

Franet National contribution to the Fundamental Rights Report 2022

AUSTRIA

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Contents

Franet country study: policy and legal highlights 2021	3
Chapter 1. Equality and non-discrimination.....	5
Chapter 2. Racism, xenophobia and related intolerance	7
Chapter 3. Roma equality and inclusion	11
Chapter 4. Asylum, visas, migration, borders and integration	15
Chapter 5. Information society, privacy and data protection	17
Chapter 6. Rights of the child	36
Chapter 7. Access to justice	41
Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities	47

Franet country study: policy and legal highlights 2021

Issues in the fundamental rights institutional landscape	No development in 2021.
EU Charter of Fundamental Rights	Constitutional Court set aside a lower court decision for violation of Art. 47 (2) CFR. The files of an asylum proceeding have indicated that the oral hearing could lead to a further clarification of the facts in the present case. The Federal Administrative Court should therefore not have refrained from holding an oral hearing. The complainant's right to an oral hearing pursuant to Art. 47 (2) CFR was therefore violated.
Equality and non-discrimination	Progress for intersex persons. A government bill in favour of a ban on conversion therapy and "reparative" forms of therapy on children and a motion for a resolution on the protection of intersex children and adolescents from medically unnecessary treatment on their sexual characteristics have been tabled.
Racism, xenophobia & Roma integration	Austria's National Strategy against Antisemitism was presented on 21 January 2021. It includes 38 defined measures to prevent and combat all forms of anti-Semitism - including the long-term safeguarding of the Austrian Jewish cultural heritage and the establishment of a platform for society as a whole. The National Roma strategy is continued in 2021 .
Asylum & migration	No development in 2021.
Data protection and digital society	Online user protection strengthened: The Federal Act on Measures for the Protection of Users on Communication Platforms entered into force in 1 January 2021 with the aim to protect users on communication platforms and effectively combat hate on the net.
Rights of the child	The Federal Ministry of Social Affairs, Health, Care and Consumer Protection and UNICEF Austria organise a multi-stakeholder dialogue on the implementation of the European Guarantee for Children in Austria.
Access to justice, including victims of crime	Measures addressing violence against women: Following the high number of femicides in Austria, the Austrian government announced a package of measures , including additional 24.6 million funds to be used to expand family counselling centres, family courts, perpetrator work, psychosocial and legal support and centres for the protection from violence.

Convention
on the Rights
of Persons
with
Disability

The [NAP Disability 2021-2030](#) is currently developed in a broad-based participatory process involving the civil society and the Austrian provinces.

Chapter 1. Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people.

The Combat-Hate-on-the-Internet-Act (*Hass-im-Netz-Bekämpfungsgesetz, HiNBG*), which has been reported in detail for the previous Fundamental Rights Report and also protects LGBTI persons, entered into force on 1 January 2021.¹ The Internet Ombuds Service² launched a new topic area on "Hate on the net" on its website. The Internet Ombudsman's Office answers frequently asked questions there and discusses legal issues concerning hate content, insults and nude photos in the digital space. The FAQs cover, among other things, typical cases of hate on the net and the innovations brought about by the Combat-Hate-on-the-Internet-Act.

On 7 June 2021, the Minister of Justice formally apologised for the prosecution of homosexual persons in the Second Republic at an event at the Vienna Regional Court.³ She expressed her deepest regret for the suffering and injustice that befell them, but also for the long silence that followed. The Minister of Justice said that these people had their dignity and humanity violated by the institutions that should have protected them. In addition, the Minister of Justice thanked the representatives of the LGBTIQ community for their years of commitment and announced to create a memorial for those who were unjustly persecuted in the Second Republic because of their sexual orientation.

On 16 June 2021, the parliamentary groups voted in favour of a ban on conversion therapy and "reparative" forms of therapy on children and called on the Minister of Justice and the Minister of Health to submit a government bill to this effect.⁴ The aim of the government bill is to ban the implementation, advertising and facilitation of measures and techniques aimed at changing the sexual orientation of children as well as adults, whose consent is based on a lack of will. The members

¹ Austria, Combat-Hate-on-the-Internet-Act ([Hass-im-Netz-Bekämpfungsgesetz, HiNBG](#)), Federal Law Gazette I No. 148/2020.

² Austria, Website of the Internet Ombuds Service ([Internet Ombudsstelle](#)).

³ Austria, Federal Ministry of Justice (2021), Justice Minister Zadić apologises for criminal prosecution of homosexual people in the Second Republic ([Justizministerin Zadić entschuldigt sich für strafrechtliche Verfolgung homosexueller Menschen in der zweiten Republik](#)), 7 June 2021.

⁴ Austria, Parliamentary Correspondence No. 735 of 16 June 2021, National Council unanimously in favour of banning conversion therapies ([Nationalrat einstimmig für Verbot von Konversionstherapien](#)), 16 June 2021.

of the parliament also adopted a motion for a resolution,⁵ which advocates the protection of intersex children and adolescents from non-necessary medical interventions. Since the landmark decision of the Constitutional Court of 15 June 2018, intersexual persons are entitled to an adequate designation in the civil status register of the Civil Status Act 2013.⁶ Thus, intersexual persons have the right to an entry in the civil status register and in documents corresponding to their sex. The Constitutional Court's decision required corresponding adjustments⁷ to the Registration Act 1991⁸ and to the annexes in the area of registration, which have now been proposed. The amendments introduce further selection options for gender in the area of registration, analogous to the Central Civil Status Register and a redesign of all annexes (registration form, declaration of residence and confirmation of main residence), which shall include alternative gender designations (diverse, inter, open, no information). The amendments have not been finally adopted.

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people.

1.2.1

No research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people were published in 2021 yet.

On 10 September 2021, the Federal Minister of the Interior⁹ reported that the pilot report "Hate crime in Austria. Concept, legal framework, data basis, prevalence and impact of bias-motivated crimes",¹⁰ which concludes the project "Systematic recording of prejudice motives in criminal complaints ("Hate Crime")" was approved by the Federal Minister of the Interior on 21 July 2021. This pilot report contains numerous results on hate crime in Austria, including on hate crimes

⁵ Austria, Motion for a resolution on the protection of intersex children and adolescents from medically unnecessary treatment on their sexual characteristics ([Schutz von intergeschlechtlichen Kindern und Jugendlichen vor medizinisch nicht notwendigen Behandlungen an den Geschlechtsmerkmalen \(1594/A\(E\)](#)), 16 June 2021.

⁶ Austria, Civil Status Act 2013 ([Personenstandsgesetzes 2013](#)), Federal Law Gazette I No. 16/2013.

⁷ Austria, Draft Amendment to the Registration Act 1991, ([Ministerialentwurf betreffend Bundesgesetz, mit dem das Meldegesetz 1991 geändert wird](#)), 11 June 2021.

⁸ Austria, Registration Act 1991 ([Meldegesetz 1991](#)), Federal Law Gazette No. 9/1992.

⁹ Austria, Federal Minister of the Interior (2021), [Response to parliamentary inquiry 7466/J](#), 10 September 2021.

¹⁰ Austria, Federal Ministry of the Interior (2021), Hate Crime in Austria ([Hate Crime in Österreich](#)), Vienna, 2021.

against LGBTIQ-persons. With regard to the prejudice motives “gender” and “sexual orientation”, offences against life and limb, freedom, honour or sexual integrity and self-determination dominated in numbers from November 2020 to April 2021 according to this report. Prejudice offences against persons on the basis of their “sexual orientation” predominantly took place in public, whereas in the case of “gender”, the crimes were conducted almost equally frequent in private and public spaces in the first evaluation period from November 2020 to April 2021. In an answer to a parliamentary inquiry, the Federal Minister of the Interior reported that from January 2021 to June 2021 a total of 160 charges were filed for criminal offences including a (potential) hate motif against LGBTIQ-persons.¹¹

Chapter 2. Racism, xenophobia and related intolerance

2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

2.1.1

ZARA collects reports by victims or witnesses of discriminatory acts and publishes statistics on the reported cases annually.¹²

A quarter of totally reported 3,039 incidents were related to racism explicitly directed against Black people and people of colour due to their skin colour. In 2020, many people were aware of racism and online hate: 86% of the racist incidents were reported by witnesses, 14% were reported by people directly affected. The number of reports concerning racism on the internet has doubled compared to 2019. “[...] the ZARA Counselling Centre received an increasing number of reports of racist discrimination with reference to the coronavirus. In total, more than 400 incidents related to the coronavirus were reported to ZARA in 2020. In the beginning, there were more reports of discrimination due to a perceived Chinese origin. Later, the discriminations reported were mainly directed against refugees and Muslims.”¹³

The Documentation and Counselling Centre for Islamophobia and anti-Muslim racism (*Dokumentations- und Beratungsstelle Islamfeindlichkeit und antimuslimischer Rassismus; Dokustelle*) is collecting victims’ and witness’ reports on anti-Muslim racist acts. In this function, it cooperates closely with ZARA and

¹¹ Austria, Federal Minister of the Interior (2021), [Response to parliamentary inquiry 7309/J](#), 8 September 2021.

¹² ZARA (2021), Racism Report 2020 ([Rassismus Report 2020](#)), March 2021.

¹³ ZARA (2021), Racism Report 2020 ([Rassismus Report 2020](#)), March 2021, p. 30.

uses figures from the ZARA reports. Dokustelle reports 1402 cases in 2020. The report mentions two peaks, in June (in relation to publication of the Islam-Map) and in November (in relation to the terrorist attacks in Vienna). This means an increase of 33.4%.¹⁴

The report shows that 80% of offences are hate speech and incitement, most of the offences were committed on the internet (80%) and in public space (10.3%). While victims are female in majority (74.2%), perpetrators are mostly male (72.8%). Dokustelle reports twelve cases of racist cases of violence by the police.¹⁵

Statistics Austria, together with the Austrian Integration Fonds, publish the Statistical Yearbook on Migration and Integration. In its 2021 edition¹⁶, the results of a survey among 1120 Austrians (born in Austria) and 2336 persons living in Austria, born outside Austria, about their subjective perception on living together in Austria, belonging, feeling home, as well as their perceptions of being discriminated against (so called integration climate survey). Foreign respondents were grouped into long(er)-term residents and short(er)-term residents (both not linked to the legal term). The former consists of people stemming from former Yugoslavia and Turkey, the latter from Afghanistan, Syria and Chechniya. The results show for the first group, 48.3% feel at home in Austria, 68.7% have a feeling of belonging to Austria, however, 48.5% of the respondents feel discriminated on a regular basis. The second group responded to 53.4% to feel at home, 79.1% to belong to Austria and feel discriminated to a lesser extent (45.2%) than the first group.¹⁷

A parliamentary inquiry on the number of criminal offences with a right-wing extremist, racist or anti-semitic motivation reported to the police in 2021 (first six month), was answered by the Minister of the Interior as follows.¹⁸ 443 offences (300 committed by male persons) were reported in total (2020: 314). 342 offences had a clear right-wing extremist background (male offenders 244), one third were committed on the internet. Unequivocally racist offences counted 33, 3 anti-islamic, and 20 offences were anti-semitic. In 362 cases a violation of the Prohibition Act (*Verbotsgesetz*)¹⁹ was stated. Criminal reports were noted against

¹⁴ Documentation and Counselling Centre for Islamophobia and anti-Muslim racism (2021), Anti-Muslim Racism Report 2020 ([Antimuslimischer Rassismus Report 2020](#)), p. 7.

¹⁵ Documentation and Counselling Centre for Islamophobia and anti-Muslim racism (2021), Anti-Muslim Racism Report 2020 ([Antimuslimischer Rassismus Report 2020](#)), p. 15.

¹⁶ Statistics Austria (2021), Statistical Yearbook on Migration and Integration 2021 ([Statistisches Jahrbuch Migration und Integration 2021](#)), Vienna.

¹⁷ Statistics Austria (2021), Statistical Yearbook on Migration and Integration 2021 ([Statistisches Jahrbuch Migration und Integration 2021](#)), Vienna, pp. 96-105.

¹⁸ Austria, Federal Minister of the Interior (2021), Response to parliamentary question on right-wing extremist, racist and anti-Semitic offences in the first half of the year 2021 ([Beantwortung der parlamentarischen Anfrage zu zu „rechtsextreme, rassistische und antisemitische Straftaten im ersten Halbjahr 2021](#)), 31 August 2021.

¹⁹ Austria, National Socialism Prohibition Act 1947.

394 persons (251 male). 145 other criminal offences where a right-wing, racist or anti-semitic motivation was identified were noted by the Police.

Online Hate Speech provides analyses of online hate speech cases and their underlying systematics from the perspectives of human rights and criminal law as well as political and media sciences. In disciplinary and inter-/transdisciplinary articles, the volume's contributors offer fundamental information, case-based studies of the phenomenon using data from the App "BanHate", the first online hate speech reporting app in Europe, as well as recommendations for stakeholders.²⁰

2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

2.2.1

The Combat-Hate-on-the-Internet-Act (*Hass-im-Netz-Bekämpfungsgesetz, HiNBG*) entered into force on 1 January 2021.²¹ The act addresses racist and xenophobic hate on the internet, besides gender-based and homophobic hatred. The HiNBG introduces wide-ranging amendments to civic law, civic procedural law, criminal law, criminal procedural law, and media laws. The amended provisions focus on the protection of personal rights and the access to justice. It was reported in detail in the Fundamental Rights Report 2020.

Austria adopted the "National Strategy against Anti-Semitism: Strategy of the Republic of Austria to prevent and Combating all forms of anti-Semitism".²² The Strategy sets three overall objectives, to sustainably secure continuous Jewish life and culture in Austria, to eliminate and prevent anti-Semitism in all its forms, and to establish consciousness for the identification of every-day anti-Semitism among the population. These objectives are pursued through education and research, security measures and protection of Jewish institutions, effective prosecution and lawenforcement of anti-Semitic acts, as well as documentation and data collection which is comparable with European data. In total, the Strategy states 38 concrete measures and actions within the pillars described above.

