

APPENDIX: GOVERNMENT'S VIEWPOINT

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Austria

ECRI, in accordance with its country monitoring procedure, engaged in confidential dialogue with the authorities of Austria on a first draft of the report. A number of the authorities' comments were taken into consideration and integrated into the report's final version (which, except where expressly indicated, only takes into account developments up until 11 December 2019, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

**Observations by the Republic of Austria in respect of the sixth report by the European Commission against Racism and Intolerance (ECRI) on Austria
May 2020**

General Observations:

The Austrian government attaches great importance to the promotion and protection of human rights and fundamental freedoms, on national level as well as internationally. There is a clear understanding that special attention must be given to the fight against racism, xenophobia, antisemitism and related intolerance, and Austria remains fully committed to this fight. In Austria a variety of legal tools exist which enable authorities and courts to combat right-wing extremist, xenophobic, antireligious and racist acts. However, the federal government is aware of the fact that racist prejudices, attitudes and acts still exist and are occurring. Sustainable and differentiated policies are therefore all the more necessary in order to counteract these phenomena sustainably. Austria strives to continuously improve the protection system through legal provisions and their implementation as well as - equally important - through awareness-raising measures and education. This is an ongoing process based on a firm commitment, openness, understanding and dialogue.

In order to further develop protection against discrimination, the government programme for the current legislative period (2020 - 2024), in particular, envisages not only the drafting of a National Action Plan against racism and discrimination, but also a series of measures such as, for example, under the title "Equality and self-determination: women's health", the strengthening of protection against discrimination in the various areas of life; under the titles "Strengthening of fundamental freedoms and human rights" and "Social integration", the development of holistic strategies to prevent and combat all forms of antisemitism and to prevent and combat all forms of racism, xenophobia, radicalization and violent extremism.

In line with the "Council Declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe" of 6 December 2018 Austria is currently developing a national strategy against antisemitism (under the responsibility of the *Kultusamt* in the Federal Chancellery) in accordance with the European Commission's antisemitism working group.

The fight against hate speech and hate crimes on the internet is also an essential part of the Austrian government programme 2020-2024. The Federal Ministry of Justice is currently working with a group of experts from various fields to develop a further package of measures to combat this phenomenon even more efficiently. The Austrian Strategy for the Prevention and Countering of Violent Extremism and Deradicalisation (Austrian PVE/ CVE Strategy) also forms a part of broader measures to address all forms of radicalization and extremism that lead to violence within our society.

Austria attaches great importance to the monitoring process by the European Commission against Racism and Intolerance (ECRI). The Sixth Report on Austria contains important findings and recommendations, which the Austrian authorities take into consideration in their endeavour to combat racism, racial discrimination and related intolerance.

Specific Observations:

1. Effective Equality and Access to Rights

A. Equality Bodies

Austria would like to emphasise that equal treatment law is a very dynamic subject and is subject to constant change. For this reason, the current government programme 2020 - 2024 also explicitly states that gender equality and freedom from discrimination are important concerns for Austria. Specific measures are based on discussions with the relevant stakeholders (ministries, provinces, social partners, Ombud for Equal Treatment, civil society).

With regard to the mandate and competence of the Ombud for Equal Treatment (OET), Austria wishes to note that it covers the grounds for discrimination mentioned. The term "ethnicity" within the meaning of the Equal Treatment Act (*Gleichbehandlungsgesetz - GIBG*, ETA) and the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin must be interpreted broadly, taking into consideration international legal norms and standards, as explained in the government bill presented to parliament at the time of implementing the Directive: Thereby ethnicity does not depend on biological kinship within a certain ethnic group. Rather, sources of international law (such as the Convention on the Elimination of Racial Discrimination, CERD, Article 26 of the International Covenant on civil and political Rights, ICCPR and Article 14 of the European Convention on Human Rights and Fundamental Freedoms, ECHR, and the principles developed in this context) support a definition of ethnic discrimination that is more culturally oriented. Persons subject to discrimination are perceived as strangers because the regional majority does not consider them to belong due to certain differences. Discrimination on the grounds of ethnicity is mainly based on differences that are considered natural on the basis of myths of descent or affiliation and which the persons concerned cannot change. Frequent manifestations are discrimination on the basis of skin colour and other external characteristics as well as on the basis of a mother tongue that is considered foreign. Ethnic groups are "imagined communities" which can arise through self-identification or external attribution and cannot be based solely on biological or other factual distinctions. Ethnicity is based on commonalities of people on the basis of their skin colour, origin, religion, language, culture or customs.¹

In connection with the ground of "nationality", Austria wishes to note that unequal treatment on the basis of nationality is not prohibited as long as it is justified on objective grounds and not, for example, to pursue a racist approach. If a specific case is actually a matter of discrimination on the basis of ethnicity and the ground of nationality was used only as a pretext, this unequal treatment is covered by the scope of protection of the ETA.

