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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Third periodic reports submitted by States parties under  
articles 16 and 17 of the Covenant**

**Addendum**

**AUSTRIA\* \*\* \*\*\***

[5 April 2004]

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\* The second periodic reports concerning rights covered by articles 6 to 9 and by articles 13 to 15 (E/1990/6/Add.5) submitted by the Government of Austria were considered by the Committee on Economic, Social and Cultural Rights at its eleventh session (see E/C.12/1994/SR.39-41) in 1994 (Concluding observations E/C.12/1994/16). The second periodic report concerning rights covered by articles 10 to 12 (E/1986/4/Add.8 and Corr.1) was considered by the Sessional Working Group of Governmental Experts on the implementation of the International Covenant on Economic, Social and Cultural Rights at its 1986 session (see E/1986/WG.1/SR.4 and 7).

\*\* The information submitted by Austria in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.8).

\*\*\* The present document has not been formally edited before being sent to the United Nations translation services and is being circulated as received.

## **I. INTRODUCTORY REMARKS**

1. The Committee on Economic, Social and Cultural Rights, set up on the basis of the International Covenant on Economic, Social and Cultural Rights, examined the second periodic report of Austria on 28 and 29 November 1994, as well as on 7 December 1994. The third periodic report would have been due on 30 June 1997, the fourth periodic report pursuant to articles 16 and 17 of the Covenant would have been due on 30 June 2002. The present report is therefore the consolidated version of the third and fourth periodic report of the Republic of Austria. Pursuant to article 17 (3) of the Covenant, it was drawn up in the form of an update of and a supplement to the previously furnished reports.

## **II. UPDATE OF THE SECOND PERIODIC REPORT**

### **A. Part of the report relating to general provisions of the Covenant**

2. In supplementing the second periodic report, the Republic of Austria refers below first of all to its international efforts to implement the objectives covered by the Covenant, as well as the legislative and other measures taken at the national level in order to reach these objectives.

#### **1. International commitments and obligations in the framework of the European Union**

3. Austria has joined both the International Covenant on Economic, Social and Cultural Rights and the European Social Charter. However, both international treaties were ratified with reservations on their implementation. They may therefore not be applied directly by authorities, but are to be fulfilled by the enactment of laws, and they therefore do not give rise to subjective rights and commitments of the individual. However, in keeping with the principle of interpreting domestic law in conformity with international law, they also serve in an interpretative function. In this connection, they must be used, in particular, when interpreting provisions that were issued for their implementation.

4. Austria ratified the European Social Charter in its basic version but not (yet) in the revised version that entered into force in 1999. Pursuant to article 20 (2) of the Charter, Austria has stated that all of its articles are fully binding, with the exception of individual paragraphs in certain articles. For these exceptions, Parliament was guided by the statutory provisions adopted by simple majority vote in the field of labour and social law as they existed in 1969. Most of these reservations relate to these statutory provisions, as well as to the rights of foreign workers. This exception is due to the fact that Austria has not enacted any law regarding strikes. Austria furnishes comprehensive reports on a regular basis on the application of the adopted provisions, always showing the guarantees under constitutional law, the simple majority statutory provisions, as well as the policy pursued by Austria in connection with the individual articles.

5. In the framework of the European Union, Austria welcomes the adoption of the Charter of Fundamental Rights; it also participated actively in the preparatory work in the Convention set up for this purpose. That the Charter was signed marks an important step in the direction of strengthening the protection of fundamental rights in the Union and - in the opinion of Austria -

the Charter is of major significance for the interpretation of applicable and future law, in spite of its - still - missing legal effectiveness. Moreover, Austria supports the efforts of the Convention to grant the Charter legal effect by incorporating it in the Constitutional Treaty of the European Union.

6. Chapter IV of the Charter of Fundamental Rights contains rights and principles for the social sector, such as the obligation to inform and consult workers in companies, the right to collective bargaining negotiations and collective action, especially the rights deriving from employment contracts, such as the right to rest periods and annual periods of paid leave, as well as working conditions respecting their health and safety, or the right to protection in case of an unjustified dismissal. Member States undertake to guarantee the legal, economic and social protection of the family and are committed, inter alia, to social security, the protection of health, as well as environmental protection and consumer protection.

## **2. National obligations**

7. Austrian federal constitutional law contains neither a catalogue of fundamental social rights as, for example, embodied in the European Social Charter or some of the regional constitutions, nor a general “social welfare State” clause as in the Bonn Basic Law that could be interpreted as a basic policy clause of the Constitution.

