

Franel National contribution to the Fundamental Rights Report 2024

Austria

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1. Impact of the cost-of-living crisis and rising poverty in the EU

1.1. Legal measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

The Austrian Federal Government has adopted a three-part inflation relief package. It includes legal measures to increase incomes, as well as price reduction measures – both for households and businesses. These measures target the general population (including families and employees) as well as businesses.

Specific measures for vulnerable groups are limited to one-off payments to compensate for the rising costs of living and energy. Vulnerable groups are defined by their entitlement to social benefits and the one-off payments are paid out together with these benefits (unemployment benefit, social assistance, family allowance, pension, sickness benefits). There are no legislative developments, specifically targeting ethnic minorities, migrants or Roma.

On 30 June 2022, the first part of the inflation relief package entered into force.¹ It includes several one-off payments for vulnerable groups, such as retired, unemployed

¹ Austria, Federal Act amending the Income Tax Act 1988, the Family Burden Equalisation Act 1967, the Municipal Tax Act 1993, the General Social Insurance Act, the Industrial Social Insurance Act, the Farmers' Social Insurance Act, the National Emission Certificate Trading Act 2022, the Unemployment Insurance Act 1977, the COVID-19 Act Poverty, the Pensions Act 1965 and the Federal Railway Pensions Act are amended, and the Federal Act on Compensation for High Living and Housing Costs Due to Inflation (Living and Housing Costs Compensation Act - LWA-G) and the Federal Act on Compensation for Inflation for Recipients of Subsidies under the Study Subsidies Act (Expenses Relief Package) are enacted (*Bundesgesetz, mit dem das Einkommensteuergesetz 1988, das Familienlastenausgleichsgesetz 1967, das Kommunalsteuergesetz 1993, das Allgemeine Sozialversicherungsgesetz, das Gewerbliche Sozialversicherungsgesetz, das Bauern-Sozialversicherungsgesetz, das Nationale Emissionszertifikatehandelsgesetz 2022, das Arbeitslosenversicherungsgesetz 1977, das COVID-19-Gesetz-Armut, das Pensionsgesetz 1965 und das Bundesbahn-Pensionsgesetz geändert werden sowie das Bundesgesetz über einen Ausgleich inflationsbedingt hoher Lebenshaltungs- und Wohnkosten (Lebenshaltungs- und Wohnkosten-Ausgleichs-Gesetz – LWA-G) und das*

or sick persons. €300–500 cost-of-living adjustment are paid out once a year together with the social benefits (from unemployment insurance, a compensatory allowance, social assistance, retraining allowance or scholarships). Those who receive sickness and rehabilitation benefits for a longer period of time, are entitled too. The payment is made automatically every September with the respective benefit. These measures are timely limited for 2022.

There is no data on the average relief of the first inflation relief package for a family with or without children. There is breakdown of the relief volume by income deciles (households) available: The lowest income decile has a relief volume of 42%, decile 5 has a relief volume of 8% and decile 10 has no relief.² Moreover, there is a breakdown of the relative (percent) relief per income deciles (households) available. The relief caused by the individual measures relative to the average to the average equivalised disposable income in the ten deciles of the income distribution is analysed per decile in 2023: the lowest income decile (1) is relieved by 1,7%, decile 5 is relieved by 0,2% and decile 10 by 0,1% of disposable income. Thus, the effects of the family relief package on their available incomes are highest in lowest income families. It has to be seen, that these are average values over all households: only households with children or with adults, who receive social assistance, are entitled to the relief measures in the framework of package 1.³ More information on the distribution effects of the inflation relief package is provided in section 1.2. On 1 January 2023, the second part of the inflation relief package entered into force. It abolishes the cold progression for all employees. This is a long-term measure. Moreover, the non-wage labour costs benefits were reduced for employees as well as employers. These are long-term measures. Finally, the family and social benefits were valorised from 1 January 2023 on.⁴

From January 2023, the third part of the package entered into force too. It is valid until 2026. It is a valorisation of social benefits (family allowance, the multiple child

Bundesgesetz über den Teuerungsausgleich für Bezieherinnen und Bezieher von Förderungen nach dem Studienförderungsgesetz erlassen werden - [Teuerungs-Entlastungspaket](#), Federal Law Gazette I No. 93/2022, 30 June 2022.

² Austrian Parliament, Parliamentary Directorate, Budget Service (2023), [„Neue Maßnahmen gegen die Teuerung. Analyse“](#), Vienna, p. 15f.

