniles and their right to participate in the criminal proceedings. ²⁰⁴ The special protection measures apply to all victims, who are minor. The following special protection measures are applied upon request: Here specially trained criminal investigators are usually called in. In some cases, specially equipped interview rooms are used. The interrogation is video recorded. If the case is forwarded to the prosecutor and it comes to a court hearing, the victim will be heard again by the court as a witness. In the case of children, it usually takes

²⁰² Kapella, O., Rille-Pfeiffer, Ch., Schmidt, E., Österreichisches Institut für Familienforschung (2018), Evaluation of the Federal Child and Youth Welfare Act. Summary Report of all Modules and Assessment ([Evaluierung des Bundes-Kinder- und Jugendhilfegesetzes \(B-KJHG\) 2013 Zusammenfassender Bericht aller Module und Beurteilung](#)), ÖIF Research Reports, Vienna, pp. 29 et seqq.

²⁰³ Kapella, O., Rille-Pfeiffer, Ch., Schmidt, E., Österreichisches Institut für Familienforschung (2018), Evaluation of the Federal Child and Youth Welfare Act. Summary Report of all Modules and Assessment ([Evaluierung des Bundes-Kinder- und Jugendhilfegesetzes \(B-KJHG\) 2013 Zusammenfassender Bericht aller Module und Beurteilung](#)), ÖIF Research Reports, Vienna, pp. 77 et seqq.

²⁰⁴ Austria, Criminal Procedure Code ([Strafprozessordnung](#)), Federal Law Gazette No. 631/1975.

		<p>place before the indictment in the form of "adversarial questioning" in order to avoid secondary victimisation and the direct contact of the witness with the defendant. The participation at the interrogation of other participants in the proceeding may be limited by the use of technical means of audio and visual transmission for following the interrogation and the right to ask questions being exercised without being present at the interrogation. In certain cases it is possible to appoint an expert to conduct the interrogation (§§ 165 and 250 Code of Criminal Procedure).²⁰⁵ If an adversary questioning has taken place, the witness is released from the obligation to further testify and the protocol of the adversary questioning can be read in the main trial (§ 252 (1) (2a) Code of Criminal Procedure)</p> <p>If they meet the requirements listed in § 66b (1) Code of Criminal Procedure, child victims are entitled to psycho-social and legal process support. Victims whose sexual integrity might have been violated and who are under the age of 14 are afforded psycho-social support in any case. (see section 4.3.9).</p> <p>Children, who are suspected offenders, are to be interrogated child-friendly and age appropriately – according to the Juvenile Justice Act. Moreover, the interrogation has to be audio- and videorecorded in case no person of trust / lawyer is present.²⁰⁶</p> <p>With regard to civil proceedings, § 289a of the Code of Civil Procedure, as well as §§ 20 and 35 of the Conflict Resolution Act, provide the option to have a child testifying as a party or as a witness in civil proceedings. The questioning is performed separately (i.e. in a room apart) from the other parties of the proceedings. If the child not having reached the age of 14 is a victim of a criminal</p>
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²⁰⁵ Austria, Federal Chancellery, Section Family and Youth (2020), (No) Safe Place – Child welfare endangerment: recognising and helping, a guidance, ([K\)ein sicherer Ort - Kindeswohlgefährdung erkennen und helfen \(gewaltinfo.at\)](#)), Vienna.

²⁰⁶ Austria, Federal Act of 20 October 1988 on the Administration of Justice in the Case of Offences Committed by Juveniles and Young Adults, Juvenile Courts Act 1988 - JGG) ([Bundesgesetz vom 20. Oktober 1988 über die Rechtspflege bei Straftaten Jugendlicher und junger Erwachsener \(Jugendgerichtsgesetz 1988 – JGG\)](#)), Federal Law Gazette No. 599/1988.

		<p>offence, § 289a of the Code of Civil Procedure postulates that a suitable court-appointed expert should be assigned to question the child concerning the subject matter of the criminal proceedings. In addition, § 289b of the Code of Civil Procedure addresses the special protection requirement of the child in two ways. On the one hand, this provision makes it possible to waive questioning of the child altogether, if such questioning <i>per se</i> would already endanger his/her wellbeing. On the other hand, if not the questioning <i>per se</i>, but the questioning in the presence of the parties or their representative could endanger the child's wellbeing, considerate questioning (i.e. in a separate room or else in the presence of a suitable court-appointed expert) of the child shall be provided also in civil proceedings (even if the child was not a victim of crime).</p> <p>Furthermore, § 289b of the Code of Civil Procedure provides that a trusted adult (<i>Vertrauensperson</i>) shall always be called upon during the questioning of children, if such presence would be in their interest, regardless of whether the public is excluded from the proceedings and whether the child is being questioned as party or as witness.</p> <p>This provision is intended to provide psychological support to children during questioning and contribute to reducing any mental stress that might arise.</p>
<p>4.3.9. Are there mental health support services available for affected children?</p> <p><u>If yes</u>, how are services working together? How is it ensured that the child is informed and can make use of these services?</p>	<p>x</p>	<p>Children, who are in criminal proceedings as victims or witnesses and meet the requirements mentioned in § 66b (1) Code of Criminal Procedure, are entitled upon request to psycho-social process support, done by children protection centres. Victims whose sexual integrity might have been violated and who are under the age of 14 are afforded psycho-social support in any case. The services are free of charge. The right to psychosocial and legal support exists already before a crime is reported to the criminal prosecution authorities and generally ends when the criminal proceedings are concluded. The parents are involved into these services. The offer of psychosocial process support includes, among other things:</p>

			<ul style="list-style-type: none"> - the preparation of the persons concerned for the proceedings and the associated stresses and strains - information about the course of criminal proceedings and the consequences of filing a complaint - personal accompaniment to the report and to police interviews and in the preliminary and main proceedings - coordination with other relevant institutions²⁰⁷
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4.3.10. What are the main challenges and gaps in the referral and investigation highlighted by relevant authorities, child protection, and civil society organisations? Briefly describe.

A study on the assessment of danger from the perspective of children found, that challenges are related to the participation of children in referral and investigation. Young people were asked about their experiences of participation, whether they experienced an open atmosphere for expressing their opinions, whether they were informed about procedures and decisions, whether they were asked (in advance) about their opinions, wishes and needs, and whether these opinions were also taken into account in the decision-making process. Some children felt that they were asked about their wishes in advance but felt that these were ignored and that the decision-making power ultimately rested with the professionals of the youth welfare services and the parents.²⁰⁸

Moreover, experts note that the referral procedures are implemented differently between the nine provinces. Experts claim for nationwide standards.²⁰⁹

4.4. Placement decisions – care orders

4.4.1. Following the investigation and assessment of the child’s situation, who is responsible to decide upon issuing a care order/decision and the placement of the child in alternative care?

²⁰⁷ The Austrian Child Protection Centres, Procedural Support Unit ([Fachstelle Prozessbegleitung - Die Österreichischen Kinderschutzzentren \(oe-kinderschutzzentren.at\)](https://www.oekinderschutzzentren.at)).

²⁰⁸ Hornung, H., Kapella, O., Österreichisches Institut für Familienforschung (2022), Assessment of danger from the perspective of adolescents ([FB 46 - Gefährdungsabklärung \(oif.ac.at\)](https://www.oif.ac.at)), Research Report No. 46, Vienna.

²⁰⁹ Kapella, O., Rille-Pfeiffer, Ch., Schmidt, E., Österreichisches Institut für Familienforschung (2018), Evaluation of the Federal Child and Youth Welfare Act. Summary Report of all Modules and Assessment ([Evaluierung des Bundes-Kinder- und Jugendhilfegesetzes \(B-KJHG\) 2013 Zusammenfassender Bericht aller Module und Beurteilung](https://www.oif.ac.at)), ÖIF Research Reports, Vienna.

The child and youth welfare authority decides upon the investigation and assessment of endangerment notification (see above) in cooperation with the child's parents and other important care persons (for instance the Styrian Child and Youth Welfare Act (KJHG), §§ 25-31). In case, the parents do not cooperate in these measures for the child's best interests, the family court, which is located at the district courts, decides on the withdrawal or restriction of parental custody (§30 Styrian KJHG, § 181 ABGB). In case of acute danger, the child and youth welfare authority may decide and immediately take over the custody of a child (§30 Styrian KJHG, §221 ABGB). The authority has to report this at the family court within eight days. The court then assesses the situation and decides upon issuing a care order.²¹⁰

Question	Yes	No	Comments
<p>4.4.2. Are there legislative and or regulatory provisions clearly stating the criteria that should be taken into consideration in the assessment of the situation and in the decision-making process?</p> <p>Are there provisions specifying the criteria that should be considered when deciding to remove the child from its family? Are the principles of necessity and appropriateness considered?</p>	x		<p>The legislative provisions on withdrawal or restriction of custody are found in the Civil Code in § 181.²¹¹ More concretely (including criteria and different settings), legislative provisions on withdrawal or restriction of custody are found in the provincial child and youth welfare acts.²¹²</p> <p>In the context of the assessment of danger, the child and youth welfare authority must - in a structured manner and based on professional standards - ascertain all those facts which appear significant for a risk assessment. These standards are to be laid down in the provincial child and youth welfare acts.²¹³ The assessment of danger concludes with an assessment by the child and youth welfare authority as to whether or not a risk</p>

²¹⁰ Styria Child and Youth Welfare Act ([Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG](#)), LGBl. No. 138/2013.

²¹¹ Austria, Austrian Civil Code ([Allgemeines Bürgerliches Gesetzbuch](#)), RGBl. No. 217/1895.

²¹² Styria Child and Youth Welfare Act ([Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG](#)), LGBl. No. 138/2013.

²¹³ Lower Austria Child and Youth Welfare Act ([NÖ Kinder- und Jugendhilfegesetz \(NÖ KJHG\)](#)), LGBl. 9270-0; Upper Austria Child and Youth Welfare Act 2014 ([Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014](#)), LGBl. No. 30/2014; Salzburg Child and Youth Welfare Act ([Salzburger Kinder- und Jugendhilfegesetz – S.KJHG](#)), LGBl. No. 32/2015; Carinthia Child and Youth Welfare Act ([Kärntner Kinder- und Jugendhilfegesetz – K-KJHG](#)), LGBl. No. 83/2013; Burgenland Child and Youth Welfare Act ([Burgenländisches Kinder- und Jugendhilfegesetz - Bgld. KJHG](#)), LGBl. No. 62/2013; Styria Child and Youth Welfare Act ([Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG](#)), LGBl. No. 138/2013; Tyrol Child and Youth Welfare Act ([Tiroler Kinder- und Jugendhilfegesetz – TKJHG](#)), LGBl. No. 150/2013; Vienna Child and Youth Welfare Act ([Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013](#)), LGBl. No. 51/2013; Vorarlberg Child and Youth Welfare Act ([Gesetz über die Kinder- und Jugendhilfe](#)), LGBl. No. 29/2013.

			<p>exists. The Laws stipulate with regard to the assessment of danger that this assessment should, if necessary, be carried out in cooperation with two specialists. The individual steps of the assessment of danger must be documented. If the child's welfare is endangered and this endangering could only be resolved through the placement of the child, the youth welfare service would decide upon the placement of the child.²¹⁴ For these cases the placement must be the mildest (<i>gelindestest</i>) measure to change the situation of the child.</p> <p>Poverty or material deprivation is not considered as a solid ground but there are cases where placement of children occurs after the eviction (<i>Delogierung</i>) of the family.²¹⁵</p>
4.4.3. Are there provisions requiring that the views of the child should be taken	x		<p>According to the provincial child and youth welfare acts,²¹⁶ the consideration of the views of the child as well as the parents in the decision-</p>

²¹⁴ Lower Austria Child and Youth Welfare Act ([NÖ Kinder- und Jugendhilfegesetz \(NÖ KJHG\)](#)), LGBl. 9270-0; Upper Austria Child and Youth Welfare Act 2014 ([Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014](#)), LGBl. No. 30/2014; Salzburg Child and Youth Welfare Act ([Salzburger Kinder- und Jugendhilfegesetz – S.KJHG](#)), LGBl. No. 32/2015; Carinthia Child and Youth Welfare Act ([Kärntner Kinder- und Jugendhilfegesetz – K-KJHG](#)), LGBl. No. 83/2013; Burgenland Child and Youth Welfare Act ([Burgenländisches Kinder- und Jugendhilfegesetz - Bqld. KJHG](#)), LGBl. No. 62/2013; Styria Child and Youth Welfare Act ([Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG](#)), LGBl. No. 138/2013; Tyrol Child and Youth Welfare Act ([Tiroler Kinder- und Jugendhilfegesetz – TKJHG](#)), LGBl. No. 150/2013; Vienna Child and Youth Welfare Act ([Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013](#)), LGBl. No. 51/2013; Vorarlberg Child and Youth Welfare Act ([Gesetz über die Kinder- und Jugendhilfe](#)), LGBl. No. 29/2013.

