

# European Union Agency for Fundamental Rights, selection of relevant and recent passages from published reports related to Austria

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## Contents

<b>Data Explorers and tools</b> .....	3
<b>Violence against women survey data explorer</b> .....	3
<b>EU LGBT survey data explorer</b> .....	3
<b>Indicators on the right to political participation of people with disabilities</b> .....	3
<b>Mapping victims' rights and support in the EU</b> .....	3
<b>Mapping child protection systems in the EU</b> .....	3
<b>Fundamental rights: challenges and achievements in 2014 - Annual Report 2014, unpublished draft (March 2015)</b> .....	3
1. Equality and non-discrimination .....	3
2. Racism, xenophobia and related intolerance .....	3
4. Asylum and borders .....	4
5. Information society and data protection .....	4
6. Access to Justice, including Rights of crime victims .....	4
<b>Victims of crime in the EU: the extent and nature of support for victims (January 2015)</b> ...	4
<b>Being Trans in the EU – Comparative analysis of the EU LGBT survey data (December 2014)</b> .....	5
<b>Addressing forced marriage in the EU: legal provisions and promising practices (October 2014)</b> .....	6
<b>Antisemitism – Summary overview of the situation in the European Union 2003-2013 (October 2014)</b> .....	6
<b>Fundamental rights: challenges and achievements in 2013 – Annual Report 2013 (June 2014)</b> .....	7
1. Asylum, immigration and integration .....	7
2. Border control and visa policy .....	7
3. Information society, respect for private life and data protection .....	7

4. Rights of the child and protection of children .....	7
6. Racism, xenophobia and related intolerance .....	8
9. Rights of victims of crime .....	8
<b>The right to political participation for persons with disabilities: human rights indicators (May 2014) .....</b>	<b>9</b>
<b>Violence against women: an EU-wide survey. Main results report (March 2014) .....</b>	<b>10</b>
<b>Access to data protection remedies in EU Member States (January 2014) .....</b>	<b>10</b>
<b>Legal capacity of persons with intellectual disabilities and persons with mental health problems (July 2013) .....</b>	<b>11</b>
<b>Fundamental rights: challenges and achievements in 2012 (June 2013) .....</b>	<b>11</b>
1. Asylum, immigration and integration .....	11
2. Border control and visa policy .....	11
4. Rights of the child and protection of children .....	12
5. Equality and non-discrimination .....	12
6. Racism, xenophobia and related intolerance .....	12
8. Access to efficient and independent justice .....	12
9. Rights of victims of crime .....	12
<b>Access to justice in cases of discrimination in the EU – Steps to further equality (December 2012) .....</b>	<b>14</b>
<b>Making hate crime visible in the European Union: acknowledging victims' rights (November 2012) .....</b>	<b>15</b>
<b>Involuntary placement and involuntary treatment of persons with mental health problems (June 2012) .....</b>	<b>15</b>

## Data Explorers and tools

### Violence against women survey data explorer

<http://fra.europa.eu/DVS/DVT/vaw.php> (data included on all EU Member States)

(Violence against women survey data explorer in German: <http://fra.europa.eu/de/publications-and-resources/data-and-maps/gewalt-gegen-frauen-eine-eu-weite-erhebung>)

### EU LGBT survey data explorer

<http://fra.europa.eu/DVS/DVT/lgbt.php> (data included on all EU Member States)

### Indicators on the right to political participation of people with disabilities

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/political-participation>

### Mapping victims' rights and support in the EU

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>

### Mapping child protection systems in the EU

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection>

## Fundamental rights: challenges and achievements in 2014 - Annual Report 2014, unpublished draft (March 2015)

*Since the draft will be published in mid/late June no page numbers are available at this stage. Chapter headings and relevant sub-headings within the draft have been included.*

### 1. Equality and non-discrimination

#### 1.2 Using the targeted investment of EU funds to foster social inclusion

"Member States also took steps to begin training staff involved in the management and control of ESIF [European Structural and Investment Funds] on EU anti-discrimination law and policy [...]. This was the case in **Austria**, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Romania, Slovakia, Slovenia, Spain and Sweden."

"Member States took steps towards ensuring that relevant staff will be trained on applicable EU and national disability law and policy, including accessibility and the implementation of the CRPD. This was the case in **Austria**, Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovenia, Slovakia and Spain."

### 2. Racism, xenophobia and related intolerance

#### 2.2 Racism, xenophobia and ethnic discrimination persist in the EU

"Complaints filed with the national equality bodies in a number of Member States, including, **Austria**, Belgium, Croatia, the Czech Republic, Greece, Italy, Luxembourg, Spain and Sweden show

that race, ethnicity or skin colour remain amongst the most common grounds of reported discrimination.”

