

EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE

REPORT ON AUSTRIA

(seventh monitoring cycle)



Adopted on 17 March 2026

Published on 18 June 2026

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European Commission against Racism and Intolerance (ECRI)
Council of Europe
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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to preventing and combating racism, intolerance and related discrimination (on grounds of “race”, ethnic or national origin, citizenship, skin colour, religion, language, sexual orientation, gender identity and sex characteristics). It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism and intolerance.

Within the framework of its statutory activities, ECRI conducts country monitoring work, which consists of analysing the situation in each of the member States of the Council of Europe regarding racism and intolerance and action against these phenomena, and of drawing up relevant proposals and recommendations to address any issues that have been raised during the monitoring process.

ECRI’s country monitoring deals with all member States on an equal footing. The work takes place in cycles of about five years, on average. The first-cycle reports were completed in 1998. Work on seventh-cycle reports started in 2025.

The working methods for the preparation of the reports involve desk research and documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI’s reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Desk research and documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with various stakeholders directly concerned (such as relevant public officials, national or local elected officials, prosecutors and judges, representatives of equality bodies, national human rights institutions and civil society organisations working in areas of relevance to ECRI, relevant professionals and people belonging to groups of concern to ECRI) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the text might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The seventh-cycle country reports focus on two topics common to all member States: (1) preventing and combating hate speech and hate crime, and (2) ensuring equal treatment and inclusion in education and healthcare.

In the framework of the seventh cycle, priority implementation is requested by ECRI for two specific recommendations chosen from those made in the report. These recommendations should be implemented within 18 months after the publication of the report on the country in question. A process of interim follow-up is subsequently conducted by ECRI to review action taken to implement them.

The following report was drawn up by ECRI under its own responsibility. It was prepared following a visit to Austria from 19 to 23 May 2025. The visit was preceded by online meetings on 12 and 14 May 2025. Unless otherwise indicated, the report covers the situation up to 3 December 2025; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the findings, proposals and recommendations therein.

SUMMARY

Since the adoption of ECRI's sixth report on Austria on 7 April 2020, progress has been made and good practices have been developed in a number of fields. ECRI welcomes these positive developments in Austria.

In November 2020, the Ministry of the Interior introduced a new electronic recording of hate incidents and data collection mechanism, supported by guidance providing a definition of hate crimes, a system of "bias" indicators, and improved data quality management. On 9 May 2025, the Ministry of Justice issued a decree calling for more precise categorisation of hate crimes. Further, technical solutions for the transfer of bias identifiers from the police to the databases of the prosecution and judicial services have developed in several steps since 2020, reducing the risk of any hate element not being considered in the sentencing of hate crimes.

The Federal Ministry for Labour, Social Affairs, Health, Care and Consumer Protection financially supports the civil society initiative Queerfacts, which provides workshops in schools aimed at countering prejudice and discrimination against LGBTI persons and at raising awareness of the challenges that LGBTI persons face in Austria.

The Federal Ministry of Labour, Social Affairs, Health, Care and Consumer Protection has taken measures to strengthen the health literacy among groups of patients of concern to ECRI by producing short videos on different topics to help people navigate the Austrian health system in 12 different languages in order to ensure access for people with insufficient German language skills, notably migrants.

At the time of the ECRI visit to Austria, asylum seekers and persons granted temporary protection, such as displaced Ukrainians as a result of Russia's war of aggression against their country, had access to the same healthcare services as the mainstream population in Austria.

In 2022, the Ministry of Social Affairs, Health, Care and Consumer Protection published a survey-based report on the health of LGBTIQ+ people in Austria.

Action has been taken by the authorities to strengthen police oversight at federal level in that an Investigation and Complaints Office for Police Misconduct was established, which became operational in January 2024.

However, despite the progress achieved, some issues give rise to concern.

According to the Ministry of the Interior's annual report on hate crimes for 2024, there is an increase of more than 20% of recorded hate crimes, including hate speech amounting to hate crime, compared with the year before. This is the highest number in the reporting period.

ECRI is concerned about a 2025 amendment to the School Education Act that may put Muslim schoolgirls at higher risk of stigmatisation and could be considered as discriminatory.

A school textbook review commissioned by the Vienna Institute of the African Diaspora reveals that Africa, Africans and people of African descent are hardly ever depicted positively in Austrian school textbooks.

A recent report by a well-established civil society organisation reveals serious inequalities and discrimination in healthcare, in the form of both racist remarks against patients and inadequate attention paid to their medical symptoms.

Austria still does not have a legislation that explicitly and specifically prohibits any medical intervention on a person's sex characteristics without their prior, free, informed, express and documented consent and medical practices in Austria are still reportedly geared towards the early surgical removal of "disturbing" sexual characteristics, in situations where the lives and well-being of intersex children are rarely at risk.

It clearly appeared from ECRI's findings during the 2025 visit that inconsistencies between equal treatment laws and shortcomings in federal legislation have negative consequences for the equal treatment of groups of concern to ECRI in Austria, notably in the areas of education and healthcare.

In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.

The authorities should, as a matter of priority and after broad consultations with the Ombud for Equal Treatment and relevant civil society actors, develop a national action plan against hate speech and hate crime, which addresses all forms of racism and intolerance, and allocate

appropriate financing for its implementation and regular evaluation.*

The authorities should take effective action to ensure that any changes brought to the School Education Act in relation to clothing do not discriminate directly or indirectly against Muslim schoolgirls and are fully in compliance with the relevant case-law of the Federal Constitutional Court and the European Court of Human Rights. In doing so, the authorities should take into consideration ECRI's General Policy Recommendation No. 5 on preventing and combating racism and discrimination against Muslims.

ECRI recommends that the authorities make use of the Second International Decade for People of African Descent (2025-2034) proclaimed by the United Nations General Assembly as a positive tool to review chapters of school textbooks pertaining to Africa, Africans and people of African descent and to address any stereotypes and prejudices in schools in relation to persons, including schoolchildren, of African descent.

The authorities should commission further research on the health status of and access to health care by members of various groups of concern to ECRI to address any inequalities and

discrimination, including structural or institutional forms of discrimination, faced by people belonging to these groups.

ECRI recommends, as a matter of priority, that the authorities prepare and bring to Parliament a comprehensive bill aimed at explicitly and specifically prohibiting any medical intervention on a person's sex characteristics, including surgical, hormonal and/or mechanical procedures and other treatments, without their prior, free, informed, express and documented consent. The preparation of such legislation should include appropriate consultations with relevant stakeholders and take due account of ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and Recommendation CM/Rec(2025)7 of the Committee of Ministers of the Council of Europe on equal rights for intersex persons.*

The authorities should commission an independent review of all federal and other laws pertaining to equal treatment with the objective of making any necessary proposals for appropriate legislative changes and the adoption of a comprehensive equality legislation covering all prohibited discrimination grounds and policy areas relevant to ECRI.

*This recommendation, which will be subject to a process of interim follow-up by ECRI, should be implemented within 18 months after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. PREVENTING AND COMBATING HATE SPEECH AND HATE CRIME ¹

Legislation

1. The most relevant legal provision to address hate speech in the Criminal Code (CC) is § 283.² This is a generally comprehensive criminal provision on the prohibition of incitement to violence and hatred, covering most grounds of concern to ECRI. As for other forms of hate crime, such as physical attacks or vandalism, § 33 (1) (5) CC refers to aggravating circumstances, which can be applied to any crime. It provides that it is an aggravating circumstance when the act has been motivated by a racist, xenophobic or other particularly reprehensible bias, especially those directed explicitly against groups enumerated in § 283 CC.³
2. It is worth noting that “gender identity” and “sex characteristics” are not explicitly mentioned as personal characteristics on which hate elements may be identified under § 283 CC. However, according to the Ministry of the Interior’s 2023 report on hate crimes, offences related to gender identity (for example, against transgender persons) have been registered since 2020.⁴ During the visit to Austria, it was confirmed to ECRI’s delegation that the term gender in § 283 CC is now meant to cover gender identity. However, civil society representatives noted that this is not well known, which may discourage transgender victims of hate crimes from lodging complaints with the police. In ECRI’s opinion, it is crucial to ensure that gender identity and sex characteristics are fully and consistently taken into account as personal characteristics on the basis of which hate elements may be determined under § 283 CC. With this in mind, adding explicit references to these two personal characteristics would bring clarity and legal certainty.
3. ECRI recommends that the authorities commission an independent review of the hate crime legislation, in particular § 283 of the Criminal Code, with a view to ensuring that gender identity and sex characteristics are fully and consistently taken into account as personal characteristics or statuses (criteria) on which hate elements may be determined in the commission of a crime and to making any necessary proposals for appropriate legislative changes, in the light of ECRI’s General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime. If necessary, Council of Europe support should be sought.
4. A recent law of relevance to combating hate speech is the 2020 Act to Combat Hate Speech Online (*Hass im Netz Bekämpfungsgesetz, HiNBG*),⁵ which entered into force in 2021. It focuses on holding online platforms and individuals accountable for the spread of hateful content, thereby encouraging platforms to take faster action upon legal notification and measures to address online anonymity. The Act covers online materials that contain insults that is an affront to human dignity and are directed against individual members of protected groups. It also facilitates procedures against online hate speech.⁶ Importantly, the Act, in

¹ As regards definitions of hate speech and hate crime used by ECRI, see ECRI’s [glossary](#).

² Federal Chancellery of Austria, Legal Information System (RIS), [Austrian Criminal Code](#), § 283. See also ECRI (2020), [Sixth report on Austria](#).

³ Cases of hate speech can also fall under other offences against a persons’ honour laid out in the Criminal Code, such as ‘defamation’ (§111) and ‘slander’ (§115). Crimes against honour generally concern offences subject to private charges, but these cases may become officially the subject of criminal proceedings if they are primarily motivated by the affiliation of the victim with a group (§ 283(1)) and if the victim authorises the police to prosecute (§ 117(3)).

⁴ Federal Ministry of Interior (2024), [Hate Crime in Austria: Annual Report 2023](#), pp. 46-49.

⁵ [Act to Combat Hate Speech Online](#).

⁶ The HiNBG includes other measures in the area of civil law that facilitate combatting online hate speech. See Code of Civil Procedure, § 549, available at [RIS - Zivilprozessordnung § 549 - Bundesrecht konsolidiert, Fassung vom 19.06.2022](#).

conjunction with § 549 of the Code of Civil Procedure,⁷ enables victims to seek remedies through accelerated procedures at limited cost.⁸

5. The law implementing the European Union (EU) Digital Services Act is the Communications Platforms Act (*Kommunikationsplattformen-Gesetz, KoPI-G*).⁹ It deals with the responsibilities of online platforms, including content moderation. The Austrian independent regulatory authority “*Kommunikationsbehörde Austria*” (KommAustria)¹⁰ plays a key role in enforcing it.
6. There are also specific rules for video-sharing platforms. The Audiovisual Media Services Act (*Audiovisuelle Mediendienste-Gesetz*,¹¹ AMD-G) transposes the EU Audiovisual Media Services Directive, and includes provisions on the reporting and removal of hateful content. KommAustria is the competent regulatory body and can impose fines on service providers.
7. The Anti-Nazi Prohibition Act (*Verbotsgesetz 1947*) is considered a key piece of legislation in Austria’s framework for combating hate speech and hate crime as it criminalises the promotion of Nazi ideology, including acts such as spreading hate speech that glorifies National Socialism, denies the Holocaust, or incites violence against specific groups. It specifically targets hate speech that incites hatred, discrimination, or violence based on race, ethnicity, or political beliefs, particularly when it relates to the promotion of Nazi views.¹²

Data on hate crime and hate speech

8. According to the Ministry of the Interior’s annual report on hate crimes for 2024,¹³ the police recorded 6 786 hate crimes, an increase of more than 20% compared with the year before. There were 7 614 bias motives recorded. In 2023, there were 5 668 recorded hate crimes, with 6 461 bias motives. The corresponding figures for 2022 were 5 865 and 6 779, and 5 464 and 6 619 for 2021.¹⁴ According to the Ministry’s report, the most common ECRI-relevant personal characteristics on which hate elements were based in 2024 and 2023 were national/ethnic origin (1 581/1 612); religion (763/700);¹⁵ skin colour (417/293); sexual orientation (317/446); gender (interpreted as including gender identity and sex characteristics – 238/248). The police’s clearance rate for hate crimes in 2024 was high, at 67%, compared with 53% for all crimes.¹⁶ Most hate crimes were committed on the internet, and among those, about three fourths were violations of the Prohibition Act.
9. According to data gathered by the Office for Democratic Institutions and Human Rights of the Organisation for Cooperation and Security in Europe (OSCE/ODIHR), out of 5 668 hate crimes recorded in 2023, 2 755 were the subject of criminal proceedings conducted by the prosecution services, while 246 sentences were

⁷ See RIS, [Verfahren wegen erheblicher Verletzung von Persönlichkeitsrechten in einem elektronischen Kommunikationsnetz](#).

