

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 **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 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 realizing 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. The Court attributed the status of constitutionally guaranteed rights to those Charter rights that were "similar in wording and purpose" to rights guaranteed by the Austrian Federal Constitution. Those rights could thus be invoked as constitutionally guaranteed rights in cases of concrete judicial review in constitutional complaint procedures. Moreover, within the scope of application of the Charter, Charter rights would also constitute a standard of review in abstract judicial review proceedings. This is particularly important for cases in which there is no provision enshrined in the Austrian Constitution corresponding to that of the Charter. In these cases, national courts in general and the Constitutional Court in particular refer exclusively to the Charter.

3) Application of the Charter by Austrian Courts

In the Austrian jurisdiction, all three **highest courts** (Constitutional Court, 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.

According to the Legal Information System of the Republic of Austria (*Rechtsinformationssystem des Bundes, RIS*), as of 16 May 2022, the Charter was invoked by the Constitutional Court in 125 rulings so far. The Supreme Administrative Court has adopted 652 rulings and the Supreme Court has adopted 20 rulings where the Charter was cited among the most important norms on which the decisions are based. What concerns lower instance courts, only a selected number of decisions is published in the RIS.

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 the 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

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 **Ombudsperson for Equal Treatment** (*Gleichbehandlungsanwaltschaft*); the **Federal Disability Ombudsperson** (*Behindertenanwaltschaft*), and the **Ombudsoffices for Children and Youth** in each federal province (*Kinder- und Jugendanwaltschaften*).

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 Center 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.

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 program 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 program.

At the Karl-Franzens University of Graz, there is a [ring lecture](#) on "[Introduction to human rights](#)". 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“.

In addition, the Austrian **Ministry of Justice** organized 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 of the European Union](#) focusses on EU fundamental rights protection in case law, legislation and in the work of the EU institutions, in particular the EU Fundamental Rights Agency. 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.

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](#)) 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. 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.

d) The Austrian Parliament's Democracy Workshop

The topic of fundamental rights is reflected in the Austrian Parliament's [Democracy Workshop](#) in several ways.

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.

6) Further examples of Best Practices

a) Sports and large sporting events

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

Since 2015, the working group “Sport and Human Rights” has been in place to network the actors of organized 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 sexualized 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 organized 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. In 2022, it will again show current feature films, documentaries and short films on the topic 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 (consult the Declaration [here](#)).

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 **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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