“[Racist violence] A survey in **Austria** of the living conditions of 717 black people showed that one in five of those surveyed were victims of racist attacks at the workplace and about one in seven experienced bodily attacks in a public space.”

“[Discriminatory police treatment] Research in Austria revealed that 57 % of 717 black people surveyed were stopped by the police at least once in the 12 months preceding the survey.”

#### 4. Asylum and borders

##### 4.6 Measures promoting inclusive societies

“Twelve EU Member States, **Austria**, Croatia, Czech Republic, Denmark, Germany, Greece, Ireland, Italy, Latvia, Malta, Netherlands, Slovenia, implement trainings programs and capacity building for public administration, offered to civil servants dealing with migrants.”

##### 4.7 Transforming education, reflecting diversity in society

“FRA found that diversity and intercultural education are included as core elements in the general principles and objectives of ten Member States, **Austria**, Croatia, Denmark, Finland, Germany, Latvia, Malta, Netherlands, Spain, and Sweden. Most EU Member States do address in primary or secondary education the teaching and study of different cultures in society. [...] **Austria**, Ireland, Lithuania, Malta, Slovenia, United Kingdom include the study of different cultures in either primary or secondary education.”

#### 5. Information society and data protection

##### 5.2.3 EU Member States react to the invalidation of the 2006 data retention directive

“The **Austrian** Constitutional Court was the first, on 27 June 2014, to declare the national data retention laws to be invalid due to inconsistency with the national Constitution and Articles 7 and 8 of the Charter and 8 of the ECHR.”

#### 6. Access to Justice, including Rights of crime victims

##### 6.4.1 Measures to combat violence against women at the Member State level

“As of January 2015, seven Member States had legislation in force implementing the EPO [European Protection Order], **Austria**, Estonia, Germany, Hungary, Malta, Spain and the United Kingdom.”

“As of December 2014, 17 Member States have anti-stalking legislation in place (**Austria**, Belgium, Croatia, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Luxembourg, Malta, Netherlands, Sweden, Slovakia and the United Kingdom).”

### Victims of crime in the EU: the extent and nature of support for victims (January 2015)

[http://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support\\_en\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support_en_0.pdf)

“The role that victim support services have in providing legal aid also varies based on the legal framework and historical development in the EU Member State in question. **Austria** is the only Member State which fully transferred responsibility to state-contracted victim support services. [...] **Austria** is the only EU Member State where the responsibility is transferred to victim support

services that are contracted by the state, whereas in 14 EU Member States public authorities fulfil this role.” (p. 45)

“Ensuring that victims, especially certain categories of victims considered particularly vulnerable, such as children, actually understand information concerning complex criminal proceedings is also important. [...] **Austria** offers a children’s book called ‘Milli goes to court’ (*Milli ist beim Gericht*) to help prepare children for court hearings.<sup>1</sup>” (pp. 50-51)

“[Organisation of victim support services] In some Member States, including **Austria** and Germany, private associations that are – organisationally and financially – independent of the government provide generic victim support. They have persistently advocated for the interests of victims in public.” (p. 63)

“Police, prosecutors and judges in **Austria** also work as volunteers for the main generic victim support organisation (*Weisser Ring*). This is part of their training and could be considered a good practice in raising the awareness and sensitivity of practitioners about the rights and needs of victims of crime, helping also to prevent ‘secondary victimisation’ of victims during criminal proceedings.” (p. 68)

“[Quality standards] In **Austria**, an inter-ministerial working group developed standards for counselling women, children and situational violence.” (p. 91)

## Being Trans in the EU – Comparative analysis of the EU LGBT survey data (December 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative_en.pdf)

### 1. Discrimination: experiences, awareness, reporting and perceptions

“A breakdown by EU Member State reveals that less than one in five respondents in countries such as Portugal, **Austria**, the Netherlands and Belgium experienced discrimination by school/university personnel in the 12 months preceding the survey.” (p. 36, see also Figure 16 in p. 37)

“Figure 24: Feeling discriminated when accessing healthcare in the last 12 months, by EU Member State:” **Austria** has an incidence of 14%. (p. 42)

### 2. Violence and harassment

“Figure 35: Prevalence of hate-motivated violence in the last 12 months, by EU Member State:” prevalence is 6% in **Austria**. (p. 56)

“Figure 43: Prevalence of hate-motivated harassment in the last 12 months, by EU Member State:” prevalence is 21% in **Austria**. (p. 65)