⁸ For more details about these procedures, see Ministry of Justice, [Der Antrag auf Erlassung eines Unterlassungsauftrags](#).

⁹ [Communications Platform Act](#).

¹⁰ See [The Communication Authority \(KommAustria\) | RTR](#).

¹¹ The [Audiovisual Media Services Act](#)

¹² The [Prohibition Act](#), which was last updated in 2023.

¹³ Ministry of the Interior (2025), [Hate Crime 2024](#).

¹⁴ Ministry of the Interior (2023), [Hate Crime 2022](#). Since an offence can have several bias motives, the number of documented bias motives exceeds the total number of criminal offences.

¹⁵ In 2024, hate incidents motivated by religion were mostly recorded in connection with crimes committed on the internet, against "sacred sites" or "institutions". Among these, the antisemitic ones dominated (347, 46%) in 2024, ahead of anti-Muslim ones (246, 32%) - see Ministry of the Interior (2025), [Hate Crime 2024](#), p. 14.

¹⁶ Ministry of the Interior (2025), [Hate Crime 2024](#), p. 10.

issued by courts.¹⁷ The corresponding figures for prosecutions and court sentences in 2022 were 3 035 and 272. For 2021, they were 4 304 and 184. The most common bias motivation for hate crimes, based on most recent available OSCE/ODIHR data and classification, is “racism and xenophobia”, followed by “anti-LGBTI hate”, “anti-Muslim hatred” and “antisemitism”, in that order. The hate grounds are often intersectional.

10. As regards hate speech, the reports entitled #CounteringHateOnline, drawn up by the non-governmental organisation ZARA, provide data processed by the organisation’s Counselling Centre.¹⁸ The data contain cases of a criminal nature as well as cases that do not reach that threshold. Since 2017, 13 397 cases of online hate speech have been recorded by ZARA. In its most recent report,¹⁹ based on data from September 2023 to August 2024 included, 1 883 cases were documented. Of them, 37% were classified as “legally relevant”, in other words, which could be the subject of criminal proceedings.²⁰ Of all incidents, 65% originated from anonymous users. About half of the cases concerned racist hate speech.
11. The largest subcategory within ZARA’s racist hate speech data relates to anti-Muslim racism, followed by anti-Black racism and antisemitism, in that order. Antigypsyism is also prevalent, as is xenophobia. Hate speech against LGBTI individuals accounts for 8% of all reported cases.²¹
12. In 2024, the Documentation and Counselling Centre on Islamophobia and Anti-Muslim Racism (Dokustelle Austria), a specialised civil society organisation, recorded 1 336 cases of hate incidents against Muslims or people perceived to be Muslims.²² Among them, 74.6% were reported to have taken place online. The great majority of the presumed victims (76.8%) were women. The most common type of incident relevant to ECRI was categorised as “insult” (19.9% of all cases), followed by “spreading of hatred”, at 13.3%. It is noteworthy that the number of incidents which were recorded peaked in August and September 2024, which was said to be linked to attacks against Muslims in relation to election campaigning by certain political parties for the federal parliamentary elections held in the Autumn of 2024. In 2023, an increase of anti-Muslim incidents compared to previous years in the reporting period was recorded.
13. It should also be noted that there has been an increase in attacks on Muslim civil society organisations, including attacks by politicians against Dokustelle itself, particularly in 2024, which forced Dokustelle to restrict its activities and to take security measures for its own staff.
14. ECRI recommends that the authorities take action to promote a safe, inclusive, and enabling online and offline civic space in which civil society organisations working against racist and other forms of hate crime can operate, by ensuring adequate support and protection from threats, harassment or attacks. In doing so, the

¹⁷ See OSCE/ODIHR (2023), [Report on hate crimes in Austria](#). These figures exclude hate crimes prosecuted under the Prohibition Act and those classified as insults under the Criminal Code (as these do not fall under the OSCE/ODIHR hate crime definition).

¹⁸ ZARA [reports](#) on #CounteringHateOnline are available online.

¹⁹ See Zara (2024), [#GegenHassimNetz-Bericht September 2023-August 2024](#).

²⁰ Among legally relevant cases, the most frequently applied provisions for online hate speech are: insults (§ 115 CC - personal attacks and degrading statements (42% of cases); incitement to hatred (§ 283 CC - hate speech that incites violence or discrimination against a group (10%); cyberbullying (§ 107c CC - harassment that causes serious distress, such as co-ordinated harassment campaigns against public figures/activists) (7%); dangerous threats (§ 107 CC - death threats or serious threats of violence (6%); and defamation (§ 111 CC - false accusations that damage reputations (5%). Also see subchapter on legislation below and the [Criminal Code](#).

²¹ See Zara (2024), [#GegenHassimNetz-Bericht September 2023-August 2024](#) p. 7.

²² [Annual report](#) for the year 2024 published by Dokustelle Austria.

authorities should draw inspiration from Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime.

15. In 2024, 1 520 antisemitic incidents were recorded by the Reporting Centre for Antisemitism (*Antisemitismus-Meldestelle*) of the Jewish Community of Vienna (IKG Wien), the vast majority of which could be classified as antisemitic hate speech. This represents an increase of 32.5% compared with the year before.²³ In 2023, it recorded 1 147 antisemitic incidents, up from 719 cases in 2022. In 2024, out of the total number of incidents, there were 616 mass mailings,²⁴ and 626 incidents of abusive behaviour.²⁵ There were 24 antisemitic acts of physical violence against persons, and the number of incidents of damage to, or desecration of, Jewish places of worship or symbols stood at 216.
16. There were 24 physical antisemitic attacks in Austria in 2024, which ECRI's interlocutors linked to the Reporting Centre for Antisemitism considered as relatively low. In their opinion, these rather low numbers could probably at least in part be ascribed to the visible police presence in areas with significant Jewish population and in part to a degree of underreporting.
17. According to the European Union's Fundamental Rights Agency's (EU FRA) LGBTIQ Survey III, 60% of LGBTIQ people in Austria reported having been harassed in the year before the survey and 15% reported having been attacked in the five years before the survey, while 49% said that violence against LGBTIQ people had increased.²⁶ In a position paper calling for a national action plan against hate crime, 30 civil society organisations called for the establishment of a reporting centre for LGBTIQ-phobic hate crimes.²⁷ ECRI encourages the authorities to give serious consideration to this call.
18. According to the August 2025 EU FRA Survey "Being Intersex in the EU", 45% of Austrian intersex respondents reported having suffered violent or sexual attacks in the last five years, and 84% had experienced harassment. Both incident rates are the highest in the EU. As regards harassment, 85% of the respondents said that they did not report it.²⁸
19. According to a 2022 study by the EU FRA, 6% of Black respondents in Austria reported having experienced racist violence in the preceding five years. Among the respondents, 75% said they worry about becoming a victim of verbal insults or offensive comments, while 26% worry about becoming a victim of a physical attack.²⁹
20. Despite a lack of comprehensive data on hate speech motivated by antigypsyism, ECRI is concerned about reports of continued prejudice against Roma in Austria. For instance, according to a 2024 survey, 38% of respondents did not want Roma as neighbours.³⁰

²³ Reporting Centre for Antisemitism (2025, April 23), [Report on 2024](#). It follows the IHRA antisemitism working definition.

²⁴ This refers to written antisemitic material sent to two or more addressees and usually targeting many recipients. It includes publications (online and offline, e.g. newspapers, magazines, blogs), documents sent to multiple recipients (letters, emails) and social media platforms.

²⁵ The category "Abusive behaviour" covers antisemitic abuse, expressions, comments and messages; these may be expressed verbally or in writing (letter, email, online media, other digital communication channels) and are directed at a specific person or institution.

²⁶ European Union (EU), Fundamental Rights Agency (FRA) (2024), [EU LGBTIQ Survey III](#).

²⁷ See [position paper](#) signed by 30 LGBTIQ NGOs, p. 4.

²⁸ EU FRA (2025), [Being Intersex in the EU](#), pp. 16, 17, 23 and 26.

²⁹ EU FRA (2024), [Being Black in the EU: experience of people of African descent](#).

³⁰ See Die Presse (2024, November 27), [36 Prozent wollen keine Muslime als Nachbarn – DiePresse.com](#).

Hate crime policies

21. ECRI notes that one component of the 2025-2029 Government Programme is to strengthen action against hate crimes³¹ and that the Federal Government announced the preparation of an action plan against hate crimes. The proposal for such a plan is supported by a large majority in the Federal Parliament³² and gathered strength when a series of violent attacks against LGBTI people became publicly known, in which members of an organised group, subsequently arrested, had attacked over 17 LGBTI persons after luring them into remote locations.³³ ECRI's delegation was informed that at least the early intentions of the Government for the action plan was to put a strong focus on countering antisemitic and LGBTI-phobic forms of hate crime.³⁴ While welcoming the initiative to develop an hate crime policy, ECRI emphasises that, in its view, any such action plan should address all forms of racist and anti-LGBTI hate crime and hate speech of a criminal nature, based on, for instance, national or ethnic background, skin colour, religion, sexual orientation, gender identity and sex characteristics.
22. ECRI recommends, as a matter of priority, that the authorities, after broad consultations with the Ombud for Equal Treatment and relevant civil society actors, develop a national action plan against hate speech and hate crime, which addresses all forms of racism and intolerance, and allocate appropriate financing for its implementation and regular evaluation.
23. ECRI is pleased to note that the authorities adopted a set of policy measures aimed at addressing antisemitic hateful content online. More specifically, in March 2024, the Federal Chancellery presented a "Package of Measures against Antisemitism and Antisemitic Disinformation in the Digital Sphere".³⁵ The Package complements the 2020 National Strategy against Antisemitism.³⁶ In December 2023, an Online Antisemitism and Disinformation Task Force was set up under the authority of the Federal Chancellery. The aim of the Task Force is to bring together key government, civil society and academic stakeholders, social media experts and representatives of the Jewish Community of Vienna (IKG Vienna).³⁷ The evaluation of the National Strategy against Antisemitism in 2023/2024³⁸ shows a high rate of implementation and provided the basis for the presentation of its further development (National Strategy against Antisemitism 2.0)³⁹ by the Austrian Federal Government in November 2025. ECRI strongly encourages the authorities to build on such initiatives and activities to address other forms of racist hate speech online, including online anti-Muslim hatred.