²⁰ Fischer, Millner, Radkohl (eds.), *Online Hate Speech*, Vienna 2021.

²¹ Austria, *Combat-Hate-on-the-Internet-Act ([Hass-im-Netz-Bekämpfungsgesetz, HiNBG](#))*, Federal Law Gazette I No. 148/2020.

²² Austria, *National Strategy against Anti-Semitism ([Nationale Strategie gegen Antisemitismus: Strategie der Republik Österreich zur Verhütung und Bekämpfung aller Formen von Antisemitismus](#))*, Vienna, 2021.

The coordination of the implementation of these measures obliges the specifically for this purpose established coordination office in the department EU and Fundamental Affairs in the office of the Federal Chancellery (*Koordinationsstelle in der Sektion für EU und Grundsatzfragen des Bundeskanzleramtes*). An evaluation report shall be given in 2024, additionally there shall be annual reports to the parliament.²³

There is still no news on the action plan against racism, which represents a longer-term project that, like other measures from the government program, is to be implemented during the legislative period.²⁴

The Austrian Minister of the Interior, Karl Nehammer, answered a parliamentary inquiry on ethnic profiling by the police.²⁵ Minister Nehammer answered in total eight questions: On the questions which conclusions are drawn from the fact that ethnic minorities are treated disproportionately different by the police compared to the total population, he stated that statistical distortion might be the reason for this impression. Further, the Minister sees no systematic ethnic profiling because of the fact that in every case enforcement officers follow the rule of law and apply profound criminalistic analysis on a case to case basis. On the question whether studies or evaluations on ethnic profiling exist, Minister Nehammer referred to the "dialog forum" dealing with racial, ethnic and social profiling (RESP) in Vienna. Concerning complaints data, Minister Nehammer stated that no data collection is done in this respect. On preventive measures against ethnic profiling, Minister Nehammer gave examples on projects and trainings, such as the international seminars offered by the European Union Agency for Law Enforcement Training (CEPOL), human rights trainings organized by the police academies in all Austrian provinces or exchange formats with civil society organisations.

No relevant developments relating to the Racial Equality Directive to be reported.

²³ Austria, Federal Chancellery (*Bundeskanzleramt*), [National Strategy against Anti-Semitism. Decision and parliamentary discussion.](#)

²⁴ Austria, Human Rights Coordinator for the Federal Chancellery, Information provided by email on 23 December 2021.

²⁵ Austria, Federal Minister of the Interior (2021), Response to parliamentary question on ethnic profiling by the police ([Beantwortung der parlamentarischen Anfrage zu "Ethnic Profiling in der Polizei"](#)), 9 August 2021.

Chapter 3. Roma equality and inclusion

3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

3.1.1

<p>Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link</p>	<p>Continuation of the Austrian strategy for the inclusion of Roma in Austria (<i>Fortschreibung der österreichischen Strategie zur Fortführung der Inklusion der Roma in Österreich</i>)</p> <p>On 7 April 2021, prior to the International Roma Day on 8 April and against the backdrop of the new EU Roma Framework, the Austrian Federal Government adopted the continuation of the Austrian "Strategy for the Continuation of Roma Inclusion in Austria".</p> <p>This way, Austria implements the EU Roma Framework 2030 and acts in line with the recommendations of the EU Roma Framework 2030.</p> <p>Concrete policy measures will be developed based on the evaluation of the previous Roma inclusion strategy. Until then, the previous Roma strategy will be continued. The continued Roma strategy already contains the priorities and target formulations from the new fields of action of the EU Roma Framework 2030. Specifically, it sets priorities in the following areas:</p> <ul style="list-style-type: none"> - Education - Labour market - Combating antiziganism - Empowerment of Roma women and girls (Romnja) - Strengthening organised Roma civil society - Empowerment of Roma youth - Participation. <p>Austria, Federal Chancellery, 2021, Fortschreibung der österreichischen Strategie zur Fortführung der Inklusion der Roma in Österreich, available at: Rahmen der EU zur Gleichstellung, Inklusion und Teilhabe der Roma bis 2030 (bmbwf.gv.at)</p>
<p>Please add a hyperlink if the strategy is publicly available.</p>	<p>Strategie zur Fortführung der Inklusion der Roma in Österreich</p>
<p>Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference</p>	<p>Yes (please specify)</p> <p>The Roma Strategy was evaluated by the University of Vienna in 2021. Members of Roma civil society are</p>

	<p>closely involved.²⁶ The results of the evaluation will feed in the further development of the national Roma strategy. Thereby, Roma civil society will be involved too. Moreover, the third cycle reports of the Roma Civil Society Monitor were published since February 2020.</p>
<p>Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?</p>	<p>Yes, the indicator portfolio will be used for the biannual reporting on the implementation of the Framework strategy from 2023 on Austria will also report biannually from 2023 about the progress made in the implementation of the national Roma strategy. Reporting will include measures to promote equality, inclusion and participation. Reporting will use the portfolio of indicators, provided by the EU Roma Framework 2030. Until then, the current Austrian Roma Strategy will be continued.</p>
<p>Was Roma civil society involved in the development of the strategy? Please provide examples?</p>	<p>Yes, via online participation procedures and the inclusion of the Roma Civil Society Monitor into the development of the strategy.</p>
<p>Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?</p>	<p>No, but Federal ministries and department of the provincial governments were involved.</p>
<p>Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?</p>	<p>No, not in its current version, i.e. continuation of the previous Roma strategy. The new strategy will be developed based on the evaluation of the previous one, monitoring and the involvement of stakeholders in civil society and public administration.</p>

3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion

3.2.1

Comemoration

On the occasion of World Roma Day, the President of the National Council invited to the virtual event "*50 Years of Roma Policy – Romnja and Roma in the EU. Opportunities and Challenges*" in the Parliament. During the event, the President encouraged the establishment of a national memorial for remembrance. Moreover, he appreciated the ongoing fight against antiziganism. The President emphasised

²⁶ Austria, University Vienna, 2021, Sensiro, Study on the evaluation of the national strategy for the inclusion of Rom*nja in Austria ([Sensiro – Studie zur Evaluierung der nationalen Strategie zur Inklusion der Rom*nja in Österreich](#)).

that antiziganism cannot be compared with other racist attitudes, as it has grown over centuries and set in the middle of society - partly thoughtlessly, partly consciously. The President of the National Council therefore encouraged the Parliament to take a holistic stand against antiziganism.²⁷

In 2021, the municipality Kemeten (Burgenland) and the Roma Adult Education Centre Burgenland jointly create a dignified place of remembrance for the fate of the Romnija and Roma from Kemeten, who were deported and taken to concentration and labour camps. The memorial will be unveiled near the former settlement in autumn 2021, attended by an information event. Moreover, on the occasion of Burgenland's 100th anniversary, the Governor announced group projects including Roma, to support their integration into the society. The projects will be dedicated to research and to inclusion into the labour market and educational system. Moreover, cultural projects of Roma will be funded by the Province.²⁸

On 13 November 2021, the Roma and Sinti murdered by the National Socialists were commemorated at the Roma and Sinti Memorial in Lackenbach (Burgenland). A plaque with the most important information about the Lackenbach detention camp was unveiled during this event. The information on the plaque is available in German and Romanes.²⁹

First youth association of Rom*nja and Sinti*zze

On 8 April 2021, the first youth association of Rom*nja and Sinti*zze in Austria was launched: The *Hochschüler*innenschaft Österreichischer Roma und Romnja*, (HÖR). The HÖR is a political and social interest group for Rom*nja high school students. The HÖR wants to organize, educate, promote and support Rom*nja. The association wants to bring a perspective of the Rom*nja and Sinti*zze into the Austrian public and actively. Moreover, they stand up against antiziganism. The target group of the association's activities are: members of the ethnic group of Roma, all active students, young adults, aged between 18 and 30 years, who live or study in Austria.³⁰

Hate and harassment

For the FRR 2021, it was reported that a provincial government member of the Austrian Freedom Party (*Freiheitliche Partei Österreichs, FPÖ*) insulted a Roma camp and the people living in it. Several (Roma) NGOs filed a complaint on suspicion of incitement to hatred. The complaint requested the provincial

²⁷ Austria, [Parliamentary Correspondence, President of the National Council sets a sign against Antiziganism, No 419/2021](#), 4 April 2021.

²⁸ Austrian Broadcasting Cooperation, [Tag der Roma: Kemeten errichtet Erinnerungsstätte - burgenland.ORF.at](#), 8 April 2021.

²⁹ Cultural Association of Austrian Roma (*Kulturverein österreichischer Roma*), [Lackenbach: Gedenken beim Mahnmal für Roma und Sinti](#), 13 November 2021.

³⁰ Hochschüler*innenschaft Österreichischer Roma und Romnja, [Association Website](#).

parliament to waive the immunity of this politician and to facilitate criminal investigations. The local prosecutor's office supported the request. However, the provincial government decided to maintain the member's immunity and referred to the right to freedom of expression. As a consequence, the proceeding against the government member was terminated by the prosecutor.³¹

At the same time, members of the FPÖ Styria shared the video on their facebook page. Upon a complaint of the NGO SOS Mitmensch, the prosecution Styria initiated criminal investigations to identify the person, who recorded the video and the one responsible for sharing it on the FPÖ-Styria Facebook page. In April 2021, the authorities were unable to say when the investigators will have identified the suspects. SOS Mitmensch criticises the long duration of the proceedings. The spokesperson of the NGO says that it is difficult to understand the long duration of the investigative steps, which actually seem very simple in this case. What is decisive, however, is that suspected incitement to hatred is finally punished, especially when the incitement to hatred comes from professional politicians.³² The prosecution however needed to terminate the investigations in November 2021, because they could not identify the member of the FPÖ Styria, who actually shared the video. The FPÖ Styria refused to name this person, referring to the protection of editorial secrecy according to the Austrian Media Act.³³ § 31 of the Media Act also applies to social media pages and entitles editors, media owners and their employees to refuse answering questions before authorities concerning the author of posts. In case of criminal investigations, however, the author of a contribution is required as concrete suspect. The NGO SOS Mitmensch criticised the FPÖ Styria for refusing to testify at the prosecution Styria, who is responsible for "sharing a racist anti-roma-hate video" (*das Teilen eines rassistischen Anti-Roma-Hassvideos*).³⁴

³¹ Pollak, A. (2021), `[SOS Mitmensch: Auslieferung von Hermann für effektiven Kampf gegen Hass notwendig](#)` , press release, OTS0206, 8 September 2021. Austrian Broadcasting Corporation, [ÖVP und SPÖ gegen Hermann-Auslieferung](#), 15 September 2020.

³² [Weitere Ermittlungen im FPÖ-Umfeld wegen Anti-Roma-Videos - FPÖ - derStandard.at > Inland](#)

³³ Austria, Federal Act of 12 June 1981 on the Press and Other Journalistic Media, Media Act – MedienG ([Bundesgesetz vom 12. Juni 1981 über die Presse und andere publizistische Medien, Mediengesetz – MedienG](#)), BGBl. Nr. 314/1981

³⁴ Pollak, A. (2021), `[SOS Mitmensch: FPÖ Steiermark deckt verhetzungstatverdächtige Person](#)` , Press Release, OTS0023, 3 November 2021.

Chapter 4. Asylum, visas, migration, borders and integration

4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

4.1.1

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
Austria	Not yet available.	Not yet available.	Not yet available.	Not yet available.

4.2 National border monitoring mechanisms

4.2.1

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
Austria	n/a	n/a	n/a	n/a	n/a	n/a

Chapter 5. Information society, privacy and data protection

5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

The Federal Act on Measures for the Protection of Users on Communication Platforms³⁵ entered into force in 1 January 2021 with the aim to protect users on communication platforms and effectively combat hate on the net. The law only affects providers of those for-profit communication platforms that either have at least 100,000 authorised users or at least 500,000 Euros annual turnover in Austria. Pure goods or services brokerage platforms, online encyclopaedias, education and learning platforms and media companies are explicitly excluded. The core of the Federal Act on Measures for the Protection of Users on Communication Platforms is the platform obligation to offer easy-to-find, permanently available and easy-to-use reporting procedures for (suspected) illegal content. Obviously illegal content must be blocked or deleted within 24 hours, other illegal content within seven days. The law also provides for a review option in the event of complaints about alleged unjustified or inadequate deletion or lack of deletion. Moreover, the new law lays down, inter alia, reporting and transparency obligations for platforms, and requires the appointment of a responsible officer.

An amendment³⁶ to the Education Documentation Act 2020³⁷ partially entered into force on 1 September 2021. The data protection NGO epicenter.works criticised the draft already in 2020.³⁸ The NGO criticised, inter alia, that special educational needs will also be stored with a personal reference and that educational institutions will be given access to the central passport

³⁵ Austria, Federal Act on Measures for the Protection of Users on Communication Platforms ([Bundesgesetz über Maßnahmen zum Schutz der Nutzer auf Kommunikationsplattformen, Kommunikationsplattformen-Gesetz](#)), Federal Law Gazette I No. 151/2020.

³⁶ Austria, Draft Amendment to the Education Documentation Act ([Ministerialentwurf betreffend Bundesgesetz, mit dem das Bildungsdokumentationsgesetz 2020 erlassen wird und das Schulpflichtgesetz 1985, das Pflichtschulabschluss-Prüfungs-Gesetz, das Hochschulgesetz 2005, das Hochschul-Qualitätssicherungsgesetz, das Universitätsgesetz 2002, das IQS-Gesetz sowie das Anerkennungs- und Bewertungsgesetz geändert werden](#)).