8. It should be underlined, though, that Austria has a very comprehensive social welfare State system on a high level, based on legislation adopted by simple majority vote, which is supported by a broad political and social consensus. More recent developments in the approach to fundamental rights, as well as the relevant case law of the Austrian Constitutional Court, also provide protection under constitutional law against imbalances, as well as against any dismantling in contradiction to the principle of confidence.

9. In contrast to federal law, which only contains individual guarantees that provide structure to the social measures and which does not comprise a systematically structured catalogue of social rights, most federal provinces (with the exception of Carinthia, Styria and Vienna) have included such explicit guarantees in their regional constitutions. In all cases, these provisions are basic policy clauses. The scope, subject and wording differ widely in the individual cases. The regional constitutions of the federal provinces of Burgenland, Salzburg and Vorarlberg contain a clause on the social welfare State. The constitutions of Upper Austria, Salzburg and Vorarlberg have stipulated that the promotion of the family and the protection of parents’ rights are obligations under these regional constitutions. The regional constitutions of Upper and Lower Austria, Salzburg, Tyrol and Vorarlberg, for example, contain further objectives and principles for State action, such as the material fields of the economy, environmental protection, full employment, support for elderly and disabled persons, or culture, or they define the subsidiarity principle as a principle for taking action.

10. Although no catalogue of fundamental social rights has been drawn up at the federal level, the federal constitutional law does comprise a number of provisions that contain important social law guarantees pursuant to today’s understanding and move the need for a specific social constitution to the background. For example, the basic policy clauses should be mentioned that were included in the federal Constitution recently and impose obligations upon the State to take action in the field of social policy.

### **Equality of men and women**

11. The principle of equality pursuant to article 7 (1) of the Federal Constitution Act protects against inequalities in treatment on grounds of sex; it does not contain a general commitment of the State, though, to pursue an active policy of equal treatment. In 1998, this provision was supplemented by a commitment of the federal, regional and municipal bodies to actually put men and women on an equal footing, which can be interpreted to constitute a clause on the State's basic policy. Moreover, explicit measures were stated to be admissible that promote de facto equal positions of women and men, especially by removing actually existing inequalities.

### **Equal treatment of disabled persons**

12. With the amendment of the Federal Constitution Act, Federal Law Gazette, Vol. 1, No. 87/1997, a provision prohibiting explicitly any discrimination of disabled persons was included in the Constitution. This is supplemented by a commitment on the part of the Republic to ensure the equal treatment of disabled and non-disabled persons in all spheres of daily life.

### **Protection and promotion of minorities**

13. The Ethnic Minorities Act, Federal Law Gazette No. 396/1976, has been in existence since 1976, which stipulates measures for the protection and promotion of minorities in Austria. This law, adopted by simple majority vote, was supplemented by stipulating a constitutional law obligation on protection and promotion in the year 2000 in the form of a basic policy clause in article 8 (2) of the Federal Constitution Act, on account of which the Republic of Austria is committed to the diversity in languages and cultures, as it finds expression in the autochthonous ethnic groups, whose language and culture, existence and preservation must be respected, ensured and promoted.

14. Last but not least, it can be stated that the Austrian Convention, convened at present at the level of the Austrian Parliament in order to draft a new federal constitution for Austria, also discusses the wording of a uniform and comprehensive catalogue of fundamental rights.

## **B. Part of the report relating to specific rights**

### **Article 6**

15. In compliance with the notes contained in the first item of articles 6 to 10 of the revised guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant, reference is made to the respective reports, whenever provisions relate to conventions of the International Labour Organization (ILO) that have been ratified by Austria.

16. In this connection, attention is drawn to the background information contained on the web site of the Federal Ministry for Economic Affairs and Labour (<http://www.bmwa.gv.at>) which provides the economic reports of Austria of recent years, as well as English translations of the Austrian reports on the implementation of the "National Action Plan for Employment" in electronic form, and where the current labour market data can be found. Information and statistics are also included on the web site of the Labour Market Service Austria (<http://www.ams.or.at>).

**Item 1\***

17. As a general indication, please refer to the reports in connection with the ILO conventions ratified by Austria, namely the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), as well as to the ILO Employment Policy Convention, 1964 (No. 122).

18. The report on Convention No. 111 from the year 2001 contains explanations on the equal treatment law, on the National Action Plan for Employment, on gender mainstreaming, as well as on measures by the Labour Market Service for women.