Hate crime data collection and guidance for criminal justice actors

24. ECRI notes that, in November 2020, the Ministry of the Interior introduced a new electronic recording of hate incidents and data collection mechanism, supported by guidance providing a definition of hate crimes, a system of "bias" indicators, and improved data quality management. Altogether, the new recording mechanisms and related initiatives enable potential hate crimes to be flagged by recording hate

³¹ See Republik Österreich (2025), [Jetzt das Richtige tun. Für Österreich](#) (government programme), p. 139.

³² See Parlament Österreich (2025, March 27), [Breite Mehrheit im Nationalrat für Erstellung von Aktionsplan gegen Hate Crime \(PK0206/27.03.2025\) | Parlament Österreich](#).

³³ For more details, see Deutsche Welle (2025, March 21), [Austrian police arrest 15 over wave of LGBTQ hate attacks](#).

³⁴ See Republic of Austria (2025), [Jetzt das Richtige tun. Für Österreich](#) (government programme), p. 118.

³⁵ Federal Chancellery Republic of Austria (2024), National Strategy against Antisemitism, Antisemitism online, [Package of Measures against Antisemitism and Antisemitic Disinformation in the Digital Sphere](#).

³⁶ Republic of Austria (2021), [National Strategy against Antisemitism](#).

³⁷ See Federal Chancellery Republic of Austria (2024), National Strategy against Antisemitism, Antisemitism online, [Package of Measures against Antisemitism and Antisemitic Disinformation in the Digital Sphere](#).

³⁸ Federal Chancellery Republic of Austria, [Implementation Report 2023/2024 and Evaluation](#).

³⁹ Federal Chancellery Republic of Austria, [National Strategy against Antisemitism 2.0](#).

elements, including 'skin colour', 'national or ethnic origin', 'religion' and 'sexual orientation'. ECRI encourages the Austrian authorities to pursue their efforts in this area.

25. On 9 May 2025, the Austrian Ministry of Justice issued a decree calling for more precise categorisation of hate crimes.⁴⁰ Further, the technical solutions for the transfer of bias identifiers from the police to the databases of the prosecution and judicial services have developed in several steps since 2020. Since April 2025, the transfer of the hate bias identifiers from the police database (PAD) to the judicial databases is carried out automatically, which reduces the risk of any hate element not being considered in the sentencing of hate crimes. ECRI welcomes these developments.
26. As regards training and guidance for law enforcement officials and other criminal justice actors, it emerged from the ECRI delegation's findings that, since 2020, police officers and prosecutors have received training on the recording of "bias" motives of crime, including online.⁴¹ However, according to a number of interlocutors met during the visit, there is still a knowledge gap among police investigators and prosecutors as concerns the identification and establishment of hate elements in the investigation and prosecution of hate crimes.
27. ECRI recommends that the authorities develop the role of specialised hate crime police investigators and prosecutors and provide them with enhanced training on hate crime and appropriate protocols and guidance, in the light of the Council of Europe Committee of Ministers' Recommendation CM/Rec(2024)4 on combating hate crime and other European and international standards.

Post-conviction services and measures

28. As noted in ECRI's previous report,⁴² Neustart, the Austrian probation service, implements its programme entitled "Dialog instead of Hatred", which aims to raise awareness of issues related to all forms of hate speech. It provides a constructive response to hate speech by attempting to create a sense of wrongdoing and reflection among offenders, leading to behavioural change. By joining the programme for a probation period, hate speech offenders may avoid a criminal sentence.⁴³ At the same time, it appeared during the visit that the implementation of the programme mostly concerned antisemitic and neo-Nazi hate speech offenders. ECRI encourages the authorities to ensure that the implementation of programme concern offenders of all forms of racist and anti-LGBTI hate speech.

Media regulation and self-regulation

29. KommAustria oversees the prohibition of the dissemination of content that incites to violence or hatred, for all electronic media outlets. KommAustria can initiate legal proceedings against a service provider in case of non-compliance and impose fines in the event of repeated and systemic violations. There are six so-called trusted flaggers designated by KommAustria for reporting hate speech online. However, not all trusted flaggers cover all forms of racism and intolerance. In particular, at the time of the ECRI visit, there was no trusted flagger for LGBTI-phobia. ECRI invites the authorities to take action in order to remedy this shortcoming.
30. One successful intervention by KommAustria was in the so-called Ali-case, which concerned a video published by a political party in 2018, in which two animated figures named 'Ali' and 'Mustafa' were accused of misuse of health insurance e-cards. The video with the fez-carrying Ali, who wanted to be treated at the dentist

⁴⁰ The decree by the MoJ is available [here](#). Also see Orf.at (2025, May 9), [Justiz muss „Hate-Crime“ genau kategorisieren](#).

⁴¹ Since August 2020, the Austrian Police have been comprehensively trained in recognising and recording bias motives.

⁴² See ECRI (2020), [Sixth report on Austria](#), § 40.

⁴³ More details about the initiative Dialog instead of Hatred (*Dialog statt Hass*) are available at [Probation - NEUSTART](#).

with the e-card of his cousin Mustafa, promoted the initiative of the political party in question for e-cards with a passport photo. By decision of 23 July 2019, KommAustria found that the video had infringed Paragraph 31 (3) (2) of the Audio-Video Media Services Act (AMD-G),⁴⁴ as it contained and promoted discrimination against a specific population group characterised by ethnic origin and religion through a negative, discriminatory presentation. This was confirmed by the Constitutional Court in 2022.⁴⁵

31. Self-regulation of the printed press is supported by the Austrian Press Council, which has a code of conduct (*Ehrenkodex*) with a prohibition against blanket denigration and discrimination of specific groups, including those of concern to ECRI.⁴⁶ ECRI also learned that most major newspapers, not all of which are members of the Press Council, have also community guidelines to prevent hate speech in comments to online articles.

Third-party reporting and online hate speech monitoring

32. ECRI takes note of a number of civil society and other initiatives aimed at monitoring hate speech and hate crime online. This includes the work of ZARA's Counselling Centre against Online Hate⁴⁷ and its written materials against hate speech and hate crimes.⁴⁸
33. Thanks to the introduction of the *BanHate* application for reporting hate postings, the Extremism Prevention Centre in Styria, which is part of the Anti-Discrimination Office in Graz (Styria),⁴⁹ can access detailed figures on online hate from all over Austria. The app allows for the quick and effective reporting of hate postings. With a few clicks, *BanHate* documents suspected hate posts, including the grounds, screenshots, and links, which are then automatically forwarded to the Anti-Discrimination Office in Graz. The posts are legally reviewed and, if found discriminatory, reported to the respective service provider. The Office also requests the deletion of the post. If the posted content is relevant to criminal law, a criminal complaint may be filed. Since May 2020, the app also has an extension for reporting other types of hate crimes.⁵⁰ ECRI considers the development of the *BanHate* app as a **good practice**.

Countering hate speech in the political sphere

34. ECRI is pleased to note that public officials in leadership positions, be it at federal, provincial or local level, publicly promoted a culture of human rights or condemn the use of hate speech. By way of illustration, on the occasion of the 80th anniversary of the liberation of the concentration camp Auschwitz-Birkenau on 27 January 2025, the Federal Chancellor stressed that there was no place for hatred and discrimination in Austrian society.⁵¹ Furthermore, following acts of arson and vandalism at the Jewish sections of the Vienna Central Cemetery in November 2023, the President of the Jewish Community of Vienna and the Mayor of Vienna

⁴⁴ KommAustria (2019, July 23), [Decision](#).

⁴⁵ Constitutional Court (2022, June 23), [Decision](#) E 2977/2021-10.

⁴⁶ The self-determined tasks of the Press Council are available [here](#). The code of conduct is available [here](#) (both in German).

⁴⁷ Information on ZARA's Counselling Centre is available in English online [here](#). It provides legal and psychological support to victims of online hate speech, such as legal advice on filing complaints and reporting content to social media platforms and the police.

⁴⁸ These different publications by ZARA are available [here](#).

⁴⁹ See Graz, [Antidiskriminierungsstelle Steiermark – Erstanlauf-, Clearing-, Beratungs- und Monitoringstelle bei Diskriminierung jeglicher Art](#).

⁵⁰ See the website of the [BanHate app](#) as well as Kurier Steiermark (2024, July 25), [Hass im Netz: "Radikalisierung ist kein Randphänomen mehr"](#), with some data.

⁵¹ See Federal Chancellery (2025, January 27), [Bundeskanzler Schallenberg: "Position beziehen gegen jede Form von Antisemitismus und Antizionismus"](#).

expressed their concern about the rise of antisemitic incidents and, in a joint statement, condemned such attacks.⁵²

35. According to the authorities, some political parties have internal ethics codes and/or bodies that prohibit hate speech and derogatory language (e.g. code of conduct for online communication, social media guidelines, ethics commission imposing sanctions for hate speech). There is a Code of Conduct and Practice Guidelines for Members of Parliament, which applies to all members of the National Council (*Nationalrat*) and the Federal Council (*Bundesrat*).⁵³ ECRI welcomes the development of these frameworks and invites the authorities to encourage the relevant bodies and parties to take further action to address any hate speech in the context of electoral campaigns and parliamentary debates, in the light of Recommendation CM/Rec(2022)16 of the Committee of Ministers of the Council of Europe on combating hate speech and the Charter of European political parties for a non-racist and inclusive society, as endorsed by the Council of Europe Parliamentary Assembly.⁵⁴

II. ENSURING EQUAL TREATMENT AND INCLUSION IN EDUCATION AND HEALTHCARE

A. Equal treatment and inclusion in the area of education

Legislation

36. As regards action against discrimination falling within ECRI's mandate in the context of teaching, primary schools (*Volksschule* and *Neue Mittelschule*), secondary schools (*Gymnasium* und *berufsbildende höhere Schulen*) and universities fall under the Federal Equal Treatment Act (*Bundesgleichbehandlungsgesetz*).⁵⁵
37. ECRI notes in particular that 30 § 2 of the Equal Treatment Act explicitly provides that discrimination on grounds of ethnicity in education is prohibited. When it comes to discrimination in employment (§ 16-18 of the Equal Treatment Act), which includes the employment of teachers, there is a broader range of prohibited grounds of relevance to ECRI, namely ethnicity, gender (interpreted as including gender identity / sex characteristics), religion or belief, sexual orientation, thereby granting teachers better protection than pupils and students against discrimination. Against this background, reference is made to the section III.B. of the present report.

General data and research

38. The Initiative for a Discrimination-Free Education System (IDB), a non-profit association, documents experiences of discrimination in education based on racism, sexism, antisemitism, Islamophobia/anti-Muslim racism, and homophobia. In its 2022 annual report,⁵⁶ it documented a total of 158 cases of discrimination in education (a total of 1 190 cases were reported from 2016 to 2022 included). Among the cases registered, 84 % were considered to be related to forms of racial discrimination. In 39% of all registered cases, the victims claimed that religion was a discrimination ground. In 36% of the latter cases, it was a matter of anti-Muslim/anti-Islam discrimination, and in 1% of cases of antisemitic discrimination.⁵⁷

⁵² Stadt Wien, Presse Service (2023, November 2), [Gemeinsame Erklärung von IKG-Präsident Oskar Deutsch und Bürgermeister Michael Ludwig](#).

⁵³ [Parlament Österreich](#), Verhaltensregeln für Abgeordnete des Nationalrates und Mitglieder des Bundesrates.

⁵⁴ See Council of Europe, Parliamentary Assembly (2022), [Charter of European political parties for a non-racist and inclusive society](#).

⁵⁵ The [Federal Equal Treatment Act](#) is available here.

⁵⁶ See Initiative für ein diskriminierungsfreies Bildungswesen (IDB) (2022), [Annual Report](#), *Analysen zu Diskriminierung im österreichischen Bildungswesen*.

⁵⁷ *Ibid.*, page 19.