³ Austrian Parliament, Parliamentary Directorate, Budget Service (2023), [„Neue Maßnahmen gegen die Teuerung. Analyse“](#), Vienna, p. 16.

⁴ Austria, Federal Act amending the Income Tax Act 1988, the Family Burdens Family Burdens Equalisation Act 1967 and the Value Added Tax Act 1994 are amended - Inflation Relief Package Part II (*Bundesgesetz, mit dem das Einkommensteuergesetz 1988, das Familienlastenausgleichsgesetz 1967 und das Umsatzsteuergesetz 1994 geändert werden - [Teuerungs-Entlastungspaket Teil II](#)*) Federal Law Gazette I No. 163/2022, 27 October 2022.

supplement, the alimony deduction, the sole earner deduction, the pensioner deduction, the child deduction, the childcare allowance, the study allowance and the rehabilitation, sickness, reintegration and retraining allowance). These social benefits are annually adapted to the rising costs of living. Thus, the benefits are increased by the rate of inflation.⁵

Within the framework of a National Council resolution in June 2023, an amendment, of the Anti-Inflationary Package for Families took place. Concretely, the Living and Housing Cost Compensation Act was amended. The amendment foresees the provision of budgetary funds in the amount of EUR 8 million for the support of non-profit and free food distribution (including the financing of a digital hub for the transfer of food for the distribution of food donations).⁶

Moreover, one-time funds for families in low-income households were adopted. Pupils from primary to the end of secondary level, who live in households receiving social assistance, are entitled to in-kind grants: Beginning in 2023, in the second half of each calendar year, the grants under the 'School Start Package' (*Schulstartpaket*) will be increased from EUR 120 to EUR 150 per pupil. Starting in 2024, an additional grant of EUR 150 per pupil will be paid in the first half of each calendar year.⁷ Moreover, families with children, who receive unemployment benefits as well as single parents and single earners with low income, are supported. The federal government will pay a single-earner or single-parent of a child under the age of 18, living in the same household, a

⁵ Austria, Federal Act amending the General Social Insurance Act, the Civil Servants' Health and Accident Insurance Act, the Unemployment Insurance Act 1977, the Study Support Act 1992, the Childcare Allowance Act, the Family Time Bonus Act, the Family Burden Equalisation Act 1967 and the Income Tax Act 1988 are amended - Cost-of-Living Relief Package III (*Bundesgesetz, mit dem das Allgemeine Sozialversicherungsgesetz, das Beamten-Kranken- und Unfallversicherungsgesetz, das Arbeitslosenversicherungsgesetz 1977, das Studienförderungsgesetz 1992, das Kinderbetreuungsgeldgesetz, das Familienzeitbonusgesetz, das Familienlastenausgleichsgesetz 1967 und das Einkommensteuergesetz 1988 geändert werden – [Teuerungs-Entlastungspaket III](#)*), Federal Law Gazette I No. 174/2022, 31 October 2022.

⁶ Austria, Federal Act amending the Federal Act on Compensation for High Cost of Living and Housing Due to Inflation (*[Bundesgesetz, mit dem das Bundesgesetz über einen Ausgleich inflationsbedingt hoher Lebenshaltungs- und Wohnkosten geändert wird](#)*), Federal Law Gazette I No. 55/2023, 14 June 2023.

⁷ Austria, Federal Act amending the Federal Act on Compensation for High Cost of Living and Housing Due to Inflation (*[Bundesgesetz, mit dem das Bundesgesetz über einen Ausgleich inflationsbedingt hoher Lebenshaltungs- und Wohnkosten geändert wird](#)*), Federal Law Gazette I No. 55/2023, 14 June 2023.

monthly allowance of € 60. Entitlement is related to an income below a statutory specified limit.⁸

Moreover, legal measures supporting persons' access to housing and living were adopted. Due to an amendment to the Real Estate Agents Act of 1 July 2023, flat seekers will only have to pay the commission of real estate agents for the procurement of a rental flat if they have commissioned them with the search for a flat. In most cases, however, landlords will have to pay the commission as the client due to the "first client principle" that has been introduced. The amendment proposes a "fair" solution, and a move towards relieving the burden on people, said Justice Minister Alma Zadić in committee.⁹