“[Avoiding certain places for fear of assault, threat or harassment] varies from 37 % in **Austria** to 70 % in the United Kingdom.” (p. 72, Figure 47)

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<sup>1</sup> See: [www.prozessbegleitung.co.at/publi\\_milli.htm](http://www.prozessbegleitung.co.at/publi_milli.htm)

## EU LGBT survey – European Union lesbian, gay, bisexual and transgender survey – Main results (October 2014)

[http://fra.europa.eu/sites/default/files/fra-eu-lgbt-survey-main-results\\_tk3113640enc\\_1.pdf](http://fra.europa.eu/sites/default/files/fra-eu-lgbt-survey-main-results_tk3113640enc_1.pdf)

### 1. Discrimination: experiences, awareness, reporting and perceptions

“Figure 2: Respondents who felt discriminated against or harassed on the grounds of sexual orientation in the last 12 months:” 48% in **Austria**, EU average 47%. (p. 26)

“Figure 7: Respondents who felt discriminated against in the last 12 months when at work because of being LGBT:” 20% in **Austria**, EU average 19%. (p. 30)

### 2. Violence and harassment

“Figure 36: Average number of violent incidents in the previous 12 months per 1,000 respondents, by country and LGBT group:” 199 incidents in **Austria**. (p. 60)

“Figure 47: Prevalence of hate-motivated harassment in the preceding 12 months:” prevalence in **Austria** is 21%, EU average is 21%. (p. 71)

“Figure 48: Average number of harassment incidents in the previous 12 months per 1,000 respondents:” 1,078 in **Austria**, EU average 1,012. (p. 72)

## Addressing forced marriage in the EU: legal provisions and promising practices (October 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-forced-marriage-eu\\_en.pdf.pdf](http://fra.europa.eu/sites/default/files/fra-2014-forced-marriage-eu_en.pdf.pdf)

“[...] most EU Member States do not treat forced marriage as a specific criminal offence. Only in seven EU Member States, forcing a person to marry against his or her will is a separately defined criminal offence. These states are **Austria**, Belgium, Croatia, Cyprus, Denmark, Germany and the United Kingdom.” (p. 18)

## Antisemitism – Summary overview of the situation in the European Union 2003-2013 (October 2014)

[http://fra.europa.eu/sites/default/files/fra-2014\\_antisemitism-update-2003-2013\\_web.pdf](http://fra.europa.eu/sites/default/files/fra-2014_antisemitism-update-2003-2013_web.pdf)

“The main source of official data on antisemitic incidents in **Austria** is the Federal Office for the Protection of the Constitution and Counter-terrorism (*Bundesamt für Verfassungsschutz und Terrorismusbekämpfung*, BVT). [...] Official statistics show that the number of antisemitic offences recorded in Austria increased between 2012 and 2013. [...] The Legal and Constitutional Service of the Federal Chancellery (*Bundeskanzleramt Verfassungsdienst*) provided FRA with data on the nature of these recorded offences, covering the period 2009–2013. These data show that recorded antisemitic offences generally consist of verbal expressions or damage to property and tend not to target individual persons or organisations.” (p. 14)

“Table 2: Recorded antisemitic offences motivated by right-wing extremism in **Austria**, 2003–2013”: there were 27 such offences in 2012, increasing up to 37 in 2013 (p. 14)

## Fundamental rights: challenges and achievements in 2013 – Annual Report 2013 (June 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-annual-report-2013-0\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-annual-report-2013-0_en.pdf)

### 1. Asylum, immigration and integration

#### 1.3. Member States slow to implement EU law safeguards: the example of effective return-monitoring systems

“How often monitors are on the return flights varies among EU Member States. In 2013, not all Member States which had a system in place actually had a return flight accompanied. Only 11 of the 19 EU Member States which FRA considers to have effective return-monitoring systems had monitors on board either systematically or occasionally: **Austria**, the Czech Republic, Denmark, Estonia, Hungary, Lithuania, Luxembourg, the Netherlands, Poland, Spain and the United Kingdom.” (p. 47)

### 2. Border control and visa policy

“Syrian nationals are subject to the short-stay visa requirement to enter the EU. In addition, 10 EU Member States (**Austria**, Belgium, the Czech Republic, France, Germany, Greece, Italy, Luxembourg, the Netherlands and Spain) require Syrian nationals to hold an airport transit visa when passing through the international transit areas of airports situated on their territory.” (p. 69)