²¹⁵ Information provided by Ulrike Walch, Land Steiermark, Bezirkshauptmannschaft Graz-Umgebung, Sozialreferat, Bereich Jugendwohlfahrt, in a telephone interview on 19 March 2014.

²¹⁶ Lower Austria Child and Youth Welfare Act ([NÖ Kinder- und Jugendhilfegesetz \(NÖ KJHG\)](#)), LGBl. 9270-0; Upper Austria Child and Youth Welfare Act 2014 ([Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014](#)), LGBl. No. 30/2014; Salzburg Child and Youth Welfare Act ([Salzburger Kinder- und Jugendhilfegesetz – S.KJHG](#)), LGBl. No. 32/2015; Carinthia Child and Youth Welfare Act ([Kärntner Kinder- und Jugendhilfegesetz – K-KJHG](#)), LGBl. No. 83/2013; Burgenland Child and Youth Welfare Act ([Burgenländisches Kinder- und Jugendhilfegesetz - Bqld. KJHG](#)), LGBl. No. 62/2013; Styria Child and Youth Welfare Act ([Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG](#)), LGBl. No. 138/2013; Tyrol Child and Youth Welfare Act ([Tiroler Kinder- und Jugendhilfegesetz – TKJHG](#)), LGBl. No. 150/2013; Vienna Child and Youth Welfare Act ([Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013](#)), LGBl. No. 51/2013; Vorarlberg Child and Youth Welfare Act ([Gesetz über die Kinder- und Jugendhilfe](#)), LGBl. No. 29/2013.

<p>into consideration in the decision-making process?</p> <p>If <u>yes</u>, please specify if this is mandatory or left to the discretion of the responsible authorities, and if there are age-related requirements.</p>		<p>making process is mandatory. There are no age specific requirements on how to consider these views. Each case is to be dealt individually. Practical challenges derive from cases, involving young children and babies. Moreover, a placement decision is always a measure of last resort.²¹⁷</p> <p>An evaluation of the assessment of danger from the perspective of children reveals that there are practical challenges. Children do not always feel that their voices are taken into account in the decision-making process (see also section 4.3.10).</p>
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4.5. Types of care with focus on alternative care

Types of care existing in the country	Yes	No	Who is offering such services? (State, regional, local authorities, civil society, religious institutions)	Please make differences between the different types of care explicit
Foster care	x		A distinction is made between crisis care for a short period of time (e.g., in the event of family problems or social emergencies) and long-term care, in which a child is taken into care for a longer period of time (in some cases until he or she reaches the age of majority). Unlike adoption, birth parents largely retain their rights and only cede care and upbringing of the child to the provincial youth welfare authority, which then assigns foster parents to do so. The foster parents have the right to file petitions in the guardianship proceedings and must be consulted on important matters concerning the foster child (agreements on visitation contacts, applications by the natural parents for the return of the child, etc.). However, the aim of foster care is still the child's return to the family of origin. ²¹⁸	
Residential – institutional care	x		Types of residential – institutional care are: living communities for children (<i>Wohngruppen/gemeinschaften</i>	

²¹⁷ Buchebner-Ferstl, S., Dörfler-Bolt, S., Gesserick, Ch., Austrian Institute for Family Research (2021), The best interests of the child Conceptualising the "best interests of the child" from different perspectives (*Zum Wohl des Kindes: Konzeptualisierung des „Kindeswohls“ aus unterschiedlichen Perspektiven*), ÖIF Research Report No. 39, Vienna, pp. 194 et seqq.

²¹⁸ Austrian Federal Government, Admission of a foster child (*Aufnahme eines Pflegekindes*).

		<p><i>für Kinder</i>) and living communities for juveniles (<i>Wohngruppen/gemeinschaften für Jugendliche</i>).²¹⁹</p> <p>There are numerous living arrangements for children and juveniles all over the Austrian provinces. There is no national list of these institutions as these are held by the single provinces and the communities.²²⁰ Institutions of residential –institutional care could be run by public authorities, NGOs, private providers as well as by the church (§17 B-KJHG)</p> <p>Target group of living communities for children (<i>Wohngruppen/gemeinschaften für Kinder</i>) are children between 6-15 years. Target group of living communities for juveniles (<i>Wohngruppen/gemeinschaften für Jugendliche</i>) are juveniles between 13-18 years. No restriction regarding age and gender of the children placed in this type of alternative care. All over Austria.²²¹</p>
Other forms of family-based or family-like care placements	x	<p>There are 11 SOS Childrens' villages (<i>SOS Kinderdörfer</i>) all over the Austrian provinces where children live in family-like arrangements.²²² There are 66 living communities for children in SOS Childrens' villages all over the Austrian provinces.²²³ The SOS Childrens' villages are funded by donations. Moreover, they receive operating income from public funds, such as revenues from cost units (daily rates and refunds).²²⁴</p> <p>No restriction regarding age and gender of the children placed in this type of alternative care. All over Austria. An order through the responsible youth welfare service is needed.²²⁵</p>

²¹⁹ Information provided by Ulrike Walch, Land Steiermark, Bezirkshauptmannschaft Graz-Umgebung, Sozialreferat, Bereich Jugendwohlfahrt, in a telephone interview on 6 March 2014.

²²⁰ Information provided by Ulrike Walch, Land Steiermark, Bezirkshauptmannschaft Graz-Umgebung, Sozialreferat, Bereich Jugendwohlfahrt, in a telephone interview on 6 March 2014.

²²² A list of these villages can be found on the website of the SOS-Childrens' Villages ([SOS-Kinderdörfer](#)).

²²³ A list of these communities can be found on the website of the SOS-Childrens' Villages ([SOS-Kinderdörfer](#)).

²²⁴ SOS Kinderdorf (2022), [Annual Report 2021](#), p. 23.

²²⁵ Information provided by Wolfgang Hagleitner, SOS Kinderdorf Österreich, following an information request on 17 March 2014.

Supervised independent living arrangements for children	x		<p>Types of independent living arrangements for juveniles are: supervised independent living arrangements for single juveniles or groups of juveniles (<i>Betreutes Wohnen für einzelne Jugendliche oder Gruppen von Jugendlichen</i>).²²⁶</p> <p>There are numerous living arrangements for children and juveniles all over the Austrian provinces. There is no national list of these institutions as these are held by the single provinces and the communities.²²⁷</p> <p>Supervised independent living arrangements for children could be run by public authorities, NGOs, private providers as well as by the church (§ 17 B-KJHG)</p> <p>Target group of supervised independent living arrangements for single juveniles or groups of juveniles (<i>Betreutes Wohnen für einzelne Jugendliche oder Gruppen von Jugendlichen</i>) are juveniles between 15-18 years, all genders and all over Austria.²²⁸</p>																								
Question	Yes	No	Comments																								
4.5.1. Is there data available on the number of children in care (disaggregated by type of care, gender/age, length of placement, etc)?	x		<table border="1"> <tr> <td>Total</td> <td>12 871</td> </tr> <tr> <td>0 to younger than 6 years</td> <td>1 937</td> </tr> <tr> <td>6 to younger than 14 years</td> <td>5 706</td> </tr> <tr> <td>14 to younger than 18 years</td> <td>5 228</td> </tr> <tr> <td>male total</td> <td>6 859</td> </tr> <tr> <td>0 to younger than 6 years</td> <td>1 023</td> </tr> <tr> <td>6 to younger than 14 years</td> <td>3 108</td> </tr> <tr> <td>14 to younger than 18 years</td> <td>2 728</td> </tr> <tr> <td>female total</td> <td>6 012</td> </tr> <tr> <td>0 to younger than 6 years</td> <td>914</td> </tr> <tr> <td>6 to younger than 14 years</td> <td>2 598</td> </tr> <tr> <td>14 to younger than 18 years</td> <td>2 500</td> </tr> </table> <p>Source: STATISTICS AUSTRIA, Child and Youth Welfare Statistics, children in social pedagogical facilities (part-time inpatient or inpatient care facilities), compiled on 28 July 2022²²⁹</p>	Total	12 871	0 to younger than 6 years	1 937	6 to younger than 14 years	5 706	14 to younger than 18 years	5 228	male total	6 859	0 to younger than 6 years	1 023	6 to younger than 14 years	3 108	14 to younger than 18 years	2 728	female total	6 012	0 to younger than 6 years	914	6 to younger than 14 years	2 598	14 to younger than 18 years	2 500
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²²⁶ Information provided by Ulrike Walch, Land Steiermark, Bezirkshauptmannschaft Graz-Umgebung, Sozialreferat, Bereich Jugendwohlfahrt, in a telephone interview on 6 March 2014.

²²⁷ Information provided by Ulrike Walch, Land Steiermark, Bezirkshauptmannschaft Graz-Umgebung, Sozialreferat, Bereich Jugendwohlfahrt, in a telephone interview on 6 March 2014.

²²⁸ Information provided by Ulrike Walch, Land Steiermark, Bezirkshauptmannschaft Graz-Umgebung, Sozialreferat, Bereich Jugendwohlfahrt, in a telephone interview on 6 March 2014.

²²⁹ Statistics Austria (2023), Child and Youth Welfare Statistics (*Kinder- und Jugendhilfestatistik*).

			Children, receiving outpatient care in 2021: 1.350 total, 630 (47%) male and 720 (53%) female. No data on the age and length of support available. ²³⁰ Data is not disaggregated by length of placement.
4.5.2. Is there data available on the number of children placed in alternative care that disappeared and/or went missing from residential care institutions?		x	No data available.
4.5.3. Is there a <u>national</u> registry of foster care families? How many children can be fostered in one family?		x	According to the information provided by the association “Alternative: foster care family”, there is no national registry of foster care families, intern regional registries are available but they are not public available. The registry is hold by the responsible institution on help for children and juveniles. ²³¹ Four children can be fostered in one family at a maximum. Own children of the family have to be included in this number. Exceptions from this are only made with regard to foster children that are brothers and sisters. ²³²
4.5.4. How and by whom foster families are <u>recruited, vetted, and trained</u> ? Provide information on the legal framework and responsible authorities, recruitment requirements, selection criteria, reimbursement of costs, etc.			
<u>Legal framework:</u> Provincial Child and Youth Welfare Acts ²³³			

²³⁰ Ibid., p. 28.

²³¹ Information provided by Gertrude Lercher, Association “Alternative: foster care family”, in a personal interview on 28 February 2014.

²³² Information provided by Gertrude Lercher, Association “Alternative: foster care family”, in a personal interview on 28 February 2014.

²³³ Lower Austria Child and Youth Welfare Act (*NÖ Kinder- und Jugendhilfegesetz (NÖ KJHG)*), LGBl. 9270-0; Upper Austria Child and Youth Welfare Act 2014 (*Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014*), LGBl. No. 30/2014; Salzburg Child and Youth Welfare Act (*Salzburger Kinder- und Jugendhilfegesetz – S.KJHG*), LGBl. No. 32/2015; Carinthia Child and Youth Welfare Act (*Kärntner Kinder- und Jugendhilfegesetz – K-KJHG*), LGBl. No. 83/2013; Burgenland Child and Youth Welfare Act

Responsible authority: Provincial youth welfare authority at the district authority / magistrate in statutory cities.

Recruitment requirements: Anyone who wants to take in a foster child under the age of 14 needs a foster care permit from the local child and youth welfare authority. Applicants are checked for their suitability (ability to raise a child, ability to cope with stress, state of health, living and income conditions, etc.). The foster care permit is always issued for a specific child only.²³⁴ Some provinces, additionally request attendance at a preparation course for foster parents offered by the City's administration department for adoptive and foster children, e.g. Vienna²³⁵ or Salzburg.²³⁶

Reimbursement of costs: If the respective requirements are met, foster parents are entitled to: Family allowance, Childcare allowance, care leave, Care (parental) allowance to cover maintenance payments. The care (parental) allowance is regulated differently in the individual federal provinces. Foster children can be co-insured with a foster parent in the health insurance scheme.²³⁷

Training and support: Differ at provincial level, but offered nationwide.