39. According to the IDB report, the majority of cases registered concerned discrimination by teachers or other educational professionals.⁵⁸ The report points to a diverse, multilingual student body facing an homogenous and monolingual teaching staff that lacks sufficient knowledge of many pupils' realities and necessary skills such as multilingual, intercultural skills.⁵⁹ In this connection, during official meetings organised during the visit, the ECRI delegation was informed of efforts to increase diversity among teachers and school staff in some provinces, such as in the Western province of Vorarlberg, notably at kindergarten and lower school level. ECRI strongly encourages the authorities, at both federal and regional levels, to strengthen their efforts to ensure that recruitment policies in the education sector adequately reflect the diversity of Austrian society.

German language support

40. A significant share of pupils in Austrian schools do not speak German as a first language.⁶⁰ To support such children, German language support classes were introduced in the school year 2018/2019. However, ECRI learnt that the test, known as MIKA-D,⁶¹ to determine whether children are in need of support classes, was criticised for being based on an outdated concept of language and communication, resulting in some children unnecessarily being placed in support classes.⁶² Other sources criticising the MIKA-D tests claimed that children belonging to marginalised groups may, in reality, be directed to take the test, despite some having grown up in Austria and speaking German as their main language.⁶³ The MIKA-D test is also used to determine whether a pupil can leave a German support class. It was further explained to the ECRI delegation during its visit that a lack of a sufficient number of language support teachers, as well as classroom space, hinders the effective provision of German language support.

41. ECRI recommends that the authorities take further action to provide effective German language support by: i) reviewing the content of, and procedures surrounding, the Measurement Instrument for German Competence Analysis (MIKA-D test) with a view to ensuring the equal treatment of all pupils who may be in need of German support classes, regardless of personal characteristics or status such as citizenship, national or ethnic background or religion, and ii) carrying out a needs assessment as regards the number of German language support teachers and facilities for language support and making any necessary adjustments.

Foreign pupils displaced as a result of violent conflicts

42. ECRI notes that some recently arrived foreign children in Austrian schools have lived through traumatic experiences when forced to flee violent conflict. ECRI welcomes the guidebook for teachers produced by the Office of the United Nations High Commissioner for Refugees (UNHCR) on how to support pupils who may be traumatised.⁶⁴ ECRI encourages the authorities at all administrative levels to make the best use of this guidebook by disseminating it to schools around the country.
43. According to public officials met by the ECRI delegation during the visit, there were about 14 000 Ukrainian pupils in the Austrian school system at the time of the visit,

⁵⁸ 52% of all cases registered by the IDB, see IDB (2022), [Annual Report](#), p. 16.

⁵⁹ IDB (2022), [Annual Report](#), p. 92.

⁶⁰ The IDB 2022 report (§ 44) refers to data from Statistics Austria for the school year 2020/21, in which of the approximately 1.1 million students in the 2020/21 school year, 306 290 or 27.2% were not native German speakers.

⁶¹ Short for "Measurement Instrument for German Competence Analysis". The language proficiency of each student upon entry to school is to be determined using the MIKA-D test. Depending on the test result, the student is assigned to a German support class with 15 or 20 hours per week, or to a German support course with 6 hours per week.

⁶² See for example Austrian Association for German as a Foreign Language/Second Language (2019, June), [Position paper](#).

⁶³ See IDB (2022), [Annual report](#), pp. 12 and 54.

⁶⁴ See United Nations High Commissioner for Refugees ([UNHCR](#)) (2021), [Teaching About Refugees 2021 - Stress and Trauma Guidebook | UNHCR](#)

many of them were displaced children. All Ukrainian pupils in Austria are obliged to follow the Austrian curriculum, although many in addition follow the Ukrainian one through online education. To support their schooling in Austria, Ukrainian teachers are allowed to work as assistant teachers in Austria, while themselves undergoing German language training. ECRI considers this, in the circumstances, as a **good practice**.

Roma pupils

44. Austria's "National Strategy for the Inclusion of Roma 2012-2020",⁶⁵ extended up to 2030,⁶⁶ comprises measures to reduce the number of early dropouts; services of Roma mediators in Vienna; and learning assistance and teaching of Romani language courses. During the ECRI visit to Austria, Roma representatives have stated that the most important for them was the inclusion of their history, including an adequate reflection in school curricula and educational materials of remembrance of the Roma genocide, with the aim of building a culture of mutual understanding and respect at school.⁶⁷
45. The December 2024 edition of the periodical *Romano Centro* reports a case of segregation of Roma children in the Wals-Siezenheim elementary school in Salzburg. It concerns children living at a nearby first arrival centre for displaced persons from Ukraine. It appeared that among these children, those identified as Roma had been schooled in a separate building since the Spring of 2024. It seems school segregation was requested by the principals of three elementary schools, who wrote to the State Councillor for Education complaining about the alleged negative impact of the Roma children on both the native and other already well-integrated Ukrainian children. ECRI strongly encourages the authorities at all administrative levels to develop policies against segregation in school education and ensure their effective implementation. In doing so, they should take into consideration the Council of Europe intergovernmental work on desegregation and inclusion policies and practices in the education of Roma and Traveller children.

Jewish pupils

46. The attention of ECRI was also brought to threats against Jewish pupils in public schools and to increased tensions in public schools in relation to tensions and violence in the Middle East. As regards the latter issue, Jewish interlocutors met during the visit indicated that some training was provided to teachers about how to address such tensions in classrooms but considered that more should be done. Official interlocutors told ECRI's delegation about efforts to teach against anti-Muslim racism and antisemitism within citizenship education. ECRI invites the authorities to take further steps to ensure that all pupils feel safe in schools, irrespective of their national or ethnic background or religion, and support teachers in handling tensions between pupils with diverse national, ethnic and religious backgrounds.

Muslim pupils

47. In its previous report, ECRI noted that the issue of Muslim girls wearing headscarves in primary schools was a topic of intense controversy in the country, especially following an amendment to the School Education Act prohibiting pupils under the age of ten from wearing what was referred to as "ideologically or religiously influenced clothing which is associated with the covering of the head",

⁶⁵ See [Federal Chancellery \(2021\), National Strategy for the Inclusion of Roma](#) (in German language).

⁶⁶ As extended, it is also meant to align with the EU Roma Strategic Framework for Equality, Inclusion, and Participation 2020-2030.

⁶⁷ Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) (2023), [Fifth Opinion on Austria](#), § 135.

a ban which seemed to be aimed at Muslim girls only.⁶⁸ In a judgment of 11 December 2020, the Federal Constitutional Court (FCC), while referring to the relevant provisions of the European Convention on Human Rights and case-law of the European Court of Human Rights, as well as to § 17 of ECRI's previous report, held that the legal provision in question (Section 43a) was in breach of Article 7 of the Constitution (pertaining to non-discrimination and equal treatment).⁶⁹

48. In line with its 2025 programme,⁷⁰ the government prepared a bill aimed at amending the School Education Act on the same matter. According to §43a of the School Education Act, as adopted by the National Council on 11 December 2025, female pupils under the age of 14 are prohibited from wearing a "headscarf that covers the head in accordance with Islamic traditions". After mandatory discussions with the school administration and the school authority, as well as the involvement of the competent child and youth welfare agency, fines ranging from 150 to 800 euros may be imposed.⁷¹ According to this new provision,⁷² the objective is to ensure "the best possible development and growth of all pupils in the interests of the child's welfare and, in particular, to promote the self-determination, equality and visibility of girls".
49. ECRI is concerned that the new Section 43a of the School Education Act could be considered as discriminatory against Muslim schoolgirls and put them at higher risk of stigmatisation. ECRI further recalls the relevant FCC judgment on a similar matter and reiterates its position according to which any such legislation on clothing in schools must respect the principles of lawfulness and neutrality, pursue a legitimate aim, and be free of any form of discrimination.
50. ECRI recommends that the authorities promptly commission an independent review of §43a of the School Education Act in the light of the relevant case-law of the Federal Constitutional Court and the European Court of Human Rights, as well as ECRI's General Policy Recommendation No. 5 on preventing and combating racism and discrimination against Muslims, and bring forward in Parliament any appropriate proposals for legislative changes.

Pupils of African descent

51. ECRI notes that, in Austria, 32 % of respondents of African descent to a 2022 EU FRA survey felt racially discriminated against in their contacts with educational facilities in the year before the survey. Women of African descent are twice as likely as men of African descent to have alleged past experiences of racial discrimination during school education.⁷³
52. An initiative entitled 'Advancing Equality Within the Austrian School System' (AEWTASS) focuses on improving the representation of people of African descent and the diaspora within the Austrian education system. Its range of services covers several areas: academic analysis of school textbooks, workshops that deconstruct racist content, creating learning material, implementing Black perspectives and developing a learning platform. As commissioned by the Vienna Institute of the African Diaspora, AEWTASS prepared a study on how Africa and people of African descent are depicted in Austrian school textbooks.⁷⁴ The results showed that there

⁶⁸ The Parliamentary Sub-committee on Education further issued an explanatory statement indicating that only such headgear that covers the hair fully or in large parts shall be prohibited, explicitly exempting from the application of the rule the Jewish Kippa or the Sikh Patka.

⁶⁹ FCC, judgment No. G 4/2020-27 of 11 December 2020, available in [English](#), [French](#) and [German](#).

⁷⁰ See government programme: [Republic of Austria \(2025\), Jetzt das Richtige tun. Für Österreich](#) p. 99

⁷¹ Following an awareness-raising phase starting in February 2026, sanctions may be imposed beginning with the 2026/27 school year.

⁷² §43a of the School Act (*Schulunterrichtsgesetz*) as adopted is available [here](#). It will enter into force on 1 September 2026.

⁷³ See EU FRA (2024), [Being Black in the EU: experience of people of African descent](#), p. 43.

⁷⁴ The 24 textbooks selected for the Advancing Equality within The Austrian School System (AEWTASS) (2024, October), [school book analysis](#) covered subjects such as history, geography, economics and social studies.

were hardly any positive examples or references to Africa, Africans or people of African descent in the textbooks and that history teaching in connection to Africa is very much Eurocentric.

53. ECRI recommends that the authorities make use of the Second International Decade for People of African Descent (2025-2034) proclaimed by the United Nations General Assembly as a positive tool to review the chapters of school textbooks pertaining to Africa, Africans and people of African descent and to address any stereotypes and prejudices in schools in relation to persons, including schoolchildren, of African descent.

LGBTI pupils

54. According to a 2023 EU FRA survey, 70% of LGBTI pupils have been allegedly ridiculed, teased, insulted, or threatened by schoolmates, and 14% by teachers or other school staff, because of their being LGBTI. Among respondents, 27% had never had any such experiences in school.⁷⁵
55. A project called Queerfacts, financially supported by the Federal Ministry for Labour, Social Affairs, Health, Care and Consumer Protection, provides workshops in schools aimed at countering prejudice and discrimination against LGBTI persons and to raise awareness of the challenges that LGBTI persons face in Austria. It is implemented in a number of provinces by different civil society organisations, one of which ECRI's delegation met during its field visit to Graz. ECRI encourages the authorities to continue to support this project and make it better known in schools.

B. Equal treatment and inclusion in the area of healthcare

Legislation

56. Pursuant to Article 12 (1) 1. of the Federal Constitution, the power to enact framework legislation concerning hospitals is vested in the Federation, while the power to enact implementing legislation and the executive power are vested in the provinces. As regards the applicable equality legislation in the area of healthcare, reference is made to Section III.B. of the present report.