19. The report on the Convention from the year 2002 describes the development and structure of the employment situation, the development of unemployment, the employment policy strategy of the Austrian Federal Government (National Action Plan for Employment) to reach full employment, the priorities of the labour market policy, as well as the basic and further training measures.

**Item 2 (a) and (b)**

20. Extended active labour market policies resulted in an increase of the number of workers by 0.9 per cent in 2000 versus 1999; the employment rate was therefore 69.2 per cent. As part of active labour market policies, information technology/communications technology (IT/CT) qualifications are provided. The use of IT/CT in business and industry also requires changes in work organization. More flexible collective agreements for the IT sector would be one such example. Flexible working-time models, such as educational leave (*Bildungskarenz*) or a solidarity bonus model (*Solidaritätsprämienmodell*), have been improved. The newly introduced childcare benefit (*Kinderbetreuungsgeld*) will help families to better reconcile work and family life.

21. Initiatives are being stepped up to improve the labour market situation for women. Specific (upskilling) measures targeting women and young women of all educational backgrounds are taken to avoid the risk of unemployment. To ensure youth employment, future-oriented vocational training will continue to be an essential element of Austria's employment policy. New demand-oriented apprenticeship trades and a modernization of the existing apprenticeship trades are intended to contribute to the future success of the dual training system. Education at school will put a special focus on the training in IT and communications technology.

22. The Federal Government introduced an education allowance (*Bildungsfreibetrag*) in 2000, thus creating an important tax incentive for further education and training. By incorporating paid educational leave arrangements in various collective agreements, the social partners help to raise the adaptability of the workforce. A number of collective agreements also include regulations on paid leave for short-term training and special training purposes.

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\* The reference is to the revised guidelines regarding the form and contents of reports to be submitted by States under articles 16 and 17 of the Covenant.

23. The Federal Government started a job programme for people with disabilities to improve their integration into the labour market. The funds appropriated for this purpose in 2001 and 2002 are ATS 1 billion (EUR 73 million) per year. They are used to help disabled people, who are difficult to place because of their specific type of disability, to find and retain jobs.

24. In the past decade, Austria also created around 50 technology and business start-up centres in the various regions. Different entities (such as private entrepreneurs, chambers, interest groups, etc.) initiated these centres in the individual Austrian federal provinces. The aims of the territorial employment pacts (TEPs) are situated with the broader perspective of the National Action Plan for Employment (*Nationaler Aktionsplan für Beschäftigung*, NAP). TEPs should create and develop a new form of cooperation between the various players at federal, regional and local level.

25. Austria's employment policy has to be seen within a wider context: basically the entire economic policy is geared towards creating jobs and reducing unemployment. The structural policy is designed to strengthen Austria's image and international competitiveness, thus securing and creating jobs.

### **Item 2 (c)**

26. Within the framework of "lifelong learning" Austria has set itself the target of raising the number of low-skilled workers who participate every year in skills training and continuing training programmes in order to obtain medium-level qualifications.

27. As mentioned above, the Federal Government introduced an education allowance (*Bildungsfreibetrag*) in 2000, thus creating an important tax incentive for further education and training. By incorporating paid educational leave arrangements in various collective agreements, the social partners help to raise the adaptability of the workforce. Flexible working time models have been extended through collective agreements. More working-time flexibility is also achieved by prolonging the periods for averaging out working hours, introducing the four-day work week and/or flexitime, offering job familiarization against time in lieu. In recent years, many new apprenticeship trades were established and additional tax incentives created for employers to train apprentices.

### **Item 3**

28. In addition to the comments contained in the second periodic report of the Republic of Austria of 1993 on the law on the equal treatment of men and women, reference is made to the Equal Treatment Commission (*Gleichbehandlungskommission*) and the Equal Treatment Ombudsperson (*Gleichbehandlungsanwaltschaft*).

29. Actions for violations of the obligation to provide equal treatment cannot only be filed in court but also with the Equal Treatment Commission. Since it is not a public authority, it cannot take any enforceable decisions; however, it may contribute towards the implementation of equal treatment by drawing up expert opinions on general issues regarding the violation of the obligation to provide equal treatment and making proposals to employers in specific cases. An application to the Equal Treatment Commission has the effect of suspending the statutory

deadlines for claims in court. In addition, one should mention the appointment of an ombudswoman for equal treatment issues, who is responsible for advising and assisting persons who feel discriminated against, and who offers support.