The discrimination ground of gender identity is also covered by the term "gender".

The characteristics addressed in the Recommendation therefore certainly fall within the competence of the Ombud for Equal Treatment (OET).

The ETA contains no explicit definition of multiple discrimination. When measuring the amount of damages, however, the existence of multiple discrimination must be taken into account (Sections 12 (13), 26 (13) ETA). The ETA does not restrict the compensation to certain forms of multiple discrimination. It follows from this that intersectional multiple discrimination falls within the scope of the OET.

¹ RV 307 B1gNR. 22. GP, 14

A uniform competence of the OET in the field of equal treatment throughout the country is not possible due to the provisions of Article 10 *et seq.* of the Austrian Constitution (B-VG), which regulate the distribution of competences between the Federation and the Austrian regions (Länder), and the Federal Ministries Act, which assigns the federal competences to the individual federal ministries.

In addition to the OET, various federal and regional norms provide for a large number of institutions dealing with the issue of equal treatment. The Austrian authorities are aware of the fact that the large number of institutions can lead to uncertainty as to which institution is responsible for a specific case. The Federal Ministry of Labour, Family and Youth therefore publishes a brochure on the subject of equal treatment, which is regularly revised. Part of this brochure are lists of the relevant legislation on equal treatment at federal and regional level and of the equality bodies at federal and regional level, to facilitate the identification of the appropriate institution.

In practice, the OET acts as a clearing institution and tries - if it is not responsible itself - to refer persons concerned to the right institutions.

The OET was created as a facility to help people to overcome their threshold anxiety before contacting the Equal Treatment Commission (*Gleichbehandlungskommission - GBK*, ETC). It acts as a direct contact for the persons concerned within the framework of the ETC. The OET was therefore not primarily created as a representation of the persons concerned, but as a specialised expert institution; it represents the interest of the Republic of Austria in the observance of the principle of equal treatment.

The Federal Act on the Equal Treatment Commission and the Ombud for Equal Treatment (*Bundesgesetz über die Gleichbehandlungskommission und die Gleichbehandlungsanwaltschaft - GBK/GAW-Gesetz*, ETC/OET Act) therefore currently provides for the participation of the OET only in proceedings of the ETC. In this expert role, the representatives of the OET also take part in the meetings of the ETC including consultation.

In court proceedings, a number of support options are available to individuals affected. Section 62 ETA provides for so-called secondary intervention as one way of participating in the court proceedings. According to the provisions of the Code of Civil Procedure (*Zivilprozessordnung*), a secondary intervener is someone who has a legal interest in the proceedings and who, without being a party to the proceedings himself/herself, participates in a legal dispute pending between other persons for the purpose of supporting one party. This possibility of participation is in principle open to everyone, but was modified for the Association for the Enforcement of the Rights of Victims of Discrimination (*Klagsverband zur Durchsetzung der Rechte von Diskriminierungsopfern*) in such a way that the Association does not have to state its legal interest, but that it is rather assumed that such interest exists. The Association can therefore, if the plaintiff (or discriminated individual) so wishes, participate in the proceedings. The *Klagsverband* itself is an association of various NGOs specialised in assisting victims of discrimination. Membership of the Association is not a prerequisite for the exercise of a secondary intervention, so that any other NGO can also use this form of legal support for victims of discrimination.

Section 26 of the Code of Civil Procedure enables the parties to have legal proceedings conducted by an authorised representative, provided that there is no obligation to employ a lawyer in the proceedings. These representative acts can also be carried out by NGOs. Section 40(2)(4) of the Labour and Social Court Act (*Arbeits- und Sozialgerichtsgesetz*) provides for the possibility of representation by a "suitable person" in first instance proceedings. These can of course also be representatives of an NGO.