Data and research

57. It clearly emerged during the ECRI visit that there was generally a lack of data and research when it comes to experiences of racism and discrimination in the field of healthcare among people belonging to groups of concern to ECRI, including basic health statistics, such as life expectancy of Roma.⁷⁶
58. According to the FRA 2022 survey on Being Black in the EU, Austria, among EU States, displayed the highest prevalence of racial discrimination in healthcare services, with 28% of respondents who indicated having experienced it in the year before the survey, and 36% in the five years preceding the survey.⁷⁷
59. The FRA 2023 survey-based report entitled Being Muslim in the EU concludes that Austria is the reviewed EU State with the highest prevalence of discrimination against Muslims in healthcare,⁷⁸ with 45% of Muslim respondents reporting having felt discriminated in the preceding five years when trying to access healthcare services. Further, in its annual report on 2024, Dokustelle Austria notes that Muslim women in particular experienced discrimination in the area of healthcare. At the same time, Muslim medical doctors reported structural unequal treatment and a lack of recognition of their professional expertise.⁷⁹

⁷⁵ EU FRA (2024), [EU LGBTIQ Survey III | European Union Agency for Fundamental Rights](#).

⁷⁶ ZARA (2025), [Racism report 2024 – racism in healthcare](#) p. 20.

⁷⁷ See EU FRA (2024), [Being Black in the EU: experience of people of African descent](#), p. 46.

⁷⁸ See EU FRA (2024), [Being Muslim in the EU – experiences of Muslims](#), p 50.

⁷⁹ Dokustelle (2025), [Antimuslimischer Rassismus in Österreich – Jahresrückblick 2024](#), p. 13.

60. In 2022, the Ministry of Social Affairs, Health, Care and Consumer Protection published a survey-based report on the health of LGBTIQ+ people in Austria. Among respondents, 54% said that they had experienced being discriminated at least once in healthcare in the previous two years. Especially intersex and transgender people were reportedly affected. Degradation, humiliation, and insults from healthcare professionals were said to be experienced by 29%.⁸⁰ ECRI welcomes existing research of this kind and considers that the authorities should build on this initiative to support research as regards the different groups of concern to ECRI.
61. ECRI recommends that further research be commissioned by the authorities with respect to the health status and access to health care by members of various groups of concern to ECRI in order to address any inequalities and discrimination, including structural or institutional forms of discrimination, faced by people belonging to these groups.

Recruitment, awareness-raising and training of healthcare professionals

62. The ZARA annual report for 2024, which focuses on inequalities and discrimination in healthcare, notes that patients who face racism when seeking medical attention may be described by healthcare professionals as not credible, hysterical or as “whining” and that which patients’ symptoms are taken as seriously as they should be also depend on deeply-rooted prejudices. According to the ZARA report, Black people are at times portrayed in medical training in a stereotypical way as people linked to infectious diseases or as having thicker skin or feeling less pain. In contrast, where there actually are physical differences that should be taken into account, they are reportedly not, such as in dermatology, where there are differences between skin types that should be considered. There are also prejudices among healthcare professionals against Roma, who are described as “unreliable” and “lacking in hygiene”, which is then seen as a self-inflicted cause of health problems. Pseudo-diagnoses are allegedly used by some doctors referred to as “Morbus Mediterraneus”, according to which people from the Mediterranean area tend to exaggerate their symptoms.⁸¹ In the view of ECRI, it is crucial to address any prejudice and discrimination by staff through appropriate recruitment processes, awareness-raising and training.
63. According to the authorities, diversity is promoted in the recruitment process to the regional hospitals in the Vorarlberg province, where diversity is part of the corporate culture. ECRI was informed that, as part of these efforts, measures are taken to raise awareness of any unconscious bias in the recruitment of hospital staff. ECRI trusts that the authorities will draw on the recruitment processes organised in hospitals under the authority of the Vorarlberg province to ensure that employment in the healthcare sector adequately reflects the diversity of the Austrian society across the country.
64. ECRI is also pleased to note that, in Styria, training in workshops for “contact persons” in equal treatment issues at public hospitals is offered, as well as other training for hospital employees and management. In the view of ECRI, this could be considered as a **good practice**.
65. ECRI also notes that the Ministry of Education, together with *Women in Global Health Austria* (WGHA) and the *European Health Forum Gastein* (EHFG), organised discussions about what to do against discrimination, be that of or by patients or of or by healthcare staff.⁸² ECRI’s delegation was further told during the visit that cultural sensitivity would be introduced as a small part of

⁸⁰ Ministry of Social Affairs, Health, Care and Consumer Protection (2023) [Report on the health of LGBTIQ+ people](#). See also, as regards intersex persons, EU FRA (2025), [Being Intersex in the EU](#), pp 33-34.

⁸¹ ZARA (2025), [Racism report 2024](#), Racism in healthcare.

⁸² See Jäger, M. (2024, March 19), [Schritt für Schritt gegen Diskriminierung im Gesundheitswesen](#), FSW Bildungszentrum.

the curriculum at the medical university in Vienna. Further, in the Carinthia province (*Land Kärnten*), the Project “SprachPflege” was initiated to facilitate the successful integration of non-German speakers into the nursing profession. In addition to the language component, intercultural sensitivity is also taught for the benefit of patients with a migrant background.

66. In November 2024, the Austrian National Public Health Institute presented an E-Learning Tool for medical personnel about sensitive approaches to the medical needs of, and interaction with, LGBTI persons. It includes real-life examples of discrimination faced by LGBTI persons when in healthcare.⁸³
67. In the view of ECRI, these are very encouraging developments on which the authorities should draw to organise or support further awareness-raising and training for healthcare staff with a view to addressing any deeply-rooted prejudices and potentially discriminatory attitudes of healthcare staff towards within healthcare facilities.
68. ECRI recommends that the authorities scale up, in consultations with relevant civil society actors, awareness-raising and mandatory training activities for healthcare professionals, in particular medical staff, about prejudices that may influence them in the way they perform their duties and the specific needs of persons belonging to groups of concern to ECRI, including people of African descent, Muslims and LGBTI persons. In doing so, the authorities should take inspiration of General Recommendation No. 37 (2024) of the United Nations Committee on the Elimination of Racial Discrimination (CERD) on equality and freedom from racial discrimination in the enjoyment of the right to health and ECRI’s General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons.

Equal access to health care and support for foreign patients

69. ECRI was informed that the Federal Ministry for Social Affairs, Health, Care and Consumer Protection took measures to strengthen the health literacy among groups of patients of concern to ECRI by producing short videos on different topics to help people navigate the Austrian health system in 12 different languages in order to ensure access for people with insufficient German skills, notably migrants.⁸⁴ This is a welcome initiative. However, the front page of the website portal is in German only, and accessing the short videos requires going through pages and links in German before reaching the video clips in other language versions, which may make these less accessible for many migrants. ECRI encourages the authorities to ensure that the videos and any other useful information are easily accessible by persons in need of healthcare who do not have a sufficient knowledge of German.
70. ECRI notes that, in the city of Vienna, the Institute for Women’s and Men’s Health⁸⁵ implements workplace health promotion projects for vulnerable target groups in a range of languages, together with FEM-MED, a medical clinic within which it operates. Furthermore, preventive examinations for hard-to-reach groups are carried out monthly by the mobile health services of the City of Vienna, in co-operation with FEM-MED.⁸⁶ The aim is to reach out people who have not yet taken advantage of preventive medical check-ups for adults. For this purpose, first-language translation and explanation of medical findings in various languages is offered by experts on site.⁸⁷ Further, free-of-charge lectures on diverse health topics are offered monthly by FEM-MED, partly also in foreign languages. ECRI

⁸³ [Gesundheit.gov.at](https://www.gesundheit.gov.at), [E-Learning Tool zu LGBTIQ](#).

⁸⁴ See [Gesundheit.gov.at](https://www.gesundheit.gov.at) (2024, February 1), [Gesundheitsinformationen für zugewanderte Menschen | Gesundheitsportal](#).

⁸⁵ See [Institute for Women’s and Men’s Health](#).

⁸⁶ See [FEM-MED](#).

⁸⁷ Including German, English, Turkish, Bosnian, Croatian, and Serbian (BCS), Arabic and Somali.

welcomes all these measures and activities and considers them as **good practices**.

71. Further, there is a psychological outpatient clinic for parents with a migration background, namely the FEM-Elternambulanz, which is a special psychological outpatient clinic affiliated with the gynaecological and obstetrics department at the Ottakring Clinic in Vienna. The target group is pregnant women in crisis as well as mothers and parents with psychosocial stress after childbirth. Women with a migration background can be advised in German, Turkish, Polish, English, Arabic, Russian, and Ukrainian.
72. Despite the above positive examples of healthcare services provided in a range of languages, it emerged from the ECRI's findings during the visit that the lack of interpretation services is often an issue in a number of hospitals in Austria, especially outside Vienna and in smaller hospital settings. Providing mental healthcare to migrants, including traumatised ones, is particularly challenging and language barriers constitute an additional hurdle for migrants to seek mental healthcare. ECRI encourages the authorities at all administrative levels to ensure that appropriate interpretation services are available within the healthcare system throughout the country.
73. Public hospitals are obliged to admit all persons who require hospital treatment. At the time of the ECRI visit to Austria, asylum seekers and persons granted temporary protection, such as displaced Ukrainians as a result of Russia's war of aggression against their country, had access to the same healthcare services as the mainstream population in Austria. ECRI welcomes this approach.
74. ECRI was also pleased to learn that a number of civil society organisations provide basic healthcare services, including mental health and dental care, to migrants who are irregularly present in the country and others who, for various reasons, do not have health insurance.⁸⁸ In addition, the staff of the civil society organisation LEFÖ, among other services, accompany vulnerable migrant women to medical appointments, to make sure that they are properly received.⁸⁹ The civil society initiative AMIKE-Telefon provides psychosocial support to migrants in a range of languages, including to irregularly present ones.⁹⁰ There are also other similar initiatives, including the Network for Intercultural Psychotherapy (NIPE),⁹¹ which offers trauma-specific intercultural therapy. ECRI trusts that these welcome initiatives will be supported.

The role of patient commissioners in hospital settings

75. Each province in Austria has a patient commissioner (*PatientInnen- und Pflegeombudsschaft*) to which patients or their family members can turn with complaints about their treatment in healthcare. During the visit, the ECRI delegation held a meeting with the patient commissioner's office in Graz, in the province of Styria, and was told that the office had not received complaints concerning discrimination on grounds falling under ECRI's mandate in recent years.
76. However, several civil society interlocutors with whom the ECRI delegation spoke during the visit considered that the staff of patient commissioner offices could usefully be trained to recognise or deal with cases of racial and other forms of discrimination relevant to ECRI. At the same time, officials met by the ECRI delegation conceded that one reason for which there were no or almost no

⁸⁸ See [AMIKE-telefon](#) and [AmberMed – Versorgung auf Augenhöhe](#).

⁸⁹ See [LEFÖ](#).

⁹⁰ See [AMIKE-Telefon](#).

⁹¹ See [NIPE](#).

complaints about discrimination is that the avenues for complaints are not known, especially to foreign patients.

77. ECRI recommends to the authorities that training in equality legislation and awareness-raising about how discrimination on grounds of relevance to ECRI may manifest itself in practice, be organised for patient commissioners and their office staff as well as for any other staff in charge of other types of internal complaints or mediation mechanisms within hospitals.