³⁷ Austria, Education Documentation Act 2020 ([Bildungsdokumentationsgesetz 2020](#)), Federal Law Gazette I No. 20/2021.

³⁸ Austria, Epicenter.works (2020), Deterioration of Data Protection at Schools and Universities: The New Education Documentation Act ([Verslechterungen für Datenschutz an Schulen und Unis: Das neue Bildungsdokumentationsgesetz](#)), 28 October 2020.

database in order to be able to use biometric facial images for pupils' and students' ID cards. According to the NGO the amendment causes many deteriorations in data protection at schools and universities.

Through amendments to the Police State Protection Act, the Security Police Act, and other laws³⁹ the Federal Office for the Protection of the Constitution and Counterterrorism (*Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT*) has been reorganised in 2021 into the new Directorate for State Protection and Intelligence (*Direktion für Staatsschutz und Nachrichtendienst, DSN*). These amendments enter into force on 1 December 2021. In order to restore the confidence of both, the population and international partner services, the reform package introduces, inter alia, a structural separation into an intelligence component and a state protection component. The NGO epicentre.works criticises that this amendment does not achieve a clear separation in practice.⁴⁰ State protection and intelligence service will rather remain united under one authority and both will be under the control of one single director. Moreover, epicentre.works criticises this reform package in various respects related to data protection: According to this NGO the amendments would, for instance, bring about an expansion of surveillance and search powers and would be fraught with deficits in respect to the legal protection officer.⁴¹ The NGO epicentre.works in particular criticised the amendments to the Security Police Act: So far it was only possible to request certain booking-related personal data (e.g. booking date of a trip, itinerary, fellow travelers) from passenger transport companies. Now the government extended such requests for information to operators of online reservation and global distribution systems. According to the NGO, this provision would be specifically targeted at obtaining data from websites such as Skyscanner, Kayak or Expedia.⁴²

The introduction of the "Green Passport" was criticised by NGOs. Criticism concerned the data linkage (current and historical data on working life, income levels, any unemployment, educational pathways and sickness rates of all vaccinated and

³⁹ Austria, Amendments to the Police State Protection Act, the Security Police Act, and other laws ([Bundesgesetz, mit dem das Polizeiliche Staatsschutzgesetz, das Sicherheitspolizeigesetz, das Strafgesetzbuch, die Strafprozeßordnung 1975 und das Tilgungsgesetz 1972 geändert werden](#)), Federal Law Gazette I No. 148/2021, 26 June 2021.

⁴⁰ Austria, epicenter.works (2021), [BVT: A lot of power, no rust and too little control](#), 31 May 2021.

⁴¹ Austria, epicenter.works (2021), [BVT: A lot of power, no rust and too little control](#), 31 May 2021.

⁴² Austria, epicenter.works (2021), [BVT: A lot of power, no rust and too little control](#), 31 May 2021.

recovered persons).⁴³ According to the Federal Minister of Health⁴⁴, data protection was a priority in the design of the Green Passport app, as the data to be processed is particularly sensitive health data. Therefore, all data remains in the app and in the sphere of the respective user. The citizens' certificates are only stored locally on their smartphones and the app data is not stored or tracked in any central system. The certificates are also protected by a digital signature. The use of smartphone wallets (including Apple Passbook) was examined at an early stage, but not implemented due to security and data protection concerns arising from the use of cloud services by smartphone manufacturers. The Data Protection Authority submitted an opinion during the public consultation on the draft law.⁴⁵ However, no fundamental criticism has been voiced therein. E.g., the Data Protection Authority noted in respect to the data protection impact assessment that the description of concrete data security measures is still missing for some areas.

In February 2021, the consultation period for a bill on the new Telecommunications Act 2020 and amendments to many related acts ended.⁴⁶ The bill proposes a new structure and many amendments to the existing Telecommunications Act. In the course of this reform, a provision on informing those affected by surveillance measures was removed. The NGO epicenter.works

⁴³ Austria, epicenter.works (2021), The pillars of the Green Pass: Surveillability & an exorbitant amount of data ([*Die Säulen des Grünen Passes: Überwachbarkeit & ein exorbitanter Datenberg*](#)), 19 May 2021.

⁴⁴ Austria, Federal Minister of Social Affairs, Health, Care and Consumer Protection (2021), Response to parliamentary inquiry 7201/J ([*Beantwortung der parlamentarischen Anfrage 7201/J*](#)), 23 August 2021.

⁴⁵ Austria, Data Protection Authority, Opinion of the data protection authority on the draft Federal Act amending the Epidemics Act 1950 and the COVID-19-Measures Act, ([*Stellungnahme der Datenschutzbehörde zum Entwurf eines Bundesgesetzes, mit dem das Epidemiegesetz 1950 und das COVID-19-Maßnahmegesetz geändert werden*](#)), 17 May 2021.

⁴⁶ Austria, Ministerial Draft concerning a Federal Act enacting a Telecommunications Act and amending other Acts ([*Ministerialentwurf betreffend ein Bundesgesetz, mit dem ein Telekommunikationsgesetz erlassen \(Telekommunikationsgesetz 2020 – TKG 2020\), das KommAustria-Gesetz \(KommAustriaGesetz – KOG\), die Strafprozeßordnung 1975 \(StPO\), das Polizeikooperationsgesetz \(PolKG\), das Polizeiliche Staatsschutzgesetz \(PStSG\) und das Sicherheitspolizeigesetz \(SPG\) geändert werden*](#)), 11 February 2021.

criticised this and made a proposal for introducing up-to-date information for those affected about their surveillance.⁴⁷ The Telecommunications Act 2021 entered into force on 1 November 2021.⁴⁸

In May 2021, the draft of the First EU Information Systems Amendment Act⁴⁹ was submitted for pre-parliamentary consultation. This bill is intended to make the necessary adaptations based on the recent regulations of the European Commission concerning the SIS and the newly created EES. Although these EU Regulations are directly applicable, on the one hand already existing provisions have to be omitted and on the other hand necessary follow-up and implementing provisions have to be provided for in the various substantive laws. The Data Protection Council voiced needs for clarifications in the consultation process.⁵⁰

In July 2021, a draft on register-based research⁵¹ was submitted for pre-parliamentary consultation. The bill opens up government data bases (register data) to researchers, which was for a long time demanded by parts of the Austrian scientific community. So far, government departments have been able to grant access to individual registers since 2018, but this option has rarely been used. The bill now proposes a single point of access, the so-called Austria Micro Data Center (AMDC). The

⁴⁷ Austria, epicenter.works (2021), Opinion on the Ministerial Draft concerning a Federal Act enacting a Telecommunications Act and amending other Acts ([*Stellungnahme zum Ministerialentwurf betreffend ein Bundesgesetz, mit dem ein Telekommunikationsgesetz erlassen \(Telekommunikationsgesetz 2020 – TKG 2020\), das KommAustria-Gesetz, die Strafprozessordnung, das Polizeiliche Staatsschutzgesetz und das Sicherheitspolizeigesetz geändert werden*](#)), 9 February 2021.

⁴⁸ Austria, Telecommunications Act 2021 ([*Bundesgesetz, mit dem ein Telekommunikationsgesetz \(Telekommunikationsgesetz 2021 – TKG 2021\) erlassen wird*](#)), Federal Law Journal I No. 190/2021.

⁴⁹ Austria, First EU Information Systems Amendment Act ([*Entwurf eines Bundesgesetzes, mit dem das EU-Polizeikooperationsgesetz, das Sicherheitspolizeigesetz, das BFA-Verfahrensgesetz, das Niederlassungs- und Aufenthaltsgesetz, das Fremdenpolizeigesetz 2005, das Grenzkontrollgesetz und das Staatsbürgerschaftsgesetz 1985 geändert werden, Erstes EU-Informationssysteme-Anpassungsgesetz*](#)), May 2021.

⁵⁰ Austria, Data Protection Council (2021), Opinion on the First EU Information Systems Amendment Act ([*Entwurf eines Bundesgesetzes, mit dem das EU-Polizeikooperationsgesetz, das Sicherheitspolizeigesetz, das BFA-Verfahrensgesetz, das Niederlassungs- und Aufenthaltsgesetz, das Fremdenpolizeigesetz 2005, das Grenzkontrollgesetz und das Staatsbürgerschaftsgesetz 1985 geändert werden \(Erstes EU-Informationssysteme-Anpassungsgesetz, Stellungnahme des Datenschutzrates\)*](#)), 14 July 2021.

⁵¹ Austria, Ministerial Draft concerning the Federal Act amending the Federal Statistics Act 2000 and the Research Organisation Act ([*Ministerialentwurf betreffend Bundesgesetz, mit dem das Bundesstatistikgesetz 2000 und das Forschungsorganisationsgesetz geändert werden*](#)).

Austrian Data Protection Authority⁵² and the Data Protection Council⁵³ voiced concerns against this bill from a data protection perspective. The NGO epicenter.works stated that from a privacy perspective the present bill is fundamentally flawed and places an enormous amount of data covering the entire population at risk for abuse.⁵⁴ The NGO presented its detailed assessment in an opinion to the draft.⁵⁵ The register-based research provided for in the bill was widely welcomed by the scientific institutions according to the media.⁵⁶ On 2 November 2021, 13 renowned data protectionists and researchers addressed the members of the Federal and National Councils in a public letter with the urgent request to reconsider this law.⁵⁷

In July 2021, the draft bill of the Civil Procedure Amendment Act 2021⁵⁸ was submitted for pre-parliamentary consultation. The intention is to make the judiciary more digital and cost-efficient as the amendment entails improvements in the conduct of civil proceedings and the legal basis for the expansion of the digital file. The procedural requirements and processes are not changed in principle. Yet, where digital file management requires special regulations, new regulations are created which apply to digitally files managed in parallel to those for paper files. The handwritten signature provided for in the paper file is replaced by the qualified signature in the digitally kept file. Depending on the file management, there should therefore be two equivalent signature options. Further special regulations concern the handling of paper documents that are to be included in the digitally

⁵² Austria, Austrian Data Protection Authority (2021), Opinion on the Ministerial Draft concerning the Federal Act amending the Federal Statistics Act 2000 and the Research Organisation Act ([Stellungnahme der Datenschutzbehörde zum Entwurf des Bundesgesetzes, mit dem das Bundesstatistikgesetz 2000 und das Forschungsorganisationsgesetz geändert werden](#)), 3 August 2021.

⁵³ Austria, Data Protection Council (2021), Opinion on the Ministerial Draft concerning the Federal Act amending the Federal Statistics Act 2000 and the Research Organisation Act ([Entwurf eines Bundesgesetzes, mit dem das Bundesstatistikgesetz 2000 und das Forschungsorganisationsgesetz geändert werden; Stellungnahme des Datenschutzrates](#)), 23 July 2021.

⁵⁴ Austria, epicenter.works (2021), [Register research turned privacy disaster – epicentre.works nominates Sebastian Kurz for a big brother award](#), 9 August 2021.

⁵⁵ Austria, epicenter.works (2021), Opinion on the Ministerial Draft concerning the Federal Act amending the Federal Statistics Act 2000 and other acts ([Stellungnahme: Ministerialentwurf betreffend Bundesgesetz, mit dem das Bundesgesetz über die Bundesstatistik und das Bundesgesetz über allgemeine Angelegenheiten gemäß Art. 89 DSGVO und die Forschungsorganisation geändert werden](#)), 4 August 2021.

⁵⁶ Austria, orf.at (2021), Broad agreement from the scientific community on the research database ([Breite Zustimmung aus Wissenschaft zu Forschungsdatenbank](#)), 10 August 2021.

⁵⁷ Austria, epicenter.works (2021), Public letter ([Offener Brief: Registerforschung \(Austrian Micro Data Center\)](#)), 2 November 2021.

⁵⁸ Austria, Civil Procedure Amendment 2021 ([Zivilverfahrens-Novelle 2021](#)), July 2021.

kept file. Regulations are also required for those pieces of paper or objects that cannot be scanned or otherwise converted into an electronic document. Digital file inspection is also to be regulated.

The police are increasingly relying on facial recognition software for the investigation of crimes, which has been in operation since December 2019. According to the Ministry of the Interior, this software has been used for 1,574 crimes until 24 June 2021. 2,208 suspects had been screened using the software according to the Minister of the Interior. The software is primarily used for burglaries and other property crimes that have been documented by surveillance cameras. The legal basis for this can be found in §75 Security Police Act and in §§ 110 to 115 Criminal Procedure Code.⁵⁹

In the long-running civil case between Max Schrems and Facebook, the Austrian Supreme Court followed Max Schrems' suggestion to submit a series of questions to the European Court of Justice. The four questions raise fundamental doubts about the legality of Facebook's use of data for all EU users.⁶⁰

In October 2021, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection tabled a Ministerial draft concerning the Federal Act amending the Medicinal Products Act and the Genetic Engineering Act.⁶¹ The amendments proposed therein are required due to Regulation (EU) No. 536/2014 on clinical trials of medicinal products for human use, laying down in directly applicable law the regulations for the authorisation, conduct and supervision of clinical trials. The NGO epicenter.works stated that the current draft law is questionable from a data protection perspective in several respects.⁶² It is particularly worth mentioning that although the processing of data is regulated, this also concerns categories of personal data that require special protection (health data). These are processed by the Austrian Federal Office for Safety in Health Care and

⁵⁹ Austria, Federal Minister of the Interior (2021), Answer to parliamentary question No. 7002/J on the use of facial recognition software ([Beantwortung der parlamentarischen Anfrage Nr. 7002/J betreffend Einsatz von Gesichtserkennungssoftware](#)), 9 August 2021.

