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Member States' best practices on the Charter

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Austria



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Examples of best practices in Austria on the use and awareness of the EU Charter of Fundamental Rights (the Charter)

1) General remarks

Austrian courts have traditionally been open to European law. Awareness and acceptance of European fundamental rights in Austria is high. This is, among others, due to the fact that the European Convention on Human Rights (ECHR) was assigned constitutional status in 1964. Since then, the ECHR has been part of the Austrian Constitution. Likewise, the Charter is broadly accepted and applied in Austria because it reflects existing catalogues of human rights in the Austrian Constitution: for most Charter rights there is already a corresponding right in the ECHR.

In Austrian practice, any awareness raising regarding human rights includes the Charter. Against the background of the strong openness towards the EU legal area, Austria has actively sought the seat of the EU Fundamental Rights Agency (FRA) in Vienna. Since its foundation in 2007, the FRA is based in Vienna, which contributes to visibility, awareness raising and acceptance of the Charter in Austria. The FRA's objectives cover the respect, protection, promotion and fulfilment of fundamental rights in the EU.

In general, there is a longstanding human rights tradition in Austria. Many decades ago, Austria has ratified or acceded to a number of international treaties (e.g. ECHR and UN Genocide Convention in 1958; CERD in 1972; CEDAW in 1982; CCPR in 1978; CRPD 2008). Through these treaties (together with domestic constitutional law), a wide-ranging protection of human rights within the meaning of the Universal Declaration of Human Rights was ensured in the Austrian legal sphere already at an early stage. In addition to respect for fundamental rights, the ratification of such treaties was intended to express Austria's solidarity with the United Nations in promoting and realising the principles of the UN Charter and the Universal Declaration of Human Rights.

2) The Charter decision of the Austrian Constitutional Court

In its "Charter decision" of 2012, VfSlg. (Verfassungssammlung - Collection of the Austrian Constitutional Court) 19.632/2012, the Constitutional Court partly "constitutionalised" the Charter. Since then, the Court attributes the status of constitutionally guaranteed rights to those Charter rights that are "similar in wording and determination" to rights guaranteed by the Austrian Constitution. Provided the matter falls within the scope of application of the Charter, those rights can be invoked as constitutionally guaranteed rights before the Constitutional Court in individual complaint proceedings and form a standard of review in the general assessment of the constitutionality of a legal provision.

3) Application of the Charter by Austrian courts

In the Austrian jurisdiction, all three highest courts (Constitutional Court, Supreme Administrative Court and Supreme Court) review the application of the Charter in legislation, administration and judiciary on a regular basis, provided that the scope of application of EU law is opened in the case in question in accordance with the jurisprudence of the ECJ.

4) Important institutions in the field of human rights

a) Human Rights Coordinators

The Constitutional Service of the Federal Chancellery coordinates general issues relating to the protection of human rights at the domestic level in close co-operation with the Federal Ministry for European and International Affairs. They are *primus inter pares* of the network of so-called Human Rights Coordinators of the Federal Ministries and the federal provinces (*Länder*). This network plays a crucial role in the further improvement of human rights protection as the Coordinators are charged with the essential and challenging mission to improve human rights mainstreaming in their respective areas of work. They contribute to awareness raising for the Charter, for example by disseminating information on Charter tools developed by the FRA.

b) The Austrian Ombudsman Board and other equality bodies and independent authorities

The Austrian Ombudsman Board (*Volksanwaltschaft*) functions as the National Human Rights Institution in Austria. It contributes significantly to the implementation and guarantee of human rights, including Charter rights, and thus complements the very good protection offered by the independent courts. The Austrian Ombudsman Board has conducted a constant, institutionalised dialogue with civil society and human rights experts from various fields. Through its contact to NGOs it plays a significant part when it comes to raising awareness for Charter rights.

In addition to the Austrian Ombudsman Board, several other independent authorities contribute to upholding fundamental rights in different areas:

These include the Ombudsman for Equal Treatment (*Gleichbehandlungsanwaltschaft*), the Federal Equal Treatment Commission and the Equal Treatment Commission (*Bundes-Gleichbehandlungskommission* and *Gleichbehandlungskommission*; <https://www.bundeskanzleramt.gv.at/agenda/frauen-und-gleichstellung/gleichbehandlungskommissionen.html>), the Federal Disability Ombudsman (*Behindertenanwaltschaft*), the Ombudsman for Children and Youths in each federal province (*Kinder- und Jugendanwaltschaften*) and the Investigation and Complaints Office for Allegations of Maltreatment (*Ermittlungs- und Beschwerdestelle Misshandlungsvorwürfe – EBM*). The EBM was established at the Federal Bureau of Anti-Corruption (*Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung* or *BAK*) and took up its work on 22 January 2024. Its task is to investigate allegations of maltreatment by the police. The EBM is also responsible for criminal investigations in all cases of coercive violence resulting in death and life-threatening use of weapons. The EBM investigates criminal cases under the direction of the public prosecutor's office. In the case of complaints below the threshold of criminal liability, the EBM reports the results of the investigation to the responsible superior.