LGBTI-specific healthcare and related issues

78. In a 2025 position paper, 30 LGBTI civil society organisations called for the establishment of safe frameworks for gender and sexually diverse patients, for example by dedicating specific medical visit times for such patients, and sensibilisation of healthcare professionals about the specific needs of LGBTI patients as, according to the position paper, LGBTI persons, in particular transgender and intersex persons, often face discrimination and pathologisation in healthcare.⁹² ECRI refers in this regard to its recommendation made in paragraph 68.
79. A major challenge is the shortage of medical doctors with expertise in healthcare for transgender persons, including gender-affirming treatment and surgeries, causing waiting times of, reportedly, three to four years for such surgeries in Austria. Further, there are reportedly large differences across Austria regarding the availability of transgender-specific healthcare and related services, such as hormone treatment, are mainly available in Vienna.⁹³
80. ECRI recommends that the authorities take action to ensure that transgender persons have safe, affordable, and timely access to necessary gender-affirming treatments across the country, in the light of its General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons.
81. Intersex persons generally criticise that medical practice in Austria is still geared towards the early surgical removal of “disturbing” sexual characteristics, in situations where the lives and well-being of intersex children are rarely at risk. According to a report by the intersex civil society organisation VIMÖ, well over 1 000 such medically unnecessary surgeries on intersex children are still undertaken annually.⁹⁴
82. Austria still does not have a legislation that explicitly and specifically prohibits any medical intervention on a person’s sex characteristics without their prior, free, informed, express and documented consent. Although a working group was set up with the participation of intersex persons in order to prepare such a legislation, the draft text was not finalised.
83. ECRI is aware of the existence of a legislative framework on medical operations for aesthetic purposes, which forbids such interventions on children under the age

⁹² See Hermanns, L. (2025, May 16), [Positionspapier #NAPjetzt!](#), p. 9. As regards awareness-raising of healthcare staff, the authorities informed ECRI that, following an amendment to the regulations on medical training in 2024 (which should enter into force in 2026), “gender medicine” is foreseen as an elective subject.

⁹³ In this connection, ECRI notes that an initial diagnostic assessment is a prerequisite for accessing gender-affirming healthcare in Austria, whereby three mental health professionals assess the person for “transsexualism” or “gender dysphoria”. Some further requirements and clinical assessments must also be fulfilled and carried out before gender-affirming hormone therapy or operative interventions can be initiated. For more details, see [Transsexualismus/Geschlechtsdysphorie](#). As concerns legal gender recognition, reference is made to the Section III.C. of the present report.

⁹⁴ See VIMÖ and VARGES (2024), [Intersex Genital Mutilations](#). Report to the 8th Periodic Report of Austria on the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), p. 16. Also see ILGA-Europe (2025), [annual review 2025](#).

of 16.⁹⁵ At the same time, it appeared not to be applicable to surgeries on intersex children.

84. ECRI notes that the Government Programme 2025-2029 foresees a clarification of rules for the protection of intersex children against medically unnecessary interventions, which is to be conducted in consultation with relevant civil society organisations, such as VIMÖ.⁹⁶ In addition, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection issued general recommendations on intersex health⁹⁷ and more specific recommendations concerning medically unnecessary interventions on children with intersex traits, which refer to circumstances in which so-called sex-normalising surgeries could be punishable under the Criminal Code.⁹⁸ ECRI welcomes these initiatives. However, it considers that they cannot be a substitute to appropriate legislation.

85. ECRI recommends, as a matter of priority, that the authorities prepare and bring to Parliament a comprehensive bill aimed at explicitly and specifically prohibiting any medical intervention on a person's sex characteristics, including surgical, hormonal and/or mechanical procedures and other treatments, without their prior, free, informed, express and documented consent. The preparation of such legislation should include appropriate consultations with relevant stakeholders and take due account of ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and Recommendation CM/Rec(2025)7 of the Committee of Ministers of the Council of Europe on equal rights for intersex persons.

86. According to a FRA survey about so-called conversion practices, it appears that their use is more common in Austria than the EU average, with 30% of respondents in Austria having experienced being subjected to "conversion" attempts.⁹⁹ In the absence of any legal ban, such attempts are not punishable as long as they do not involve physical injuries. The Ministry of Health has issued recommendations against such practices¹⁰⁰ and the Government Programme 2025-2029¹⁰¹ foresees a legal prohibition against them. ECRI invites the authorities to support the development of a legislation prohibiting so-called conversion practices that aim to convert or change the sexual orientation and/or gender identity of children, as well as any such practices targeting adults against their will.

III. TOPICS SPECIFIC TO AUSTRIA

A. Preventing and combating racism in law enforcement

87. Despite the efforts made by the authorities to stamp out any racist behaviour and attitudes, including any racial profiling practices, by police officers, ECRI received a number of reports of racist police abuse. For instance, in 2023, the civil society organisation ZARA documented 58 cases involving allegations of racist police misconduct, out of which only four alleged incidents were followed by the persons concerned lodging formal complaints. Formal complaints are said to be few due to fears of secondary victimisation, financial risks, and emotional burden on victims.¹⁰²

⁹⁵ See [RIS - Durchführung von ästhetischen Behandlungen und Operationen - Bundesrecht konsolidiert, Fassung vom 18.06.2025](#).

⁹⁶ See [Republic of Austria \(2025\), Jetzt das Richtige tun. Für Österreich](#) (government programme), p. 118.

⁹⁷ See Ministry recommendations, (2019), [Empfehlungen zu Varianten der Geschlechtsentwicklung](#).

⁹⁸ See Ministry recommendations (2024), [Behandlung von Kindern mit Varianten der Geschlechtsentwicklung](#).

⁹⁹ See EU FRA (2024), survey - [LGBTQI Equality at a crossroads - progress and challenges](#), p. 93.

¹⁰⁰ See Federal Ministry for Labour, Social Affairs, Health, Care and Consumer Protection (2024) [Konversionsmaßnahmen Empfehlung betreffend Konversionsmaßnahmen und konservativ-reparativen Praktiken](#).

¹⁰¹ See [Republic of Austria \(2025\), Jetzt das Richtige tun. Für Österreich](#) (government programme), p. 118.

¹⁰² ZARA (2024), [Racism Report 2023](#): analysis of racist attacks and structures in Austria.

88. ECRI also notes that, according to a study by EU FRA, people of African descent were stopped by Austrian police officers more often than in any other of the 13 EU States reviewed. Among respondents, 40% in Austria had been stopped in the five years before the survey and 21% in the 12 months before the survey. Among them, 12% of respondents considered their treatment by police officers during their most recent stop by law enforcement officials in the five preceding years as ‘fairly disrespectful’ and 6% as ‘very disrespectful’.¹⁰³
89. ECRI notes that the federal legislation contains specific provisions aimed at preventing discriminatory police behaviour such as racial profiling practices. For instance, in accordance with §31 (2) (5) of the Security Police Act, when interfering with the rights of individuals, law enforcement officials should ensure that their conduct is considered impartial so that their intervention is not perceived by those affected as discrimination based on *inter alia* race or their skin colour, national or ethnic origin, or religious beliefs.¹⁰⁴ In the area of prevention, ECRI also learned with particular interest about the increased use of bodycams by police officers in 2025.¹⁰⁵ That said, civil society actors met during the visit referred to cases where such devices were allegedly turned on only after police misconduct or escalation of tensions.
90. ECRI was also informed of action taken by the authorities to strengthen police oversight at federal level. In July 2023, the legislation on the Federal Anti-Corruption Bureau was amended to create the legal basis for the establishment of an Investigation and Complaints Office for Police Misconduct (*Ermittlungs- und Beschwerdestelle Misshandlungsvorwürfe – EBM*).¹⁰⁶ The new Office became operational in January 2024. It is in charge of enquiries and investigations into cases involving allegations of police misconduct potentially leading to disciplinary sanctions and/or criminal convictions. Cases where police misconduct could amount to criminal offences are referred by the Investigation and Complaints Office for Police Misconduct to the prosecution services.
91. At provincial level, persons alleging racist police behaviour or other police abuse may file a complaint about breaches of police ethics and regulations (so-called “guidelines complaints¹⁰⁷”) with the competent Provincial Police Directorate. If a breach of police ethics and regulations is found, disciplinary proceedings may be initiated against the offending police officer(s) and the complainant is informed in writing. The person concerned may otherwise file a complaint with the Provincial Administrative Court.¹⁰⁸ In such cases, judges may decide whether police behaviour was lawful or not. If the complainants are not satisfied with the outcome, they may appeal the cases in question to the Supreme Federal Administrative Court.¹⁰⁹ This has nevertheless a cost risk, due to which, according to civil society actors consulted by ECRI, the persons who consider themselves as victims often abstain from such administrative court proceedings.
92. In the light of the above, ECRI welcomes the efforts made by the authorities to address racist abuse by police officers. At the same time, it considers that more should be done in the area of prevention of racist police abuse, including racial

¹⁰³ EU FRA (2024), [Being Black in the EU: experience of people of African descent](#).

¹⁰⁴ See also, as regards identity checks, § 35 of the [Security Police Act](#), §118 of the [Code of Criminal Procedure](#), §34 of the [Aliens' Police Act \(FPG\) \(all in German\)](#).

¹⁰⁵ See The International (2025, February 21), [All Austrian Police Officers Equipped with Body Cameras - The International](#).

¹⁰⁶ See §4a of the [Law on the Federal Bureau for Preventing and Combating Corruption](#) (*Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung*), as amended on 6 July 2023.

¹⁰⁷ A “guidelines complaint” to the competent supervisory authority can be lodged in parallel to a complaint to a provincial administrative court and can also concern matters in which no subjective rights have been violated.

¹⁰⁸ In a complaint to the Provincial Administrative Court, a violation of subjective rights through the exercise of direct authority and coercive power or through other conduct within the framework of security administration can be asserted.

¹⁰⁹ On the level of the provinces, there is only one level of administrative courts and appeals against decisions by these courts are made directly to the Supreme Administrative Court at the federal level.

profiling, and police accountability. In particular, ECRI considers that police officers should be offered additional guidance and training to prevent any racial profiling practices from emerging or developing. This should include further guidance on the proper use of bodycams during police stops and identity checks and the development of an effective monitoring system of police stops / identity checks. As regards police oversight, questions have been raised about the independence and the impartiality of the newly created EBM at federal level in the conduct of inquiries and investigations into cases involving allegations of racist police abuse.¹¹⁰ This is a crucial matter as there appears to be a significant level of underreporting of racist police abuse and some reluctance on the part of alleged victims to engage in criminal or administrative court proceedings, partly due to an apparent lack of appropriate victim support and compensation mechanisms.

93. ECRI recommends that the authorities strengthen their efforts to prevent and combat any form of police racist abuse by: i) providing police officers with additional guidance and training on how to address any potential bias when performing their duties and the use of bodycams when in contact with people belonging to groups in a situation of vulnerability, such as people of African descent; ii) developing an effective monitoring system of police stops / identity checks; iii) reviewing the effectiveness and, where relevant, the independence of police complaints mechanisms. In doing so, the authorities should take due account of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, General Recommendation No. 36 of the United Nations Committee on the Elimination of Racial Discrimination (CERD), and the work of other Council of Europe bodies, such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).
94. During the 2025 visit to Austria, a number of civil society representatives met by the ECRI delegation complained about what they saw as an increased "securitisation" of Muslim communities in recent years, especially in the enforcement of laws against terrorism. In particular, the conduct of a large-scale police anti-terror operation ("operation Luxor"), which took place in November 2020 a few days after a deadly terror attack by an Islamist lone gunman in the centre of Vienna, raised serious questions as to why a number of Muslims were targeted at the time.¹¹¹ According to many interlocutors to whom the ECRI delegation spoke, this had a long-term negative impact on the Muslim community as a whole across the country. ECRI strongly encourages the authorities to regularly assess the impact, notably from a human rights perspective, of laws and policies against terrorism on Muslim communities, in the light of its General Policy Recommendation No. 5 (revised) on preventing and combating anti-Muslim racism and discrimination.