4.5.5. Are any types of care (foster homes, residential care, other form of care arrangements) monitored once children are placed therein? If so, provide information on the applicable legislative provisions on monitoring procedures. Please specify the difference between the monitoring of different types of care. How frequently are they monitored, how and by whom?

Foster parents: are monitored regularly by the child and youth welfare authority. Monitoring visits take place at least once a year and upon request. Foster parents are obliged to cooperate with the monitoring body, e.g. by providing access to their premises, allowing private talks with the foster child and provide information upon request.²³⁸

Residential care: the Austrian Ombudsman Board along with its commissions and acting as National Preventive Mechanism monitors residential care settings in the framework of the preventive human

([Burgenländisches Kinder- und Jugendhilfegesetz - Bgld. KJHG](#)), LGBl. No. 62/2013; Styria Child and Youth Welfare Act ([Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG](#)), LGBl. No. 138/2013; Tyrol Child and Youth Welfare Act ([Tiroler Kinder- und Jugendhilfegesetz – TKJHG](#)), LGBl. No. 150/2013; Vienna Child and Youth Welfare Act ([Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013](#)), LGBl. No. 51/2013; Vorarlberg Child and Youth Welfare Act ([Gesetz über die Kinder- und Jugendhilfe](#)), LGBl. No. 29/2013.

²³⁴ Austrian Federal Government, Admission of a foster child ([Aufnahme eines Pflegekindes](#)).

²³⁵ Association Parents for Children Austria (2023), Preconditions for foster parents ([Voraussetzungen - efk](#)).

²³⁶ Austrian Provincial Government Salzburg, Department of Social Affairs (2016), *Foster Care (Pflegeverhältnisse.pdf (salzburg.gv.at))*, Salzburg.

²³⁷ Austrian Federal Government, Admission of a foster child ([Aufnahme eines Pflegekindes](#)).

²³⁸ Austrian Provincial Government Salzburg, Department of Social Affairs (2016), *Foster Care (Pflegeverhältnisse.pdf (salzburg.gv.at))*, Salzburg, p. 20.

rights monitoring.²³⁹ “All commissions are led by recognised experts in the area of human rights; the members of the commissions guarantee a multi-disciplinary background. [...] The commissions usually perform their work unannounced. All of the monitoring visits to institutions and facilities as well as the observation of coercive acts are conducted on the basis of a monitoring framework and methodology²⁴⁰ that was jointly developed by the National Preventive Mechanism. The commissions draw up reports on their visits, provide their human rights assessments and make recommendations on how to proceed. A Human Rights Advisory Council also supports the NPM in an advisory capacity.”²⁴¹ The Austrian Ombudsman Board presents its inspection findings in its [Reports to Parliament](#) and the provincial parliaments.²⁴² The National Preventive Mechanism commissions visited 112 child and youth welfare facilities in 2021²⁴³, 102 in 2020²⁴⁴ and 88 in 2019²⁴⁵.

Question	Yes	No	Comments
4.5.6. Are children placed in foster care homes geographically <u>close to their biological families</u> , school, friends, and/or community?			It depends on the type of foster care. In case of short-term foster care: yes; in case of permanent foster care: not necessarily. Permanent foster care can arise both from the social environment of the child (Private foster care) or the child and youth welfare services select professionally suitable and well-prepared foster parents. In case of crisis foster care, the care relationship is limited in terms of time. Here children are placed in foster care families geographically close to their biological families or community. ²⁴⁶

²³⁹ Austrian Ombudsman Board, [Preventive Human Rights Monitoring](#).

²⁴⁰ Austria, Austrian Ombudsman Board (*Volksanwaltschaft*) [Monitoring framework, methodology and further action by the Austrian NPM](#).

²⁴¹ Austria, Austrian Ombudsman Board (*Volksanwaltschaft*) (2022), [Annual Report 2021 on the Activities of the Austrian National Preventive Mechanism \(NPM\)](#), p. 10.

²⁴² Austria, Austrian Ombudsman Board, [Reports](#).

²⁴³ Austria, Austrian Ombudsman Board (*Volksanwaltschaft*) (2022), [Annual Report 2021 on the Activities of the Austrian National Preventive Mechanism \(NPM\)](#), p. 67.

²⁴⁴ Austria, Austrian Ombudsman Board (*Volksanwaltschaft*) (2021), [Annual Report 2020 on the Activities of the Austrian National Preventive Mechanism \(NPM\)](#), p. 63.

²⁴⁵ Austria, Austrian Ombudsman Board (*Volksanwaltschaft*) (2020), [Annual Report 2019 on the Activities of the Austrian National Preventive Mechanism \(NPM\)](#), p. 64.

²⁴⁶ Kieslinger, Ch. (2021), Visiting contacts in foster care relationships with a long-term perspective: The young adult perspective ([Besuchskontakte in Pflegeverhältnissen mit langfristiger Perspektive: Die Sicht junger Erwachsener](#)). Diploma Thesis, University of Graz, Institute for educational sciences, pp. 35 et seqq.

<p>4.5.7. Is there a <u>national registry</u> of residential institutions for children?</p> <p><u>If yes</u>, please provide information regarding the existent number of residential institutions and their capacity (beds).</p>	x	<p>The registry of residential institutions for children is in the decision-making competence of the child and youth welfare authority at the regional level of governance.</p> <p>No information regarding the existent number of residential institutions and their capacities (beds) is available to the public. This is due to the fact, that there are many private carrier organisations, who offer residential care.</p>
<p>4.5.8. Are there <u>accreditation and licensing procedures</u> for residential institutions in place?</p> <p><u>If yes</u>, please provide information on the legislative framework, the responsible authority and procedure.</p>	X	<p>According to the provincial child and youth welfare acts,²⁴⁷ the youth welfare authorities are responsible for accreditation and licensing of institutions for living arrangements for children and juveniles. Interested institutions have to get a permission from the youth welfare authorities. In the approval process the educational concept of the institution, the personal, the facilities as well as the finances is proven by the youth welfare system.</p> <p>The interested institutions, be they public or private, have to submit an application with all relevant documents to the responsible youth welfare service. All institutions would be inspected before a decision is taken and with the help of a checklist the institution is inspected.²⁴⁸</p>
<p>4.5.9. Are there <u>national applicable standards</u> relating to the operational framework of such institutions</p>	x	<p>The Umbrella Organisation of Austrian Child- and Youth Welfare Organisations has developed Quality Standards as recommendations for the residential child and youth welfare organisations (<i>Qualitätsstandards für die stationäre Kinder- und Jugendhilfe</i>), which encompass personnel,</p>

²⁴⁷ Lower Austria Child and Youth Welfare Act (*NÖ Kinder- und Jugendhilfegesetz (NÖ KJHG)*), LGBl. 9270-0; Upper Austria Child and Youth Welfare Act 2014 (*Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014*), LGBl. No. 30/2014; Salzburg Child and Youth Welfare Act (*Salzburger Kinder- und Jugendhilfegesetz – S.KJHG*), LGBl. No. 32/2015; Carinthia Child and Youth Welfare Act (*Kärntner Kinder- und Jugendhilfegesetz – K-KJHG*), LGBl. No. 83/2013; Burgenland Child and Youth Welfare Act (*Burgenländisches Kinder- und Jugendhilfegesetz - Bqld. KJHG*), LGBl. No. 62/2013; Styria Child and Youth Welfare Act (*Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG*), LGBl. No. 138/2013; Tyrol Child and Youth Welfare Act (*Tiroler Kinder- und Jugendhilfegesetz – TKJHG*), LGBl. No. 150/2013; Vienna Child and Youth Welfare Act (*Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013*), LGBl. No. 51/2013; Vorarlberg Child and Youth Welfare Act (*Gesetz über die Kinder- und Jugendhilfe*), LGBl. No. 29/2013.

²⁴⁸ Information provided by Ulrike Walch, Land Steiermark, Bezirkshauptmannschaft Graz-Umgebung, Sozialreferat, Bereich Jugendwohlfahrt, in a telephone interview on 20 May 2014.

(requirements or quality standards related to the personnel, the infrastructures, the living conditions, and daily care of children)?			financing, infrastructures, living conditions, healthcare and training. ²⁴⁹
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4.5.10. How is the residential care staff recruited, vetted, and trained?

Social workers, social pedagogues, therapists and other professionals work in residential care institutions. The residential institutions are held/run by the provinces and the communities. Thus, the care personnel is recruited through the job advertisements of the respective institution.²⁵⁰ E.g. the province Upper Austria published guidelines on the performance- and quality oriented management in the area of residential care. The guidelines define qualification requirements for staff in residential care (operative staff and managers). Social pedagogical specialists must be 21 and older, meet the formal requirements. Personal skills are: trustworthiness (no criminal record), ability to relate to others, ability to work in a team, ability to deal with conflict, (self-) reflection skills, ability to work under pressure.²⁵¹ If initial or regular training is provided depends on the single institution.²⁵²

Question	Yes	No	Comments
4.5.11. Are children placed in alternative care allowed to <u>lodge complaints</u> against the personnel /foster parents and care workers and report abuse or violations of their rights? Are these procedures child-		x	<p>No, there are no such formal complaint procedures foreseen. Children may complaint at the Child and Youth Ombudsoffice (<i>Kinder- und Jugendanwaltschaft</i>), which is implemented in all Austrian provinces. These organisations provide child friendly procedures.²⁵³ No information is available on whether and how children are informed about this option.</p> <p>Only the Viennese Child and Youth Welfare Advocacy has additionally implemented an Ombudsman for children and young people, who cannot live with their families. The</p>

²⁴⁹ Umbrella Organisation of Austrian Child and Youth Welfare Services (2019), *Quality Standards for inpatient child and youth welfare*, ([Qualitätsstandards Struktur Erläuterungen.pdf \(doej.at\)](#)).

²⁵⁰ Information provided by Ulrike Walch, Land Steiermark, Bezirkshauptmannschaft Graz-Umgebung, Sozialreferat, Bereich Jugendwohlfahrt, in a telephone interview on 6 March 2014.

²⁵¹ Austrian Provincial Government Tyrol, (2021), Guideline of the Province of Tyrol on Compensation for family care services in Tyrol ([Richtlinien des Landes Tirol zur Leistungsabgeltung der Familienbetreuung in Tirol](#)), Innsbruck.

²⁵² Information provided by Ulrike Walch, Land Steiermark, Bezirkshauptmannschaft Graz-Umgebung, Sozialreferat, Bereich Jugendwohlfahrt, in a telephone interview on 20 May 2014.

²⁵³ Ombudsoffices for Children and the Youth Austria ([Kinder- und Jugendanwaltschaften Österreichs](#)).

<p>friendly and respective of confidentiality?</p> <p>If <u>yes</u>, briefly describe to whom and how children can lodge complaints.</p>		<p>Ombudsperson carries out visits in residential care facilities and talks to children – aiming at being a person of trust for these children. The ombudspersons intermediate between the children, the social pedagogues in the facilities, the parents or the youth welfare authority.²⁵⁴ However, these are support measures for children in alternative care, no complaint mechanisms.</p> <p>In case a child reports abuse or violence in a service organisation (education, healthcare, sports, youth services), the procedures are defined in the child protection concepts (see section 4.2.2). The rules outlined in the child protection concepts are binding for all staff. Child care concepts also contain measures of prevention and awareness raising as well as staff training to prevent and recognise violence. All organisations develop their own tailored child protection concepts. General guidelines for the development of child protection concepts are provided.²⁵⁵</p>
<p>4.5.12. What is the <u>assistance available to adolescents that leave alternative care</u> to live independently?</p> <p>(e.g. financial, housing, vocational, educational, employment, life skills,</p>		<p>The provincial child and youth welfare acts²⁵⁶ the support services for adolescents are described. Through the responsible youth welfare service, adolescents may get further support if they had any support already before their 18th birthday and if this support would be necessary to reach the defined aims. Support for adolescents through the youth welfare service would end in any case with the 21st birthday of the adolescent. As some child protection institutions mentioned this is only be a “could-instruction”</p>

²⁵⁴ Ombudsoffice for children and the youth Vienna (2023), Ombudsoffice for children, who cannot live with their parents ([Ombudsstelle für Kinder und Jugendliche, die nicht bei ihren Familien leben können - KJA Wien](#)).