### 3. Information society, respect for private life and data protection

#### 3.2.2. Key reforms affect data protection authorities

“In response to the CJEU judgment of 16 October 2012, which considered that the Austrian DPA [Data Protection Authority] lacked independence, **Austria** passed legislation in 2013 amending its legal framework. As of 1 January 2014, a new data protection authority will replace the previous data protection commission.” (p. 87)

#### 3.3.6 Fighting cybercrime

“In **Austria**, the Advisory Board on the Information Society at the Federal Chancellery met four times in 2013 to discuss relevant developments at European and global level – such as the European Commission’s Digital Agenda for Europe, the telecommunications package, the Internet Governance Forum and the European Dialogue on Internet Governance (EuroDIG) – and at national level, such as strengthening information security in Austria and providing a safer internet.” (p. 94)

### 4. Rights of the child and protection of children

#### 4.2.1. Domestic violence and sexual abuse

“A wider ratification of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, known as the Lanzarote Convention, represents another accomplishment. So far, 18 EU Member States have ratified it: **Austria**, Belgium, Bulgaria, Croatia, Denmark, Finland, France, Greece, Luxembourg, Malta, the Netherlands, Portugal, Romania and Spain before 2013, as well as Italy, Lithuania, Slovenia and Sweden during the year.” (p. 107)

“**Austria** introduced a new law in July 2013 altering the Criminal Code and Code of Criminal Procedure to introduce changes to sexual crime legislation. The law defines child prostitution and the crime of human trafficking. It increases the minimum punishment for the crime of rape from six months to one year, and the punishment for sexual coercion with severe consequences for the

victim (e.g. severe bodily harm or pregnancy) from one year to a minimum of five years. Victims under 14 years shall be granted psychosocial aid. The ban on working with children if convicted of a sexual crime against children has been modified in conformity with Directive 2011/93 [on combating the sexual abuse and sexual exploitation of children and child pornography] to include professional activities involving intensive contacts with children. **Austria** also has a new law on child protection. [...] it structures the process regulating the assessment of when the child's best interests are endangered, and unifies it for all Austrian provinces. Two well-trained specialists must assess if there is an imminent danger to the child's best interests. It also explicitly lists the persons and institutions that are obliged to notify the Child and Youth Welfare Office when they have reason to believe that the child's welfare is in danger." (pp. 107-108)

#### 4.3.2. Member States seek solution to child poverty

**"Austria** modified its School Allowance Act, introducing a significant change to the way school allowance is assigned to children in need (e.g. covering costs for studying in specialised schools away from the family home, or transport costs). The granting or the amount of a school allowance is dependent not on good grades any more, but only on the financial and social situation of the family." (p. 115)

## 6. Racism, xenophobia and related intolerance

### 6.3. Discriminatory ethnic profiling persists

"Discriminatory ethnic profiling is unlawful, yet it persists, thereby contributing to the deterioration of social cohesion and to loss of trust in law enforcement. Evidence of such profiling was found in **Austria**, Finland, Germany, Greece, Ireland, the Netherlands, Sweden, Spain and the United Kingdom." (p. 155)

## 9. Rights of victims of crime

### 9.1.3. The role of victims in the sentencing phase

"Several EU Member States reformed laws to strengthen the role of victims in sentencing after an offender's conviction. For example, **Austria** amended its Penal Procedure Code so that victims of sexual offences and sexually motivated violent offences have the right to express their views on the electronically monitored house arrests of offenders." (p. 213)

#### 9.3.1. Istanbul Convention

"Three EU Member States (**Austria**, Italy and Portugal) ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, CETS No. 210) in 2013." (p. 215)

## 9.5. Rights of victims of trafficking and severe forms of labour exploitation

"As a result of amendments to the **Austrian** Crime Victim Act in 2013, third-country nationals who are victims of human trafficking now have access to compensation and a right of residence for special protection. The state is now also obliged to pay for psychological treatment for victims and surviving dependents up to a certain maximum amount in cases of crisis intervention." (p. 222)



## The right to political participation for persons with disabilities: human rights indicators (May 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-right-political-participation-persons-disabilities\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-right-political-participation-persons-disabilities_en.pdf)

“National disability strategies or action plans explicitly address political participation in eight EU Member States: **Austria**, Croatia, Denmark, Germany, Latvia, Luxembourg and Spain as well as Slovakia [...]” (p. 38)

“Seven out of the 28 EU Member States – **Austria**, Croatia, Italy, Latvia, the Netherlands, Sweden and the United Kingdom – guarantee the right to vote for all persons with disabilities, including those without legal capacity.” (p. 40)