The electricity cost subsidy (also called electricity price brake) applies in Austria from 1 December 2022 to 30 June 2024. It caps electricity costs up to a consumption of 2,900 kWh annually at 30 cents per kilowatt hour. From 1 January 2023, the grid cost subsidy of a maximum of € 200/year also comes into force. In total, the subsidy amounts to 75 % of the system usage fees to be charged by the grid operator, up to a maximum of € 200. These measures are intended to compensate for the sharp rise in electricity and energy costs.¹⁰

1.2. Policy measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

Measures impacting on vulnerabilities of persons affected by the rising costs of living and energy are mainly legal measures (see above). NGOs and experts in the areas of social rights, child protection and poverty criticise, that Austria has so far failed to develop an Action Plan, implementing the EU Child guarantee. In December 2021,

⁸ Austria, Federal Act amending the Federal Act on Compensation for High Cost of Living and Housing Due to Inflation ([*Bundesgesetz, mit dem das Bundesgesetz über einen Ausgleich inflationsbedingt hoher Lebenshaltungs- und Wohnkosten geändert wird*](#)), Federal Law Gazette I No. 55/2023, 14 June 2023.

⁹ Austria, Federal Act amending the Brokerage Act ([*Maklergesetz-Änderungsgesetz*](#)), Federal Law Gazette I No. 24/2023, 22 March 2023.

¹⁰ Austria, Federal Act on the Temporary Introduction of an Electricity Cost Subsidy for Household customers – Electricity Cost Subsidies Act – SKZG ([*Bundesgesetz über die befristete Einführung eines Stromkostenzuschusses für Haushaltskundinnen und Haushaltskunden – Stromkostenzuschussgesetz – SKZG*](#)), Federal Law Gazette No. 156/2022, 24 October 2022.

UNICEF Austria organised a stakeholder dialogue to develop the Austrian Child Guarantee with 230 participants on behalf of the Ministry of Social Affairs. The experts developed concrete recommendations for each individual area of child poverty - from better training for elementary teachers to a "one-stop shop" for all relevant social services to affordable, healthy meals in kindergarten. According to UNICEF Austria, the 88-page summary of this dialogue would make a good basis for an action plan. Moreover, the Ministry of Social Affairs did a call to all relevant organisations, according to the ministry, more than 600 existing and planned measures were collected with which Austria fights child poverty.¹¹

The Austrian National Action Plan¹² for the implementation of the European Child Guarantee was adopted by the federal government in December 2023. The annex includes the existing and planned measures submitted by the stakeholders to the Ministry of Social Affairs.

Two assessments of the distribution effects of the 'inflation relief package', named in section 1.1. are available. One was carried out by the budget service of the federal government and the other one by private a think tank – the "Momentum Institute". The results of these two analyses are compared below, as they derive different conclusions when it comes to the distribution effects of the 'inflation relief package'. While the state agency's analysis emphasizes on the distribution effect of these measures, the think tank focuses on the progressive increase in benefits depending on household income.

The "Momentum Institute" found, that the measures adopted by the federal government for 2023 provide the greatest overall support to households with high incomes. The Momentum Institute has analysed the three most important measures against inflation for their distributional effect: The electricity price brake, the valorisation of social benefits and the abolition of the cold progression (see section 1.1). The distribution check of the eco-social institute shows: A household in the lowest fifth of income will be supported with a total of € 454 per capita in 2023. A household in the highest income fifth, on the other hand, will receive € 749.¹³

¹¹ Miller, M. (2023), [„Planlos gegen Kinderarmut“](#), *Profil*, 16 September 2023.

¹² Austrian Federal Ministry of Social Affairs, Health, Care and Consumer Protection (Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz, BMSGPK) (2023), 'National action plan for the implementation of the European Child Guarantee' ([Nationaler Aktionsplan zur Umsetzung der Europäischen Garantie für Kinder](#)), Vienna, December 2023.

¹³ Sturn, J. (2023), [Anti-Teuerungsmaßnahmen: Hohe Einkommen profitieren 2023 am meisten](#), Vienna, Momentum Institut.