²⁵⁵ Platform Child Protection Concepts, online information on child protection concepts ([Über Kinderschutzkonzepte - Plattform Kinderschutzkonzepte](#)).

²⁵⁶ Lower Austria Child and Youth Welfare Act ([NÖ Kinder- und Jugendhilfegesetz \(NÖ KJHG\)](#)), LGBl. 9270-0; Upper Austria Child and Youth Welfare Act 2014 ([Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014](#)), LGBl. No. 30/2014; Salzburg Child and Youth Welfare Act ([Salzburger Kinder- und Jugendhilfegesetz – S.KJHG](#)), LGBl. No. 32/2015; Carinthia Child and Youth Welfare Act ([Kärntner Kinder- und Jugendhilfegesetz – K-KJHG](#)), LGBl. No. 83/2013; Burgenland Child and Youth Welfare Act ([Burgenländisches Kinder- und Jugendhilfegesetz - Bgld. KJHG](#)), LGBl. No. 62/2013; Styria Child and Youth Welfare Act ([Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG](#)), LGBl. No. 138/2013; Tyrol Child and Youth Welfare Act ([Tiroler Kinder- und Jugendhilfegesetz – TKJHG](#)), LGBl. No. 150/2013; Vienna Child and Youth Welfare Act ([Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013](#)), LGBl. No. 51/2013; Vorarlberg Child and Youth Welfare Act ([Gesetz über die Kinder- und Jugendhilfe](#)), LGBl. No. 29/2013.

<p>mental health services, social or emotional)?</p> <p>Briefly describe who is responsible for such assistance?</p>		<p>(<i>Kann-Bestimmung</i>) and would not be conducted in any case.²⁵⁷</p> <p>Some institutions that offer places for children in alternative care as the SOS Children’s villages offer further assistance (in Tirol, Kärnten, Salzburg and Steiermark) for adolescents who leave these institutions. In 2012, 126 former residents had been supervised at the SOS Children’s villages. Topics of this assistance are counselling, financial support, support with regard to job-seeking or house hunting, legal advice as well as referral to other institutions.²⁵⁸</p>
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4.5.13. What assistance is provided to families - while the child is placed to alternative care - to support the return of the child in the family? By whom? Who coordinates the assistance? Please briefly describe.

As alternative care is only a measure of last resort, it is also the goal of the child and youth welfare system, to reduce the time period of alternative care as possible. Thus, while the child is in alternative care, the “original families” are supported by social workers of the child and youth welfare system in dealing with the difficulties and in solving problems that have led to their child being in alternative care. Moreover, social workers attend and supervise the meetings between child and family of origin.²⁵⁹

There are foster family associations available in all Austrian provinces. These associations represent a link between the child and youth welfare and the foster parents. Moreover, the associations organise training courses, prepares foster parents for foster care, and support them. The associations have social workers, who regularly visit the foster care families and conduct a conversation with them.²⁶⁰

<p>4.5.14. Is any <u>assistance</u> provided to</p>	<p>x</p>	<p>The child and youth welfare authority is responsible for assistance to children and families upon return of the child</p>
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²⁵⁷ Network Child Rights Austria (2019), Supplementary Report to the 5th and 6th Report of the Republic of Austria to the United Nations pursuant to Article 44, Paragraph 1B of the Convention on the Rights of the Child (CRC), Vienna.

²⁵⁸ Information provided by Wolfgang Hagleitner, SOS Kinderdorf Österreich, following an information request on 17 March 2014.

²⁵⁹ Kieslinger, Ch. (2021), Visiting contacts in foster care relationships with a long-term perspective: The young adult perspective (*Besuchskontakte in Pflegeverhältnissen mit langfristiger Perspektive: Die Sicht junger Erwachsener*). Diploma Thesis, University of Graz, Institute for educational sciences, pp. 57 et seqq.

²⁶⁰ Kieslinger, Ch. (2021), Visiting contacts in foster care relationships with a long-term perspective: The young adult perspective (*Besuchskontakte in Pflegeverhältnissen mit langfristiger Perspektive: Die Sicht junger Erwachsener*). Diploma Thesis, University of Graz, Institute for educational sciences, pp. 113 et seqq.

<p>children and families <u>upon return of the child in the family?</u> Briefly describe. Who is responsible for such assistance?</p> <p>Is there any monitoring and follow-up of such cases?</p> <p>Who is coordinating assistance and support?</p>			<p>in the family. The child and youth welfare authority also does the monitoring and follow up of such cases and coordinates additional assistance and support.²⁶¹</p>
<p>4.5.15. Are decisions of placement in alternative care reviewed?</p> <p><u>If yes</u>, please provide the applicable legislative provisions. How frequently is this done? By whom?</p> <p>Are the children's views taken into consideration?</p>	x		<p>In Austria, decisions of placement in alternative care are subject to review. The applicable legislative provisions can be found in the provincial Child and Youth Welfare Acts (KJHG). Reviews are conducted by the Youth Welfare Authority, which is responsible for assessing the child's situation and determining whether the placement in alternative care is still necessary and appropriate. Reviews are conducted at least once a year, but may be more frequent depending on the circumstances of the case. The child's views are taken into consideration, and they have the right to express their opinion on the placement and the services provided. Additionally, the child has the right to request a review of their placement and to be heard in the proceedings. The decision regarding the continuation or termination of the placement must take into account the best interests of the child.²⁶²</p>
<p>4.5.16. Is there a <u>legal framework regarding adoption</u>? Briefly describe the core elements and responsible authorities, also considering differences between within-country and between-country adoptions. Is private adoption permitted in the country?</p>			
<p>Adoptions are regulated in §§ 191 to 203 of the Austrian Civil Code (<i>Allgemeines bürgerliches Gesetzbuch - ABGB</i>). Adoption takes place on the basis of a contract between the adoptive parents</p>			

²⁶¹ Kapella, O., Rille-Pfeiffer, Ch., Schmidt, E., Österreichisches Institut für Familienforschung (2018), Evaluation of the Federal Child and Youth Welfare Act. Summary Report of all Modules and Assessment ([Evaluierung des Bundes-Kinder- und Jugendhilfegesetzes \(B-KJHG\) 2013 Zusammenfassender Bericht aller Module und Beurteilung](#)), ÖIF Research Reports, Vienna.

²⁶² Kapella, O., Rille-Pfeiffer, Ch., Schmidt, E., Österreichisches Institut für Familienforschung (2018), Evaluation of the Federal Child and Youth Welfare Act. Summary Report of all Modules and Assessment ([Evaluierung des Bundes-Kinder- und Jugendhilfegesetzes \(B-KJHG\) 2013 Zusammenfassender Bericht aller Module und Beurteilung](#)), ÖIF Research Reports, Vienna.

and the adopted child approved by the court. An adopted child who has reached the age of 14 must consent to the adoption.

Within-country adoptions: The suitability of the adopter to take in an adopted child is examined in detail by the youth department of the respective district authority, the magistrate and in Vienna by the Office for Youth and Family. Homosexual couples are treated equally to heterosexual couples. The adoption contract only becomes effective upon court approval. The decision on the approval of the adoption contract is taken by the competent local guardianship court (district court at the place of residence of the child). Prior to the decision, the court must examine all adoption prerequisites and additionally hold hearings.²⁶³

Between-country adoptions: An adoption that took place abroad is recognised in Austria if it is legally valid and there are no grounds for refusing recognition (such as it obviously contradicts the best interests of the child or other fundamental values of the Austrian legal system; The right of a party to be heard has not been respected, unless he or she obviously agrees with the adoption; the foreign authority would not have had international jurisdiction if Austrian law had been applied). The legal framework, the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, entered into force for Austria on 1 September 1999. A number of European, South American and Asian states already belong to the Convention. The competent Austrian authorities are the provincial governments (child and youth welfare authority), which must be contacted by adoptive applicants in all cases of planned intercountry adoption. There are different conditions for the adoption of a foreign child depending on the country of origin.²⁶⁴

Private adoptions: Adoptions may only be arranged by the youth welfare services (*Jugendwohlfahrtsträger*) or by acknowledged private agencies which are authorized for the arrangement of adoptions in the respective province. The Austrian government explicitly advises against alleged faster and non-bureaucratic "help" by private agents on its homepage and emphasises that financial remuneration for the arrangement of adoptions is illegal.²⁶⁵

4.5.17. What are the main challenges encountered and gaps at the policy and legislative level in relation to alternative care? *Please consider available studies reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.*

Lack of knowledge about support and intervention options and practices of child and youth welfare authority contribute to the fact that persons who observe a possible risk to the child's well-being in another family, or even young people who have been abused themselves, are hesitant to inform the appropriate authorities. Persons "do not want to be to blame if the child is taken away".²⁶⁶ Other

²⁶³ Austria, Federal Government (2023), online information on the proceeding of an adoption ([Ablauf der Adoption \(oesterreich.gv.at\)](https://www.oesterreich.gv.at/ablauf-der-adoption)).

²⁶⁴ Austria, Federal Government (2023), online information on the proceeding of an inter-country adoption ([Auslandsadoption](https://www.oesterreich.gv.at/auslandsadoption)).

²⁶⁵ Austria, Federal Chancellery (*Bundeskanzleramt Österreich*), [HELP.gv.at](https://www.help.gv.at).

²⁶⁶ Buchebner-Ferstl, S., Dörfler-Bolt, S., Geserick, Ch., Austrian Institute for Family Research (2021), *The best interests of the child Conceptualising the "best interests of the child" from different perspectives*

challenges, identified by a fieldwork study, refer to lacking resources at the child and youth welfare authority.²⁶⁷

A study, evaluating the child and youth welfare act of Vorarlberg, identifies challenges relating the self-image (clarity of roles) of the youth welfare professionals in Vorarlberg with their conflicting core principles, e.g. working in the field of tension between the strengthening of preventive work, assistance and support services and the tasks of public control (social space-oriented, case-nonspecific work, support services, child protection). Moreover, the image of child and youth welfare in Vorarlberg in the general population is stronger related to “interference in privacy and family” and less to providing support for families and protecting the best interests of children and their safety.²⁶⁸

4.6. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection care system in the past 8 years, incl. achievements and (persisting) gaps and challenges

With the entry into force of the Federal Child and Youth Welfare Act (B-KJHG 2013) the protection of children and adolescents from violence was improved, the prevention of parental challenges in the upbringing of children was strengthened and impulses for uniform standards in the whole country were provided. Moreover, the further professionalization of professionals was improved. The B-KJHG 2013 for the first time legally regulated the risk assessment and assistance planning. The dual control principle (for-eye-principle) and the participation of children, adolescents and parents were anchored as fundamental working principles. On 1 January 2020, the amendment to the Federal Constitutional Act came into force, which changed the competences in matters of child and youth welfare so that the basic legislative competence of the federal government has ceased to exist, and the legislative competence has been transferred in its entirety to the provinces. This means that the basic provisions of the Federal Child and Youth Welfare Act 2013 (§§ 1 to 36 B-KJHG 2013) are no longer in force. The second part of the B-KJHG 2013, which regulates directly applicable federal law (§§ 37-47 B-KJHG 2013: endangerment reports, administrative assistance, duties to cooperate, use of data, duty to pay fees, effect of agreements, cost reimbursement regulation, certification, federal co-financing of research and statistics), remains in force unchanged. The implementing laws of the states will remain in force as state laws as of 1 January 2020 and are largely similar to each other. On 1 January 2020, the agreement between the federal government and the provinces pursuant to Article 15a B-VG on child and youth

(Zum Wohl des Kindes: Konzeptualisierung des „Kindeswohls“ aus unterschiedlichen Perspektiven),
ÖIF Research Report No. 39, Vienna, p. 207.

²⁶⁷ Buchebner-Ferstl, S., Dörfler-Bolt, S., Geserick, Ch., Austrian Institute for Family Research (2021), The best interests of the child Conceptualising the "best interests of the child" from different perspectives *(Zum Wohl des Kindes: Konzeptualisierung des „Kindeswohls“ aus unterschiedlichen Perspektiven),* ÖIF Research Report No. 39, Vienna, p. 213.