B. Equality legislative framework

95. In its previous report, ECRI noted that the anti-discrimination legislation in Austria remains complex and fragmented due to the division of competences between the Federation and the provinces, scattered over numerous federal and provincial laws under a multi-tiered institutional framework, and it recommended that legislative amendments be put forward with a view to ensuring effective general anti-discrimination legislation covering all grounds and all areas of relevance to ECRI.
96. As indicated earlier, only ethnicity and gender (interpreted as including gender identity and sex characteristics)¹¹² are prohibited grounds of relevance to ECRI in

¹¹⁰ ZARA (2024), [Racism Report 2023](#): analysis of racist attacks and structures in Austria.

¹¹¹ Ibid. See also Dokustelle (2024) [Antimuslimischer Rassismus Report 2023](#).

¹¹² According to § 30 and § 31 of the Federal Equal Treatment Act (GIBG) only uses the term "gender" and does not define it further. However, in the early supplementary materials to the GIBG (see GP XXII [RV 307](#) AB 499 S. 61, p. 11), the commentary on Section 5 (legal terminology) includes the following statement: "According to the case-law of the European Court of Justice, the prohibition of discrimination on the basis of sex also covers transgender persons (see Case C-13/94, Cornwall County Council)." As importantly,

federal anti-discrimination legislation outside the area of employment, and even then, the protection on grounds of gender and ethnicity does not apply to all policy areas. According to the Equal Treatment Act (GIBG) (30 § 1), discrimination on grounds of gender is only prohibited as concerns access to and supply of goods and services available to the public, including housing, whereas according to 30 § 2 of the Act, discrimination on grounds of ethnicity is also prohibited in the areas of social protection, including social security and health services, and education. The Federal Ombud for Equal Treatment is of the view that the list of prohibited grounds of discrimination should be expanded, also in terms of policy areas to which they apply, and that access to legal remedies be improved, and urged the authorities to take action in this regard.¹¹³

97. ECRI fully supports the view of the Ombud for Equal Treatment. It clearly appeared from ECRI's findings during the 2025 visit that inconsistencies between equal treatment laws and shortcomings in federal legislation had negative consequences for the equal treatment of groups of concern to ECRI in Austria.
98. ECRI recommends that the authorities commission an independent review of all federal and provincial laws pertaining to equal treatment with the objective of making any necessary proposals for appropriate legislative changes and the adoption of a comprehensive equality legislation covering all prohibited discrimination grounds and policy areas relevant to ECRI.
99. During its 2025 visit to Austria, the ECRI delegation went to the Anti-discrimination Office in Styria, an Office which could be described as mitigating the gaps and fragmentation in the existing legal framework on equal treatment. This unique service offers a one-stop address where people who feel they have suffered discrimination can seek advice, with referrals to specialised bodies. By way of illustration, ECRI notes that, among cases addressed by the Anti-Discrimination Office in 2023 and 2024, some 11% concerned education and some 5% were related to healthcare. ECRI got a very favourable impression of the work of this body. At the same time, ECRI learned that its budgetary resources were reduced in the second half of 2025 and generally remained uncertain. ECRI trusts that a solution will be found to allow the Anti-discrimination Office in Styria and services of the kind in Austria to continue providing valuable advice and assistance to victims of discrimination.

C. Legal gender recognition

100. ECRI learned that, in January 2025, the Supreme Administrative Court made legal gender recognition for transgender persons more challenging¹¹⁴ by ruling that, based on the legislation that is currently in force in Austria, the civil registry should correspond to a person's "biological, physical sex". While transgender persons can still change their legal gender, the process now requires a medical diagnosis of gender dysphoria and evidence of a persistent, likely irreversible sense of belonging to the other gender, as well as a clear approximation of external appearance to that gender. The ruling does not require surgery or divorce, but it

in its jurisprudence with regard to gender in civil status law, the Federal Constitutional Court holds that Article 8 of the European Convention on Human Rights guarantees the right to officially carry an alternative gender identity beyond male or female and that "gender" is to be understood to include other gender variations. See Constitutional Court (2018, June, 15) [Decision G 77/2018-9](#) and for further commentary on relevant Constitutional Court case law, see [Hopf/Mayr/Eichinger/Erler, GIBG \(2021\) Einleitung](#), page 17 and footnote 242. In this context, it should be noted that another piece of federal legislation applicable to federal employees only (B-GIBG - available [here](#)) contains Section 2(6) on terminology, which clarifies that under this law, the term gender should be understood as encompassing sex characteristics, and gender identity and expression.

¹¹³ The recommendations made by the Federal Ombud for Equal Treatment are listed [here](#).

¹¹⁴ For explanations about the ruling see Equaldex, [Entry #5118: Right to change legal gender in Austria here](#).

does reinforce medical and appearance-based criteria, making the process more restrictive.¹¹⁵

101. ECRI recommends that the authorities review the legislation in order to ensure that it guarantees a quick, transparent and accessible process for legal gender recognition, in the light of ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other Council of Europe relevant standards.

¹¹⁵ For details about the right to change legal gender in Austria, see Equaldex, [Entry #5118: Right to change legal gender in Austria](#) and [oesterreich.gov.at, Changing assigned sex](#).

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the authorities of Austria are the following:

- (§22) ECRI recommends that the authorities, after broad consultations with the Ombud for Equal Treatment and relevant civil society actors, develop a national action plan against hate speech and hate crime, which addresses all forms of racism and intolerance, and allocate appropriate financing for its implementation and regular evaluation.
- (§85) ECRI recommends that the authorities prepare and bring to Parliament a comprehensive bill aimed at explicitly and specifically prohibiting any medical intervention on a person's sex characteristics, including surgical, hormonal and/or mechanical procedures and other treatments, without their prior, free, informed, express and documented consent. The preparation of such legislation should include appropriate consultations with relevant stakeholders and take due account of ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and Recommendation CM/Rec(2025)7 of the Committee of Ministers of the Council of Europe on equal rights for intersex persons.

These recommendations should be implemented within 18 months after the publication of the report. A process of interim follow-up will subsequently be conducted by ECRI to review action taken to implement them.

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§ 3) ECRI recommends that the authorities commission an independent review of the hate crime legislation, in particular § 283 of the Criminal Code, with a view to ensuring that gender identity and sex characteristics are fully and consistently taken into account as personal characteristics or statuses (criteria) on which hate elements may be determined in the commission of a crime and to making any necessary proposals for appropriate legislative changes, in the light of ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime. If necessary, Council of Europe support should be sought.
2. (§ 14) ECRI recommends that the authorities take action to promote a safe, inclusive, and enabling online and offline civic space in which civil society organisations working against racist and other forms of hate crime can operate, by ensuring adequate support and protection from threats, harassment or attacks. In doing so, the authorities should draw inspiration from Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime.
3. (§ 22) ECRI recommends, as a matter of priority, that the authorities, after broad consultations with the Ombud for Equal Treatment and relevant civil society actors, develop a national action plan against hate speech and hate crime, which addresses all forms of racism and intolerance, and allocate appropriate financing for its implementation and regular evaluation.
4. (§ 27) ECRI recommends that the authorities develop the role of specialised hate crime police investigators and prosecutors and provide them with enhanced training on hate crime and appropriate protocols and guidance, in the light of the Council of Europe Committee of Ministers' Recommendation CM/Rec(2024)4 on combating hate crime and other European and international standards.
5. (§ 41) ECRI recommends that the authorities take further action to provide effective German language support by: i) reviewing the content of, and procedures surrounding, the Measurement Instrument for German Competence Analysis (MIKA-D test) with a view to ensuring the equal treatment of all pupils who may be in need of German support classes, regardless of personal characteristics or status such as citizenship, national or ethnic background or religion, and ii) carrying out a needs assessment as regards the number of German language support teachers and facilities for language support and making any necessary adjustments.
6. (§ 50) ECRI recommends that the authorities promptly commission an independent review of §43a of the School Education Act in the light of the relevant case-law of the Federal Constitutional Court and the European Court of Human Rights, as well as ECRI's General Policy Recommendation No. 5 on preventing and combating racism and discrimination against Muslims, and bring forward in Parliament any appropriate proposals for legislative changes.
7. (§ 53) ECRI recommends that the authorities make use of the Second International Decade for People of African Descent (2025-2034) proclaimed by the United Nations General Assembly as a positive tool to review the chapters of school textbooks pertaining to Africa, Africans and people of African descent and to address any stereotypes and prejudices in schools in relation to persons, including schoolchildren, of African descent.
8. (§ 61) ECRI recommends that further research be commissioned by the authorities with respect to the health status and access to health care by members of various groups of concern to ECRI in order to address any inequalities and discrimination,

including structural or institutional forms of discrimination, faced by people belonging to these groups.

9. (§ 68) ECRI recommends that the authorities scale up, in consultations with relevant civil society actors, awareness-raising and mandatory training activities for healthcare professionals, in particular medical staff, about prejudices that may influence them in the way they perform their duties and the specific needs of persons belonging to groups of concern to ECRI, including people of African descent, Muslims and LGBTI persons. In doing so, the authorities should take inspiration of General Recommendation No. 37 (2024) of the United Nations Committee on the Elimination of Racial Discrimination (CERD) on equality and freedom from racial discrimination in the enjoyment of the right to health and ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons.
10. (§ 77) ECRI recommends to the authorities that training in equality legislation and awareness-raising about how discrimination on grounds of relevance to ECRI may manifest itself in practice, be organised for patient commissioners and their office staff as well as for any other staff in charge of other types of internal complaints or mediation mechanisms within hospitals.
11. (§ 80) ECRI recommends that the authorities take action to ensure that transgender persons have safe, affordable, and timely access to necessary gender-affirming treatments across the country, in the light of its General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons.
12. (§ 85) ECRI recommends, as a matter of priority, that the authorities prepare and bring to Parliament a comprehensive bill aimed at explicitly and specifically prohibiting any medical intervention on a person's sex characteristics, including surgical, hormonal and/or mechanical procedures and other treatments, without their prior, free, informed, express and documented consent. The preparation of such legislation should include appropriate consultations with relevant stakeholders and take due account of ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and Recommendation CM/Rec(2025)7 of the Committee of Ministers of the Council of Europe on equal rights for intersex persons.
13. (§ 93) ECRI recommends that the authorities strengthen their efforts to prevent and combat any form of police racist abuse by: i) providing police officers with additional guidance and training on how to address any potential bias when performing their duties and the use of bodycams when in contact with people belonging to groups in a situation of vulnerability, such as people of African descent; ii) developing an effective monitoring system of police stops / identity checks; iii) reviewing the effectiveness and, where relevant, the independence of police complaints mechanisms. In doing so, the authorities should take due account of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, General Recommendation No. 36 of the United Nations Committee on the Elimination of Racial Discrimination (CERD), and the work of other Council of Europe bodies, such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).
14. (§ 98) ECRI recommends that the authorities commission an independent review of all federal and provincial laws pertaining to equal treatment with the objective of making any necessary proposals for appropriate legislative changes and the adoption of a comprehensive equality legislation covering all prohibited discrimination grounds and policy areas relevant to ECRI.
15. (§ 101) ECRI recommends that the authorities review the legislation in order to ensure that it guarantees a quick, transparent and accessible process for legal

gender recognition, in the light of ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other Council of Europe relevant standards.

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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-by-country procedure, engaged into confidential dialogue with the authorities of Austria on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 3 December 2025, 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 seventh report by the European Commission against Racism and Intolerance (ECRI) on Austria

General Observations

The Austrian government attaches great importance to the promotion and protection of human rights and fundamental freedoms, both on a national and international level. Particular emphasis is placed on the fight against racism, xenophobia, antisemitism, and related forms of intolerance, to which Austria remains firmly committed.

Austria has a well-established legal framework that enables authorities and courts to effectively address extremism, racism, antisemitism, and xenophobic acts. At the same time, there is a distinct awareness that discriminatory attitudes and incidents continue to persist. Addressing these challenges requires long-term, comprehensive, and targeted policy responses.