Employee representation bodies (chambers of labour, Austrian federation of trade unions - *Österreichischer Gewerkschaftsbund, ÖGB*) offer their members legal advice and in certain cases legal protection in labour and social court proceedings.

Under Section 24 of the ETC/OET Act, a report on the implementation of the ETA must be submitted to parliament every two years. This report must in particular contain information on

- activities and perceptions of OET and
- on proceedings before the ETC.

The report of the OET, which experience has shown to be the main focus of parliamentary discussion, contains information on:

- the advisory activities of the OET,
- public relations, information events of the OET,
- the activities of the OET in the ETC, and
- the OET's proposals for the further development of equal treatment law.

The amendment to the ETC/OET Act, which came into force on 1 March 2011, contains, among other things, an exemption for the lawyers in the OET from instructions and supervision by the Federal Chancellor in conformity with Article 20(2) B-VG. Moreover, as a separate entity established in the Federal Chancellery, it is independent regarding the content of its work. Organisational affiliation to the Federal Chancellery enables the use of synergies, especially in terms of personnel and administration.

Although the ETC forms part of the organisation of the federal ministry responsible for women's issues, the chair and members of the ETC are independent and autonomous in the exercise of their duties.

The role and tasks of the OET are - like the entire equal treatment law - subject to a dynamic process. For this reason, the current governmental programme 2020 - 2024 also provides for a strengthening of the OET.

B. Inclusive Education

With regard to the provision of the School Education Act concerning the wearing of headgear (Section 43 *Schulunterrichtsgesetz*), Austria wishes to note that the aim of the provision is to protect children from discrimination and stigmatisation by providing neutral care that is consistent with the fundamental values of the legal and social order. The wearing of a headscarf by girls at an early age in primary school can reduce children to their gender. It can also represent a barrier to social interaction and make integration at a young age more difficult.

The provision is based on a weighing of fundamental rights. The aim is to protect the rights of the individual child in implementation of the UN Convention on the Rights of the Child (CRC). Articles 28 and 29 CRC guarantee the rights to education and personal development. These are reflected in Article 14(5a) B-VG and implemented by Section 2 of the School Organization Act (*Schulorganisationsgesetz*). Democracy, humanity, solidarity, peace and justice as well as openness and tolerance towards people are laid down in the Federal Constitution as essential basic values of educational institutions. The aim of education in Austrian educational institutions is to enable children to develop in the best possible way mentally, emotionally and physically and to enable them to learn independent judgement. This also includes the goal of social development and integration of pupils as members of Austrian society.

C. Irregularly Present Migrants

With regard to access to health care Austria wishes to note that foreign nationals arriving in Austria who have applied for asylum are covered by health insurance. Thus, they are eligible for the same benefits under health insurance as Austrian citizens for the period of temporary provision of basic care (*Grundversorgung*); in addition, they are exempt from prescription fees. In the federal reception centers medical care is provided by qualified health and nursing staff on-site.

Medical care is covered by health insurance during the entitlement period of basic care, beginning with the application for asylum, and (according to Section 3 (3) Basic Care Act - *Grundversorgungsgesetz 2005*) ends with the granting of asylum plus 4 months additional respite or in case of a negative decision at the time of deportation or voluntary return. For this time no differentiation is made between entitled persons.

2. Hate Speech and Hate Motivated Violence

In relation to initiatives against hate speech it may be added that the national committee established in 2016 in implementation of the initiative of the Council of Europe against hate-speech consists of a broad alliance of national stakeholders, including civil society organisations. The aim is to contribute to the reduction of existing prejudices and to reduce acceptance of hate-speech as well as to encourage digital civil courage through targeted workshops and campaigns. Users of social networks should be encouraged to stand against hate-speech, bullying and harassment in social networks.

With regard to criminal proceedings under Section 283 of the Criminal Code - *Strafgesetzbuch, StGB* (incitement to hatred and violence), it must be pointed out that the statistics include both the number of cases reported to the public prosecutor's offices as well as the number of criminal charges subsequently filed (indictments). In 2019, cases reported to the public prosecutor's offices have decreased to 465 (from 1003 in 2018); in contrast, the number of criminal charges filed in 2019 has decreased to 99 (from 154 in 2018).