²⁶⁸ Kapella, O., Wernhard, G., Hornung, H., Österreichisches Institut für Familienforschung (2023), Evaluation of the Child and Youth Welfare Vorarlberg *(Evaluierung der Kinder- und Jugendhilfe in Vorarlberg (u:scholar - o:1627607) (univie.ac.at),* ÖIF-Research Report, Vienna, p. 18.

welfare came into force, in which the Federal Government and the provinces undertake to maintain and further develop the level of protection set out in the Federal Child and Youth Welfare Act 2013.²⁶⁹

The child and youth welfare authority is the hub of information and decisions. Thus, the information flow and referrals to the authority and the procedures within the authority are regulated by the law and guidelines. However, the information flow from the authority to other actors and the further cooperation is not regulated and thus up to the child and youth welfare authority.

Challenges are mainly related to resources. The social workers at the child and youth welfare authority, request more resources for a comprehensive risk assessment and for a consistent implementation of the principle of dual control (four-eye-principle). Almost half of the responding social workers do not have enough time to involve all actors involved in the risk assessment process. The cooperation with the system partners (who report an endangerment of the child's welfare) is also discussed: Often the information about the suspicion of a risk is not in writing or incomplete. Reports and statements are sometimes not submitted (e. g. from hospitals).²⁷⁰ The NPM monitoring in child and youth welfare facilities indicates a good cooperation between the facility operators and the monitoring staff, as well as an eager implementation of NPM recommendations by the facilities. However, the report on the monitoring of child and youth welfare facilities in 2021 identifies the following challenges: lack of privacy (i.e. ability to lock the rooms from inside), deficits in the storage of medication (e.g. storage is not sufficiently locked or availability of medication dispensing lists) and other risks of injury. Moreover, the NPM noted that the possibilities for the participation of children work ineffective and there is lacking knowledge about quality standards among the facility staff²⁷¹. Furthermore, the NPM identified a lack of socio-therapeutic places and services in all Austrian provinces, particularly affecting traumatised children and those with mental health problems and behavioural disorders.²⁷²

As regards the issue of information and data, the annual child and youth welfare statistics provide information on: the number of children, adolescents and young adults in the areas of support for upbringing, full placement and assistance; the number of services provided by the provincial child and youth welfare authorities. Moreover, the number of services in the course of assessments of danger is provided. Finally, the child and youth welfare statistics provide the sum of expenditure for educational support, full education, and assistance for young adults for young adults; and the total income from cost reimbursements. Data is disaggregated by gender, age of children and collected at the provincial level.

4.7. Promising practices

Please list and briefly describe any promising practice in the child protection care system that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

²⁶⁹ Austria, Federal Chancellery, Section Family and Youth (2020), (No) Safe Place – Child welfare endangerment: recognising and helping, a guidance, [\(K\)ein sicherer Ort - Kindeswohlgefährdung erkennen und helfen \(gewaltinfo.at\)](#), Vienna, pp. 7 set seqq.

²⁷⁰ Ibid.

²⁷¹ Austrian Ombudsman Board (2022), [Annual Report on the activities of the Austrian national Preventive Mechanism \(NPM\). Protection & Promotion of Human Rights](#), Vienna, pp. 69ff.

²⁷² Ibid. pp. 75 et seqq.

On the website gewaltinfo.at, run by the Federal Chancellery, Section Family and Youth, checklists for recognising different forms of violence against children, guidelines on documentation and reporting as well as guidelines on how to proceed, can be found. The website also informs about the formal requirements of the report (*Mitteilung an die Kinder und Jugendhilfe bei Verdacht der Kindeswohlgefährdung*).²⁷³ The website does not target children specifically. It mainly targets professionals by providing studies on the prevalence and forms of violence as well as the already mentioned guidelines on how to proceed in cases of suspected violence.

The child and youth advocacy (*Kinder- und Jugendanwaltschaft*) offers age-appropriate and child friendly information on how children may report independently at the child and youth welfare authority. Moreover, in a child-friendly way, information on child rights in proceedings are provided.²⁷⁴

²⁷³ Austria, Federal Chancellery, Section Family and Youth, Guideline for documentation ([Leitfaden zur Dokumentation](#)), Checklist for early identification of violence against children ([Checkliste zur Früherkennung von Gewalt an Kindern](#)), Visible signs of psychological violence against children ([Anzeichen psychischer Gewalt gegen Kinder](#)), How can I identify sexual violence against children? ([Wie kann ich sexuelle Gewalt an Kindern erkennen?](#)), Action at suspect ([Vorgehensweise bei Verdacht](#)), Actions of persons working with children (pedagogues) ([Vorgehen von Personen, die mit Kindern arbeiten \(Pädagogen/innen\)](#)).

²⁷⁴ Ombudsoffice for Children and the youth, Custody and contact rights ([Obsorge und Kontaktrecht](#)).

5. Accountability, data collection, and monitoring mechanisms

5.1. Accountability mechanisms

5.1.1. Are there accountability mechanisms in place regarding the functioning of the child protection system? Is there any independent monitoring or reporting mechanisms on the performance of the child protection system? What is the role of child's ombudspersons, child commissioners or other independent national human rights institutions in monitoring child protection?

The nine Provincial Child and Youth Welfare Acts²⁷⁵ contain detailed rules on accountability. These legal acts regulate who is responsible for the professional oversight of public and private child and youth welfare institutions. Oversight is the responsibility of the district administrative authorities or the provincial government. The Provincial Child and Youth Welfare Acts also contain regulations for the exercise of this oversight (prescribed intervals are e.g., one or two years). Oversight measures may take place without prior notification. The oversight bodies have access to the premises at any time, may inspect the documentation and obtain necessary information. If there are deficiencies which endanger the professional provision of the service(s) assumed, it shall be stipulated that these deficiencies must be remedied within a reasonable period of time. If deficiencies are not remedied in due time, it shall be stipulated by means of a decree that these deficiencies must be remedied within a reasonable period of time, irrespective of the initiation of criminal proceedings. If the deficiencies are so serious that the provision of services is no longer in the best interests of the child, it may be determined that the facility is no longer suitable for the provision of services.²⁷⁶

The regional Child and Youth Ombudsoffices are also empowered to initiate special inspections of private child and youth welfare institutions in the event of information about abuses.

The Austrian Ombudsman Board has been responsible for protecting and promoting human rights in the Republic of Austria since 1 July 2012.²⁷⁷ The Austrian Ombudsman Board along with its commissions and acting as National Preventive Mechanism monitor institutions in which there is or

²⁷⁵ Lower Austria Child and Youth Welfare Act (*NÖ Kinder- und Jugendhilfegesetz (NÖ KJHG)*), LGBl. 9270-0; Upper Austria Child and Youth Welfare Act 2014 (*Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014*), LGBl. No. 30/2014; Salzburg Child and Youth Welfare Act (*Salzburger Kinder- und Jugendhilfegesetz – S.KJHG*), LGBl. No. 32/2015; Carinthia Child and Youth Welfare Act (*Kärntner Kinder- und Jugendhilfegesetz – K-KJHG*), LGBl. No. 83/2013; Burgenland Child and Youth Welfare Act (*Burgenländisches Kinder- und Jugendhilfegesetz - Bqld. KJHG*), LGBl. No. 62/2013; Styria Child and Youth Welfare Act (*Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG*), LGBl. No. 138/2013; Tyrol Child and Youth Welfare Act (*Tiroler Kinder- und Jugendhilfegesetz – TKJHG*), LGBl. No. 150/2013; Vienna Child and Youth Welfare Act (*Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013*), LGBl. No. 51/2013; Vorarlberg Child and Youth Welfare Act (*Gesetz über die Kinder- und Jugendhilfe*), LGBl. No. 29/2013.

²⁷⁶ See e.g., § 28 Lower Austria Child and Youth Welfare Act (*NÖ Kinder- und Jugendhilfegesetz (NÖ KJHG)*), LGBl. 9270-0; § 25 Salzburg Child and Youth Welfare Act (*Salzburger Kinder- und Jugendhilfegesetz – S.KJHG*), LGBl. No. 32/2015.

²⁷⁷ Austria, Austrian Ombudsman Board (*Volksanwaltschaft*), [Preventive human rights monitoring](#).

can be a deprivation or restriction of personal liberty. The monitoring activities of the Austrian Ombudsman Board also extend to places, where freedom is restricted, which includes not only old people's homes and nursing homes, crisis centres, but also residential groups for children and juveniles supervised by youth and welfare services and facilities for people with disabilities. A total of around 4,000 public and private institutions in the territory of the Republic of Austria are covered by this, and around 500 verification visits are conducted by the regional expert commissions each year and are mostly unannounced. The Austrian Ombudsman Board presents its inspection findings in its [Reports to Parliament](#) and the provincial parliaments.²⁷⁸ The Austrian Ombudsman Board is also obliged to report to the UN sub-commission each year about its work as a National Prevention Mechanism for the prevention of torture.

5.1.2. How is the implementation of national action plans and strategies or other policy actions on child protection monitored? Briefly describe the established procedures and mention the actors involved and their roles.

The Austrian Youth Strategy, where corresponding youth objectives were developed with all federal ministries, should gradually lead to a coordinated youth policy at the federal level. So-called "reality checks" serve to reflect on the individual components of the youth strategy with young people and young adults. Youth research, youth representatives and other institutions dealing with young people are also involved in the development.²⁷⁹

Moreover, as reported in section 5.1.2, "Youth Checks" assess the child rights specific impact of legislative projects in advance.

As regards the monitoring of the implementation of the Convention on the Rights of the Child, a Children's Rights Monitoring Board (CHMB) was established on 13 December 2012 as an independent advisory body at the then Federal Ministry of Economy, Family and Youth. The Children's Rights Board sees itself as an interdisciplinary body of experts on children's rights and, as such, is composed of relevant stakeholders from civil society with relevant expertise in children's rights. The central basis of its activities are the 73 suggestions and recommendations of the UN Committee on the Rights of the Child ("Concluding Observations"). With the establishment of the Children's Rights [Monitoring] Board, a permanent coordination mechanism has been created in which, in addition to a number of experts from a wide range of fields (health, law, new technologies), a number of other experts and representatives of the federal and local government are involved. The work of the Children's Rights Board is largely voluntary and has insecure political or budgetary backing.²⁸⁰ The "Children's Rights Monitoring Board" was renamed the "Children's Rights Board" in 2016, as it is not explicitly an

²⁷⁸ Austria, Austrian Ombudsman Board, [Reports](#).

²⁷⁹ Austria, Federal Chancellery, Competence Centre Youth (*Bundeskanzleramt, Kompetenzzentrum Jugend*) (2021), *Reality Check – Basics* ([Reality Check Grundlagen](#)), Vienna 1 February 2021.

²⁸⁰ Austrian Network Child Rights in Austria (2019), Final Report on the development and implementation of the child participation element in the child rights monitoring process, ([Abschlussbericht zur Entwicklung und Einbringung des Kinderpartizipationselementes in den Kinderrechte-Monitoring-Prozess](#)), Vienna.

independent monitoring body, but an advisory body. Experts call for the establishment of a monitoring body with a legal basis, sufficient funding and a clear mandate.²⁸¹

Question	YES	NO	Comments
<p>5.1.3. Is there a child rights assessment existing or foreseen? Please note that child rights' assessment stands for the measurement of the impact of proposed or adopted legislation on children as a group. It is usually done at the parliamentary or ministerial level.</p>	x		<p>Already in 2013, the “Youth Check” (impact-oriented impact assessment) for new laws came into force. Since then, all ministries are obliged to review legislative projects in advance with regard to their impact on children (until the age of 18)²⁸² and young people (until the age of 30)²⁸³. This raises awareness for the special concerns and needs of children and young people. The Youth Check is intended to broaden the usual adult perspective and enable an even more child-friendly society in Austria in the long run.²⁸⁴</p> <p>§ 17 (2) of the Federal Budget Act 2013²⁸⁵ stipulates that the member of the federal government or the budgetary body in whose sphere of influence the draft was prepared or the planned, must conduct an impact assessment.</p> <p>Moreover, the Act on the National Council's Rules of Procedure (Rules of Procedure Act of 1975 - <i>Geschäftsordnungsgesetz 1975</i>) stipulates that each legislative initiative discussed in the National Council must undergo an open consultation procedure.²⁸⁶ The consultation procedure allows experts and citizens to submit comments not only</p>

²⁸¹ Pfandt, F., Mandl, S. (Ludwig Boltzmann Institut für Menschenrechte) (2018), Child Protection in Austria. Inventory. Violence against Children and access to support (*Kinderschutz in Österreich: Bestandsaufnahme, Gewalt gegen Kinder und Zugang zur Unterstützung*), Queen’s University Belfast, Vienna, p. 23.