The budget service of the Austrian parliamentary directorate analysed the distribution effects of the family related measures in the framework of the anti-inflation package as well as the energy cost reduction. The distribution analysis includes the measures adopted with the anti-inflation package for families and the extension of the temporary energy tax reduction – those measures, which are mainly targeted at low-income households. The analysis found that € 228 million or 42 % of the relief volume is allocated to the decile with the lowest household incomes (1st decile) and a further 29 % to the 2nd decile.¹⁴ 94% of the total funds are paid out to people in the lower half of the income bracket. Transfers in the upper half concern households with higher household incomes, but in which one person is unemployed. There is no limit to the amount of unemployment benefit regarding the entitlement to the measures from the anti-inflation package. The relief effect of the reduced energy taxes depends on the electricity and gas consumption in the households. Average consumption tends to increase with income, so that a somewhat disproportionate share of 54 % of the relief volume is accounted for by the upper income half. The analysis concludes that the measures examined have a progressive effect and the relative increase in average income is highest in the lower income brackets. However, only households with children or adults on social assistance benefit from the relief from the family package.¹⁵

The Institute of Advanced Studies (*Institut für Höhere Studien, IHS*) together with the WIFO published a policy brief in 2022, that critically assesses these policy and legal measures. The policy brief recommends the (more) targeted distribution of funds to low-income households in order to avoid driving up the national debt even further. However, it does not address the distributional effects of existing measures.¹⁶

There is further evidence for the limited distribution effect of the measures impacting on vulnerabilities of persons, affected by the rising costs of living in Austria. According to the Fiscal Advisory Council, out of the lowest-income 35% of households, only the lowest 15% were sufficiently compensated with public transfers. While the transfers for households in the 15% to 35% income distribution range were too low to compensate the rising costs of living and electricity. Thus, households with high vulnerabilities and

¹⁴ Austrian Parliament, Parliamentary Directorate, Budget Service (2023), [‘Neue Maßnahmen gegen die Teuerung. Analyse’](#), Vienna.

¹⁵ Austrian Parliament, Parliamentary Directorate, Budget Service (2023), [‘Neue Maßnahmen gegen die Teuerung. Analyse’](#), Vienna.

¹⁶ Neusser K., Reiter M., Koch S., Institute of Advanced Studies (*Institut für Höhere Studien, IHS*), Felbermayr G., Baumgartner J., Schratzenstaller M., Austrian Institute of Economic Research (*Österreichisches Institut für Wirtschaftsforschung, WIFO*) (2022), [‘Maßnahmen zur Bekämpfung der Inflation und ihrer Auswirkungen. Eine gemeinsame Stellungnahme von IHS und WIFO’](#), Policy Brief No. 8/2022, Vienna, June 2022.

strong dependency on transfers (because the inflation-related additional costs exceed their income) received not enough compensation from the state. On the other side, a large proportion of the population benefited from the transfers, which could have financed the additional costs from their own household income.¹⁷

The rising costs of living particularly affect persons with a low income, households with unemployed members, single parents and households with more than 3 children. With a share of 0.7 percent of social expenditure, social assistance reduced the risk of poverty among the Austrian population from 15.2 to 14.7 percent in 2020. Around 3 percent of the population receive social assistance – it is designed as last safety net against poverty. For recipients, it reduced the at-risk-of-poverty rate from 62.4 to 50.4 percent and the at-risk-of poverty gap from 52.0 to 26.4 percent in 2020. Social assistance is particularly important for children, who are overrepresented among recipients, as well as for groups with a traditionally high risk of poverty. These include the unemployed, single parents, third-country nationals, persons with a low level of education and persons in poor health.¹⁸

Table 1 – Promising practice

Promising practice	
Title (original language)	
Title (EN)	
Organisation (original language)	
Organisation (EN)	
Government / Civil society	
Funding body	
Reference (incl. URL, where available)	

¹⁷ Austrian Federal Ministry for Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz, BMSGPK*) (ed.), (2023), 'The social consequences of inflation' (*Die sozialen Folgen der Inflation*), Vienna, 20 September 2023.

¹⁸ Mayrhuber C., Angel S., Fink M. Rocha-Akis S. (2023), 'Poverty and social assistance in Austria' (*Armut und Sozialhilfe in Österreich*), Institute for Economic Research (Wirtschaftsforschungsinstitut, WIFO), WIFO Monatsberichte 11/2023.

Promising practice	
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	
Type of initiative	
Main target group	
Indicate level of implementation: Local/Regional/National	
Brief description (max. 1000 chars)	
Highlight any element of the actions that is transferable (max. 500 chars)	
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	
Give reasons why you consider the practice as having concrete measurable impact	
Give reasons why you consider the practice as transferable to other settings and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice	

Promising practice	
Explain, if applicable, how the practice provides for review and assessment	

2. Threats to democratic values - Protecting civic space, strengthening meaningful participation and the rights to freedom of association, peaceful assembly and expression

2.1. Major threats to democracy as reflected in national legal and political developments and the discourse at national level.