c) Academic human rights institutes

As examples of non-governmental initiatives that promote the use and awareness of the Charter, a number of Human Rights Institutes shall be mentioned. They promote the dissemination of human rights and the implementation of the Charter on the regional and local level.

The European Training and Research Centre for Human Rights and Democracy (*Europäisches Trainings- und Forschungszentrum für Menschenrechte und Demokratie*) addresses both theoretical and practical issues related to the implementation of human rights and democracy at the local and regional level in Austria in order to promote human rights education.

At the University of Graz, the *UNESCO Chair in Human Rights and Human Security* was established in 2016 to strengthen interdisciplinary teaching, research, academic cooperation and outreach in human rights and human security. The Chair supports UNESCO's objectives of life-long learning and human rights education as a means to promote global citizenship and foster peace and stability. The Chair teaches human rights and strengthens the University's capacity in interdisciplinary research in human rights and human security.

The Ludwig Boltzmann Institute of Fundamental and Human Rights (*Ludwig Boltzmann Institut für Grund- und Menschenrechte*) is an independent, non-university research institute. It has established cooperation with international, European and national institutions, including the FRA, and it provides educational work for school teachers, training of members of the executive forces and the judiciary, advocacy work for and monitoring of

state institutions.

The Austrian Institute for Human Rights (*Österreichisches Institut für Menschenrechte*) is a centre of the University of Salzburg and stands for scientifically based dissemination of human rights in German-speaking countries, focussing especially on the protection of human rights in the context of the ECHR, the Charter and the United Nations. Its main tasks include the documentation and dissemination of the jurisprudence of European, international and Austrian courts in the field of fundamental and human rights, as well as education and training on human rights aspects.

d) Human rights committee of the Austrian Parliament

The human rights committee (*Ausschuss für Menschenrechte*) deals with all draft bills, motions and reports relating to fundamental rights. This includes human rights policy, racism and xenophobia, discrimination issues, asylum and deportation conditions. The ECHR and other international treaties are also a recurring topic in the human rights committee. There are regular debates with ministers on current issues.

e) Dialogue platform „POLIZEI.MACHT.MENSCHEN.RECHTE“

As part of the project “[POLIZEI.MACHT.MENSCHEN.RECHTE](#)” or PMMR, which can be translated as “POLICE.POWER.HUMAN.RIGHTS”, human rights issues relating to the police were discussed from the perspectives of the Federal Ministry of the Interior and of civil society organisations in a dialogue committee from 2008 to 2016. From the year 2016 this process is established as a permanent part of the police organisation. The work in PMMR has ever since been taking place in dialogue forums, which exist at central level as part of a “Civil Society Dialogue Committee (ZDG)” and at decentralised level as part of a “Regional Dialogue Forum (RDF)” and a “Practitioner Group” per Provincial Police Directorate (*Landespolizeidirektion*). Measures that are taken up within the framework of PMMR serve to strengthen the implementation of agreed guiding principles in the police organisation and to analyse the organisation's structures and processes on the basis of current individual cases relevant to human rights. The central results of this work are insightful recommendation papers that serve as a decision-making basis for the executive organisation in the implementation of concrete measures. In mixed working groups, specialist circles dealt with topics such as “Dealing with allegations of mistreatment”, “Civil society participation in the pilot project Bodycams for the Police”, “Human rights challenges in connection with the dispersal of assemblies and demonstrations” and “Racism-critical security authorities”.

5) Education and Training Measures

a) University Education

Education in fundamental and human rights is a fixed part of the curricula at all Austrian law faculties. These topics are taught in law courses at other faculties as well. By way of example, the following programmes are mentioned:

Within the framework of the Law diploma programme at the University of Vienna, students may specialise by choosing so-called “elective baskets”. The programme of the elective basket “[Fundamental and Human Rights](#)” includes a course on European protection of human rights, focusing on the ECHR and the Charter. The University of Vienna also offers a one-year “[Human Rights](#)” postgraduate programme.