“Eighteen EU Member States have specific legislation regulating how persons living in long-term institutions may vote. Such legislation can take a number of different forms. In **Austria**, Bulgaria, Finland, France, Germany and Poland, for example, the law provides for polling stations to be set up at long-term institutions [...]” (p. 44)

“Sixteen EU Member States have no legal accessibility standards for providers of internet and web-based public information, the analysis shows. Only four Member States, **Austria**, Belgium, Malta and Spain, have statutory accessibility requirements for both public and private providers, set out in laws on electronic communication and/or equal treatment of persons with disabilities. [...] The **Austrian** Federal e-Government Act obliges Austrian-based internet sites which provide public information to comply with international standards for web access. In addition, the Federal Act on the Equal Treatment of Persons with Disabilities requires public and private internet providers to make their products and services accessible for persons with disabilities. Providing understandable and accessible information relating to political participation is addressed in the National Action Plan on Disability 2012–2020 [...]” (p. 46)

“The **Austrian** National Action Plan on Disability 2012–2020 foresees the full implementation of accessibility standards of public buildings by 2020. The basis for accessible building is the ÖNORM B 1600 standard, which sets out minimum requirements for an accessible built environment. [...] The action plan also includes a measure on consulting the representatives of DPOs in all major building projects subsidised by the federal government.” (p. 48)

“Laws in force in **Austria**, Croatia, Cyprus, Finland, Germany, Italy, Latvia, Malta and the United Kingdom provide that all persons with disabilities, including those who have been deprived of their legal capacity, have access to redress mechanisms in cases where they have not been able to exercise their right to political participation.” (p. 53).

“The analysis indicates that in nearly half (13) of EU Member States, DPOs’ involvement in the development of laws and policies is provided for by law. [...] Article 9 of the **Austrian** Disabled Persons Act, for example, establishes a Federal Disability Board which includes seven representatives of “organised disabled persons and organised war invalids”. This body is consulted during the process of drafting laws and policy making.” (p. 56).

## Violence against women: an EU-wide survey. Main results report (March 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf)

"[In Austria and Spain, the prevalence of physical partner violence [...] is the lowest among the 28 EU Member States (12 % in both Austria and Spain)." (p. 33)

"Recognising that intimate partner violence is often repetitive in nature, legislation in several EU Member States – including Austria, the Czech Republic, France, Hungary, Italy, Poland, Portugal, Slovakia, Slovenia and Sweden – reflects this by providing criminal law definitions that allow criminal proceedings to address the wider pattern of relational violence." (p. 53)

"[...] in most countries, a high prevalence of physical or sexual violence in childhood is related to a higher level of physical violence against women in adulthood. There are some exceptions. Austria, for example, is one of the countries with the lowest prevalence rates of physical and/or sexual violence after the age of 15, whereas physical and sexual violence women experienced in childhood in Austria is just below the EU-28 average." (p. 132)

"Seventeen Member States have (national) women's helplines that provide assistance at least in the areas of intimate partner violence and/or domestic violence. [...] Only half of the identified women's helplines operate on a 24/7 basis [Austria, Denmark, Greece, Italy, Slovakia, Spain, Sweden and the United Kingdom]." (p. 161)

For a summary of the violence against women survey results for Austria, see the embedded document below:



Country summary  
VAW survey\_AT.pdf

Field Code Changed

## Access to data protection remedies in EU Member States (January 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-access-data-protection-remedies\\_en\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2014-access-data-protection-remedies_en_0.pdf)

"[Data protection remedies at national level] A number of [non-judicial] bodies are also able to issue fines for data protection violations, for instance [...] the Austrian Administrative Authorities." (p. 20)

"[Accessing remedies in the area of data protection] The cost and length of proceedings were also issues that weighed on the minds of complainants and potential complainants. Applying to a national DPA was also perceived as a way of avoiding the costs, lengthy proceedings and need for a lawyer that were deemed inevitable if court proceedings were commenced (with fieldwork suggesting this was a concern in Austria, Bulgaria, Hungary, Italy, Latvia the Netherlands and Spain)." (p. 33)

"[Assessment of the remedies] Interviewees in half of the EU Member States surveyed criticised the lack of legal representation available from both intermediaries and the judicial system. The interviewees from Austria reported that most intermediary organisations did not provide legal representation for clients." (p. 41)

## Legal capacity of persons with intellectual disabilities and persons with mental health problems (July 2013)

<http://fra.europa.eu/sites/default/files/legal-capacity-intellectual-disabilities-mental-health-problems.pdf>