⁶⁰ Austria, noyb (2021), BREAKING: Supreme Court asks ECJ whether Facebook has been unlawfully "undermining" the GDPR since 2018 ([BREAKING: Oberster Gerichtshof fragt EuGH, ob Facebook seit 2018 die DSGVO rechtswidrig "aushebelt"](#)), 20 July 2021.

⁶¹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2021), Ministerial draft concerning the Federal Act amending the Medicinal Products Act and the Genetic Engineering Act ([Ministerialentwurf betreffend Bundesgesetz, mit dem das Arzneimittelgesetz und das Gentechnikgesetz geändert werden](#)), 21 October 2021.

⁶² epicenter.works (2021), Amendments to the Medicines Act and the Genetic Engineering Act: Another draft law that is highly questionable in terms of data protection law and is intended to undermine the rights of those affected ([Änderungen im Arzneimittelgesetz und Gentechnikgesetz: Erneuter Gesetzesentwurf, der datenschutzrechtlich höchst bedenklich ist und Betroffenenrechte aushebeln soll](#)), 16 November 2021.

the ethics committees, for example. However, there is no definition of which personal data are actually processed and the draft does not contain adequate guarantees for the protection of the confidentiality interests of the data subjects. The draft law also does not clarify which of these bodies process the data as independent data controllers under the General Data Protection Regulation. According to the NGO such a regulation would be important insofar as it would be accompanied by information obligations vis-à-vis the individual when personal data is collected.

In November 2021, 25 organisations including the data protection NGO “epicenter.works” and 33 individual signatures criticised the Styrian Social Support Act, which came into force in July 2021 in a public letter.⁶³ In this letter, criticism was also expressed regarding data protection concerns. For example, the housing cost share (*Wohnkostenanteil*) is not paid directly to the person receiving social assistance, but to the landlords. As a result, the new law implicitly forces recipients of assistance to inform the province of Styria about their landlord. This means that landlords necessarily find out that the tenant is receiving social assistance. If the person concerned wants to avoid this, the only alternative is to forego the often significant assistance provided by the province of Styria. Further criticism was voiced in respect to the determination of the need for assistance and the ability to work. Information may be obtained from public bodies and private individuals, which is neither clearly delineated nor sufficiently defined. This may also include sensitive data in the areas of health, private and family life according to the criticism voiced by the signatories of the public letter.

5.2 Artificial intelligence and big data

5.2.1

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Government	Report	The Federal Ministry of Digital and Economic Affairs (<i>Bundesministerium für Digitalisierung</i>)	Yes, there is in-depth mention of a	Austria, Federal Ministry of Digital and Economic Affairs

⁶³ Austria, epicenter.works (2021), Public letter ([Offener Brief: Steirisches Sozialhilfegesetz führt zur Stigmatisierung bedürftiger Menschen](#)), November 2021.

		<p><i>und Wirtschaftsstandort</i>) published its strategy for Artificial Intelligence titled „Artificial Intelligence Mission Austria 2030“ in mid-2021. The report and its annex outline three broad goals envisioned by the Austrian government:</p> <ul style="list-style-type: none"> - to enable the broad use of AI centred on the common good and based on fundamental and human rights, European values and the European legal framework - to position Austria as a hub for research and innovation on AI - to ensure the competitiveness of Austria as a site for technology and business by developing and utilizing AI. 	<p>series of human rights.</p> <p>The strategy states that upholding fundamental and human rights in dealing with AI shall be put centre stage. The report acknowledges the risks associated with AI and states that together with partners it must be ensured that a safe framework for the use of AI shall be provided, which explicitly takes into account questions concerning fundamental rights, ethical questions surrounding AI, data protection, equality rights and the prohibition of discrimination.</p> <p>A central goal is to establish a use of AI that targets the “common good” (<i>Gemeinwohl</i>) based</p>	<p>(<i>Bundesministerium für Digitalisierung und Wirtschaftsstandort</i>) (2021), Government strategy on Artificial Intelligence: Artificial Intelligence Mission Austria 2030 (<i>Strategie der Bundesregierung für Künstliche Intelligenz: Artificial Intelligence Mission Austria 2020</i>), 2021.</p> <p>and</p> <p>Austria, Federal Ministry of Digital and Economic Affairs (<i>Bundesministerium für Digitalisierung und Wirtschaftsstandort</i>) (2021), Annex to the Government strategy on Artificial Intelligence: Artificial Intelligence Mission Austria 2030 (<i>Annex zur Strategie der Bundesregierung für Künstliche Intelligenz: Artificial Intelligence Mission Austria 2020</i>), 2021.</p>
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			<p>on fundamental and human rights. The strategy explicitly builds on the international legal framework (including human rights and humanitarian law). The report acknowledges concrete risks to using AI including the impairment of fundamental and human rights guarantees, e.g. by perpetuating discrimination based on faulty data ("biased algorithms") or restricting freedom of expression through automated and targeted disinformation campaigns, through to new threats from the field of cybercrime (AI-supported hacking, phishing, etc.).</p> <p>Key aspects of the strategy to ensure</p>	
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			<p>this include transparency, explainability, comprehensibility, data protection, protection of fundamental rights, the primacy of human action and human oversight.</p> <p>The strategy further states that future visions about the impact of AI on societal transformation processes shall be developed and subject to a technological impact assessment. Topics of interest include the definition of boundaries for the use of AI by the state, the economy and science are of particular interest, as well as the impact of AI on the labour market. Ethical and societal reflection is key in developing AI technologies to</p>	
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			begin with. No clear information is given on criteria for impact assessment or areas in which the use of AI is prohibited.	
Independent state institution	Report	The Viennese Chamber of Labour (<i>Arbeiterkammer Vienna</i>) analyzed the draft AI regulation from a consumer perspective and outlines concrete measures on the national level that seek to uphold consumer rights.	<p>Yes, the report explicitly mentions a series of human rights.</p> <p>The analysis points to the risks associated with analysis software from the consumer perspective and highlights the need to protect fundamental rights, personal rights and consumer rights, property rights, transparency, freedom from discrimination and the rights of complaint.</p> <p>Specific requests to ensure this include a specific set of AI</p>	Viennese Chamber of Labour (<i>Arbeiterkammer Wien</i>) (2021), Analysis of the AI Draft regulation from a consumer perspective (Analyse des VO-Entwurfes Künstlicher Intelligenz aus Verbrauchersicht), June 2021.

			<p>rules for each AI “risk class” (<i>KI-Risikoklasse</i>); to legally enshrine the rights of affected citizens and AI users and to acknowledge their needs; to forbid AI systems that pose societal risks; and to require producers and consumers of AI to designate and minimize particular risks.</p>	
Government	Report	<p>The Federal Ministry of Climate Action, Environment, Energy, Mobility, Innovation and Technology (<i>Bundesministerium für Klimaschutz, Umwelt, Energie, Mobilität, Innovation und Technologie</i>) published the „Transport Telematics Report 2021“. This is a status report on the implementation, research and development of intelligence traffic system (ITS) applications at national and international level (in accordance with the ITS Act). It describes various applications that have been implemented and provides an overview over their status and development.</p>	<p>Yes, human rights are mentioned. In particular, the document mentions non-discrimination and the protection of personal data.</p> <p>The digitalisation of the Austrian traffic system requires data to be generated and interpreted. Future developments shall be made accessible and used effectively via standardized interfaces, taking data security and</p>	<p>Austria, Federal Ministry of Climate Action, Environment, Energy, Mobility, Innovation and Technology (<i>Bundesministerium für Klimaschutz, Umwelt, Energie, Mobilität, Innovation und Technologie</i>) (2021), Transport Telematics Report 2021: status report on the implementation, research and development of ITS applications at national and international level (in accordance with the ITS Act) (Verkehrstelematikbericht 2021: Statusbericht zur</p>

			<p>data protection into account. The new development of such systems shall prioritize non-discrimination for all stakeholders, including private companies as well as funded projects. This is not specified further.</p>	<p><u>Umsetzung, Forschung und Entwicklung von IVS- Anwendungen auf nationaler und internationaler Ebene (gemäß IVS-Gesetz)</u>, 2021.</p>
<p>Independent state institution</p>	<p>Report</p>	<p>The Austrian Institute of Technology, Centre for Innovation Systems & Policy (<i>Institut für Technikfolgen-Abschätzung der Österreichischen Akademie der Wissenschaften</i>) published a report entitled „Foresight and Technology Assessment: Monitoring future issues for the Austrian Parliament“. It provides a monitoring of current and emerging scientific and technological developments in the societal context (socio-technical trends) and identifies key future issues for Austrian policy.</p>	<p>Yes, there is in-depth mention of human rights. In particular, the document mentions non-discrimination and the protection of personal data.</p> <p>The document outlines three relevant developments, that explicitly include human rights aspects: transparent algorithms in decision-making, data-powered medicine, human genome editing. All three aspects require the use of</p>	<p>Austrian Institute of Technology, Centre for Innovation Systems & Policy (<i>Institut für Technikfolgen-Abschätzung der Österreichischen Akademie der Wissenschaften</i>) (2021), Foresight and Technology Assessment: Monitoring future issues for the Austrian Parliament (<u>Foresight und Technikfolgenabschätzung: Monitoring von Zukunftsthemen für das Österreichische Parlament</u>), May 2021.</p>

			<p>highly sensitive data.</p> <p>Transparent algorithms in decision-making: there is a high risk of discrimination due to algorithmic classification of big data. In Austria, there is a current discussion on an algorithm proposed by the Public Employment Service (<i>Arbeitsmarktservice</i>), which shall calculate a person's chances on the labour market based on the previous years' statistics. Based on their chance of "labour market integration", persons are categorized into three groups, each of which is allocated different resources</p>	
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			<p>for education and training.</p> <p>Data-powered medicine: using AI in medical care and losing anonymity can affect privacy as well as property rights and personal rights, and could thus lead to discrimination.</p> <p>Human genome editing: there is a risk of increased social inequalities due to the abuse of gene therapy procedures. For example, using products to help cognitive disorders could help individuals but could have detrimental long-term effects on society, e.g. optimization or performance pressure, increased social inequalities.</p>	
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Independent state institution	Report	The Austrian Council for Research and Technology Development (<i>Österreichischer Rat für Forschung und Technologieentwicklung</i>) published a fact sheet on register data research and the implementation of an Austrian Micro Data Center. The document makes the case for an central data center as a necessary framework to ensure that data relevant for research and policy-making is available. The proposed Centre shall provide easy and comprehensive access to microdata and registry data for the purpose of research, thereby facilitating the use of data-driven policy responses, for example to the COVID-19 pandemic.	There is no explicit mention of human rights. There is brief mention that the proposed Micro Data Centre is necessary to ensure easy, safe and sustainable use of data in line with data protection standards.	Austrian Council for Research and Technology Development (<i>Österreichischer Rat für Forschung und Technologieentwicklung</i>) (2021), Register data research and implementation of an Austrian Micro-Data Center (Registerdatenforschung und Implementierung eines Austrian Micro-Data Centers), 31 March 2021.
Independent state institution	Report	The Austrian Council for Research and Technology Development (<i>Österreichischer Rat für Forschung und Technologieentwicklung</i>) published a report on Austrian start-ups, outlining their status in Austria as well as current trends in the sector. These trends include technological trends like AI, which is deemed highly relevant for start-ups. Equally, big data is mentioned as the second most relevant trend.	No, human rights are not mentioned.	Austrian Council for Research and Technology Development (<i>Österreichischer Rat für Forschung und Technologieentwicklung</i>) (2021), Austrian Startup Monitor 2020 , February 2021.
Government	Other: Parliamentary correspondence	The Federal Parliament (<i>Parlament</i>) published a correspondence outlining the content of a meeting between the President of the National Council (<i>Nationalratspräsident</i>) and experts on the topic of "The digital future – will AI soon determine democracy?". One of the topics covered in the discussion was the potentially harmful effect of AI on democracy in Austria.	There is no explicit mention of human rights. Several topics were discussed, including the need for the state to make transparent the data	Austria, Parliament (2021), Artificial Intelligence and dangers for democracy (Künstliche Intelligenz und Gefahren für die Demokratie), Parliamentary correspondence No. 220, 3 March 2021.

			needed and how it would be used, the importance of keeping check of digital space and the limits of internet freedom, as well as the importance of technical infrastructure that adheres to data protection standards.	
Government	Report	The Federal Ministry of Education, Science and Research (<i>Bundesministerium für Bildung, Wissenschaft, Forschung</i>) published its 2020 university report, which outlines developments and politically relevant projects of the past three years at the public universities in Austria.	<p>Yes, there is explicit mention of human rights. In particular, the document mentions the protection of personal data.</p> <p>The document identifies digital competences as a central field of action in higher education. Particularly so-called “learning analytics”, which analyse data from educational settings in order to change the learning behaviour of students, are</p>	Austria, Federal Ministry of Education, Science and Research (<i>Bundesministerium für Bildung, Wissenschaft, Forschung</i>) (2021), University report 2020 (Universitätsbericht 2020), 2021.