Table 2 – Challenges

Based on a scan of legislative and policy and other developments and the public discourse please identify **three major challenges** to democracy emerged in the course of 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Attacks and threats to the safety of civil society organisations, human rights defenders and journalists	
Legal and administrative constraints, harassment,	

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
intimidation, and reprisals against civil society organisations, human rights defenders (including SLAPPs - strategic lawsuits against public participation)	
Lack of media freedom a/o media pluralism; disinformation (incl. online)	<p>The transformation of Austria's oldest newspaper "Wiener Zeitung" into a medium focused on training and education has drawn criticism, as also reported by the media.¹⁹ The print edition was discontinued because a change in the law²⁰ resulted in the loss of the most important source of funding: in the past, company register entries had to be published in the "Wiener Zeitung" for a fee. A transition has now been made to online publications. The transformation "[...] has been criticised, however, for not requiring recipients of funding to participate in the oversight system of the Press Council or to prove adherence to ethical standards."²¹ Moreover the Presseclub Concordia criticized the underlying law "[...] for bringing journalistic training under the control of the Chancellery and for mixing the education of journalists with public relations for the Government".²²</p> <p>According to the 2023 Media Plurism Monitor report, "[c]ost-cutting measures can be observed in several media companies. They are probably one of the main reasons why</p>

¹⁹ derStandard, [Regierung besiegelt Ende der "Wiener Zeitung" als Tageszeitung](#), 27 April 2023.

²⁰ Austria, Federal law on the Wiener Zeitung GmbH and establishment of an electronic announcement and information platform of the federal government ([Bundesgesetz über die Wiener Zeitung GmbH und Einrichtung einer elektronischen Verlautbarungs- und Informationsplattform des Bundes](#)), Federal Law Gazette I No. 46/2023.

²¹ European Commission (2023), [2023 Rule of Law Report Country Chapter on the rule of law situation in Austria](#), Brussels, 5 July 2023.

²² European Commission (2023), [2023 Rule of Law Report Country Chapter on the rule of law situation in Austria](#), Brussels, 5 July 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>the number of employed journalists has been declining for years, and why this decline is primarily attributable to the print sector, where most journalists traditionally work. For years, there has been a creeping reduction in jobs, but recently there have also been repeated major waves of redundancies. Journalists are also increasingly complaining about ‘precarious working conditions’, even at the [public broadcasting agency].”²³ Similar critique was raised by the Austrian League of Human Rights, calling for continuous funding as an indispensable prerequisite for the independence of the media.²⁴</p> <p>There is still no law on Freedom of Information (<i>Informationsfreiheitsgesetz</i>) in force in Austria.²⁵ A first draft to be implemented by 2025 has been presented in September 2023 according to media reports.²⁶ Transparency International Austria,²⁷ Amnesty International Austria²⁸, and others²⁹ criticised the draft, especially the exception provided for therein, that municipalities with less than 10,000</p>

²³ Seethaler, J., Beaufort, M., Schultz-Tomancok, A. (2023), [Monitoring media pluralism in the digital era: application of the media pluralism monitor in the European Union, Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey in the year 2022, Research Project Report, Centre for Media Pluralism and Media Freedom \(CMPF\), Country report: Austria](#), June 2023.

²⁴ Austrian League of Human Rights (2023), [Befund 2023](#), p. 13 et seq.

²⁵ Reports without borders, [Österreich erreicht Platz 29 und ist mit einem Plus von 0,56 Punkten praktisch gleichgeblieben – der Absturz vom Vorjahr hat sich „verfestigt“](#), press release, 3 May 2023.

²⁶ orf.at, [Informationsfreiheit: Entwurf sieht Ausnahme für Gemeinden vor](#), 13 September 2023; Austria, Federal Act amending the Federal Constitutional Act and enacting a Freedom of Information Act (*Bundesgesetz, mit dem das Bundes-Verfassungsgesetz geändert und ein Informationsfreiheitsgesetz erlassen wird*).

²⁷ Transparency International Austria, Informationsfreiheit in Österreich? [Mehr als 50 % der Bevölkerung von aktiver Transparenz auszuschliessen wäre grundfalsch!](#), 14 September 2023.