“Some EU Member States offer a wider variety of guardianship options. In **Austria**, for example, guardianship could be limited to a single issue, or, most commonly, to several matters or, indeed, all matters.” (p. 30)

“About half of EU Member States explicitly provide in their national legal frameworks for the person concerned to request a restriction of his or her legal capacity. This is the case in **Austria**, Denmark, Estonia, Finland, France, Germany, Greece, Italy, Luxembourg, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.” (p. 35)

“The Council of Europe Committee of Ministers Recommendation CM/Rec(2009)11 introduces an anticipatory measure, or ‘advance directive.’ [...] An ‘advance directive’ enables adults to express their wishes about issues that could arise in the future, such as designating a future guardian. **Austria**, Belgium, the Czech Republic, France, Germany, Italy, Spain and the United Kingdom (England and Wales) have such provisions.” (p. 36)

“The majority of EU Member States take into account the free will of the protected person in their national legislative framework. In **Austria**, for example, each decision of the guardian must be in accordance with the personal will of the individual concerned. If there is a difference in opinion, the judge in the district court must decide on the best solution based on the well-being of the person under guardianship.” (p. 36)

## Fundamental rights: challenges and achievements in 2012 (June 2013)

[http://fra.europa.eu/sites/default/files/annual-report-2012\\_en.pdf](http://fra.europa.eu/sites/default/files/annual-report-2012_en.pdf)

### 1. Asylum, immigration and integration

“[National action plans on integration] some Member states (**Austria**, Estonia, Finland, Germany, Ireland, Latvia, Luxembourg, Portugal and Spain) aim to be all-encompassing, including nationals and non-nationals, as well as first-and second-generation migrants. [...] **Austria** and Germany specifically emphasised migrant women in their 2012 policies.” (p. 60)

“Eight EU Member States (**Austria**, the Czech Republic, Estonia, Germany, Ireland, the Netherlands, Romania and Sweden) have developed indicators to monitor integration” (p. 64). Table 1.9 in p. 65 provides an overview of policy areas for which the 16 Member States that have adopted action plans have developed indicators. **Austria** has developed indicators in the following areas: education, employment, social inclusion, civic/social participation, security and subjective indicators (see table 1.9 in p. 65).

### 2. Border control and visa policy

“By 2012, approximately two thirds of EU Member States as well as Croatia had posted immigration liaison officers abroad: **Austria**, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Hungary, Italy, Latvia, the Netherlands, Poland, Portugal, Spain, Sweden and the United Kingdom. [...] Only a few EU Member States have instructed ILOs on how to handle requests for asylum. The

Austrian ILOs, for instance, are instructed in regular trainings to refer all people requesting asylum to the Austrian Embassy for further information.” (p. 87)

#### 4. Rights of the child and protection of children

“A number of reforms of the criminal code initiated by Member States in 2011 entered into force or continued to be discussed during 2012. For instance, an amendment to the Austrian Criminal Code (*Strafgesetzbuch*) enabled Austrian jurisdiction to apply to a number of offences, including genital mutilation, if the offence was committed abroad by an Austrian citizen or by a person with a habitual residence in Austria.” (pp. 122-123)

#### 5. Equality and non-discrimination

“Austria, Bulgaria, Lithuania, Luxembourg, and Spain introduced national action plans to develop policies in the area of disability. The Austrian National Action Plan for persons with disabilities sets out 250 measures, including provisions on accessibility, personal assistance and employment, to be implemented in the period to 2020.” (p. 152)

“In 2012, new or amended legislation in 2012 with respect to combating hate crimes and hate-motivated violence now covers sexual orientation and/or gender identity under ‘bias-motivated crime’ in Malta (both grounds included), Austria (sexual orientation) as well as Croatia (gender identity).” (p. 154)

“[Gender pay gap] in 2012, Austria and Belgium enacted legislative measures in this area. In Austria, for example, an amendment to the Equal Treatment Act introduces financial sanctions for omitting the salary on offer when advertising employment.” (p. 160)

#### 6. Racism, xenophobia and related intolerance

“The segregation of Roma children in education can take several forms. [...] they may be put in special classes or schools as is the case, for example, in Austria, Finland, Greece, Latvia, Portugal or Spain.” (p. 199)

#### 8. Access to efficient and independent justice

“Several EU Member States, including Austria<sup>2</sup>, Belgium, Bulgaria, Denmark, Italy, Poland and Slovakia created web portals and other web tools in 2012 to raise legal awareness and educate the public, providing easily accessible and barrier-free information on the functioning of court proceedings, downloadable forms and relevant case law.” (p. 245)