The current statistical data regarding Section 283 of the Criminal Code for 2015 - 2019 nationwide is as follows (source: BRZ GmbH, as of January 2020): Section 283 StGB	2015	2016	2017	2018	2019
<i>Amount at Prosecution</i>	516	679	982	1003	465
<i>Indictments (Criminal Charges)</i>	80	114	187	154	99
<i>Diversion - preliminary</i>	19	25	76	115	74
<i>Convictions</i>	49	52	108	72	43
<i>Acquittals</i>	9	23	27	32	6
<i>Suspensions</i>	254	233	197	245	229
<i>No criminal prosecution</i>	89	153	141	215	140

Note on statistics: The item "*Diversion - preliminary*" includes diversion offers (Section 200 Code of Criminal Procedure) and provisional withdrawals (Sections 201, 203, 204 Code of Criminal Procedure). Any deviations from older/future statistics are the result of ongoing corrections or additions to the programme for case management in the justice system ("Verfahrensautomation Justiz", VJ).

As regards support to victims of hate speech in Austrian criminal proceedings, victims of crime enjoy a large number of rights in general (Section 66(1) Code of Criminal Procedure - *Strafprozessordnung, StPO*) as already set out in the replies to the ECRI

List of Questions (cf page 40 *et seq.*). In addition, victims might be granted the status of particular vulnerability taking into account the following factors of the individual case: the victim's age, mental and health status, as well as the type and specific circumstances of the criminal offence. Particularly vulnerable victims enjoy additional rights during the criminal proceedings (Section 66a(2) Code of Criminal Procedure).

With respect to criminal proceedings in the case of a racist poem („Rattengedicht“) mentioned in the Commission's report it should be noted that the public prosecutor's decision to discontinue the procedure was based on comprehensive arguments. The decision is accessible online free of charge in the Austrian Edicts Archive (see Edict No. GZ 5 St 84/19a).²

With respect to data collection and motives, in the context of a project initiated by the European Union in cooperation with the Austrian Ministry for the Interior (BMI) titled “collection of discriminatory motives” (Erfassung diskriminierender Motivlagen), the Austrian Ministries of Justice and for the Interior are currently developing a common solution to recording discriminatory motives as data within the police data base (Polizeidatenbank - PAD) and possibly also in the data base of the Ministry of Justice (“Verfahrensautomation Justiz”, VJ).

Regarding specialised departments for extremist crime in the public prosecutor's offices Austria wishes to emphasize that these departments are currently operating. Even before the relevant legal provisions were revised to provide for the establishment special units for extremist crimes (Section 4(3) of the Implementing Regulation for the Public Prosecution Act, *Verordnung zur Durchführung des Staatsanwaltschaftsgesetzes - DV-StAG*), specialised departments for “political crimes” had already existed within all major public prosecutor's offices for many years. Since 1 January 2017 the specialisation has further advanced and almost all public prosecutor's offices in Austria have established a specialised department for extremist crime including crimes under the Law against National Socialist activities (“Verbotsgesetz”) and hate speech (Section 283 of the Criminal Code).

In September 2017, the Ministry of Justice published guidelines regarding the crime of hate speech (Section 283 of the Criminal Code) including case law. These guidelines are primarily intended as information for courts and public prosecutor's offices. In November 2019 these guidelines were updated. They are accessible online.

3. Integration and Inclusion

A. Migrants

With regard to the future Federal Reception Agency (*Bundesagentur für Betreuungs- und Unterstützungsleistungen - BBU*) Austria wishes to point out that currently legal and return counselling in federal care facilities is provided by external service providers (NGOs such as the *Verein Menschenrechte Österreich*). Once the Federal Reception Agency (BBU) has taken up its activities, legal counselling for asylum seekers will be provided exclusively by the agency in accordance with the Act on Procedures of the Federal Office for Immigration and Asylum (*Verfahrensgesetz des Bundesamtes für Fremdenwesen und Asyl - BFA-VG*). Legal counsellors must continue to provide comprehensive and high-quality legal assistance and - in addition to other measures to ensure their independence - are to be made independent and free of instructions by law. Therefore, the legal requirements of independence and autonomy of legal counsellors, which are currently already in force, have been adopted into the Federal Reception Agency's Implementation Act (*BBU-Einrichtungsgesetz*).

² <https://edikte.justiz.gv.at/edikte/ee/eedi16.nsf/0/76194184164FDC15C125846A0030EDAD>

The essential independence required for legal assistance, human rights monitoring and translation and interpreting services will therefore be guaranteed in any case, as well as quality control of these services.