At the University of Graz, there is a ring lecture on “[Introduction to humanrights](#)”. The course includes an in-depth look at selected human rights problem areas. The lecture series enjoys great popularity not only among students of all faculties of the University of Graz but even among non-students.

b) Training for Practitioners

In Austria, every future judge and public prosecutor has to attend a specific seminar on fundamental rights as part of their mandatory four-year initial training period. The three-day training deals with the most important sources of fundamental and human rights – including the Charter – and puts a particular focus on enabling candidate judges to use their legal knowledge in practice.

Furthermore, practicing judges and public prosecutors may participate in international trainings as provided by

the European Law Academy (*ERA; Europäische Rechtsakademie*) and the European Judicial Training Network (EJTN), for example. These institutions regularly offer trainings on topics such as „Human Rights and Access to Justice in the EU“, „Applicability and Effect of the European Charter on Fundamental Rights in National Proceedings“ and „Charter of Fundamental Rights of the European Union“. Judges, public prosecutors and court staff also take part in EJTN study visits to the FRA and the CJEU.

In addition, the Austrian Ministry of Justice organised two trainings on the Charter in practice as part of the EU-funded project „Judging the Charter“.

Besides, the Charter is addressed in the mandatory basic training of prison staff. Further education in Human Rights is provided, including “train the trainer – seminars” on the Charter.

Further possibilities of strengthening the awareness of this topic are being evaluated continuously.

The Austrian Federal Academy of Public Administration (*Verwaltungsakademie des Bundes*) offers training to public officials. This includes courses about fundamental rights protection in the EU. One of the courses ([Fundamental rights protection in the European Union](#)) focuses on EU fundamental rights protection in case law, legislation and in the work of the EU institutions, in particular the FRA. The role of the Charter is also dealt with in detail, including its significance for national case law.

The Austrian Academy of Administrative Justice for Law, Management and Innovation (*Österreichische Akademie der Verwaltungsgerichtsbarkeit für Recht, Management und Innovation*) offers regular knowledge updates and an ongoing exchange of knowledge on legal and management issues to administrative court judges. The training programme includes, for example, a workshop on the significance of the Charter for the jurisprudence in Austria, which also addresses the guarantees of the Charter and their validity in Austrian law.

Within the Federal Ministry of the Interior, human rights training is offered to executive bodies, including in-depth training for leading police officers. Knowledge of the Charter and its significance is taught in basic and advanced training at all levels of executive and administrative staff. Lecturers, in particular those who teach the obligatory subjects “[Human Rights](#)”, “Constitutional Law” and “European Law”, have various information, teaching and learning materials at their disposal for this purpose, which also refer to the Charter in general. Among others, general concepts of human rights (significance, development, contents of human rights documents and human rights as basic values of our society), principles of human rights, the ECHR, analysis schemes for human rights cases, national and international control mechanisms as well as a visit to a memorial site are part of the training content. Furthermore, the seminars “[A World of Difference](#)”, which are offered especially to police officers in cooperation with the Anti-Defamation League, have as their main objective to recognize and counteract prejudices of any kind as well as discrimination and stereotyping.

In the remit of the Federal Ministry of Defence human rights education is part of the obligatory training within the Austrian Armed Forces. Lessons on the topics of fundamental rights, democracy and the state, as well as the protection of human rights through peacekeeping, take place in defence policy lessons for conscripts and in security policy training for all other active soldiers and members of the militia.

The basic training of all civilian personnel of the Federal Ministry of Defence and the Austrian Armed Forces is regulated in specific directives. As part of the curriculum, “Fundamentals of Austrian constitutional law and the organisation of authorities and the law of the European Union” is included as a compulsory subject. It also includes a focus on the fundamental rights and freedoms enshrined in the Charter and in the ECHR. Human rights and the Charter are therefore covered in the compulsory training of all personnel - military and civilian - of the Austrian Armed Forces and the Federal Ministry of Defence.

c) Schools

Teaching fundamental rights at school

Knowledge of the Charter and its significance is taught in Austrian schools as part of “EUropolitical education”. For this purpose, teachers have various teaching and learning materials at their disposal, ranging from easily accessible basic information such as the political encyclopedia for young people (*Politiklexikon für junge Leute*) to offers of the FRA (e.g., https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-eu-rights-agency_de.pdf).

The topic is included in the curriculum for history and social studies/political education ([module 8: political participation](#); see also "[Zentrum Polis](#)") and through the teaching principle of political education, which applies to all school types and levels (see [Basic Decree 2015](#)).