²⁸ Amnesty International Austria, [Regierung präsentiert Informationsfreiheitsgesetz: Amnesty fordert mehr Transparenz](#), 5 October 2023.

²⁹ orf.at, [Informationsfreiheit: Kritik an „habituellem Geheimniskrämerei“](#), 14 September 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>inhabitants do not have to publish information of general interest (e.g., studies, contracts over EUR 100,000, general plans, etc.).</p> <p>The Press Council issue a statement on an incident related to freedom of information on 19 June 2023.³⁰ According to the Press Council, the work equipment (mobile phone, Macbook) of a freelance journalist was confiscated by the Klagenfurt public prosecutor's office. The journalist is accused of contributing to the abuse of office following investigative research on the Klagenfurt municipal director. The published information was based, among other things, on salary slips of the municipal director, which were presumably leaked to the journalist from circles within the authorities. In many other European states, there is a legal right to the publication of such documents - this corresponds to the principle of freedom of information. In contrast, Austria, as the last EU country, still has official secrecy; like many other journalists and NGOs, the Press Council demands the implementation of a strong freedom of information law. Against this background, the present case should once again be a reason for the abolition of official secrecy. The Executive Director of the Press Council, stated that "Here, a journalist is apparently to be intimidated with coercive state measures. This is a massive encroachment on the freedom of the press, especially since editorial secrecy may not be undermined by criminal law either."³¹</p>
Foreign interference	
Lack of (processes for) transparent, accountable,	

³⁰ Austrian Press Council, [Stellungnahme zu Pressefreiheit und Informantenschutz](#), 21 June 2023.

³¹ Austrian Press Council, [Stellungnahme zu Pressefreiheit und Informantenschutz](#), 21 June 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
democratic and pluralistic participation in law and policymaking; incl. access to information	
Lack of election integrity (incl. electoral process, political campaigning and party financing)	
Disproportionate use of law enforcement measures (surveillance, police violence, unlawful arrest etc.)	<p>In March 2023, climate activists protested in Vienna against a European Gas Conference under the motto “Stop the gas lobby”. Amnesty International Austria observed the protests and the related police action and was concerned about the “criminalisation of peaceful protests”. Amnesty International was extremely concerned about the criminalisation of peaceful protests and stated that the state has a human rights responsibility to ensure everyone's right to peaceful assembly.³² According to Amnesty International Austria, the police applied disproportionate use of pepper spray and batons.³³</p> <p>In this context, Amnesty International Austria³⁴ and the Austrian League of Human Rights³⁵ again underlined the call for an independent investigative office that effectively investigates police violence.</p>

³² Amnesty International Austria (2023), [Klima-Proteste anlässlich Gas-Konferenz in Wien: Kriminalisierung friedlicher Proteste ist besorgniserregend](#), 27 March 2023.

³³ Amnesty International Austria (2023), [Polizeigewalt bei Klimaprotest: Warum die vorschnelle Beurteilung durch Polizeipräsidenten Pürstl befremdlich ist](#), 4 April 2023.

³⁴ Amnesty International Austria (2023), [Amnesty-Stellungnahme zur Ermittlungsstelle bei Polizeigewalt](#), 24 April 2023.

³⁵ Austrian League of Human Rights (2023), [Befund 2023](#), p. 6 et seq.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>In September 2023, media reported about an unpublished ruling by the Vienna Administrative Court.³⁶ The complainant, a climate activist, was arrested on suspicion of a minor administrative offence under the Assembly Act, did not offer any resistance to his arrest and cooperated in his search at the place of assembly and in establishing his identity. However, the police asked him to fully undress for a search. According to the Court, however, there was no reason to assume that the complainant was dangerous. An initial cursory search of the complainant at the scene of the incident had already revealed that he was not carrying any questionable objects. The Court found that there was no reason whatsoever to ask the complainant to undress completely and to inspect his unclothed body. The lawyer of the complainant speaks of a precedent. The decision is not final, as the Vienna Provincial Police Directorate could now theoretically file an extraordinary appeal against the decision.</p>
Corruption, including misuse of EU funds	
Lack of (effective judicial protection by) independent and impartial courts	<p>In Austria, the appointment of the head of the Federal Administrative Court (<i>Bundesverwaltungsgericht</i>) as well as the Federal Competition Authority (<i>Bundswettbewerbsbehörde</i>) has been pending for a long time.³⁷ The former president of the judges' association, Sabine Matejka, emerged as the best-ranked candidate in February 2023, but the position has not yet been filled. According to media reports, the Austrian People's Party is resisting the appointment. The ÖVP-Green government is accused of linking the filling of the two posts. According to media reports, this is also evident from the side letters on appointments that have become public.³⁸</p>

³⁶ orf.at, [Nacktdurchsuchung bei Aktivisten rechtswidrig](#), 6 September 2023.