With regard to benefits and funding provided to beneficiaries of subsidiary protection it is noted that persons entitled to subsidiary protection in the Land Salzburg are granted benefits from basic care (*Grundversorgung*). According to Article 34 of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, in the case of social assistance and medical care, the modalities and details of granting of core benefits should be determined by national legislation. The possibility of restricting benefits to core benefits for beneficiaries of subsidiary protection should be understood in such a way that this concept covers at least a minimum income and assistance in case of sickness, pregnancy and parenthood, provided that these benefits are granted to nationals of the Member State concerned under its legislation. This requirement is fulfilled by the inclusion of this category of persons as beneficiaries of basic care, as a minimum income in the form of cash benefits for subsistence and either a benefit for housing needs or a housing benefit is provided for. These persons are also covered by health insurance, so that they have access to the same medical care as nationals. Thus, the Land Salzburg has made use of the option provided by Article 28 (2) of Directive 2004/83/EC and limited social assistance for beneficiaries of subsidiary protection to core benefits.

Furthermore, it should be noted that the Austrian Constitutional Court (*Verfassungsgerichtshof - VfGH*) has ruled that the exclusion of beneficiaries of subsidiary protection from benefits under the Minimum Protection Act (*Mindestsicherungsgesetz*) does not constitute a violation of the prohibition of inhuman treatment under Article 3 of the European Convention of Human Rights and Fundamental Freedoms (ECHR). This is because the benefits, as they are standardised in the Basic Care Act (*Grundversorgungsgesetz*), cover in any case the basic needs necessary for a dignified life. There is also no violation of the right to equal treatment of foreigners among themselves. There is an objective justification for a different treatment of persons entitled to asylum on the one hand and persons entitled to subsidiary protection under the Basic Law on Social Assistance (*Sozialhilfe Grundsatzgesetz - SH-GG*) on the other hand, because there are sufficient differences between these groups to justify such a differentiation. In contrast to persons entitled to asylum, the residence status of persons granted subsidiary protection is from the outset more provisional in nature than is generally the case for persons entitled to asylum (*cf. VfGH Judgment E 4248-4251/2017-20 of 10. October 2018*). Moreover, the Basic Law on Social Assistance, which must be implemented by the Austrian regions, also provides that persons entitled to subsidiary protection only receive core benefits at the level of the basic care (Section 4(1)). In its judgment of 12. December 2019, G 164/2019, the Constitutional Court also refers in this context to its previous judgment VfSlg 20.177/2017, where the Constitutional Court already explained that the legislator has discretion with regard to the level of assistance for a dignified life and that states may limit social assistance for beneficiaries of subsidiary protection to core benefits which they grant to the same extent and under the same conditions as for their own nationals. The core benefits are intended to satisfy basic existential needs. The basic care (*Grundversorgung*) corresponds to those core benefits which are granted by the state "to the same extent and under the same conditions as for its own nationals".

With regard to employment, the following additional information is provided:

The percentage of apprentices who were not Austrian nationals was 12,8 % at the end of December 2018. Regional "Bundesländer" details:

Vorarlberg	Tyrol	Carinthia	Upper Austria	Salzburg	Styria	Lower Austria	Vienna	Burgenland
15,1 %	12,7 %	10,4 %	12,4 %	16,6 %	10,3 %	8,4 %	18,5 %	9,9 %

Source: Austrian Federal Economic Chamber + Institute for Research on Qualifications and Training of the Austrian Economy (ibw) in "ibw-Research Report Nr. 200 | "Apprenticeship Training at a Glance 2019")

Percentage of apprentices with non-Austrian citizenship by sector and citizenship (end of December 2018)