²⁸² Austria, Federal Chancellery (*Bundeskanzleramt*) (2012), Handbook on impact-oriented impact assessment (*Handbuch Wirkungsorientierte Folgenabschätzung*).

²⁸³ Austria, Federal Chancellery (*Bundeskanzleramt*) (2012), Handbook on impact-oriented impact assessment (*Handbuch Wirkungsorientierte Folgenabschätzung*).

²⁸⁴ Austria, Federal Chancellery (*Bundeskanzleramt*), Website on Youth-check (*Jugend-Check*), without date.

²⁸⁵ Austria, Federal Budget Act 2013 (*Bundesgesetz über die Führung des Bundeshaushaltes*), Federal Law Gazette I No. 139/2009.

²⁸⁶ Austria, [Amendment to the Act on the National Council's Rules of Procedure](#), Federal Law Gazette I No. 63/2021.

		<p>on proposals submitted by the competent ministry (<i>Ministerialentwürfe</i>), but also on legislative proposals by members of Parliament and committees, finalised Federal Government Draft Bills (<i>Regierungsvorlagen</i>), legislative proposals by the Federal Council (<i>Bundesrat</i>) and citizens' initiatives, for as long as the parliamentary legislative process has not been completed.</p> <p>In addition, the Provincial Child and Youth Welfare Acts stipulate that the regional Child and Youth Ombudsoffices are to review and initiate draft laws and ordinances insofar as the interests of children, youth and young adults are affected.</p>
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5.1.4. Are there quality standards for child protection services set in the legislation (including prevention programmes)? (e.g. number of cases per case workers, requirements regarding infrastructures of residential care and number of personnel, performance, and fiscal accountability mechanisms) Please describe.

The setting of quality standards is the responsibility of the provinces. Quality standards have been laid down in a regulation²⁸⁷ by Tyrol, for instance.

Question	YES	NO	Comments
<p>5.1.5. Is consultation with children and families foreseen and/or taking place in the process of the evaluation of services and measures and in the development of child protection policies and legislation?</p> <p><u>If yes</u>, at what level is this done? Please provide indicative examples.</p>		x	No such requirement or practice identified.

²⁸⁷ Tyrol (2021), Regulation on requirements for the operation of socio-educational facilities ([40. Verordnung der Landesregierung vom 2. März 2021, mit der nähere Bestimmungen über die im Interesse einer ordnungsgemäßen Betreuung und des Kindeswohles erforderlichen Voraussetzungen für den Betrieb von sozialpädagogischen Einrichtungen erlassen werden](#)).

5.1.6. Is the responsibility for data collection on child protection determined in the legislative framework?	x		<p>The nine Provincial Child and Youth Welfare Acts²⁸⁸ include the obligation to collect statistical data in order to determine the quantitative impact of child and youth welfare services. The information to be collected include the number of persons who have made use of social services; the number of children and juveniles who have received educational support; the number of children and juveniles who have been placed in socio-educational facilities and with foster carers; the number of risk assessments; the number of educational support on the basis of an agreement and educational support on the basis of a court order; the number of children and juveniles for whom a domestic adoption was assisted; the number of children and juveniles for whom a cross-border adoption was assisted; the number of children and juveniles for whom legal representations in the sense were made, as well as expenditure and income of public child and youth welfare. Figures are to be broken down in part by age (0 to under 6 years, 6 to under 14 years, 14 to under 18 years; 18 to under 21 years) and gender (male, female).</p> <p>The child and youth welfare statistics compiled by Statistik Austria are based on the data reported by the provinces. There is no legal requirement for direct exchange of information among the federal provinces.</p>
5.1.7. Is there a single authority responsible for monitoring data collection and centralised coordination and data sharing at national level?	x		<p>The child and youth welfare statistics compiled by Statistik Austria replaced the youth welfare and child and youth welfare report submitted by the Federal Ministry for Families and Youth until the reporting year 2014. Like the latter, it is based on the aggregate data reports of the provinces. 2021 is the seventh</p>

²⁸⁸ Lower Austria Child and Youth Welfare Act ([NÖ Kinder- und Jugendhilfegesetz \(NÖ KJHG\)](#)), LGBl. 9270-0; Upper Austria Child and Youth Welfare Act 2014 ([Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014](#)), LGBl. No. 30/2014; Salzburg Child and Youth Welfare Act ([Salzburger Kinder- und Jugendhilfegesetz – S.KJHG](#)), LGBl. No. 32/2015; Carinthia Child and Youth Welfare Act ([Kärntner Kinder- und Jugendhilfegesetz – K-KJHG](#)), LGBl. No. 83/2013; Burgenland Child and Youth Welfare Act ([Burgenländisches Kinder- und Jugendhilfegesetz - Bgld. KJHG](#)), LGBl. No. 62/2013; Styria Child and Youth Welfare Act ([Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG](#)), LGBl. No. 138/2013; Tyrol Child and Youth Welfare Act ([Tiroler Kinder- und Jugendhilfegesetz – TKJHG](#)), LGBl. No. 150/2013; Vienna Child and Youth Welfare Act ([Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013](#)), LGBl. No. 51/2013; Vorarlberg Child and Youth Welfare Act ([Gesetz über die Kinder- und Jugendhilfe](#)), LGBl. No. 29/2013.

<p>If <u>yes</u>, Is there a national database (a joint database for monitoring and tracking children) for collecting data in the child protection area at the national, regional, or local level?</p>			<p>reporting year of the child and youth welfare statistics.²⁸⁹</p>
<p>5.1.8. Are there common indicators in place to monitor the performance of the child protection system?</p>		<p>x</p>	<p>Common indicators are not available. However, requirements on data to be reported to the Statistics Austria are laid down in the manual on the Child and Youth Welfare Statistics edited by Statistics Austria.²⁹⁰ The dimensions of performance covered by the Child and Youth Welfare Statistics are (1) number of benefit recipients (2) number of benefits and (3) total expenditure and income.²⁹¹</p>
<p>5.1.9. Are there data protection protocols in place and adhered to?</p>	<p>x</p>		<p>Comprehensive regulations on data protection applicable to the child and youth welfare services are laid down in the Provincial Child and Youth Welfare Acts.²⁹²</p>
<p>5.1.10. Are there any gaps in the data collection system related to child protection in the country, which have been identified by relevant child protection authorities/institutions, civil society organisations or other institutions active in the child protection field? Is there a systematic and</p>			

²⁸⁹ Austria, Federal Chancellery (*Bundeskanzleramt*), *Kinder- und Jugendhilfestatistik 2021*, July 2022.

²⁹⁰ Austria, Statistics Austria, Child and Youth Welfare Statistics - Manual (*Kinder- und Jugendhilfestatistik 2022: Handbuch Arbeitsgruppe Kinder- und Jugendhilfestatistik im Bundesministerium für Frauen, Familie, Integration und Medien*), January 2023.

²⁹¹ Austria, Statistics Austria, Child and Youth Welfare Statistics - Manual (*Kinder- und Jugendhilfestatistik 2022: Handbuch Arbeitsgruppe Kinder- und Jugendhilfestatistik im Bundesministerium für Frauen, Familie, Integration und Medien*), January 2023.

²⁹² Lower Austria Child and Youth Welfare Act (*NÖ Kinder- und Jugendhilfefgesetz (NÖ KJHG)*), LGBl. 9270-0; Upper Austria Child and Youth Welfare Act 2014 (*Oö. Kinder- und Jugendhilfefgesetz 2014 - Oö. KJHG 2014*), LGBl. No. 30/2014; Salzburg Child and Youth Welfare Act (*Salzburger Kinder- und Jugendhilfefgesetz – S.KJHG*), LGBl. No. 32/2015; Carinthia Child and Youth Welfare Act (*Kärntner Kinder- und Jugendhilfefgesetz – K-KJHG*), LGBl. No. 83/2013; Burgenland Child and Youth Welfare Act (*Burgenländisches Kinder- und Jugendhilfefgesetz - Bgld. KJHG*), LGBl. No. 62/2013; Styria Child and Youth Welfare Act (*Steiermärkisches Kinder- und Jugendhilfefgesetz – StKJHG*), LGBl. No. 138/2013; Tyrol Child and Youth Welfare Act (*Tiroler Kinder- und Jugendhilfefgesetz – TKJHG*), LGBl. No. 150/2013; Vienna Child and Youth Welfare Act (*Wiener Kinder- und Jugendhilfefgesetz 2013 – WKJHG 2013*), LGBl. No. 51/2013; Vorarlberg Child and Youth Welfare Act (*Gesetz über die Kinder- und Jugendhilfe*), LGBl. No. 29/2013.

consistent collection of data related to child protection at national, regional, or local level?
Please mention if efforts are made to address these gaps.

Since 2015, there have been child and youth welfare statistics, which are compiled annually by Statistics Austria and fulfil the long-standing recommendation of the Committee on the Rights of the Child to generate statistical data on alternative care facilities. Even though these statistics are an improvement, there is still a lack of qualified scientific evaluation and interpretation of the data. So far, the data collected has not been used to draw any conclusions on the further development (e.g. needs planning, impacts, etc.) of child and youth welfare services in Austria.²⁹³ So far, there are no indicators on the performance of the child and youth welfare system established in Austria. However, coherent requirements for data to be reported by the provinces to the Statistics Austria are available. This data is collected and compiled on an annual basis.

In its last report on Austria, the Committee on the Rights of the Child welcomed improvements in data collection on children in alternative care, but found that data is still lacking in important areas related to alternative care, in particular for children with disabilities.²⁹⁴

5.2. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of child protection accountability in the past 8 years, incl. achievements and (persisting) gaps and challenges.

The “Children's Rights Monitoring Board” was renamed the “Children's Rights Board” in 2016, as it is not explicitly an independent monitoring body, but an advisory body. Experts call for the establishment of a monitoring body with a legal basis, sufficient funding and a clear mandate.²⁹⁵

Since the transfer of competences²⁹⁶ from the federal level to the provinces on 1 January 2020, the nine Provincial Child and Youth Welfare Acts²⁹⁷ contain rules on accountability and oversight. However,

²⁹³ Network Children's Rights Austria (*Netzwerk Kinderrechte Österreich*) (2019), [Ergänzender Bericht zum 5. und 6. Bericht der Republik Österreich an die Vereinten Nationen gemäß Artikel 44, Absatz 1 B des Übereinkommens über die Rechte des Kindes](#), p. 27.

²⁹⁴ United Nations (UN), Committee on the Rights of the Child (CRC) (2020), [Concluding observations on Austria](#), 6 March 2020.

²⁹⁵ Pfandt, F., Mandl, S. (*Ludwig Boltzmann Institut für Menschenrechte*) (2018), Child Protection in Austria. Inventory. Violence against Children and access to support, ([Kinderschutz in Österreich: Bestandsaufnahme, Gewalt gegen Kinder und Zugang zur Unterstützung](#)), Queen's University Belfast, Vienna, p. 23.

²⁹⁶ Austria, Amendment to the Federal Constitutional Act ([Änderung des Bundes-Verfassungsgesetzes](#)), Federal Law Gazette I No. 14/2019.

²⁹⁷ Lower Austria Child and Youth Welfare Act ([NÖ Kinder- und Jugendhilfegesetz \(NÖ KJHG\)](#)), LGBl. 9270-0; Upper Austria Child and Youth Welfare Act 2014 ([Oö. Kinder- und Jugendhilfegesetz 2014 - Oö. KJHG 2014](#)), LGBl. No. 30/2014; Salzburg Child and Youth Welfare Act ([Salzburger Kinder- und Jugendhilfegesetz – S.KJHG](#)), LGBl. No. 32/2015; Carinthia Child and Youth Welfare Act ([Kärntner Kinder- und Jugendhilfegesetz – K-KJHG](#)), LGBl. No. 83/2013; Burgenland Child and Youth Welfare Act

Austria has not established a regulation that imposes uniform obligation on the operators of facilities working with children to establish and further develop concepts and guidelines for the protection of children. Thus, the shift in competence from the federal to the provincial level may jeopardize accountability procedures.