³⁷ orf.at, [Postenbesetzungen liegen auf Eis](#), 1 September 2023.

³⁸ orf.at, [Postenbesetzungen liegen auf Eis](#), 1 September 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>The discrepancies in the appointment of the Federal Administrative Court led to a resignation in August 2023. Sabine Matejka resigned from her position as president of the Association of Austrian Judges.³⁹ According to the head of the judges' association it is “an assault on the independence of the judiciary” that it has still not been decided whether Sabine Matejka will become head of the Federal Administrative Court.⁴⁰ In September 2023, media⁴¹ reported that the Vice-President of the Federal Administrative Court resigned from the Judges' Association. The step was taken after an interview with the president of the judges' association, who had spoken of political influence on the judiciary if the interim president of the court remained in office.</p> <p>The Umbrella Organisation of Administrative Judges (<i>Dachverband der Verwaltungsrichter:innen</i>) has demanded often times in the past that the selection procedure for leadership positions at administrative courts should not be left to the political parties. According to the Senate President of the Administrative Court and President of the Umbrella organisation of Administrative Judges, the failure to fill the presidency of the Federal Administrative Court is symptomatic of the openly revealed tension between the administrative judiciary and the executive.⁴²</p> <p>In their statements, the Greens and the Austrian People's Party refer not to agreements but to “political negotiations” that have not yet been concluded. Moreover, both the Federal</p>

³⁹ derStandard, [Richterpräsidentin Matejka geht, Nachfolger Kanduth kritisiert Regierung](#), 1 September 2023.

⁴⁰ derStandard, [Richterpräsidentin Matejka geht, Nachfolger Kanduth kritisiert Regierung](#), 1 September 2023.

⁴¹ Die Presse, [Michael Sachs tritt aus der Richtervereinigung aus](#), 19 September 2023.

⁴² Umbrella Organisation of Administrative Judges (*Dachverband der Verwaltungsrichter:innen*) [Was muss noch passieren, damit die Postenbesetzung beim BVwG vorangeht?](#), 1 September 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>Competition Authority and the Federal Administrative Court are fully capable of acting.⁴³</p> <p>In a joint press conference, the human rights organisation Amnesty International, the organisation epicenter.works (a civil rights organisation for the age of increasing digitalisation), the Ökobüro (environmental protection organisation) and asylkoordination österreich (asylum policy platform) called on the government to fill the position immediately and not to delay the appointment any further for party political interests.⁴⁴</p>
Threats to (the independence of) the fundamental rights institutional landscape (NHRIs, equality bodies, data protection authorities and similar bodies), incl. closure of fundamental rights bodies, legal changes, budget cuts and harassment	
Institutional issues linked to checks and balances (lack of parliamentary oversight, lack of implementation of final court decisions by executive, etc.)	

⁴³ orf.at, [Postenbesetzungen liegen auf Eis](#), 1 September 2023.

⁴⁴ Amnesty International Austria, epicenter.works, Ökobüro and asylkoordination österreich, [Bundesverwaltungsgericht: Postenbesetzungsfarce beeinträchtigt Vertrauen in Justiz, Regierung muss Spielchen sofort beenden und handeln](#), press release, 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Other major developments threatening democratic values	Please explain

2.2. Legislative and policy measures having an impact on the freedom of assembly/association/expression of civil society actors.