sector	total	Afghanistan	BHI	Germany	Croatia	Romania	Serbia	Turkey
crafts & trade	11,4 %	1,3 %	1,0 %	1,3 %	0,9 %	0,7 %	0,9 %	1,5 %
industry	8,7 %	0,8 %	1,0 %	1,6 %	0,9 %	0,6 %	0,6 %	0,7 %
trading	15,4 %	0,9 %	1,8 %	2,0 %	1,1 %	0,7 %	1,8 %	2,3 %
banking and insurance	9,7 %	0,1 %	0,6 %	1,5 %	1,4 %	0,7 %	2,0 %	0,4 %
transport and logistics	11,9 %	0,7 %	1,1 %	1,7 %	1,5 %	0,6 %	1,4 %	1,2 %
tourism and leisure-time services	26,00 %	6,3 %	0,8 %	4,4 %	0,9 %	1,2 %	1,6 %	1,0 %
information & consulting	10,1 %	0,5 %	0,5 %	2,3 %	0,7 %	0,4 %	0,9 %	0,6 %
others	8,5 %	0,9 %	0,6 %	0,9 %	0,7 %	0,5 %	0,9 %	0,8 %
„supra-company“ (training centers)	15,3 %	1,4 %	0,9 %	0,8 %	0,9 %	1,3 %	1,2 %	2,4 %

Source: Austrian Federal Economic Chamber + Institute for Research on Qualifications and Training of the Austrian Economy (ibw) in "ibw-Research Report Nr. 200 | "Apprenticeship Training at a Glance 2019")

Measures in support of company-based apprenticeship:

Incentives for apprentices and for training companies (trainers) are part of company-based apprenticeship subsidisation pursuant to the guideline as per Section 19c (1) Vocational Training Act (*Berufsausbildungsgesetz - BAG*). Every training company receives a direct public subsidy for each apprentice. This basic subsidisation depends on the apprenticeship wage and is regressive over the training period. The incentives come from the Austrian Insolvency Remuneration Fund (0.2 % earmarked for direct subsidisation of training companies).

Additionally to basic subsidisation, training companies can get criteria-based subsidies. The legal basis is the Vocational Training Act and an implementing guideline to its section 19c (1) (8): "Coaching-programme for apprentices and apprenticeship-training companies" According to lit 1 of the guideline to section 19c (1) (8) BAG the programme provides independent coaches for apprentices as well as for trainers. Coaching is available for professional problems but also for private problems.

Projects for specific target groups (gender, integration) are possible in the framework of support to company-based apprenticeships:

- **Integration:** improving the integration of migrants to apprenticeship and labour market (dual system). Participants can take part in integrated, occupation-specific training programmes. It is an important requirement to be prepared for an apprenticeship. Comprehensive and individual preparation should limit dropouts of apprenticeship trainings.
- **Gender:** projects for young women and men to access atypical professions. This should ensure balanced access to apprenticeship-professions and successful completion of a vocational qualification. Young people should be able to choose according to their resources and interests. Such projects address gender stereotypes in the system of dual education.
- **Quality:** Measures to support quality management and quality assurance in in-company training and the testing and further development of system-relevant innovative instruments for dual training.

Title	Project Management Organisation	Duration	Federal province	Topic area
Just-Integration	Stiftung Aufleb	01.06.2016-31.12.2021	Vienna	The purpose is guiding young adults to an apprenticeship leaving examination by offering needs-oriented and job-matching skills training, case management and coaching. There is also support in looking for a job or re-employment.
B.Mobile	Weidinger&Partner	01.03.2018-28.02.2021	Vienna	The initiative www.fachkräftepotential.at is a nationwide apprenticeship placement service for young people entitled for asylum and people granted subsidiary protection aged from 17 to 25.
Chance Metall	Caritas	01.04.2018-31.03.2020	Upper Austria	The project prepares 10 young people with handicaps for an apprenticeship in the metal sector each year.
Talenteküche	Talenteentwicklung Missethon GmbH	12.02.2018-11.02.2020	Styria	Preparation for VET and apprenticeship placement service for young people entitled for asylum and for people granted subsidiary protection and migrants.
Perspektive Lehre	VSG	01.06.2018-30.06.2020	Upper Austria	A 6-month-preparation for an already offered apprenticeship.
Lehrstelle	BFI	01.12.2018-31.12.2019	Upper Austria	It offers individual support of competences by using