			<p>becoming more popular. These require higher education institutions to develop an understanding for their use and to develop strategies for implementation, particularly with regard to data security and data protection. There exist several projects to facilitate this.</p>	
Government	Adopted National Act	<p>In Austria, the legal basis for the European "green pass" is an amendment to the 1950 Law on Epidemics (<i>Epidemiegesetz</i>) and to the Law on COVID-19 Measures (<i>COVID-19-Maßnahmengesetz</i>). The initial draft amendment was heavily criticised due to data protection concerns. In the final and currently valid legal text, these concerns have been considered and cleared.</p>	<p>Human rights are not explicitly mentioned. However, current version of the law took into account data protection and processing concerns and removed the criticised passages.</p> <p>In the criticism to the initial draft amendment, several data concerns were raised pertaining to privacy rights of users. One central</p>	<p>Austria, Amendment to the Law on Epidemics 1950 and the Law on COVID-19 Measures (Änderung des Epidemiegesetzes 1950 und des COVID-19-Maßnahmengesetzes), Federal Law Gazette II, No 143/2021.</p>

			<p>concern was the combination of databases containing sensitive user data, namely the data stored in the epidemiological reporting system (<i>Epidemologisches Meldesystem</i>) with the data stored by ELGA GmbH (the company providing electronic health records, <i>Elektronische Gesundheitsakte GmbH</i>). This would effectively have enabled access to a user's health data beyond data related to COVID-19. Another concern relating to the use of the Austrian insurance card, e-card, in place of the Green pass, was dismissed due to similar concerns.</p>	
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Chapter 6. Rights of the child

6.1 Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p>Family Crisis Fund</p> <p>The Covid-19 Family Crisis Fund was implemented on 23 June 2020 to help families in coping with additional expenses due to the consequences of the pandemic.⁶⁴ Up to 30 June 2021, it was possible to apply for support from the Corona Family Crisis Fund. Application is no longer possible as of 1 July 2021. Altogether, the Federal Chancellery has made 200 million euros available for the Corona Family Crisis Fund.⁶⁵</p> <p>COVID 19 Poverty Act</p> <p>As a result of the ongoing COVID 19 crisis situation, measures to support low-income groups will also be taken in 2021. For this purpose, the "COVID 19 Poverty Act" provides for a special budget of 20 million euros for financial assistance to social assistance recipients, which was increased by a further maximum of 14 million Euros in March 2021. Specifically, the following child-specific support benefits can be granted:</p> <p><u>100 Euros for each child in a social assistance household.</u> The precondition for this support is that at least one parent is in receipt of a social assistance on 31. January 2021.</p> <p><u>Additional funds of up to 200 Euros for each child in a social assistance income household.</u> The precondition for this support is that at least one parent is in receipt of social assistance on 31 July 2021.</p> <p>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. Based on the guidelines of the Ministry of Social Affairs, the grants will be paid out by the Federal Provinces, which are also responsible for the processing of the social assistance. There is no legal entitlement to the allowance.⁶⁶</p> <p>"FABIAN" online application for family allowance</p>
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⁶⁴ Federal Ministry of Work, Family and Youth (2020), Directives for the Family Crisis Fund (*Richtlinien für den Familienkrisenfonds*) (2020).

⁶⁵ Federal Chancellery (*Bundeskanzleramt*) (2021), Family Crisis Fund, [Corona-Familienhärtefonds](#).

⁶⁶ Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und KonsumentInnenschutz*), Guidelines for the granting of Grants to recipients of social assistance and minimum income recipients in accordance with the COVID 19 Poverty Act, *Richtlinien für die Gewährung von Zuwendungen an Sozialhilfe- bzw. Mindestsicherungsbezieher/innen gemäß dem COVID-19-Gesetz-Armut*, 19 July 2021

In March 2021, the application for family allowance in FinanceOnline was redesigned to make it more user-friendly. The aim of the redesign was to relieve families as much as possible in an already difficult everyday life and to minimise possible bureaucratic hurdles – especially in times of crisis like the Covid-19 pandemic. The fields to be filled in are better displayed and it is now possible to upload enclosures such as school certificates or proof of studies directly in FinanceOnline. In the future, these documents will no longer have to be sent to the tax authorities. The FABIAN programme, which is implemented by the Ministry of Family together with the Ministry of Finance, stands for 'Family Allowance Information' and aims to make family allowance in Austria as uncomplicated as possible for citizens.⁶⁷

Digitalisation in schools

Starting in autumn 2021, the 5th and 6th grades all over Austria will be fully equipped with laptops and tablets. About 150,000 pupils and teachers will benefit. Other school grades will be provided with the devices as well. The equipment of schools with laptops and tablets will proceed in a staggered manner, due to the high procurement costs. Moreover, by 2023 all federal schools will be equipped with fibre optics internet.⁶⁸

Multi-stakeholder dialogue on the implementation of the European Guarantee for Children in Austria

The Federal Ministry of Social Affairs, Health, Care and Consumer Protection and UNICEF Austria organise a multi-stakeholder dialogue on the European Guarantee for Children, which is implemented in Austria with the programme "Child Opportunities".

The multi-stakeholder dialogue serves as a kick-off event and first step to involve representatives of all relevant stakeholders such as provinces, cities, municipalities, social insurance, social partners, NGOs, science etc. in this process and to enter into a continuous exchange with them.

Goals of the event:

to inform all relevant stakeholders about the objectives and contents of the Child Guarantee

to jointly develop contents and recommendations for the National Action Plan

to discuss further stakeholder participation.

The event took place on 13.-14. December 2021.

The Child Guarantee, which implements the European Child Guarantee in Austria, aims to combat child poverty and social exclusion. Therefore, particularly vulnerable children are the target group of the Child Guarantee. In the course of the multi-stakeholder meeting, recommendations were developed in small

⁶⁷ Federal Ministry of Family at the Federal Chancellery (*Bundesministerium für Familien im Bundeskanzleramt*), „FABIAN“ online application for family allowance, [FABIAN, online Beantragung von Familienbeihilfe](#), 27 March 2021.

⁶⁸ Federal Chancellery, Biggest digitalisation push for schools goes into implementation, [Größter Digitalisierungsschub für Schulen geht in Umsetzung](#), Press Release, 23 June 2021.

	<p>discussion groups of public authorities and civil society actors. The recommendations will feed in the development of the National Action Plan on the Child Guarantee Austria. The National Action Plan will be compiled by mid-January 2022 and sent to the EU Commission in March 2022.</p> <p>Study on the impact of the Covid-19 pandemic on families</p> <p>The city of Graz in collaboration with the University of Graz carried out a study to identify stress caused by the Covid-19 pandemic in families, children and adolescents in Graz in autumn 2021. Based on a survey among 906 parents and 562 adolescents the following stress factors were revealed:</p> <p>65% of parents are stressed by the feeling that the pandemic has no end; 50% of parents state that their families feel stressed by the missing opportunity to benefit from the usual services in leisure and counselling and 24% of parents state that family conflicts increased since the pandemic.⁶⁹ The parents were asked for assessments regarding their children. 59% of parents stated that their children severely suffered from the restrictions of social contacts. However, 50% of parents stated that their children's problems and difficulties did not change significantly due to the pandemic. 27% of parents believe that their children feel lonsome since the pandemic.⁷⁰</p> <p>The adolescents were asked for assessments of their own situation. 63% are stressed by the feeling that the pandemic has no end; 61% believe that adolescents are disadvantaged in the Corona pandemic; 57% state that they are sometimes not sure how to behave. 50% of adolescents are worried about their future since the Corona pandemic. 48% state that the changes in relation with the Corona pandemic are generally very burdensome for them.⁷¹</p>
<p>Measures to protect children from violence</p>	<p>Neighborhoods without Partner Violence</p> <p>The association AÖF - Autonomous Austrian Women's Shelters established the social space-oriented violence prevention project "StoP - Neighbourhoods without Partner Violence" in Vienna/Margareten at the beginning of 2019. The StoP-project is expanded in 2021. The expansion is funded by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection with the amount of 680.000 Euro. Moreover, 20 new StoP coordinators are being trained in Vienna. StoP focuses on the community and wants to create an open approach to the issue of partner violence and use the potential of social, local food spaces. Neighbours can be reached quickly in crisis situations. They can help prevent escalations and stop violence. Thus, an</p>

⁶⁹ Jiménez, P. et al (2021), [FamilyGraz22 – Familienstudie Graz. Belastungen durch die Corona Pandemie in Familien, bei Kindern und Jugendlichen in Graz](#), City of Graz and University Graz, Press Release, 10 December 2021, p. 7.

⁷⁰ Jiménez, P. et al (2021), [FamilyGraz22 – Familienstudie Graz. Belastungen durch die Corona Pandemie in Familien, bei Kindern und Jugendlichen in Graz](#), City of Graz and University Graz, Press Release, 10 December 2021, p. 14.

⁷¹ Jiménez, P. et al (2021), [FamilyGraz22 – Familienstudie Graz. Belastungen durch die Corona Pandemie in Familien, bei Kindern und Jugendlichen in Graz](#), City of Graz and University Graz, Press Release, 10 December 2021, p. 20.

	<p>enlightened and supportive neighbourhood is a preventive factor for domestic violence. Having StoP in every city, municipality and district in Austria is the long-term goal of the initiative.⁷²</p> <p>Draft Victim Support Regulation Ordinance</p> <p>The Federal Ministry of Justice is responsible for the recognition and funding of psycho-social and legal support services for victims of violence and minor witnesses in criminal proceedings. The Ministry drafted an ordinance to adapt the preconditions for the recognition of victim support services (NGO), the services themselves, the trainings of staff and quality standards. The current classification of victim groups is to be abandoned in favour of a focus on the special need for protection of victims under section 66a (1) of the Code of Criminal Procedure. Moreover, the victim support services and their staff should be provided with the option to support more than one type of victims. The regulation is in the stadium of a draft. The review period ended on 23 April 2021. (see Chapter 7)</p> <p>Increased funding for counselling children and young people</p> <p>The telephone counselling service <i>Rat auf Draht</i> (advice on wire) is operated by the NGO SOS Kinderdorf. It offers children and young adults anonymous and cost-free help and talks. The service is available 24/7. The Federal Minister for Family and Youth provided <i>Rat auf Draht</i> with a 13 percent increase of funding, effective from 2021. The increase funding is justified referring to the increased need of counselling for children and young people, due to the Covid-19 pandemic. Moreover, an online counselling platform was established especially for parents.⁷³</p>
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6.2 Legal and policy developments or measures relating to criminal proceedings

6.2.1

Legislative changes	The draft Measures Execution Adjustment Act (<i>Maßnahmenvollzugsanpassungsgesetz</i>) ⁷⁴ contains amendments of the Juvenile Courts Act (<i>Jugendgerichtsgesetz</i>). These are:
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⁷² Austria, Federal Ministry of Justice, Draft Victim Support Regulation Ordinance ([Entwurf einer Prozessbegleitungs-Regulierungsverordnung, PbReqVO](#)), 31 March 2021.

⁷³ Austria, Federal Chancellery, Federal Minister for Women, Family, Youth and Integration (*Bundesministerium für Frauen, Familie, Jugend und Integration im Bundeskanzleramt*), Funding for "Rat auf Draht" to be increased, [Förderung für Rat auf Draht wird erhöht](#), 24 September 2021.

⁷⁴ 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](#)

	<ul style="list-style-type: none"> - Creation of special provisions for juveniles and young adults concerning the imposition and execution of measures under section 21 Criminal Code (placement in a forensic-therapeutic centre) and section 23 Criminal Code (placement in an institution for dangerous recidivists), i.e. more restrictive criteria for placement (only in case of capital crimes) and more regular review of the need for the measure (every six months). Previously, juveniles and young adults were treated similarly to adults. - Improved combating of the dissemination of National Socialist ideas. - Young adults between 19 and 21 years of age have now a right to the presence of a person of trust during the police interrogation. - Extended therapy for persons, placed in forensic-therapeutic centres. - Adaption of the terminology.
Policy developments	<p>The Education Catalogue of the Federal Ministry for the Interior 2021 offers leaders a training on human and fundamental rights with a focus on the dignity of young and old persons. More concretely, the 3-days seminar contains the function and effect of human rights; human rights analysis of current cases of police work with a focus on respect for "human dignity" [Art. 3 ECHR]; dealing with adolescents and young adults in the context of various official acts [Art. 8 ECHR]; Moreover, the seminar foresees a visit to the Office of the Ombudsman for Children and Young People Salzburg.⁷⁵</p>
Other measures or initiatives	<p>The probation services develop an app for clients. Implementation is planned for October 2021. The app fosters the communication between the probation services and their clients (defendants). In this way, documents and messages can be sent directly from the probation services' documentation platform DOKU to the clients' app. The app for the clients will be available in the usual app stores. Messages can be exchanged with the social workers and appointment reminders are displayed through the app. The aim is to make administrative processes easier for the social workers and to make clients more accessible. In addition, methodical areas in the app, such as an area containing questions about the offence, should lead to clients thinking about certain questions before the appointments, thus increasing retention. As far as the probation services know, we are currently the first in Europe to plan an app of this kind. Apps are being developed in other countries, but without an interface to the documentation software. In the Netherlands, a similar project has been implemented, but not in the form of an app available in the app store. The app is available for the probation service's clients, independently of their age. However, the probation services</p>

[Strafgesetzbuch, die Strafprozeßordnung 1975, das Strafvollzugsgesetz, das Jugendgerichtsgesetz 1988 und das Strafregistergesetz 1968 geändert werden](#) (*Maßnahmenvollzugsanpassungsgesetz 2021*), 128/ME XXVII GP - Ministerial Bill.