„Constitution goes school“ (*Verfassung macht Schule*)

Since 2020, the Constitutional Court has offered visits by judges and employees of the Constitutional Court to schools, as well as guided [tours for school groups](#) to the Court. The Court offers incentives and impulses to teachers in order to deal with basic questions on the topics of constitution, democracy and fundamental rights – including the Charter – with their students. For this purpose, information material for schools is available for download on the Constitutional Court’s website. The target group is young people aged 14 and older.

From spring to fall 2021, the exhibition “Constitutional Court on Tour” travelled through all federal provinces and could be visited by students at many locations.

In October 2024 the Constitutional Court organised an exhibition in front of its building that was on display and accessible to the public for two days. The exhibition was called „Constitution dialogues“ (*Verfassung im Dialog*). In this event constitutional court judges and staff answered questions and there were guided tours of the Constitutional Court, two lectures on the history of the Constitutional Court and its role today, television interviews including with the President of the Constitutional Court as well as an art performance using light, music and dance elements. A final highlight was the illumination of the Constitutional Court building by an internationally renowned light artist.

d) Initiatives in the Austrian Parliament

The topic of fundamental rights is reflected in the Austrian Parliament's [democracy workshop](#) in several ways. The Austrian Parliament’s democracy workshop “*Demokratiewerkstatt*” is an educational initiative for students of different ages and school types as well as for apprentices. All formats of the workshops and initiatives include fundamental rights education which also covers the Charter. For example, the format “Parliament just for you” is aimed at people with learning disabilities and covers i.a. the topic of fundamental rights in a pedagogically and didactically appropriate way. The outreach format and travelling exhibition “Parliament on Tour” deals with fundamental rights in a separate interactive exhibition wall. As part of the initiative “Democracy Workshop International”, formats are developed with the parliaments of Kosovo, Albania, North Macedonia, Montenegro, Ukraine and Georgia.

The Austrian Parliament’s democracy workshop is accompanied by the virtual democracy workshop “*Demokratiewebstatt*” which brings democracy education to children across Austria. The Charter is covered i.a. in an information page on “[Fundamental and human rights](#)” (in German).

Since 2009, there have been regular workshops for students from schools throughout Austria, focusing on the “European Union”. Representatives of all political groups and experts from different institutions are invited to these workshops to discuss this topic with young people on site and share their expertise with the youth. MEPs as well as experts from the European Commission Representation in Austria participate in the events.

Within the framework of the Conference on the Future of Europe, five specially designed workshops focussed on the European Union between October 2021 and February 2022. In these workshops, students together with members of the National Council and (former) MEPs dealt with the topics “Democracy in Europe”, “A Stronger Economy, Social Justice and Employment”, “Migration”, “Climate Change and the Environment” and “Principle of the Rule of Law”.

In an outstanding event on democracy, fundamental rights and media at the end of 2021, students exchanged views with the President of the National Council, a historian and the granddaughter of Hans Kelsen – the famous Austrian jurist and philosopher – at the Hofburg in Vienna. The digital media toolkit “Reconstruction” was presented, which offers multimedia material on democracy. The President of the National Council highlighted the conveyance of democracy and the focus on fundamental rights as essential tasks of parliament. He also emphasised the inestimable value of the observance and discussion of the Charter. During a round table, students were able to ask questions which they had worked out in advance in the democracy workshop.

In January 2023, the building of the Austrian Parliament reopened its doors after almost five years of renovation.

The building now contains a newly created visitor's centre "[Demokratikum - Experience Parliament](#)" which can be visited free of charge. The visitor's centre addresses visitors of all ages and educational levels to learn about parliamentarism, the rule of law and the history of the Austrian political system. At a media station "Our democracy" i.a. two videos are presented, which cover the Charter and fundamental rights in general: "[Why are fundamental rights and liberties important?](#)" and "[What benefits does the rule of law bring us?](#)" (both in German; English subtitles are available for all the content in the visitor's centre). During the various free tours of the parliament building, visitors are made aware of the existence and importance of fundamental rights.

The parliamentary library and archives offer a permanent exhibition "In the Language Area of Democracy" which covers fundamental rights in two exhibition walls ("Paths to Democracy" and "The Essence and Value of Democracy") by way of displaying selected works of literature in the fields of political history and theory as well as constitutional law (in German).