An Amendment to the Volunteers Act entered into force in September and October 2023.⁴⁵ The Volunteers Act standardises the most important framework conditions for voluntary and honorary engagement. It regulates legal definitions in the field of volunteering as well as standards for quality assurance. In this way, the Volunteering Act creates legal certainty for volunteers and volunteer organisations. The Act introduces: a clear definition of the conditions for supporting, safeguarding and valuing voluntary and honorary commitment; improved framework conditions for the implementation of the Voluntary Social Year, the Voluntary Environmental Protection Year, the Remembrance, Peace and Social Service abroad; and ensures uniform free travel throughout Austria (climate ticket) for participants in the Voluntary Social Year, the Voluntary Environmental Protection Year. The Interest Representation of Public Benefit Organisations, widely welcomed the amendments. In particular, the legal establishment of the Service and Competence Centre for Volunteering in Austria (*Service- und Kompetenzstelle für freiwilliges Engagement in Österreich*) (§ 4a), the volunteer centres (*Freiwilligenzentren*) (§ 4b) and a state prize for voluntary and honorary work (*Staatspreis für freiwilliges und ehrenamtliches Engagement in Österreich*) (§ 4) were seen as important projects. The fact that these and the Recognition Fund (*Anerkennungsfonds*) are covered by the budget was also emphasised as fundamentally positive. At the same time, however, it was criticised that these funds will not be sufficient to achieve the objectives of the law and the approximately 3.3 to 3.5 million people who carry out voluntary work. The Interest Representation of Public Benefit

⁴⁵ Austria, Amendment to the Volunteers Act ([Änderung des Freiwilligengesetzes](#)), Federal Law Gazette I No. 105/2023.

Organisations also considered it incomprehensible that the available funds will not be valorised over the next five years, which, in view of high inflation, is tantamount to decreasing funds for the sector. Thus, the Interest Representation of Public Benefit Organisations called for an increase of the budgetary resources in order achieving the goals set.⁴⁶

Amnesty International Austria,⁴⁷ media⁴⁸ as well as the Austrian League of Human Rights⁴⁹ have repeatedly pointed to the worrying increase in SLAPP cases against journalists and NGOs in Austria. These cases are not only directed against the media or organisations, but also regularly against critical persons themselves, such as journalists or activists. The Vienna-based International Centre for Migration Policy (ICMPD) sued the NGO SOS Balkan Route and its chairman because of criticism of the construction of a detention camp in a refugee camp in Bosnia-Herzegovina. According to its self-presentation ICMPD is an international organisation with 20 Member States active in more than 90 countries worldwide. It takes a regional approach in its work to create efficient cooperation and partnerships along migration routes. Its approach to migration management entails structurally linking policy and research, migration dialogues and capacity building. It seeks to contribute to better migration policy development worldwide.⁵⁰ After an outcry from civil society and massive criticism from Amnesty International and 50 other organisations, all lawsuits were dismissed on 18 July 2023 by the Vienna Commercial Court (unpublished). According to Amnesty International Austria, this is a great success for civil society in Austria, which has shown that it is vigilant when human rights are at risk.⁵¹ Similarly, an application by the Lower Austrian Freedom Party for an interim injunction against the satire platform “Tagespresse” because of false Freedom Party letters concerning a “Lower Austrian inn bonus” was dismissed by the Higher Regional Court Vienna (unpublished).⁵²

⁴⁶ Interest Representation of Public Benefit Organisations, [Stellungnahme Novelle Freiwilligengesetz](#), 22 May 2023.

⁴⁷ Amnesty International Austria, [Amnesty International Jahresbericht 2022/23: „Menschenrechte in Österreich am Wendepunkt“](#), 28 March 2023.

⁴⁸ derStandard, [„Sie wollen das Medium zerstören“: Slapp-Klagen nehmen zu](#), 4 September 2023.

⁴⁹ Austrian League of Human Rights (2023), [Befund 2023](#), p. 8 et seq.

⁵⁰ International Centre for Migration Policy, [About us](#).

⁵¹ Amnesty International Austria, [SLAPP-Klage gegen SOS Balkanroute abgewiesen: Erfolg für Zivilgesellschaft in Österreich](#), 19 July 2023.

⁵² derStandard, [FPÖ scheitert mit Antrag auf einstweilige Verfügung gegen „Tagespresse“](#), 28 August 2023.

Table 3 – Case law

Case law	
Deciding body (in original language)	
Deciding body (in English)	
Case number (also European Case Law Identifier ECLI , where applicable)	
Parties	
Decision date	
Web link to the decision (if available)	
Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case?	
Key facts of the case (max. 250 words)	<p>Note that this executive summary needs to be sufficiently comprehensive for the reader to understand:</p> <ol style="list-style-type: none"> 1. the facts of the case (so the “real life story”) presented in a chronological, short, and concise way 2. the legal background against which the case unfolded (what are the relevant legal norms that are applied)
The key legal question raised by the Court	Please describe in a succinct way the key legal problem/question
Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised	Please make sure the reader understands the significance of the case in terms of how the application of the relevant legal provisions in the context of the freedom of association/assembly/expression expands or limits civil society space