⁷⁵ Austria, Federal Ministry of the Interior (*Bundesministerium für Inneres*) (2021), Education Catalogue 2021 ([Bildungskatalog 2021](#)), p. 57.

assume, that it will be used more likely by children, due to their stronger affiliation to digital communication tools. Moreover, particularly children are more likely to neglect post mails by authorities. As such postmails pop up in the app, children more unlikely fail to answering / reacting written requests by authorities, such as summons.⁷⁶

Since autumn 2020, the Ludwig-Boltzmann-Institute Fundamental and Human Rights has been conducting research on the implementation of the child's right to personal freedom in Austria. On 17 December 2021 a conference took place to present the findings of research and to discuss challenges regarding the implementation of alternatives to deprivation of liberty for children. Young people involved in the project contributed to the conference.⁷⁷

Chapter 7. Access to justice

7.1 Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025

7.1.1

The Combat-Hate-on-the-Internet-Act (*Hass-im-Netz-Bekämpfungsgesetz, HiNBG*), which has been reported in detail for the previous Fundamental Rights Report entered into force on 1 January 2021 and introduces improvements for victims of crime.⁷⁸ Even before the package of laws came into force, hate postings could fulfil various criminal offences and trigger claims under civil law and media law. However, the legislative package expanded the claims and improved the victims' access to justice:

- Improvement of psychosocial and legal support: § 66b (1) Criminal Procedure Code 1975⁷⁹ now stipulates that psychosocial and legal support (*Prozessbegleitung*) is also to be provided for victims of incitement (§ 283 Criminal Code⁸⁰), slander (§ 111 Criminal Code), accusation of a judicially

⁷⁶ Response to an information request to the Probation Services Vienna, received on 16 April 2021.

⁷⁷ Ludwig Boltzmann Institute for Fundamental and Human Rights (2021), [Persönliche Freiheit als Kinderrecht – Alternativen zu Freiheitsentzug und Freiheitsbeschränkungen in Österreich?](#), Conferene Vienna, 17 December 2021.

⁷⁸ Austria, Combat-Hate-on-the-Internet-Act (*Hass-im-Netz-Bekämpfungsgesetz, HiNBG*), Federal Law Gazette I No. 148/2020.

⁷⁹ Austria, Criminal Procedure Code 1975 (*Strafprozeßordnung 1975, StPO*), Federal Law Gazette No. 631/1975.

⁸⁰ Austria, Criminal Code (*Bundesgesetz vom 23. Jänner 1974 über die mit gerichtlicher Strafe bedrohten Handlungen, Strafgesetzbuch – StGB*), Federal Law Gazette No. 60/1974.

punishable offence that has already been dismissed (§ 113 Criminal 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.

- Facilitated investigation of perpetrators of private prosecution offences: Typical hate postings usually fulfil the criminal offences of “defamation” (§ 297 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 1975⁸¹. Now the authorities may start investigation of the accused person, provided this is requested at the regional court.
- Quicker judicial deletion of hate postings (*Mandatsverfahren*): Postings that violate human dignity can now be deleted quickly due to amendments to § 549 Civil Procedures Code (*Zivilprozessordnung*)⁸². For this purpose, it is possible to obtain an injunction from the district court without a prior hearing.
- 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 1975⁸³.
- 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.

Furthermore, § 66b (1) Criminal Procedure Code 1975 now stipulates that also underage witnesses of violence in the social environment are given the opportunity to make use of psychosocial and legal support.

The offer provided by the victim helpline “0800 112 112” was expanded in September 2021.⁸⁴ This helpline of the Federal Ministry of Justice is the central contact point for all victims of criminal acts and now also offers online counselling. Up to now, it has been possible to obtain information on the website “www.opfer-

⁸¹ Austria, Criminal Procedure Code 1975 ([Strafprozeßordnung 1975, StPO](#)), Federal Law Gazette No. 631/1975.

⁸² Austria, Civil Procedure Code ([Gesetz vom 1. August 1895, über das gerichtliche Verfahren in bürgerlichen Rechtsstreitigkeiten, Zivilprozessordnung – ZPO](#)), Law Gazette (RGBl.) No. 113/1895.

⁸³ Austria, Criminal Procedure Code 1975 ([Strafprozeßordnung 1975, StPO](#)), Federal Law Gazette No. 631/1975.

⁸⁴ Austria, [Website of the Victim Helpline 0800 112 112](#).

notruf.at" and to ask questions by e-mail. From now on, conversations via chats as well as sending web mails directly via the website are possible.

The Federal Ministry of Justice presented the draft of a Victim Support Regulation Ordinance.⁸⁵ The Federal Ministry of Justice has been entrusting tried and tested suitable organisation with the provision of legal aid since 2000. According to current practice, funded victim support organisation usually specialise in one of the following three victim groups: "children and adolescents", "women as victims of male violence and trafficking in women" or "victims of situational violence". The draft now suggests to abandon this current classification in favour of an orientation towards the special need for protection of victims according to § 66a (1) Code of Criminal Procedure. In the future, support organisations that have one or more specialisations should also be allowed to support victims who fall under the respective specialisation.

7.2 Measures addressing violence against women

On 22 February 2021, the victim support organisation Weisser Ring and the Ministry of the Interior organised an online symposium on the topic "Access to justice for crime victims". A brief documentation of the event is available at the website of the Federal Ministry of the Interior.⁸⁶

The Federal Ministry of the Interior launched a new campaign against violence against women on 12 May 2021. Top athletes serve as testimonials for this campaign under the title "Violence is a problem, not a solution".⁸⁷

Following the high number of femicides in Austria, the Austrian government announced a package of measures on 12 May 2021.⁸⁸ The package includes: roundtable on the protection against violence, victim protection and violence prevention; prevention officers in every police station; re-introduction of proactive data transmission in cases of stalking; strengthening of case conferences; research on the motifs for femicides; intensify the awareness campaign on violence against women and girls; strengthen legal and psychosocial process support; measures for dealing with the affected women as gently as possible; qualitative evaluation of the femicides since 2016; greater consideration of the

⁸⁵ Austria, Federal Ministry of Justice, Draft Victim Support Regulation Ordinance ([Entwurf einer Prozessbegleitungs-Regulierungsverordnung, PbRegVO](#)), 31 March 2021.

⁸⁶ Austria, Weisser Ring (2021), Crime Victims Day ([Tag der Kriminalitätsoffer](#)), 22 February 2021.

⁸⁷ Austria, Federal Ministry of the Interior, [Website of the campaign "Violence is a problem, not a solution"](#), 12 May 2021.

⁸⁸ Austria, Council of Ministers (2021), Package of measures to combat violence against women and to strengthen Prevention of Violence ([Maßnahmenpaket gegen Gewalt an Frauen und zur Stärkung von Gewaltprävention](#)), 59/16, 11 May 2021.

issue of violence against women in the training of judges and prosecutors; as well as the promotion of anti-violence and affect control training in non-contentious proceedings, diversion, conditional diversion, conditional custodial sentences, in prison and in cases of conditional release. As an immediate measure, an additional 24.6 million would be raised. The funds will, inter alia, be used to expand family counselling centres, family courts, perpetrator work, psychosocial and legal support and centres for the protection from violence. Media reported that victim support organisations criticized the package of measures as being not effective.⁸⁹

From 1 September 2021, the Ministry of the Interior started cooperating with counselling centres for the prevention of violence in all federal provinces.⁹⁰ This mandatory prevention counselling was introduced by the Protection from Violence Act 2019 (*Gewaltschutzgesetz 2019*).⁹¹ Threateners who have been issued an entry and approach ban must participate in a six-hour violence prevention counselling session at a counselling centre for violence prevention. The threatener has five days to contact a counselling centre for violence prevention and to make an appointment for counselling. The six-hour counselling must take place for the first time within 14 days of contact. The counselling includes topics such as possible legal consequences, solving the acute situation without violence and dealing with the violent behaviour. In addition, those at risk are referred to further therapies and anti-violence training. The aim of violence prevention counselling is to prevent a repeat offence.

On 9 September 2021, a networking meeting took place at the Ministry of the Interior to establish a platform for violence prevention. According to the Minister of the Interior, this marks the start of a close and regular exchange with the

⁸⁹ Austria, orf.at (2021), Criticism of violence protection package being a “deceptive package” (*Kritik an Gewaltschutzpaket als „Mogelpackung“*), 8 June 2021.

⁹⁰ Austria, Federal Ministry of the Interior (2021), Protection against violence: Compulsory prevention counselling for endangered persons as of autumn 2021 (*Gewaltschutz: Ab Herbst 2021 verpflichtende Präventionsberatung für Gefährderinnen und Gefährder*), 26 August 2021.

⁹¹ Austria, Protection from Violence Act 2019 (*Bundesgesetz, mit dem das Sicherheitspolizeigesetz, das Namensänderungsgesetz, das Allgemeine bürgerliche Gesetzbuch, das Strafgesetzbuch, das Jugendgerichtsgesetz 1988, die Strafprozeßordnung 1975, das Strafregistergesetz 1968, das Tilgungsgesetz 1972, die Exekutionsordnung, das Bundesgesetz, mit dem das Sicherheitspolizeigesetz geändert wird und Verstöße gegen bestimmte einstweilige Verfügungen zum Schutz vor Gewalt und zum Schutz vor Eingriffen in die Privatsphäre zu Verwaltungsübertretungen erklärt werden, das Ärztegesetz 1998, das Gesundheits- und Krankenpflegegesetz, das Hebammengesetz, das Kardiotechnikergesetz, das MTD-Gesetz, das Medizinische Assistenzberufe-Gesetz, das Medizinischer Masseur- und Heilmasseurgesetz, das Sanitärerzeugnisgesetz, das Zahnärztegesetz, das Musiktherapiegesetz, das Psychologengesetz 2013, das Psychotherapiegesetz, das Allgemeine Sozialversicherungsgesetz, das Verbrechenopfergesetz und das Bundesgesetz mit dem das Bundesgesetz über die Grundsätze für Hilfen für Familien und Erziehungshilfen für Kinder und Jugendliche geändert werden, Gewaltschutzgesetz 2019*), Federal Law Gazette I No. 105/2019.

organisations responsible for the protection from violence and the organisations responsible for offender counselling.⁹²

The Federal Minister of the Interior issued the third edition of the decree "Guidelines for the prosecution of offences in the social environment", which entered into force on 1 October 2021.⁹³ In this decree the Federal Minister of Justice recalls aspects that are essential for the prosecution of offences in the social environment and makes suggestions for a practicable way of dealing with the challenges in this area. With this decree the Federal Minister of Justice also seeks to implement the respective recommendations of GREVIO and the Committee of States Parties. The priority objectives of the present decree are: the comprehensive clarification of the facts to be assessed by collecting all relevant or obvious evidence, especially in the journal service, the improvement of the relevant communication between the criminal police and the public prosecutor's office as well as their documentation for easier traceability. The decisions of the public prosecutor's office, especially on the question of detention, are to be based on a secure foundation that can be objectified in retrospect. For this purpose, the decree includes a "Checklist for Offences in Social Environments - Journal Inquiry". Without claiming to be exhaustive, this checklist is intended to provide a clear overview of the cornerstones of the prosecution's journal activities and to be incorporated into the investigation file. It can also serve as a working basis for the creation of own journal notes adapted to the concrete needs of the individual public prosecutor's offices.

Media reported that the Federal Minister of Justice launched the exchange of experiences between the judiciary, public prosecutors, lawyers, police, violence and child protection institutions as well as women's shelters on 29 September 2021. The meeting at the Ministry of Justice marks the beginning of an ongoing structured dialogue according to the Minister of Justice.⁹⁴

The National Council agreed on an amendment to the Weapons Act 1996⁹⁵ on 19 November 2021. According to this amendment, an order of a prohibition to enter

⁹² Austria, Federal Ministry of the Interior (2021), Nehammer: "Closing ranks" in victim and offender counselling ([Nehammer: "Schulterschluss" bei Opfer- und Täterberatung](#)), 9 September 2021.

⁹³ Austria, Federal Minister of Justice, Decree "Guidelines for the prosecution of offences in the social environment" ([Erlass „Richtlinien zur Strafverfolgung bei Delikten im sozialen Nahraum"](#)), 1 October 2021.

⁹⁴ Austria, orf.at (2021), Protection against violence: Zadic launched structured exchange ([Gewaltschutz: Zadic startete strukturierten Austausch](#)), 29 September 2021.

⁹⁵ Austria, Federal Act amending the Associations Act 2002, the Weapons Act 1996 and the Explosives Act 2010 ([Bundesgesetz, mit dem das Vereinsgesetz 2002, das Waffengesetz 1996 und das Sprengmittelgesetz 2010 geändert werden](#)).

and approach pursuant to § 38a Security Police Act⁹⁶ now automatically triggers a temporary weapon ban for the offender.

According to the Federal Ministry of the Interior⁹⁷, every police station should have at least one police officer with sound knowledge in the field of "violence in the private sphere" who can quickly take preventive measures. The Federal Ministry of the Interior now established a blended learning course to train these police officers. This training was jointly initiated and developed by the Office on Crime Prevention and Victim Assistance at the Criminal Intelligence Service with the involvement of the Psychological Service and experienced police officers as well as the E-Learning Centre of the Ministry of the Interior. After completing this training, the participants should be able to conduct victim contact interviews with persons at risk and "preventive legal clarification talks" with potential offenders. Furthermore, they may support other officers in complex actions in the field of "violence in the private sphere".

The Federal Ministry of the Interior reported about the second violence protection summit that took place at the Federal Criminal Police Office on 23 November 2021 under the motto "Together against violence".⁹⁸ The Federal Minister for Women's Affairs and the Federal Minister of the Interior agreed to further strengthen cooperation with violence protection centres and signed a cooperation agreement together with the chairperson of the umbrella organisation of violence protection centres. The cooperation agreement is to establish a close network between the police, the courts, the child and youth welfare services and the violence protection centres. Forwarding the prohibitions of entry and approach that have been issued by the police is a core element of the cooperation with the violence protection centres. All victims of violence can be reached and supported after a prohibition of entry and approach, even if they have not had any contact with counselling facilities so far. The violence protection centres now also have the possibility to initiate a police case conference. In addition, there are to be annual cooperation meetings involving the specially trained prevention officers. The Federal Ministers also announced that a large-scale study on the dark field of violence in the private sphere has been commissioned and will be available until the end of 2021.