#### 9. Rights of victims of crime

“In Austria, the number of victims receiving psycho-social and legal guidance is trending higher, rising to 4,499 in 2012 from 2,829 in 2008. Victims have the right to the psycho-social and the legal guidance (*Prozessbegleitung*) necessary to guarantee their procedural rights, according to Section 66 (2) Criminal Procedure Act (*Strafprozessordnung*, StPO). Psycho-social guidance includes preparation for trial and accompaniment to interrogations. Legal guidance includes legal advice and representation by an attorney.” (p. 260)

“As part of a national action plan against trafficking in human beings, [in 2012] Austria set up a working group on labour exploitation composed of experts from relevant ministries, the Chamber of Labour, the Trade Union Federation, universities and NGOs.” (p. 267)

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<sup>2</sup> Austria, Web portal for court information, available in German at: [www.justiz.gv.at/justizinfo](http://www.justiz.gv.at/justizinfo)

## Inequalities and multiple discrimination in access to and quality of healthcare (March 2013)

[http://fra.europa.eu/sites/default/files/inequalities-discrimination-healthcare\\_en.pdf](http://fra.europa.eu/sites/default/files/inequalities-discrimination-healthcare_en.pdf)

"[...] in 2011 only six (Austria, Bulgaria, Germany, Greece, Italy and Romania) out of 27 EU Member States covered 'multiple discrimination' or 'discrimination on more than one ground' in their legislation. [...] Austria is also the only [Member State] which explicitly provides for higher compensation for multiple discrimination. Section 9 (4) of the Austrian Federal Disability Act, for example, states that, in assessing the amount of immaterial damages courts must take into account: the duration of discrimination, the severity of guilt, the actual effect and multiple discrimination." (pp. 25-26)

"The Austrian Equal Treatment Commission (ETC) (*Gleichbehandlungskommission*) has handled a number of cases claiming multiple discrimination. In 2011, the ETC dealt with 14 cases on multiple discrimination, but none was brought to court. Moreover, when the plaintiff claimed multiple discrimination, the ETC often either found no discrimination or only discrimination on a single ground, and did not discuss the multiple discrimination and its effects. In cases where sexual harassment was claimed in combination with one or more other grounds, the commission tended to withdraw claims regarding discrimination as soon as sexual harassment was proven and compensated." (p. 28)

"National data available in Austria, Italy and the United Kingdom confirm higher infant mortality rates for specific, and in particular non-EU, ethnic/migrant groups, as well as poor health status among specific groups of migrant children." (p. 39)

"In Austria, for example, some sources indicate that people with a migrant background appreciate the Austrian health system and the high level of social security in Austria compared to their countries of origin. The *Vienna Health Report*, however, stresses that people with a migrant background, especially those with a Turkish background, report negative and discriminatory experiences during their treatment in health and social care centres." (pp. 44-45)

"In Austria, third-country nationals in need of long-term care who do not receive a pension are not entitled to claim provincial long-term care allowance, with the exception of permanent residents in the provinces of Lower Austria, Tyrol and Vorarlberg." (p. 55)

"More generally, for those with intellectual disabilities, delays can result from insufficient provision of particular services. In Austria and Italy, the lack of suitably trained professionals in the area of psychology and psychotherapy, the small number of multilingual professionals and, in Austria, the absence of such services from some health insurance schemes mean that some healthcare users experienced long delays in accessing treatment." (p. 56)

"In terms of physical accessibility, research findings showed that hospitals and particularly local doctors' surgeries in Austria, the Czech Republic and Italy were often not fully accessible for persons with certain impairments, such as wheelchair users and those with sensory impairments." (p. 57)

"In contrast, of the five EU Member States studied only Austria and the United Kingdom have specific healthcare complaint bodies which are external to the healthcare system and deal specifically with issues related to access to healthcare. In Austria, for example, all provinces have an independent patients' Ombudsman established by law which aims to secure the rights and interests of patients in all aspects of the healthcare system. Making use of the complaints procedure is free of

