

[Home](#) > ... > [Your Rights](#) > [Fundamental Rights](#) > [Business and Human Rights](#) > Austria

Business and human rights

Content provided by:

Austria

Austria



1. What kind of judicial protection do I have in your country as a victim of business- related human rights violations? Does this protection include compensation?

As in other Member States, international jurisdiction is largely determined by the 'Brussels 1a Regulation' ([Regulation No 1215/2012](#): 'the Regulation'). This enables an action to be brought – particularly where the undertaking (or a branch thereof) has its registered office in Austria – irrespective of where the claimant is domiciled and/or what their nationality is. Other jurisdictions are mentioned in Article 7 of the Regulation. The place where the damaging event occurred or the place where a contractual obligation should have been fulfilled might be relevant.

2. Do you have specific rules for gross human rights violations? Do these rules apply to environmental crimes or severe labour exploitations?

The Austrian law on extra-contractual liability does not contain any specific provisions on gross human rights violations. However, if a gross human rights violation results in the violation of an individual right protected by law, general contractual liability may come into consideration. In other words, whoever intentionally or through negligence unlawfully damages the life, health, freedom, property or any other right of another person is liable for damages. Where harm is caused to life or limb, health, freedom, property or any other right, not only the person who caused the harm directly is liable but also anyone who failed to take the necessary and reasonable measures to prevent harm being done to a third party, if that person created a source of risk (*Verkehrssicherungspflicht*).

From the point of view of criminal law, gross violations of human rights are also considered to be general offences.

3. I am the victim of a human rights violation resulting from activities carried out outside the European Union by a European transnational corporation. Do I have access to the courts in your country if I am not an EU citizen or I don't live in the EU? Under what conditions can I claim a violation of my rights? Where can I find additional information?

See Section 4 below.

4. Can ombudsman institutions, equality bodies or national human rights institutions support victims of business-related human rights violations

committed by European transnational corporations outside the European Union? Can these bodies investigate my case if I am not an EU citizen or I don't live in the EU? Are there other public services (such as a labour or environmental inspectorate) in your country that can investigate my case? Where can I find information about my rights?

As in other Member States, international jurisdiction is largely determined by the 'Brussels 1a Regulation' ([Regulation No 1215/2012](#)). This enables an action to be brought – particularly where the undertaking (or a branch thereof) has its registered office in Austria – irrespective of where the claimant is domiciled and/or their nationality. Other jurisdictions are mentioned in Article 7 of the Regulation. The place where the damaging event occurred or the place where a contractual obligation should have been fulfilled might be relevant.

If the Brussels 1a Regulation or the 2007 Lugano Convention (the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters) are not applicable, international jurisdiction is always conferred under Section 27a of the Court Jurisdiction Act (*Jurisdiktionsnorm* – JN) if an Austrian court has territorial jurisdiction. Jurisdiction for the infliction of harm under Section 92a JN is, however, based solely on the place where the harmful conduct took place. However, other jurisdictions could be considered, such as that of the place of perpetration, under Section 88 JN, or the place where the property is situated, under Section 99 JN.

5. Does your country impose obligations on European transnational corporations to establish complaint mechanisms or mediation services for violations resulting from their business activities? Do these obligations also apply to violations that occur outside the European Union? Who is in charge of monitoring these activities in your country? Are there public reports available providing information on the functioning of the system?

The granting of legal aid is not linked to having Austrian citizenship or citizenship of the EU.

The aim of legal aid is to enable all litigants to pursue their rights under civil law or to defend their rights before the courts, regardless of their individual financial situation. The costs which arise from pursuing a legal dispute should not constitute an obstacle to enforcing claims or to a person's defence, even if that person lacks sufficient resources of their own. The possibility of granting legal aid is intended to eliminate differences resulting from individuals' financial situation and enable not only the principle of equality but also the right, stemming from Article 6(1) of the ECHR, of free and unhindered access to justice to be upheld, and to ensure everyone has equal access to justice.

However, a party to legal proceedings who is granted legal aid is exempted only provisionally from the obligation to pay their own legal costs. The opposing party does not benefit from this provisional exemption.

The court will grant a party legal aid only if the conduct of the proceedings would otherwise be detrimental to their necessary maintenance. The intended legal action or defence must not be manifestly wanton or futile if there is to be a chance of legal aid being granted.

'Necessary maintenance' means the resources the party requires for a modest standard of living for themselves and any family for whose upkeep they are responsible. Necessary maintenance lies in an area between 'essential' and 'appropriate' maintenance. It is between the average statistical income of a person in gainful employment and the minimum subsistence level. For international cases, the circumstances prevailing at the place of residence determine what is necessary for a modest standard of living.

Section 64 of the Austrian Code of Civil Procedure lists the items which may be covered by legal aid.

Under certain conditions, non-Austrian claimants may have to provide a security in accordance with Section 57 of the Code of Civil Procedure, meaning that the defendant must be provided with security for the costs of the proceedings if the defendant so requires. However, many bilateral agreements provide for the exclusion of such

security provision. Moreover, an exemption from the provision of security for legal costs is also possible under legal aid (Section 64(1)(2) of the Code of Civil Procedure).

The bilateral agreements concluded by Austria are available on the website of the Ministry of European and International Affairs: [Bilaterale Staatsverträge – BMEIA, Außenministerium Österreich](#).

■ Last update: 22/11/2023

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.