The Ministry of Women's Affairs and the Ministry of the Interior launched a violence protection initiative together with the trade association: In December 2021 and January 2022, the police emergency number 133, the number of the women's helpline against violence (0800 222 555) as well as the contact addresses of the

⁹⁶ Austria, Security Police Act (Bundesgesetz über die Organisation der Sicherheitsverwaltung und die Ausübung der Sicherheitspolizei, Sicherheitspolizeigesetz – SPG), Federal Law Gazette No. 566/1991.

⁹⁷ Austria, Federal Ministry of the Interior (2021), E-learning: Violence in the private sphere - basic training for prevention officers (*E-Learning: Gewalt in der Privatsphäre - Grundausbildung für Präventionsbedienstete*), 10 November 2021.

⁹⁸ Austria, Federal Ministry of the Interior, Protection against violence: Nehammer - Violence in the private sphere concerns us all ([Gewaltschutz: Nehammer - Gewalt in der Privatsphäre geht uns Alle an](#)), press release, 24 November 2021.

Federal Association for Violence Protection Centres are printed on cash register receipts.⁹⁹

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

8.1 CRPD policy & legal developments

8.1.1

The National Action Plan Disability (*Nationaler Aktionsplan Behinderung, NAP*) 2012-2020 was extended by one year and is valid until the end of 2021. There is no specific budget for the implementation of the NAP 2021 – the respective political resorts finance the implementation of these measures.¹⁰⁰

Furthermore, the preparation of the content for the National Action Plan Disability 2022-2030 (*Nationaler Aktionsplan, NAP*) takes place in 2021. Both the federal ministries and the federal states have created their own NAP teams (26 teams in total) to develop the content of the NAP 2022-2030. Thereby, goals, concrete measures and indicators are formulated on the basis of which the rights of persons with disabilities are to be implemented. The Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz, BMSGPK*) is responsible for the overall coordination of the NAP process.¹⁰¹

The civil society participates via the Austrian Disability Council (*Österreichischer Behindertenrat, ÖBR*). The ÖBR has the possibility to provide the ministries with content-related proposals from the perspective of civil society. Therefore, the ÖBR has set up 20 NAP working groups on education, employment, accessibility, health, women with disabilities, children with disabilities, sport, EU and international affairs, justice, digitisation, personal assistance, etc. The working

⁹⁹ Austria, Federal Ministry of the Interior (2021), Karner, Raab and Austrian Trade Launch Nationwide Violence Protection Initiative ([Karner, Raab und österreichischer Handel starten bundesweite Gewaltschutzinitiative](#)), 22 December 2021.

¹⁰⁰ Austria, Federal Ministry for Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*), Response to parliamentary enquiry 4096/J (*Antwort auf parlamentarische Anfrage Nr. 4096/J*), 4078/AB, 11 January 2021.

¹⁰¹ Austria, Federal Ministry for Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) 2020-0.738.350 42/16, Government Programme; National Action Plan on Disability 2022 to 2030; Arrangements and support for the project proposal (*Regierungsprogramm; Nationaler Aktionsplan Behinderung 2022 bis 2030; Vorkehrungen und Unterstützung des Projektvorhabens*), 10 December 2020.

groups carry out regular meetings with representatives of ÖBR member and partner organisations, as well as other civil society organisations and individuals (e.g. parents of children with disabilities). The working groups have prepared working papers in a participatory process.¹⁰² The working papers were sent to the responsible ministries. The federal ministries decide on the extent to which they take up the ÖBR's proposals in their papers. The same applies to the results and recommendations from the recently published evaluation study of the University of Vienna on the first NAP on Disability (see contribution to the FRR 2020).

The officials in the BMSGPK will compile an overall document (draft of the NAP) by autumn 2021. The draft is expected to be agreed on by a Ministerial Council decision in the last quarter of 2021. The NAP on Disability 2022-2030 was planned to enter into force in 1 January 2022.¹⁰³ Due to the Covid-19 pandemic, however, there were repeated delays in this process. In addition, the Covid-19 crisis has highlighted the existing problems and barriers for persons with disabilities. According to the Austrian Disability Council, this also created a momentum for increased lobbying and attention generation for the situation of people with disabilities.¹⁰⁴

Association action (*Verbandsklage*) against the Federal Ministry of Education

For the first time, the right of associations to sue according to the Disability Equality Act is being used in 2021. The Litigation Association of NGOs Against Discrimination (Klagsverband) sues the Federal Ministry of Education at the Provincial Court Vienna. The discrimination of pupils with mental disabilities at federal schools is subject of the complaint. According to a circular of the Ministry of Education, pupils with physical disabilities are entitled to personal assistance for school attendance if they have a certain level of care – children with mental disabilities are not. The plaintiffs argue that the Federal Ministry of Education differentiates between pupils with physical disabilities and pupils with other forms of disabilities (e.g. sensory disabilities, autism spectrum disorders) – the latter have no legal entitlement to personal assistance according to their needs. The Head of Legal Enforcement at Klagsverband furthermore argues that Austria has committed itself with the ratification of the UN CRPD to grant all children equal

¹⁰² Austrian Disability Council (2021), National Action Plan Working Groups, [Nationaler Aktionsplan NAP Arbeitsgruppen](#).

¹⁰³ Austria, Federal Ministry for Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) 2020-0.738.350 42/16, Government Programme; National Action Plan on Disability 2022 to 2030; Arrangements and support for the project proposal (*Regierungsprogramm; Nationaler Aktionsplan Behinderung 2022 bis 2030; Vorkehrungen und Unterstützung des Projektvorhabens*), 10 December 2020.

¹⁰⁴ Austrian Disability Council (2021), National Action Plan Working Groups, [Nationaler Aktionsplan NAP Arbeitsgruppen](#).

access to education. The aim of the complaint is ensuring the entitlement to personal assistance for school attendance for all pupils with disabilities.¹⁰⁵

Challenges in relation to COVID-19 and disability

The Monitoring Committee points out barriers for persons with disability in providing a negative test result for SARS-CoV-2, which is precondition for access to private and public premises, events and places according to the Covid-19 Measures Act.¹⁰⁶

The Monitoring Committee points out that for persons with disabilities it is not always possible to be tested in the general test lanes. In some cases, people with disabilities are not tested in these test roads as a matter of principle. In some cases, the test lines are not accessible barrier-free. People with disabilities then only have the possibility, with considerable effort and at their own expense to be tested by a family doctor – or to refrain from entering certain places due to insufficient testing. The Monitoring Committee concludes that people with disabilities are placed in a worse position than people without disabilities. The Monitoring Committee assumes a violation of Art. 3 lit. b) - general principles and Art. 5 para. 1 and 2 of the UN Convention on the Rights of Persons with Disabilities - equality and non-discrimination. The precondition of a negative SARS-CoV-2 test result for participation in all areas of life in combination with a not barrier-free test line violates Art. 9 UNCRPD – accessibility for the self-determined life of persons with disabilities.¹⁰⁷

The CRPD Monitoring Committee Upper Austria published recommendations for the Provincial Government, concerning the fast removal of pandemic-related barriers for persons with disabilities. The CRPD Monitoring Committee Tyrol published an opinion expressing concerns about the lacking participation of persons with disabilities in the adoption of Covid-19 prevention measures. Subsequently, a weekly Covid crisis team for the area of people with disabilities was established in Tyrol. The team is closely connected to Tyrol's operational crisis-management.¹⁰⁸

¹⁰⁵ Litigation Association of NGOs Against Discrimination (*Klagsverband*), Lawsuit against the Ministry of Education: *Klagsverband brings association action under the Federal Disability Equality Act for the first time in Austria, [Klage gegen Bildungsministerium: Klagsverband bringt erstmals in Österreich Verbandsklage nach dem Bundes-Behindertengleichstellungsgesetz ein](#)*, 15 July 2021.

¹⁰⁶ Federal Act on Provisional Measures to Prevent the Spread of COVID-19 (COVID-19 Measures Act - COVID-19-MG) Status: Federal Law Gazette I No. 12/2020, last amended by [BGBl. I Nr. 143/2021](#) (*Bundesgesetz betreffend vorläufige Maßnahmen zur Verhinderung der Verbreitung von COVID-19 (COVID-19-Maßnahmengesetz – COVID-19-MG)* StF: [BGBl. I Nr. 12/2020](#), zuletzt geändert durch [BGBl. I Nr. 143/2021](#)).

¹⁰⁷ Austria, Monitoring Committee on the Rights of People with disabilities (2021), [Statement within the framework of an expert opinion: Federal Act amending the Epidemics Act 1950 and the COVID19 Measures Act - 88/ME XXVII. GP](#), January 2021.

¹⁰⁸ Austria, Monitoring Committee on the Rights of People with disabilities (2021), COVID-19 pandemic exacerbates situation of people with disabilities ([Covid-19 Pandemie verschärft Situation von Menschen mit Behinderungen](#)), 20 December 2021.

8.2 CRPD monitoring at national level

Nothing to report.

Annex 1 – Promising Practices

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.
Title (original language)	Geschlechtersensible Sprache – Dialog auf Augenhöhe, Leitfaden
Title (EN)	Gender-sensitive language - dialogue at eye level, Guideline
Organisation (original language)	Gleichbehandlungsanwaltschaft
Organisation (EN)	Ombud for Equal Treatment
Government / Civil society	Government
Funding body	Ombud for Equal Treatment
Reference URL, (incl. where available)	Austria, Ombud for Equal Treatment, Gender-sensitive language - dialogue at eye level, Guideline (<i>Geschlechtersensible Sprache – Dialog auf Augenhöhe, Leitfaden</i>)

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	published in 2021
Type of initiative	Awareness raising
Main target group	General public
Indicate level of implementation: Local/Regional/National	national
Brief description (max. 1000 chars)	Under the motto "Language creates reality" the Ombud for Equal Treatment in cooperation with authors from different disciplines, aims to provide practical guidance for inclusive and respectful communication, regardless of gender identity, gender characteristics and gender expression with this guideline. In doing so, possibilities of gender-sensitive formulation are shown, taking into account aspects of accessibility and technological infrastructure.
Highlight any element of the actions that is transferable (max. 500 chars)	The entire practice is transferable.
Give reasons why	Gender-sensitive language contributes to communication at eye level and establishes equal space for

<p>you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>all genders. Providing guidance on the proper use of such language helps to ensure that the existence of gender-diverse persons is recognised, perceived and communicated.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>A discrimination-free and gender-sensitive use of language is essential for equal treatment and equality of all genders. Such a guide can support companies, institutions and individuals in developing an inclusive language culture in which gender diversity is naturally recognised.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Such guidelines may well raise awareness in respect to various languages of other Member States.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of</p>	

the practice.	
Explain, if applicable, how the practice provides for review and assessment.	n/a

Thematic area	<p style="text-align: center;">RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p style="text-align: center;">Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
Title (original language)	<u>No promising practice has been identified for this thematic area.</u>

Thematic area	<p style="text-align: center;">ROMA EQUALITY AND INCLUSION</p> <p>Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.</p>
Title (original language)	AmberMed (ambulant- medizinische Versorgung, soziale Beratung und Medikamentenhilfe für Menschen ohne Versicherungsschutz)
Title (EN)	AmberMed (Outpatient medical care, social counselling and medication assistance for people without insurance cover)
Organisation (original language)	Diakonie Flüchtlingsdienst, Österreichsches Rotes Kreuz
Organisation (EN)	Diakonie Refugee Service and the Austrian Red Cross
Government / Civil society	Civil Society
Funding body	Federal Ministry of Social Affairs, Health, Care and Consumer Protection (<i>Bundesministerium für Soziales, Gesundheit, Pflege und KonsumentInnenschutz</i>), financial and in kind donations.
Reference (incl. URL, where available)	https://amber-med.at/

<p>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</p>	<p>In 12 January 2004, ongoing</p>
<p>Type of initiative</p>	<p>Low-threshold healthcare</p>
<p>Main target group</p>	<p>Initially, the aim of the facility was to provide medical care for the numerous homeless and asylum seekers who did not have health insurance. Over time, more and more migrants, but also uninsured Austrians, turned to AmberMed for medical support. In the meantime, Roma who migrated from South-eastern Europe to Vienna, are the majority of users of low-threshold and cost-free health care services,.</p>

Indicate level of implementation: Local/Regional/National	Regional
Brief description (max. 1000 chars)	The facility offers medical care, support and also Covid-19 vaccinations and counselling. Counselling is available in various languages. According to the head of the facility, Roma strongly use these offers. The AmberMed is successful in gaining the trust of Roma, who usually are a hardly accessible social group. ¹⁰⁹
Highlight any element of the actions that is transferable (max. 500 chars)	Medical staff, interpreters and social workers offer cost-free and low-threshold accessible healthcare to persons in vulnerable situations, who do not have access to the regular healthcare system – due to missing healthcare insurance.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	<p>The practice bases on voluntary engagement of doctors, interpreters and other professionals.</p> <p>People in vulnerable situations, who have no access to health care will always exist. Thus, the need for measures like AmberMed will hardly expire.</p> <p>Within the framework of a clearing, patients are provided with well-founded social counseling and appropriate intervention are supported in their access to regular health insurance.</p>

¹⁰⁹ 28th Roma Dialogue Platform on 'Health and Social Inclusion of Roma', 17 September 2021.