Austrian Ombudsman Board and its commissions acting as National Preventive Mechanism continued its monitoring activities also in residential groups for children and juveniles supervised by youth and welfare services and facilities during the reporting period.²⁹⁸

5.3. Promising practices

Please list and briefly describe any promising practice in child protection accountability that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Since the introduction of the “Youth Check” (impact-oriented impact assessment) for new laws call ministries are obliged to review legislative projects in advance with regard to their impact on children and young people. This raises awareness for the special concerns and needs of children and young people. The Youth Check is intended to broaden the usual adult perspective and enable an even more child-friendly society in Austria in the long run.²⁹⁹ The handbook³⁰⁰ on the impact-oriented impact assessment deals specifically with the protection against violence and lists criteria such as the extent to which the risk of becoming a victim of violence is assessed, the risk of violence is counteracted by means of primary and secondary preventive measures, behavioural standards are set for parents and violations of the prohibition of violence are sanctioned.

The information to be collected include the number of persons who have made use of social services; the number of children and juveniles who have received educational support; the number of children and juveniles who have been placed in socio-educational facilities and with foster carers; the number of risk assessments; the number of educational support on the basis of an agreement and educational support on the basis of a court order; the number of children and juveniles for whom a domestic adoption was assisted; the number of children and juveniles for whom a cross-border adoption was assisted; the number of children and juveniles for whom legal representations in the sense were made, as well as expenditure and income of public child and youth welfare.

([Burgenländisches Kinder- und Jugendhilfegesetz - Bqld. KJHG](#)), LGBl. No. 62/2013; Styria Child and Youth Welfare Act ([Steiermärkisches Kinder- und Jugendhilfegesetz – StKJHG](#)), LGBl. No. 138/2013; Tyrol Child and Youth Welfare Act ([Tiroler Kinder- und Jugendhilfegesetz – TKJHG](#)), LGBl. No. 150/2013; Vienna Child and Youth Welfare Act ([Wiener Kinder- und Jugendhilfegesetz 2013 – WKJHG 2013](#)), LGBl. No. 51/2013; Vorarlberg Child and Youth Welfare Act ([Gesetz über die Kinder- und Jugendhilfe](#)), LGBl. No. 29/2013.

²⁹⁸ Austria, Austrian Ombudsman Board (*Volksanwaltschaft*), [Preventive human rights monitoring](#).

²⁹⁹ Austria, Federal Chancellery (*Bundeskanzleramt*), Website on Youth-check ([Jugend-Check](#)), without date.

³⁰⁰ Austria, Federal Chancellery (*Bundeskanzleramt*) (2012), Handbook on impact-oriented impact assessment ([Handbuch Wirkungsorientierte Folgenabschätzung](#)).

6. General education, promotion, and awareness raising

6.1. Education on child rights

6.1.1. Does education on child rights form part of the (national) formal school curricula? If yes, please provide details such as in which types of school and targeting which grade(s) (age group), as part of which school subject and for how many periods in a pupil's school career.

The curricula are prepared by the Federal Ministry of Education, Science and Research. Curricula are the basis for teachers' independent and responsible teaching and educational work. It is the task of teachers to enable individual pupils to achieve the goals set out in the curriculum through appropriate planning and design of lessons. They are an orientation framework for pupils and guardians as to what knowledge and skills pupils should have at the end of a school year.³⁰¹ The provinces do not have a say in the development of curricula, they are responsible for elementary education only (kindergarden). The education directorates are tasked with the enforcement of quality assurance, school supervision and educational controlling as well as enforcement of employment law and staff representation law for teachers at public schools and other federal employees at public schools. This also includes the external organisation of public compulsory schools. This includes the structure, forms of organisation, establishment, maintenance, dissolution and districts.³⁰²

Education on child rights takes place in all schools across the country at the lower secondary level (5th to 8th grade), e.g. in history and social studies/civic education:

6th grade - Module 9 (Civic Education): Laws, rules and values

Learning objectives:

- Know children's rights as personal rights of learners and to apply them to different life situations of the learners
- recognise violations of children's rights in their own environment and in different societies as well as possibilities for their observance and enforcement
- 8th grade – Module 8 (Civic Education): Political participation
- Learning objectives:
- Analyse and evaluate the importance of human rights and children's rights as well as their origin and
- and their application.

Education on child rights is a cross-sectional subject, children's rights are the content and method of interdisciplinary teaching. Child rights are applied throughout the school career through the teaching principle of political education.³⁰³

On 2 January 2023, the federal Minister of Education issued the updated curricula for primary school, secondary school and AHS lower level as of the school year 2023/24. According to a press release, the subjects of financial education and political education will be extended. In addition, comprehensive national defence and social partnership were anchored more strongly. In the future,

³⁰¹ Austria, Federal Ministry for Education, Science and Research (2023), 'Curricula' ([Lehrpläne](#)).

³⁰² Austria, Federal Ministry for Education, Science and Research (2023), 'Education Directorates' ([Bildungsdirektionen](#)).

³⁰³ Austria, Federal Ministry for Education, Science and Research (2019), news for civic education ([Nachrichten für Politische Bildung](#)), November 2019.

a commission will continuously examine selective changes to the curricula. However, child rights are not explicitly mentioned³⁰⁴

Information on the number of hours dedicated to the education on child rights is not available.

6.1.2. Please provide an overview of the most important national and/or sub-national implemented programmes and activities aiming at educating children, parents, teachers, and/or society at large about child rights and/or child protection at national or sub-national level. By which actors were those commissioned, funded, and implemented?

Under the motto "We live children's rights", UNICEF supports schools in anchoring the UN Convention on the Rights of the Child in the classroom and in everyday school life. UNICEF in general as well as these concrete offers are donor-funded. Children's rights are anchored in the school community in the framework of a holistic programme, which addresses children, young people and school staff. UNICEF accompanies schools on their way to becoming a children's rights school through a seven-stage training. The school community as well as parents can thus be introduced to the topic and provided with knowledge on how to implement children's rights. Each stage of the training contains theoretical and practical learning content that can be flexibly integrated into everyday school life. Schools can participate in the programme and receive the UNICEF certificate "Children's Rights School" (*Kinderrechtsschule*) after successfully completing the children's rights training and implementing measures.³⁰⁵

In addition, UNICEF provides cost-free education materials for all school grades. The education material takes into account several child rights issues and presents methods to teach the subject matter to children.³⁰⁶

Other actors, like the *Zentrum Polis – Politik Lernen in der Schule* (centre learning politics in school) also offer teaching materials dealing with child rights and the CRC.³⁰⁷ Polis has a funding contract with the Federal Ministry of Education.³⁰⁸

³⁰⁴ Austria, Federal Minister of Education, Amendment of the Ordinance on the Curricula of Primary Schools and Special Schools, the Ordinance on the Curricula for Minority Folk Schools and for the Teaching of Minority Languages in Primary Schools in the Federal Provinces of Burgenland and Carinthia, the Ordinance on the Curricula of Secondary Schools and the Ordinance on the Curricula of General Secondary Schools; Announcement of the Curricula for Religious Instruction ([Änderung der Verordnung über die Lehrpläne der Volksschule und Sonderschulen, der Verordnung über die Lehrpläne für Minderheiten-Volksschulen und für den Unterricht in Minderheitensprachen in Volksschulen in den Bundesländern Burgenland und Kärnten, der Verordnung über die Lehrpläne der Mittelschulen und der Verordnung über die Lehrpläne der allgemeinbildenden höheren Schulen; Bekanntmachung der Lehrpläne für den Religionsunterricht](#)), Federal Law Gazette II No. 1/2023.

³⁰⁵ UNICEF Austria, UNICEF-Programme for Child Rights Schools ([Kinderrechtsschulen - UNICEF Österreich](#)).

³⁰⁶ UNICEF Austria, Child rights in education and school ([Kinderrechte im Unterricht - UNICEF Österreich](#)).

³⁰⁷ Center Polis – Learning Politics at School (*Zentrum Polis – Politik Lernen in der Schule*) (2023), Polis topical: Child Rights ([Polis aktuell: Kinderrechte](#)), pp. 11 et seqq.

³⁰⁸ Center Polis – Learning Politics at School (*Zentrum Polis – Politik Lernen in der Schule*) (2023) Annual Report 2022 ([Jahresbericht polis 2022 web pdf \(politik-lernen.at\)](#)).

6.2. Promotion and awareness raising

6.2.1. Please provide information on awareness raising and/or promotion campaigns or relevant activities on child rights (possibly including on the EU Charter of Fundamental Rights) and/or protection issues targeting the general public or children in general at national or sub-national level. Please provide information on the most recent and representative awareness raising campaigns, including information on the target groups, the thematic areas covered, the actors involved, funding, the method of dissemination chosen and the impact of the campaign, if assessed.

UNICEF carries out awareness raising and promotion campaigns on child rights in general, including children's meaningful participation, violence against children and adolescents. The campaigns at national level target the children, but also the general public. In the framework of the campaign, several events are organised – particularly during the 20th November, the International Day of Child Rights.³⁰⁹

The Austrian National Youth Council raises its voice for all children and young people in Austria. It represents people until the age of 30. The general public, the media and politics are the addressees of the council's campaigns. The council specifically deals with education and work, youth and politics (participation, civil education), child rights, equality and diversity. Recent campaigns deal with mental problems of children and adolescents and the limited availability of psychological healthcare in the public healthcare system. The campaign was distributed via social media, post cards, posters. The National Youth Council has 38 member organisations and it is funded by the Federal Chancellery, Section Family and Youth.³¹⁰

The Ombudsoffice for children and the Youths (*Kinder- und Jugendanwaltschaft*), a representative organisation for the rights of children and the youth, also carry out campaigns around the International Day of Child Rights. Methods of dissemination include Tiktok Challenges, podcasts, child rights song contest and YouTube videos. The Ombudsoffices are implemented at provincial level and funded by the Austrian Provinces. The Ombudsoffices are independent bodies.³¹¹ Awareness raising on the EU Charter of Fundamental Rights when it comes to child rights, is not explicitly mentioned in these programmes and services.

In January 2023, the Austrian Federal Government adopted a comprehensive package of measures that aim to protect children and young people from violence, focussing on sexual violence (see above point 1.7.)

6.2.2. Are there any awareness raising activities regarding complaint mechanisms at national or sub-national level, e.g. for the Optional Protocol to the Convention on the Rights on a communications procedure³¹²? Please briefly describe.

³⁰⁹ UNICEF Austria, Working for child rights in Austria ([Kinderrechte Österreich - UNICEF Österreich](#)).

³¹⁰ Austrian Child and Youth Representation (*Österreichische Kinder- und Jugendvertretung*) (2022), *Annual Report of the Austrian Child and Youth Representation 2021* ([Tätigkeitsbericht der BJV TB 21.indd](#)), Vienna.

³¹¹ Ombudsoffice for Children and the Youth Vienna, 82022), '#childrights: TikTok-Campaign for the Voices of Children' ([#Kinderrechte: Tik Tok-Kampagne für die Stimmen der Kinder | Kinder- und Jugendanwaltschaft Wien, 19.11.2020 \(ots.at\)](#)), Press Release, 19 November 2020.

³¹² United Nations (UN), (2011), [Optional Protocol to the Convention on the Rights of the Child on a communications procedure](#), 19 December 2023, General Assembly resolution A/RES/66/138.

No. Austria has not yet ratified the Optional Protocol to the Convention on the Rights on a communications procedure.³¹³

6.2.3. Are there any awareness raising or training activities at national or sub-national level on digital literacy, privacy and online safety for children, parents, teachers, and other relevant professionals?