In 2023, the parliamentary administration published a [brochure on fundamental rights](#) (in German). The brochure also covers the rights enshrined in the Charter. The parliamentary administration had a focus on human rights in general in connection with the 75th anniversary of the signing of the Universal Declaration of Human Rights (see an interview on "[75 years human rights - The state of human rights worldwide](#)" [in German] and a [light installation on the parliament building](#)).

In connection with Article 39 of the Charter, the European elections 2024 were addressed in a [brochure for first-time voters](#) (in German). The European elections were covered broadly by the parliamentary administration's communication service, for example on social media, in news reports, in official reports by the parliamentary correspondence and in podcasts. In addition, a number of events on the European elections took place, such as a Q&A with pupils and experts of the parliamentary administration and a special exhibition on the EU and the European elections in the Austrian Parliament building.

The Charter is frequently the subject of interparliamentary EU conferences, see the "[DROI ICMS](#)".

The Charter is generally considered in the implementation of EU projects, such as twinning projects together with the Ludwig Boltzmann Institute for Fundamental and Human Rights. In 2022 and 2024, the FRA was visited as part of the joint seminar of the [Western Balkans Fellowship Programme](#). Experts of the parliamentary administration also frequently participate in the FRA's Fundamental Rights Forum.

6) Further examples of best practices

a) Sports and large sport events

Human rights play a major role in the procurement of major international sport events. In order to standardise awarding processes, the Vienna Institute for International Dialogue and Cooperation and the Federal Ministry for Arts, Culture, Civil Service and Sport jointly published a handbook on international sport events and human rights (*Internationale Sportereignisse und Menschenrechte – Ein Handbuch zur Umsetzung in Österreich*) in 2021. It intends to support associations and event organisers in aligning international sport events in line with human rights.

Since 2015, the working group "Sport and Human Rights" has been in place to network the actors of organised sports in Austria. Three networking meetings are held each year to ensure an ongoing exchange on current human rights issues in sports and to address specific issues such as child protection or sexualised violence.

b) Culture and cinema

Among culture projects by non-governmental initiatives, which are supported by the Federal Government, the annual "this human world" film festival held in Vienna is worth mentioning. Since 2009, the Film Department has continuously supported this festival, which is organised by the association "This Human World - Verein zur Förderung und Verbreitung von Menschenrechtsthemen". The festival was founded on the 61st anniversary of the Universal Declaration of Human Rights.

7) Best practices of federal provinces

At the level of the federal provinces, there are great efforts to promote the application and awareness of the Charter. The report “[Human rights cities in the EU: a framework for reinforcing rights locally](#)” of 2021 shows how the Charter is implemented in the everyday practice of cities. It was written in a two-year process with the participation of more than 50 cities and EU institutions, led by the FRA. The report proposes a framework for becoming a human rights city in the EU. Since Graz has become the first European human rights city in 2001, other cities have joined the initiative, such as Vienna, Utrecht or Barcelona.

In Graz, the Human Rights Council monitors the human rights situation in the city and reports annually to the city council. The report compiles information from more than 150 local stakeholders, including city departments and civil society. It outlines existing problems and good practice, proposes recommendations and assesses how past recommendations were implemented (see the mentioned FRA report, p. 22 with further references).

In 2014, the Municipal Council of Vienna adopted the Declaration “Vienna – City of Human Rights”. The Declaration follows a participatory process of positioning Vienna as a human rights city with the aim of strengthening the observance and promotion of fundamental rights as well as further developing human rights awareness – both in the administration and among Vienna’s citizens. The Charter forms the backbone of the Vienna Declaration as well as the basis for the establishment of the Human Rights Office (the [Declaration](#)).

The [Human Rights Office](#) coordinates the topic of human rights and makes the city’s commitment visible to the outside world. Its main task is to implement the Vienna Declaration. The office cooperates with various municipal departments, other public institutions, NGOs, civil society initiatives and experts.

In 2019, the Human Rights Office developed the project “Vienna Human Rights Districts” with the aim to anchor the declaration “Vienna - City of Human Rights” in Vienna’s municipal districts. This also fosters the human rights-based approach at a local level by raising awareness and developing district-specific activities in a human rights context. The project was supported by the Vienna City Council with a resolution. The declaration as a Vienna Human Rights District is decided in the district council. As of 26 November 2024, 17 of Vienna’s 23 municipal districts have declared themselves Vienna Human Rights Districts.

In Salzburg, the [Human Rights Round Table](#) was constituted in 2011 as an independent advisory body in the field of human rights. It consists of 13 experts from various fields (administration, civil society, science and practice). Its tasks include monitoring the human rights situation, discussing current issues in human rights work, public relations work, etc.

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