<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>In the year 2020, almost 3200 patients, without access to the regular healthcare system, received low-threshold and cost-free medical care, counselling and social work. More than 8.000 medical interventions were performed. Roma are the majority of the patients. The annual report for 2021 is not yet available.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>People fall through the cracks of the social safety net and are without insurance coverage – this problem is no local (Austrian) phenomenon. Many of AmberMed’s patients come from foreign cultural backgrounds, speak the German language poorly and have a difficult relationship to their own bodies or to illness, the healing process and health. Due to their legal status, they have no access to public health care and live partly under precarious conditions. They cannot afford the financial means for medical treatment and medication. The practice offers access to health care in the first place and in the long run, it aims including the target group (mainly Roma) into the regular healthcare system.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The practice offers culturally sensitive medical care and counselling. Interpreters are available. Thus, in addition to the low-threshold accessibility of the service, it is designed according to the needs of the target groups.</p>

<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>There is no information available on the evaluation and assessment of the practice. An annual report of 2020 is available.</p>
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<p>Thematic area</p>	<p align="center">INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p>Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</p>
<p>Title (original language)</p>	<p><u>No promising practice has been identified for this thematic area.</u></p>

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice related to the topics addressed in the chapter.
Title (original language)	StoP – Stadtteile ohne Partnergewalt
Title (EN)	Neighborhoods without Partner Violence
Organisation (original language)	<i>Verein Autonome österreichische Frauenhäuser</i>
Organisation (EN)	The association AÖF - Autonomous Austrian Women's Shelters
Government / Civil society	Civil Society
Funding body	Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Donations
Reference (incl. URL, where available)	The practice: StoP – Stadtteile ohne Partnergewalt The organisation: Verein Autonome Österreichische Frauenhäuser

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2019, ongoing
Type of initiative	Community work for the prevention of domestic violence
Main target group	Neighbourhoods, families (children), who are potentially affected by domestic violence
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	The association AÖF - Autonomous Austrian Women's Shelters established the social space-oriented violence prevention project "StoP - Neighbourhoods without Partner Violence" in Vienna/Margareten at the beginning of 2019. The StoP-project is expanded in 2021. The expansion is funded by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection with the amount of 680.000 Euro. Moreover, 20 new StoP coordinators are being trained in Vienna. StoP focuses on the community and wants to create an open approach to the issue of partner violence and use the potential of social, local food spaces. Neighbours can be reached quickly in crisis situations. They can help prevent escalations and stop violence. Thus, an enlightened and supportive neighbourhood is a preventive factor for domestic violence. Having StoP in every city, municipality and district in Austria is the long-term goal of the initiative.

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<ul style="list-style-type: none"> - Focus on the local community to create an open approach to partner violence - A supportive neighbourhood to prevent domestic violence (neighbours can be reached quickly in crisis situations) - Using the potential of social spaces to raise awareness and prevent partner violence - Centralised training of coordinators to implement the measure in their neighbourhoods under involvement of the local community - Creating strong local unions and networks in the neighbourhood, who function as contact persons and coordinators and who are supported by professionals
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>Stop starts where domestic violence happens, namely at the place of residence, the neighbourhood.</p> <p>A vigilant and sensitive neighbourhood is a sustainable factor in the prevention of domestic violence and de-escalation in the event of a concrete danger.</p> <p>StoP is community work, the local communities strongly participate in the development and constant implementation of the measure – on the conceptual and operative level. By means of empowering events and the establishment of neighbourhood action groups, continuous and small-scale relationship and organisation work is created. Strong alliances are built up. The strong community involvement and participation creates “ownership” and thus ensures sustainability.</p>

<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Domestic violence is not a new issue, but it is still a very invisible one. Shame or a lack of information prevent those affected from talking about it, getting help or calling the police. An attentive and informed neighbourhood offers help that has a concrete measurable impact: health and lives can be saved.</p> <p>In recent decades, many measures have been taken to support victims of violence and to change the situation: Women's shelters, public campaigns, training, men's projects, work with perpetrators, federal action plans, amendments to laws. These measures are usually aimed either at victims, perpetrators, professionals from different fields or a general public. One crucial factor has been neglected so far: the socio-spatial environment of victims and perpetrators. The StoP project has set itself the goal of strengthening those affected by violence and social networks in city districts in such a way that domestic violence is no longer tolerated, kept quiet, ignored or tolerated.</p> <p>Due to the practice, domestic violence is removed from taboos and is visible: people affected by violence make their exposure to violence public, violence in gender relations is addressed in (local) media and in educational and recreational institutions.</p> <p>The ability of residents and other actors in the neighbourhoods to know and act is strengthened, they are sensitised to the issue and have and impart appropriate knowledge and information. Victims of violence accept professional help and are no longer ashamed of their experiences of violence; they are rather integrated into a supportive social network. Professionals in social work, health care and law enforcement on the ground advise and support victims of violence in asserting their rights and hold perpetrators accountable.</p>
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<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The preconditions and necessary steps for the practice are most likely transferable to other settings and Member States, these are:</p> <ul style="list-style-type: none">- a district institution, which is well embedded in the local community, that takes on the measure.- professionals, who are competent on the issue of domestic violence (women’s shelters, gender experts, child protection centres, lawyers), who act as multipliers and train the coordinators of the measure.- District networking as community work involving representatives of local politics (district councillors) for lobbying.- establishment of district working groups as an instrument of self-qualification- individual support (counselling and empowerment) and continuous events in the neighbourhood
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<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The whole practice builds on the involvement of beneficiaries and stakeholders. More concretely:</p> <ul style="list-style-type: none"> - A district facility, that is well established in the neighbourhood takes on the measure - The concrete conditions of the neighbourhood are scrutinised by means of: Social space analysis, network analysis, action research, activating survey - Neighbourhood action groups are built up, who carry out adult education and public relations for the measure in their surrounding with the aim to create neighbourhood networks among the inhabitants - Constant initiation and expansion of networking and cooperation in the neighbourhood, including political lobbying and raising awareness for domestic violence at local decision makers and authorities - Counselling and empowerment by peers (neighbours, community workers) and professionals - Establishment of a continuous, small-scale network and organisation
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The concrete conditions of the neighbourhood are scrutinised during its implementation. This works by means of: Social space analysis, network analysis, action research, activating survey. Thus, the practice is established based on research and analysis.</p> <p>Other than that, no information is available on review and assessment.</p>

Thematic area	ACCESS TO JUSTICE Please provide one example of a promising practice related to the topics addressed in the chapter.
Title (original language)	Opfernotruf "0800 112 112"
Title (EN)	Victim helpline "0800 112 112"
Organisation (original language)	Initiative des Bundesministeriums für Justiz betrieben vom WEISSEN RING
Organisation (EN)	Initiative of the Federal Ministry of Justice run by the WEISSEN RING.
Government / Civil society	Government and civil society
Funding body	Federal Ministry of Justice
Reference (incl. URL, where available)	Austria, Website of the victim helpline "0800 112 112" .

<p>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</p>	<p>Running for years, the offer provided by the victim helpline “0800 112 112” was expanded in September 2021. From now on victims may hold conversations via chats as well as sending web mails directly via the website of the helpline.</p> <p>No end date foreseen.</p>
<p>Type of initiative</p>	<p>helpline</p>
<p>Main target group</p>	<p>All victims of criminal acts, who are looking for help.</p>
<p>Indicate level of implementation: Local/Regional/National</p>	<p>national</p>

<p>Brief description (max. 1000 chars)</p>	<p>The helpline is the central contact point for all matters that concern or could concern direct and indirect victims. The aim is to provide the best possible care and emotional support in the context of initial counselling and to make qualified referrals to suitable, existing victim support organisations.</p> <p>The services offered by the Victim Hotline include:</p> <ul style="list-style-type: none"> - Telephone helpline (with active mediation if required) - Answering written enquiries (e-mail, letter, fax) - Information homepage - Online counselling with (also) anonymous e-mail counselling and chat counselling <p>Profile and qualifications of the helpline staff: psychosocial professional training (e.g. social workers, therapists, etc.) and/or several years of practice in counselling professions; both have basic legal knowledge.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The entire helpline is fully transferrable.</p>

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The helpline is an ongoing, permanently established initiative of the Federal Ministry of Justice run by the Weisser Ring.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The service is frequently used in practice. The most recent numbers available indicate that in 2018, the helpline received more than 13,000 calls.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Offering an easy to access central contact point for victims of crime is fully transferrable to other Member States.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The helpline is run by a longstanding victim support organization Weisser Ring. The helpline is located in the federal office of the Weisser Ring in Vienna in order to make maximum use of synergies with the other services of the victim support organization (victim support and assistance, infrastructure, administration, marketing and PR).</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>No information on the review/assessment available.</p>

Thematic area	<p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</p>
Title (original language)	Familie und Partnerschaft Wie Menschen mit Behinderungen zu ihrem Recht kommen
Title (EN)	Family and partnership: How people with disabilities get their rights
Organisation (original language)	Unabhängiger Monitoringausschuss zur Umsetzung der UN-Konvention über Rechte von Menschen mit Behinderungen
Organisation (EN)	Independent Monitoring Committee on the Implementation of the UN Convention on the Rights of Persons with Disabilities
Government / Civil society	Monitoring Body
Funding body	
Reference (incl. URL, where available)	Family and partnership: How people with disabilities get their rights

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	September 2021
Type of initiative	Promoting the rights of people with disabilities
Main target group	Persons with disabilities
Indicate level of implementation: Local/Regional/National	national
Brief description (max. 1000 chars)	<p>The Monitoring Committee contributed a statement on family and partnership. The statement is available in long and short version and in easy language. In September 2021, the Monitoring Committee implemented a visualization of this extensive statement on family and partnership. The aim of this visualization was to present a complex topic in a clear and easily understandable way. The visualization provides an overview of individual problem areas as well as the contents of the statement – it informs persons with disabilities on their rights in relation with family and partnership. The visualisation will be available at events together with the different language versions of the statement.</p>

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>All elements of this action are transferable: the Monitoring Committee contributes a statement on the rights of people with disabilities. To promote the rights of persons with disabilities, they are informed in barrier-free ways. The barrier free versions are distributed to the target group.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The visualisation is a product, which is available to the target group. As such, it is sustainable. It needs to be updated in case of developments relating to its content.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>It is a barrier-free method to inform persons with disabilities about their rights in relation to Art. 23 CRPD, including their right to family, their right to children, the right of children to their parents, partnership and how these rights are implemented. Informing rights holders is an effective way of promoting rights.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>All elements of this action are transferable: the Monitoring Committee contributes a statement on the rights of people with disabilities. To promote the rights of persons with disabilities, they are informed in barrier-free ways. The barrier free versions are distributed to the target group.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The visualisation was implemented by the Monitoring Committee, which consists to a large part of persons with disabilities and members of their representative organisations.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>No information on review and assessment are available. The Monitoring Committee welcomes feedback on this project and is ready to take criticism and praise for their future projects. The users are encouraged to submit their feedback per E-mail to the Monitoring Committee.</p>

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	<u><i>No case law has been identified for this thematic area.</i></u>

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
Decision date	<u><i>No case law has been identified for this thematic area.</i></u>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	<u><i>No case law has been identified for this thematic area.</i></u>

Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the right to an effective remedy in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.
Decision date	<i><u>No case law has been identified for this thematic area.</u></i>

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.
Decision date	18 February 2021
Reference details	Supreme Court (<i>Oberster Gerichtshof</i>), 6Ob127/20z , 18 February 2021.
Key facts of the case (max. 500 chars)	A data subject asserted his right to information against the leading postal service provider in Austria, which also operates as an address publisher under the Austrian Trade Regulation Act ¹¹⁰ and sells consumer data to advertisers. The information provided includes probability data on, e.g., the complainant's investment affinity. The complainant was not content with the reply given by the controller to his access request and filed a lawsuit for the provision of access and erasure.
Main reasoning/argumentation (max. 500 chars)	The first instance court rejected the case holding that the controller had already fulfilled the data subject's requests. The second instance court partially overturned this decision. The controller argued that the abstract "average values" are merely "attributed" to consumers based on socio-demographic circumstances (age, level of education, etc.), but do not make any statements about a specific person. The Supreme Court had to decide whether such "marketing classifications" qualify as personal data under Article 4(1) GDPR although they only express a statistic probability.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Supreme Court ruled that "marketing classifications" under § 151 (6) Austrian Trade Regulation Act qualify as personal data. Whether these assessments are accurate is irrelevant. Even the fact that the data is calculated via statistical probabilities does not change this finding. The term "information" in Article 4 (1) GDPR is not limited to statements about verifiable characteristics or factual circumstances on the data subject but also includes evaluations and assessments. Thus statistic probability that is assigned to a certain data subject qualifies as personal data.

¹¹⁰ Austria, § 151 Austrian Trade Regulation Act ([Gewerbeordnung 1994 – GewO 1994](#)), Federal Law Gazette, No. 194/1994.

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The contested decision is amended to the effect that the judgment of the court of first instance is restored. The complainant is ordered to reimburse the defendant for the costs of the appeal proceedings. The data subject does not have a legal interest in a declaratory judgment. The controller had already fulfilled the data subject's access request and declared to comply with the data subject's objection under Article 21 GDPR by refraining from any further processing of his or her data.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Die [...] Auffassung der Beklagten, die in § 151 Abs 6 GewO genannten Marketinginformationen und -klassifikationen seien keine personenbezogenen Daten iSd Art 4 Nr 1 DSGVO, kann [...] nicht geteilt werden, zumal es dem nationalen Gesetzgeber nicht zusteht, den Anwendungsbereich der DSGVO derart einzuschränken. The [...] view of the defendant that the marketing information and classifications referred to in § 151 para 6 GewO are not personal data within the meaning of Art 4 No 1 GDPR cannot be shared [...], especially since the national legislator is not entitled to restrict the scope of application of the GDPR in such a way.</p>

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	<u><i>No case law has been identified for this thematic area.</i></u>

Thematic area	ACCESS TO JUSTICE Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	<u><i>No case law has been identified for this thematic area.</i></u>

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	<u><i>No case law has been identified for this thematic area.</i></u>