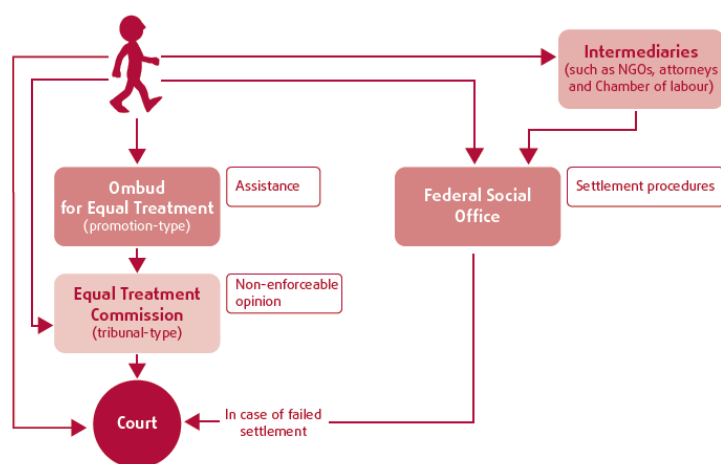
charge and most cases are dealt with within two years. The Ombudsman has the right to handle complaints, to access all data and files necessary to deal with the complaint and to mediate in complaint cases. They do not, however, have the right to decide a case or to represent a claimant before a court.” (pp. 81-82)

## Access to justice in cases of discrimination in the EU – Steps to further equality (December 2012)

<http://fra.europa.eu/sites/default/files/fra-2012-access-to-justice-social.pdf>

Figure 8: Paths to access justice- **Austria** (p. 31)

Figure 8: Paths to access justice – Austria



Source: FRA, 2012

“The justice systems in discrimination cases in EU Member States can be characterised by three different types [...]: quasi-judicial-type equality bodies and courts [...]; promotion-type equality bodies and courts [...]; and hybrid systems with both promotion-type and quasi-judicial-type equality bodies and courts (**Austria**).” (p. 34)

“In almost all eight Member States, representatives of institutions considered that [...] access to justice paths in discrimination cases are either too complex or insufficiently clear. [...] They also viewed the range of institutions in **Austria** as overly complex.” (p. 38)

“The **Austrian** equality body – Ombud for Equal Treatment – holds annual meetings for all its employees as well as targeted follow-up sessions, drawing together staff from five different cities. An important issue on the agenda is what is called ‘inter-vision’ of cases: employees meet and reflect on cases they have dealt with. By learning from one another’s feedback on cases, the Ombud’s staff aim to improve the counselling and other support they provide.” (p. 45)

## Making hate crime visible in the European Union: acknowledging victims' rights (November 2012)

[http://fra.europa.eu/sites/default/files/fra-2012\\_hate-crime.pdf](http://fra.europa.eu/sites/default/files/fra-2012_hate-crime.pdf)

"In order to capture the broad range of other forms of hate crimes, Article 4 of the Framework Decision [...] allows for the adoption of one of two methods. The first is to create qualifications – enhanced penalties – either for all crimes or for those perceived to be most relevant or serious [...]. A much larger group – Austria, Croatia, the Czech Republic, Denmark, Finland, France, Greece, Italy, Latvia, Lithuania, Malta, the Netherlands, Romania, Spain and Sweden – opted instead to make racist and xenophobic motivation an aggravating circumstance [...]. When it comes to visibility, this second technique bears clear risks, [...] that the proceedings do not take into account the bias motivation of an offender." (p. 27)

"The legislative apparatus of two EU Member States – Austria and Germany – resorts to a restricted definition. Despite reforms, both states have maintained restrictions limited to instances when public order is disturbed. [...] Austria amended Article 283 of the criminal code on incitement to violence against a protected group or an individual of such a group (*Verhetzung*), and the reform entered into force on 1 January 2012. The amendment widened the list of grounds of discrimination to cover not only race, ethnicity and religion but also colour, language, ideology, sex, disability, age and sexual orientation. The protection offered by Article 283 (1) is still limited to conduct likely to compromise public order." (pp. 27-28)

## Involuntary placement and involuntary treatment of persons with mental health problems (June 2012)

[http://fra.europa.eu/sites/default/files/involuntary-placement-and-involuntary-treatment-of-persons-with-mental-health-problems\\_en.pdf](http://fra.europa.eu/sites/default/files/involuntary-placement-and-involuntary-treatment-of-persons-with-mental-health-problems_en.pdf)

"In 12 Member States, the existence of a significant risk of serious harm to oneself or others and a confirmed mental health problem are the two main conditions justifying involuntary placement. The need for a therapeutic purpose is not explicitly stipulated. This is the case in Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Germany, Estonia, Hungary, Lithuania, Luxembourg, Malta and the Netherlands. In Austria, for instance, according to Section 3(1) of the Compulsory Admission Act (*Unterbringungsgesetz*), a person can be subjected to compulsory admission if he or she suffers from a mental health problem (*psychische Krankheit*) and therefore seriously and gravely endangers his or her health or the life of others." (p. 31)