Yes. The Media Youth Info (*Medien-Jugend-Info, MJI*) of the Federal Chancellery (*Bundeskanzleramt, BKA*) offers a series of workshops and seminars in the field of digital literacy, media competence and online safety for young people, parents and educational professionals. The aim is to develop, test and evaluate new offers for the various target groups together with media education institutions. Based on this, training courses for pedagogical staff are developed and working materials are created.³¹⁴ Digi4Family was an initiative of the Federal Chancellery to increase the media literacy of families. However, the initiative has ended in September 2021.³¹⁵

The Federal Ministry of Finance (formerly the Federal Ministry for Digitalisation and Economic Location) implements within the framework of the Austrian Youth Strategy the following youth goal: Building and Expanding Digital Competencies: Provide young people with the knowledge and skills they need to move consciously and safely in the digital environment.³¹⁶

The initiative Saferinternet.at offers several guidelines, trainings, webinars on digital literacy, privacy and online safety for children, parents, teachers and social workers.³¹⁷

6.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child rights and/or child protection outreach activities/measure targeting relevant groups of society or society at large that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Challenges: Education on child rights is mainly carried out in public schools within the subject: civic education, history or law – thus it is no separate subject. Child rights are not explicitly mentioned in the Inter-Provincial Education Framework (*Bundesländerübergreifender Bildungsrahmenplan*) and are not sufficiently taken into account in the current curricula, especially at primary and secondary level. The supplementary report to the 5th and 6th Report of the Republic of Austria to the United Nations pursuant to Article 44, Paragraph 1B of the Convention on the Rights of the Child thus suggests, using the current

³¹³ United Nations (UN), (2014), [Treaty Collection, 11.d Optional Protocol to the Convention on the Rights of the Child on a communications procedure](#), 14 April 2014.

³¹⁴ Austria Federal Chancellery (2023), Workshops and Trainings on Media ([Workshops und Schulungen zu Medien](#)).

³¹⁵ Austria Federal Chancellery (2021), [Initiative Digi4Family](#).

³¹⁶ Austria, Federal Chancellery (2023), Youth Strategy, Action Area Media ([Jugendstrategie, Handlungsfeld Medien](#)).

³¹⁷ Association Saferinternet, [Website](#).

revision of the curricula to include children's rights and the "Sustainable Development Goal 4.7 (SDG 4.7.), to which Austria has committed itself, systematically and across all subjects.³¹⁸

The UNICEF also claims the inclusion of child rights into the training of pedagogues, which is not the case so far.³¹⁹

Promising practices: Under the motto "We live children's rights", UNICEF supports schools in anchoring the UN Convention on the Rights of the Child in the classroom and in everyday school life. UNICEF in general as well as these concrete offers are donor-funded. Children's rights are anchored in the school community in the framework of a holistic programme, which addresses children, young people and school staff. UNICEF accompanies schools on their way to becoming a children's rights school through a seven-stage training. The school community as well as parents can thus be introduced to the topic and provided with knowledge on how to implement children's rights. Each stage of the training contains theoretical and practical learning content that can be flexibly integrated into everyday school life. Schools can participate in the programme and receive the UNICEF certificate "Children's Rights School" (*Kinderrehteschule*) after successfully completing the children's rights training and implementing measures.³²⁰

In addition, UNICEF provides cost-free education materials for all school grades. The education material takes into account several child rights issues and presents methods to teach the subject matter to children.³²¹

Other actors, like the *Zentrum Polis – Politik Lernen in der Schule* (centre learning politics in school) also offer teaching materials dealing with child rights and the CRC.³²² Polis has a funding contract with the Federal Ministry of Education.³²³

³¹⁸ Network Child Rights Austria (2019), *Supplementary Report to the 5th and 6th Report of the Republic of Austria to the United Nations pursuant to Article 44, Paragraph 1B of the Convention on the Rights of the Child (CRC)*, Vienna, pp. 42 et seqq.

³¹⁹ UNICEF Austria, Working for child rights in Austria ([Im Einsatz für Kinderrechte Österreich - UNICEF Österreich](#))

³²⁰ UNICEF Austria, UNICEF-Programme for Child Rights Schools ([Kinderrehteschulen - UNICEF Österreich](#)).

³²¹ UNICEF Austria, Child rights in education and school ([Kinderrechte im Unterricht - UNICEF Österreich](#)).

³²² Center Polis – Learning Politics at School (*Zentrum Polis – Politik Lernen in der Schule*) (2023), Polis topical: Child Rights ([Polis aktuell: Kinderrechte](#)), pp. 11 et seqq.

³²³ Center Polis – Learning Politics at School (*Zentrum Polis – Politik Lernen in der Schule*) (2023) Annual Report 2022 ([Jahresbericht polis 2022 web pdf \(politik-lernen.at\)](#)).

7. Child participation and community engagement

7.1. Complaint procedures

Question	YES	NO	Comments
7.1.1. Are there independent child complaints procedures (e.g. an ombuds institution) that are fully compliant with the Paris Principles ³²⁴ in place, with an ability to hear, review and enforce individual complaints from children?	X		<p>The Austrian Ombudsman Board (A-status accredited since 2022) monitors the federal administration but also the provincial and municipal administrations in seven provinces and is open to complaints. The provinces of Tyrol and Vorarlberg have set up their own regional ombudsman offices.³²⁵</p> <p>The Ombuds offices for Children and the Youth offer young people counselling and support in difficult situations. This offer can be taken up free of charge and, if desired, anonymously by children, young people and adults. However, the offers do <u>not</u> include independent complaint procedures to review and enforce individual complaints for children. The Optional Protocol on the Individual Complaints Procedure from 2014 has not yet been ratified by Austria. Thus, children in Austria cannot turn to the UN Committee on the Rights of the Child in case of violations of children's rights.</p> <p>The services provided by these ombuds institutions is thus different from institutions providing social or legal assistance and therefore fully complementary.</p>
7.1.2. Are there specialised Courts and compliant procedures with international standards in place for children in contact with the law and for children to access justice and seek redress and remedies for		X	<p>There are <u>no</u> specialised Courts for children in contact with the law. However, specific procedural rules exist for children in contact with the law and for children to access justice and seek redress, in particular in the Juvenile Courts Act.³²⁶</p>

³²⁴

URL:

[https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20\(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness](https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness) [12/12/2022]

³²⁵ Austria, Austrian Ombudsman Board, [Website of the Austrian Ombudsman Board](#).

³²⁶ Austria, Juvenile Courts Act (*Jugendgerichtsgesetz 1988 – JGG*), Federal Law Gazette No. 599/1988.

violations of the child protection rights?		<p>§ 28 Juvenile Courts Act³²⁷ stipulates that in criminal proceedings for a criminal offence committed by juveniles, a minimum number of appointed lay judges (<i>Geschworene</i>) must have a professional relationship with juveniles (e.g. as a teacher, educator or have worked in youth welfare). In addition, a minimum number of lay judges must belong to the gender of the juvenile defendant.</p> <p>§ 42 Juvenile Courts Act³²⁸ stipulates that the public shall be excluded from the main hearing ex officio or on application if this is required in the interest of the juvenile. If the public is excluded, the juvenile's legal representative, the legal guardians, a probation officer appointed for the juvenile as well as representatives of the child and youth welfare authority, the juvenile court assistance and the probation service may also attend the main hearing.</p>
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7.2. Feedback mechanisms

Question	YES	NO	Comments
7.2.1. Are there government support fora such as children's groups established at local/community level, and is a formal mechanism in place through which national/sub-national/local government receive and respond to the feedback and ideas from children and children's groups who have received child protection services?	X		The Federal Youth Council (<i>Bundesjugendvertretung</i>) is the legally anchored representation of interests of all children and young people in Austria up to 30 years of age. It has 59 member organisations and <u>social partnership status</u> in youth issues. This means that when it comes to political issues that affect young people, the Council is heard. The Council's work is dedicated to the co-determination, participation, perspectives, security, rights, opportunities for young people. ³²⁹
7.2.2. Are community-based mechanisms functional across the country where necessary	X		Promising practices: beteiligung.st, the centre for child, youth and citizen participation (<i>Fachstelle für Kinder-, Jugend- und BürgerInnenbeteiligung</i>),

³²⁷ Austria, Juvenile Courts Act ([Jugendgerichtsgesetz 1988 – JGG](#)), Federal Law Gazette No. 599/1988.

³²⁸ Austria, Juvenile Courts Act ([Jugendgerichtsgesetz 1988 – JGG](#)), Federal Law Gazette No. 599/1988.

³²⁹ Austrian Federal Youth Representation (*Österreichische Bundesjugendvertretung*) ([Über die BJV - Bundes Jugend Vertretung](#))

<p>and per applicability and per protocols and procedures? Is their effectiveness monitored by independent accountability mechanisms?</p>		<p>is a non-profit and non-partisan association. The centre advocates for the right to participation. In doing so, the builds sustainable structures on site together with its partners in order to implement needs-oriented and age-appropriate participation formats. The centre organises political and democracy education in the <u>extracurricular</u> and school education landscape, adapted to the life realities of children and young people. The centre supports young people in dealing with democracy and politics in a variety of ways and promotes democratic thinking. The centre also offers programmes in the field of adult education. The centre imparts scientific basics as well as methodological tools that enable participants to facilitate their own participation projects</p>
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7.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child participation and community engagement that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Challenges regarding child participation and community engagement: A generally formulated Provincial law requirement for the establishment of participation mechanisms does not mean that an actual involvement of children in legislation processes actually takes place. Although in some federal provinces (Salzburg, Styria, Burgenland) youth provincial assemblies are held once a year, the procedure in the different provinces is very different and mostly also non-transparent. Young people elaborate claims and recommendations and present them to representatives of the provincial parliaments. However, youth state assemblies have hardly any legal basis and there is no compulsory mechanism that determines to what extent the demands of young people are dealt with in the state parliament.³³⁰

Promising practices: beteiligung.st, the centre for child, youth and citizen participation (*Fachstelle für Kinder-, Jugend- und BürgerInnenbeteiligung*), is a non-profit and non-partisan association. The centre advocates for the right to participation. In doing so, the builds sustainable structures on site together with its partners in order to implement needs-oriented and age-appropriate participation formats. The centre organises political and democracy education in the extracurricular and school education landscape, adapted to the life realities of children and young people. The centre supports young people in dealing with democracy and politics in a variety of ways and promotes democratic thinking. The centre also offers programmes in the field of adult education. The centre imparts scientific basics as well as methodological tools that enable participants to facilitate their own participation projects.³³¹

³³⁰ Heidl, A., Forum of Critical Lawyers (*Forum kritischer Jurist*innen*) (2020), Giving a voice to the generation of tomorrow ([Der Generation von morgen eine Stimme – forum kritischer jurist*innen \(forumkritjus.at\)](#)).

³³¹ Association beteiligung.st, [The Office for Child, Youth and Citizen Participation](#).

Right to vote: Since 2007, the voting age in Austrian elections at the federal, state and municipal level is 16 years. Furthermore, Austria has recently reduced the voting age for work councils from 18 to 16 years.

Austrian Pupils' "Parliament": In the Austrian Pupils' Parliament, student representatives from all over Austria discuss education policy issues. The motions voted on are presented to the Austrian Federal Ministry of Education, Science and Research and the Austrian Parliament,

Participation in the "Austrian Parliament": The Youth Parliament of the Austrian Parliament gives young people and students the chance to learn about democratic processes by participating in mock parliamentary sittings. The Youth Parliament is aimed at 15-/16-year-olds. The Apprentices' Forum of the Austrian Parliament is dedicated to parliamentary participation for young people undergoing vocational training. The workshops are aimed at apprentices aged 15 and above and last for 4 hours. The Austrian Parliament also offers Democracy Workshops for Children and Youth that are aimed at 8 to 14-year-olds and last for 4 hours.

Participation at local level: In Austria, the certificate "Child-Friendly Municipality" is awarded to municipalities that are particularly committed to strengthening children's rights (including in the area of participation) at the municipal level. The certificate is awarded after thorough examination of the proposed activities by a commission (UNICEF Austria and Austrian Federal Chancellery). So far, more than 300 Austrian municipalities have been awarded this certificate. A child and youth council is one example of participation on a local level (e.g., since 2018 in the city of Kufstein). The City of Vienna has established a so-called children and youth parliament to enable children to participate. The delegates of the Children's and Youth Parliament deal with the children's and youth strategy of the City of Vienna and enter into direct exchange with politicians of the city. Vienna has also reserved EUR 1 million for projects and measures by and for children and young people.

The Austrian National Youth Council (*Bundes-Jugendvertretung - BJV*): legally established representative body of children and youth (until the age of 30) in Austria, together with their 59 member organisations. It advocates for the diverse interests of young people, is led by young people and receives public funding.

Federal Pupils' Representative Council (*Bundesschülervertretung - BSV*): body representing the interests of 1.1 million pupils in Austria; newly elected at the beginning of every school year.