30. Since the last report the equal treatment law was amended three times. The most important element of the first amendment (Federal Law Gazette, Vol. 1, No. 44/1998) was to regionalize the office of the Equal Treatment Ombudsperson, which was previously only located in Vienna, in order to make it easier to make practical use of the statutory possibilities to file complaints in the different regions. At present, there are regional offices in Innsbruck (with responsibilities for the federal provinces of Tyrol, Vorarlberg and Salzburg), in Graz (for the federal province of Styria) and in Klagenfurt (for the federal province of Carinthia). At present, the opening of another regional office is being prepared which will serve the federal province of Upper Austria. The other changes concern an extension of the facts constituting discrimination in the form of sexual harassment, as well as matters of procedural law.

31. As part of a collective amendment, the equal treatment law was also adapted to the euro - the new currency.

32. The third amendment of the equal treatment law in the course of the period under review (Federal Law Gazette, Vol. I, No. 129/2001) contains new provisions on the person chairing the Equal Treatment Commission, which is meant - last but not least - to speed up proceedings. The amendment ensures that the chairperson can exercise the function as an independent and autonomous activity. The chairperson must not be obstructed in the exercise of the function and must not suffer any disadvantage for that reason. The chairperson must also be given the free time necessary to fulfil the obligations - while continuing to receive his/her normal remuneration. Finally, a deputy chairperson was established.

33. A further amendment of the equal treatment law for men and women pursuing a gainful activity is planned with a view to adapting the legislation to the law of the European Union (EU), especially to transpose Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions (the so-called Equal Treatment Directive) and the case law of the European Court of Justice, but also to transpose Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, as well as of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (see below for details of the latter two Directives). In addition, the instruments for a better control and for the implementation of the equal treatment law are to be improved. A government bill to this effect is currently pending in Parliament.

34. With Federal Law Gazette No. 100/1993, public service employment relations were enacted for the first time in the "Federal law on the equal treatment of women and men and the promotion of women in the federal agencies sector" (the so-called federal law on equal treatment). In contrast to the equal treatment law for private industry, the federal agencies sector - acting as an employer - is committed to an active, temporary promotion of women until a minimum quota of 40 per cent is reached. All government departments have plans for the promotion of women, which contain the relevant targets for eliminating the current

underrepresentation, in order to reach this goal. An Equal Treatment Commission was set up for the federal agencies sector, as well as working groups for equal treatment issues, an inter-ministerial working group for equal treatment issues, an equal treatment ombudswoman and women acting as contact persons. The Federal Equal Treatment Commission and the managing body of the inter-ministerial working group are located with the Federal Ministry for Social Security and Generations. The continuous implementation of equal treatment and the promotion of women are reviewed at periodic intervals of two years, and a report is made to the National Council on the respective situation.

35. So far, 10 amendments have been enacted. The federal equal treatment law served as a model for all regional equal treatment laws of the federal provinces.

36. In comparison to the last periodic report for 1993, the following other changes have taken place.

37. In the course of the negotiations on accession to the European Union, transitional arrangements until the year 2001 regarding the ban on night work for women were included in the accession treaty, so as not to violate international law commitments that derive from the ratification of ILO Convention No. 4 (ratified in Federal Law Gazette No. 226/1924) and No. 89 (ratified in Federal Law Gazette No. 229/1950) on night work for women. When the ILO Convention was terminated in the year 2001, account was taken of the legal obligation to adapt night work regulations to the EU's legal situation. When transposing EU law into national law, both Directive 76/207/EEC (Equal Treatment Directive), on the one hand, and Directive 93/104/EC concerning certain aspects of the organization of working time (Working Time Directive) had to be taken into account.

38. The federal law that changed the statutory working-time provisions of the hospital working times law and 1996 Bakery Workers Act in this respect and that revoked the federal law on night work for women (EU Night-Time Working Hours' Adaptation Act, Federal Law Gazette, Vol. I, No. 122/2002) went into force on 1 August 2002.

39. The revocation of the prohibition of night work for women does not mean that, in general, women can now be transferred to night-time jobs against their will. On the one hand, the situation regarding normal working hours must be agreed pursuant to section 19c of the law on working times, to the extent that standards under collective legal provisions do not contain stipulations to this effect. Furthermore, such transfers will, as a rule, deteriorate working conditions, especially for women with childcare obligations, which require the approval of the works council pursuant to section 101 of the Employment System Act. In addition, male and female workers with night-time working hours are entitled - depending on a company's possibilities - to be transferred to a suitable daytime job, if this is necessary on account of urgently required obligations to care for children up to the age of 12 (for the duration of that childcare obligation), or if there is proof that any further working during night-time hours will constitute a health hazard. The law also stipulates the right to a free medical check-up before beginning such an activity and, subsequently, at intervals of two years. Provisions to this effect were also included in the 1996 Work in Bakeries Act.