Title	Project Management Organisation	Duration	Federal province	Topic area
				resources of a network of companies.
Inpeto II	QUA Oststeiermark GmbH	11.02.2019-31.05.2021	Styria	Preparation courses in vocational schools for apprenticeships in tourism and cuisine.
CommitLearnLab		01.06.2019-31.05.2021	Vienna	Support to socially disadvantaged youngsters and young adults for a successful apprenticeship examination
preWork II	Caritas	01.06.2019-31.05.2021	Vienna	The aim of the project is to gain labour-market relevant skills and entrance to the labour market focused on incompany training.
Inpeto Tirol	QUA Oststeiermark GmbH	01.08.2019-31.07.2021	Tyrol	Preparation courses in vocational schools for apprenticeships in tourism & trade.
App zur Lehre	Ibis acam BildungsGmbH	01.09.2019-30.09.2021	Vienna	Preselection, professional qualification and apprenticeship placement for application development - coding
ABU-Ausbildungsbegleitung im Übergang	Caritas	01.08.2019-31.07.2021	Vienna	ABU supports companies in recruiting. The apprentices get qualifying measures. The project prepares for entrance tests, vocational schools and working life.
Girls2future	Ösb Consulting	03.12.2018-20.02.2020	Vienna	The project attempts to assure sustainable integration for girls and young women in apprenticeships digital selling and e-commerce.

B. Roma

With regard to Roma and other national minorities it may be noted that the new government programme takes long-term demands of national minorities in Austria into account. On the one hand, it is planned to increase the funding for national minorities. In this context the commitment of the federal government to provide necessary financial means in order to guarantee to establish, maintain and promote bi- or multilingual kindergardens of national minorities or other early childhood care services should be pointed out. On the other hand, media and self-representation of national minorities in the Austrian Broadcasting Corporation (*ORF*) will be reinforced.

4. Topics Specific to Austria

With regard to the recommendation to align equal treatment legislation, it may be pointed out that the fragmentation of discrimination law results on the one hand from the competence provisions of Article 10 *et seq.* B-VG, which regulate the distribution of competences between the Federation and the Austrian regions, and on the other hand from the Federal Ministries Act, which assigns the competences of the federal government to the individual federal ministries.

The issue of equal treatment is a cross-cutting issue that affects a number of areas. Due to the distribution of these areas of competence between the regions and the Federation, it was and is not possible to create a uniform law at this level.

The federal government is well aware that it is difficult for those affected to find the regulation or competent body applicable to them because of the large number of legal bases and equality bodies. It is therefore attempting to provide assistance in this area (see point 1. A above).

An evaluation of the instruments for enforcing equal treatment was carried out between December 2014 and mid-2016. The main aim of the evaluation was to shed light on the many facets of equal treatment law in the private sector, and in particular to examine the effectiveness of existing regulations from the perspective of experts. Chapter 1 of the respective report deals with the fragmentation of the subject matter - caused by the distribution of competences between the federal and regional governments in equal treatment law - and the numerous different regulations at federal and regional level and the resulting ambiguities sometimes arising with regard to the applicability of regulations and the competence of anti-discrimination offices. Proposals such as the expansion of the existing dialogue between the equal treatment institutions to clarify questions of competence and possible review of competence in individual cases with the involvement of the Constitutional Service (*Verfassungsdienst*) were discussed.

Austria endeavours to ensure the best possible protection by constantly improving the existing system. To this end, the following additional measures have been taken at the federal level:

- A decree issued by the Federal Chancellor introduced important changes in the competence of the regional offices of the OET: Previously, the regional offices (Graz, Klagenfurt, Linz and Innsbruck) were only responsible for discrimination on the basis of gender in the area of employment. Since 1 July 2017, their competence also extends to discrimination in the world of work based on ethnicity, religion or belief, age and sexual orientation. Furthermore, they are now also responsible for discrimination in access to goods and services on the basis of gender and ethnicity. This will bring about improvements, especially for people who are affected by multiple discrimination.

- Already in 2015 the foreign ministry, at the time responsible also for integration, established a hotline against discrimination and intolerance in cooperation with OET and the association ZARA - *Zivilcourage und Anti-Rassismus-Arbeit*. The hotline functions as a central clearing house for those affected by discrimination on the basis of their ethnicity, origin or religion. On the one hand, the hotline serves to refer those affected to the right contact points in the complex anti-discrimination field and, on the other hand, to increase the level of awareness of these bodies and the awareness of this issue. In 2019, 104 calls and emails were registered at the hotline against discrimination and were referred to the relevant offices. A total of 781 people have been supported so far.
- The current government programme 2020 - 2024 provides for negotiations on further pooling of competencies between the federal, regional and local governments. Within the framework of these negotiations, improvements in connection with the legal fragmentation in equal treatment law could also be discussed.
- Finally, the government programme also provides for the strengthening of protection against discrimination in the different areas of life.