Austria therefore aims to continuously strengthen its system of protection against discrimination, not only through legislation and its effective implementation, but also through awareness-raising initiatives and education. This is understood as an ongoing process grounded in commitment, openness, and dialogue. Hence, Austria is working on comprehensive strategies to prevent and combat antisemitism, racism, xenophobia, and extremism. The current government program (2025 – 2029) includes inter alia the development of a National Action Plan (NAP) against Hate Crime, underscoring a strong commitment to effectively prevent and combat bias-motivated violence and discrimination. In this regard, Austria has recently adopted the second version of its NAP against Antisemitism, which addresses, among other factors, antisemitism in the digital space and underlines the importance of international cooperation.

Austria is committed to supporting its linguistic and cultural diversity. This continuous commitment is also reflected in its efforts to promote equality, inclusion and participation of the national minority of the Roma. Through the National Minority Advisory Council of the Roma, the regular meetings of the Roma Dialogue Platform and ongoing contact with representatives of Roma associations a constructive exchange is maintained, enabling the discussion of current issues and needs as well as the development of measures. In particular, through the national minority funding, important projects in the fields of education, culture and remembrance of the Roma community are supported on an annual basis.

Austria also attaches great importance to international monitoring mechanisms, particularly the work of the European Commission against Racism and Intolerance (ECRI). The Seventh Report on Austria provides valuable insights and recommendations, serving as an important basis for the continued development of national efforts to combat racism, xenophobia, antisemitism, and related forms of intolerance.

General remark regarding the designation of the *Ministry of Labour, Social Affairs, Health, Care and Consumer Protection* in the report:

Austria would like to remark that the name of the Ministry of Labour, Social Affairs, Health, Care and Consumer Protection is not used consistently throughout the report. Where a reference under the current name (Federal Ministry of Labour, Social Affairs, Health, Care and Consumer Protection) is not appropriate due to historical references, the applicable historically correct name should be used (end of 2017-2021: Federal Ministry of Labour, Social Affairs, Health and Consumer Protection; 2021-2025: Federal Ministry of Social Affairs, Health, Care and Consumer Protection; since 2025: Federal Ministry of Labour, Social Affairs, Health, Care and Consumer Protection), e.g. pp. 22, 33.

Specific Observations

Paragraphs 2 and 3 (p. 6)

With respect to sex characteristics, Austria maintains its position that those are fully covered by the term „Geschlecht“ in Section 283 of the Austrian Criminal Code (StBG). Austria wishes to reiterate that the German term „Geschlecht“ covers both the biological sex (“biologisches Geschlecht”) referred to as “sex” in English as well as the social gender (“soziales Geschlecht”) referred to as “gender” in English. It would be an unnecessary duplication (which could create further ambiguities and uncertainties) to include the term „Geschlechtsmerkmale“ besides „Geschlecht“ in the legal definition. Austria regrets that its comments have not been taken into regard in this respect.

With respect to gender identity, the perceived shortcoming stated in the report (para. 2) is an expressed concern of representatives from civil society that gender identity is not well known as an acknowledged hate-crime criterion. Austria wishes to state that this perceived shortcoming addresses (only) the issue of information, but not of the legal framework as such. Therefore, the recommendation of an independent review of legislation with a view to an amendment of the substantive criminal law legislation does not seem to be an appropriate means to deal with the perceived shortcoming in terms of awareness/knowledge.

Austria wishes to reiterate its efforts in combatting hate crimes and the steps taken during the year 2025. These include, in particular, the decree of the Ministry of Justice issued in May 2025. This decree contains information on the background, legal basis, technical steps and training opportunities in relation to (the recording of) bias-motivated offences. With respect to the category „Geschlecht“ the decree includes a number of examples: In particular, it details the different identifiers within the category „Geschlecht“. These are: „Divers/Inter“ (diverse gender/intersex), „Frau“ (woman), „Mann“ (man), „Trans“ (transgender) and „Andere“ (other) which is aimed to address identities not covered by the existing categories, such as cross-dressing, drag queens/kings, etc. Hence, the various aspects are fully covered.

Paragraph 14 (p. 8 - 9)

Austria recognizes the importance of the Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime and will carefully consider which elements of the Recommendation may be relevant and useful for Austria and have not yet been implemented through existing legal regulations or other measures in the drafting of the NAP against Hate Crime, which is currently being developed.

Paragraph 20 (p. 9)

Concerning the remarks in paragraph 20, Austria continues its efforts to combat antigypsyism. Of particular importance in this context is the Roma Dialogue Platform as it brings together representatives from Roma civil society, administration and research in order to create dialogue and discuss specific topics. The 29th Platform meeting was dedicated to the topic of combating hate crime.¹

Paragraph 40 (p. 14)

MIKA-D is a scientifically based diagnostic instrument. The decision on whether a student should take the test is made by the school principal during enrolment, if deemed necessary. Administering the test is not related to ethnic background, but to actual German language competences; in fact, there are also children born in Austria who require language support.

On the basis of the feedback on MIKA-D from the evaluation of the German support classes in 2022 as well as ongoing feedback from schools and academic experts, the

¹ www.bundeskanzleramt.gv.at/themen/volksgruppen/roma-strategie/dialogplattform-roma-strategie/29-dialogplattform-3-maerz-2022.html (18.3.2026).

instrument is being further developed. Information on the new version will be provided in the summer term 2026. From the school year 2026/27 onwards, the updated version of MIKA-D will be used in schools. Already in use is the so-called Ergänzungsskala (supplementary scale for teacher observation), which allows for the targeted inclusion of classroom observations made by teachers.

Resources for German language support have been increased. Under the new model, schools have the option to choose between the previous system – which includes separate German support classes (“Deutschförderklassen”) and support courses (“Deutschförderkurs”) – or to implement a school-based, autonomous model. The autonomous model can also be integrative, with language support provided within the regular classroom setting. However, the right to receive language support hours based on the MIKA-D result remains unchanged. For the autonomous approach, schools must develop a specific language support concept (“Sprachförderkonzept”) tailored to their needs. This gives schools greater flexibility in organizing support for students. The increase in staff provides schools with more possibilities to offer targeted support, as reflected in the staff allocation data.

On top of that, the so-called “Chancenbonus” (resource bonus for disadvantaged schools) provides 400 schools in challenging social contexts across Austria with additional resources. In many cases, schools receiving the “Chancenbonus” also have a high number of students in need of German support.²

Paragraph 44 (p. 15)

Concerning paragraph 44 of the ECRI report, attention should be drawn to the fact, that the General Didactic Principle 6 of the new curricula³, which entered into force progressively from the 2023/24 school year onwards, stipulates the following:

“One central task of the school is to create a framework for the respectful and appreciative treatment of diversity and the encounters between cultures in everyday life. Pupils should develop an awareness that diversity is a reality that is also a valuable resource. Pupils should learn that learning and mastering several languages is of crucial importance for the formation of individual identity, participation in society and culture as well as coexistence in a multilingual world. In particular, the language, culture and the respective history of the six autochthonous national minorities pursuant to Section 1 (2) of the National Minorities Act, Federal Law Gazette No. 396/1976, are to be addressed in Austrian classrooms, and awareness of minority rights and protection of minorities is to be fostered.”

In 2024, the Austrian Agency for Education and Internationalisation (OeAD) additionally devoted its annual thematic focus of the ERINNERN:AT programme to “the Genocide of the Roma and Sinti and its teaching in the classroom”.⁴ Furthermore, the Federal Government formally established 2nd of August as the National Day of Remembrance of the Genocide of the Roma and Sinti, honouring the Roma and Sinti who were persecuted and murdered during the Nazi regime.⁵

Paragraphs 47-50 (p. 15-16)

The law banning headscarves for schoolgirls under the age of 14 does not address religiosity, but rather the issue of children's opportunities for development and their protection from external control. (Convention on the Rights of the Child, Article 14.1.:

² <https://www.bmb.gv.at/Themen/schule/schulpraxis/ba/sprabi/dfk.html>

³ www.bmb.gv.at/Themen/schule/schulpraxis/lp/lp_ahs.html (19.3.2026).

⁴ <https://presse.oead.at/en/press-releases/news~austrias-largest-teacher-training-programme-on-holocaust-education-covers-the-genocide-of-roma-and-sinti> (18.03.2026).

⁵ <https://www.bundeskanzleramt.gv.at/bundeskanzleramt/nachrichten-der-bundesregierung/2024/08/nationaler-roma-gedenktageingefuehrt.html> (18.3.2026).

“States Parties shall respect the right of the child to freedom of thought, conscience and religion.”)

Paragraph 57 (p. 17)

With regard to the observations concerning healthcare in paragraph 57 it is important to add, that the lack of data often goes hand in hand with the freedom to self-identify as a member of a national minority.⁶ However, up until 2021, the Austrian National Public Health Institute (“Gesundheit-Österreich-GmbH”) conducted the research project “Sasto Chavoripe – Social Inclusion of Roma through Early Childhood Support”, which among other objectives, explored the experiences of Roma within the Austrian healthcare system, as well as issues and experiences related to early childhood and the provision of early childhood support services.⁷

Paragraphs 81-85 (p. 21-22)

The current government program contains the following points in this regard (see p. 108):

- Clear regulations to protect intersex minors from medically unnecessary procedures, including the involvement of self-advocacy organizations (e.g., AGS and VIMÖ), and expansion of awareness-raising measures for healthcare professionals to better educate them about intersexuality.
- NAP against Hate Crime: Development of a NAP against Hate Crime with the aim of halting the significant increase in hate crimes and taking preventative measures.

Paragraph 86 (p. 22)

The terms ‘conversion therapy’ or ‘conversion measures’ do not include medically-indicated, surgical interventions, medicinal, hormonal or other medically-indicated treatments aimed at expressing a person’s self-perceived gender identity.

Similarly, psychiatric, psychotherapeutic, health-psychological, clinical-psychological, music-therapeutic or similar scientifically based or recognised treatments, counselling or care that are aimed at expressing a person’s self-perceived gender identity or supporting it in an open-ended way are not covered by the term ‘conversion measures’.

Under current criminal law, conversion measures can only lead to criminal liability for bodily harm in accordance with Sections 83 et seq. StGB if they cause a condition with a medical value from a medical point of view.

A particular vulnerability exists in the case of minors, children and adolescents as well as adults who are incapable of making decisions or who are defenceless due to frailty, physical or mental illness or comparable impairment of decision-making capacity.

The object of protection under Section 212 StGB is sexual integrity in conjunction with the freedom to form and exercise one’s will. The freedom of will and to act must also be protected when a supervisor carries out conversion measures on a person under their care.

A draft for a corresponding law is currently under political discussion.

⁶ § 1 Abs. 3 Volksgruppengesetz, BGBl. Nr. 396/1976.

⁷ Weigl, Marion; Winkler, Petra; Haas, Sabine (2020): *Sasto Chavoripe - Soziale Inklusion von Roma durch Frühe Hilfen. Ergebnisse der Literaturrecherche*. Gesundheit Österreich, Wien. <https://jasmin.goeg.at/id/eprint/1549/> (18.3.2026).

The European Commission against Racism and Intolerance (ECRI) is a unique human rights body that monitors Council of Europe member states' action against racism, intolerance and discrimination on grounds of "race", colour, language, religion, citizenship, national or ethnic origin, sexual orientation, gender identity and sex characteristics.

ECRI was set up by the first Summit of Heads of State and Government of the member states of the Council of Europe in 1993 and became operational in 1994.

ECRI is composed of 46 members appointed on the basis of their independence, impartiality, moral authority and expertise in dealing with issues of racism, intolerance and related discrimination. Each Council of Europe member state appoints one person to serve as a member of ECRI.

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