40. In order to avoid any disadvantages on the basis of such elements as they are mentioned in article 6, item 3, of the revised guidelines regarding the form and contents of reports to be submitted by States under articles 16 and 17 of the Covenant, the following Directives were adopted at the European level, which the member States of the European Union must transpose into national law by the year 2003:

1. Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.
2. Council Directive 2000/43/EC implementing equal treatment between persons irrespective of racial or ethnic origin.

These two Directives, together with the accompanying action programme (2000/750/EC), form a package for the implementation of article 13 TEC, which authorizes the Council of the European Union to take suitable measures within the framework of the competencies conferred by the Treaty to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

41. Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of race or ethnic origin comprises the ban in the public and private sector of any direct or indirect discrimination in the areas of:

- Occupation and employment, including vocational training;
- Social advantages;
- Education; as well as
- Access to and supply of goods and services which are available to the public, including housing; as well as
- Setting up an independent body for the promotion of equal treatment.

42. Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation also comprises the public and the private sector and prohibits direct and indirect discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation.

43. Both Directives define employment and occupation as:

- Conditions - including selection criteria and recruitment conditions - for access to employment and self-employment and to occupation, including promotion;
- Access to all types and all levels of vocational guidance, vocational training, vocational advanced training and retraining, including practical work experience;
- Employment and working conditions, including dismissals and pay; and

- Membership of and involvement in an organization of workers or employers, or any organization whose members carry on a particular profession, including the benefits provided by such organizations.

44. On account of the distribution of competencies between the federal and the regional bodies, the two Directives are to be transposed by both, i.e. federal and regional legislation. For the Federal Government, transposition is to be achieved largely by means of the existing equal treatment law, which is also to cover areas outside labour law. The special regulations for the public sector service are to form part of the federal law on equal treatment.

45. In order to protect those employees, who have their usual workplace in Austria, against disadvantages, whenever their employers have no office in Austria and are also not members of a corporation in Austria that is empowered to engage in collective bargaining negotiations, section 7 and following of the Employment Contract Adjustment Act laid down - as a transposition of Directive 96/71/EC (Posting of Workers Directive) - that these employees must be entitled, as a minimum, to that remuneration, laid down by law, ordinance or collective agreement, that is due to comparable employees of comparable employers at their workplace. The law also requires a guarantee to that effect on the part of a general contractor in order to secure the remuneration claims of employees.

46. Furthermore, for the length of their deployment abroad employees are entitled to paid leave pursuant to section 2 of the Paid Leave Act, whenever paid leave is shorter according to the legal provisions of the home country and the employees do not fall under the law regarding paid leave and severance provisions for building workers.

47. Whenever the foreign employer has his office in a member State of the European Economic Area (EEA), the working-time regulations established pursuant to section 7b of the Employment Contracts Adjustment Act also apply to him, and employees are entitled to be shown records in the meaning of the Council Directive regarding an employer's obligations to inform employees of the conditions applicable to the contract or employment relationship (91/533/EEC) in Austria.

48. One measure was adopted in connection with the equal treatment of men and women in working life in the course of transposing Directive 96/34/EC (Parental Leave Directive) by means of amending the Parental Leave Act (Federal Law Gazette, Vol. I, No. 153/1999, now Paternal Leave Act) which created a claim to leave for fathers, independent of a mother's claim.

#### **Item 4**

49. According to the 1999 microcensus by "Statistik Austria" (Austrian Statistics) there is only one way to record working hours served (from 1 to 11 hours, ..., 60 and more hours) for the entire gainfully employed population. There are no provisions for a breakdown according to the different types of work.

## **Item 5**

50. The first amendment of the equal treatment law (see item 3) was enacted by way of a federal law published in Federal Law Gazette, Vol. I, No. 44/1998. It entered into force on 1 May 1998. The second amendment of the equal treatment law (see item 3) was enacted by way of a federal law published in Federal Law Gazette, Vol. I, No. 98/2001. It entered into force on 1 January 2002. The third amendment to the equal treatment law (see item 3) was enacted by way of the federal law published in Federal Law Gazette, Vol. I, No. 129/2001. The regional offices were set up pursuant to an ordinance published in Federal Law Gazette, Vol. II, No. 356/1998 (Vorarlberg, Tyrol and Salzburg), as well as pursuant to an ordinance published in Federal Law Gazette, Vol. II, No. 341/2000 (Carinthia and Styria). The Federal Equal Treatment Act was published in Federal Law Gazette No. 100/1993 and has been amended on 10 occasions since that time, the most recent version being the one published in Federal Law Gazette, Vol. I, No. 119/2002.

51. With regard to further details concerning the Equal Treatment Act and the case law on alleged discriminations based on sex, please refer to the annual reports on the further developments of the Equal Treatment Act. These reports are part of the annual report required to be drawn up under the Equal Treatment Act on the implementation of the equal treatment law, which must contain, in particular, information about the activities of the Ombudswoman for Equal Treatment Issues, the proceedings before the Equal Treatment Commission and the other activities of the Commission. This report is a joint report by the Federal Minister for the Economy and Labour and the Federal Minister for Social Security and Generations (<http://www.bmfg.gv.at>).

## **Article 7**

### **Item 1**

52. For general comments please refer to the reports regarding the ILO Convention concerning Equal Remuneration of Men and Women for Work of Equal Value (No. 100), ratified by Austria.

### **Item 2**

53. Since the last report from the year 1993, no changes have occurred in the well-tested Austrian system for establishing wages and salaries by way of autonomous collective agreements on wages and salaries between the representatives of employer and employee interests.

### **Item 3**

54. The necessary provisions on protection have been established in order to transpose the EU Directives on safety and the protection of health. In addition to basic arrangements regarding the obligations of employers, such as identifying and assessing hazards, provisions for the protection of employees regarding working sites, working means, working processes and working materials, as well as global conditions for providing preventive services (regarding technical safety features and occupational medicine), these also consist of requirements for

monitoring the health of employees. The federal law on safety and health protection at work (Protection of Workers Act), Federal Law Gazette No. 450/1994, as last amended by Federal Law Gazette, Vol. I, No. 159/2001, applies to the private sector and federal, regional and municipal enterprises. It is mainly labour inspection that is in charge of implementing the law, with the transport work inspectorates being responsible for the areas of transport (railways, shipping, transport companies, airlines), as well as for the telecommunications sector. Since the federal law on mineral raw materials was amended, and since the law on the protection of workers and the 1993 Labour Inspection Act were also changed (Federal Law Gazette, Vol. I, No. 38/1999), the law on the protection of workers now also applies to mining activities (effective date: 1 January 1999). Moreover, control over compliance with the employees' protection provisions in the mining industry was transferred from the mining authorities to the labour inspectorates.

55. The Federal Government is responsible for stipulating the legislation on the principles applying to the protection of safety and health in undertakings of agriculture and forestry. The respective federal framework law is the federal law on the principles for regulating labour law provisions in agriculture and forestry (1984 Agricultural Work Act), Federal Law Gazette No. 287/1984, as last amended in Federal Law Gazette, Vol. I, No. 143/2002. The federal provinces are responsible for enacting the implementing laws on this framework legislation (agricultural work regulations of the federal provinces).

56. The Federal Civil Servants Protection Act, Federal Law Gazette, Vol. I, No. 70/1999, as last amended by Federal Law Gazette, Vol. I., No. 87/2001, applies to the employment of employees with federal agencies, except for federal undertakings.

57. Regional laws of the individual federal provinces apply to the respective regional agencies, which are the so-called laws for the protection of employments with regional agencies. To a large extent, these also govern the protection of safety and health of employees with the municipal authorities.

58. With regard to labour inspection, there is an obligation to submit regular reports in connection with ILO Convention No. 81. Such a report was sent only recently. On the basis of the aforementioned Convention, regular annual reports are also prepared on labour inspection.

### **Item 3 (a)**

59. The workers' protection provisions apply to the employment of workers, independent of the existence of an employment contract. Self-employed persons are exempt.

### **Item 3 (b)**

60. On the basis of article 10 of ILO Convention No. 81 on labour inspection in industry and commerce, annual activity reports are drawn up on the work of the labour inspectorates, which contain the relevant statistical material.

61. Since the labour inspectorates are only responsible for one part of the gainfully employed population, the following table provides figures on the number of accidents and occupational diseases regarding all of Austria's gainfully active population:

	1991	1996	2001
Employed persons	2 886 700	2 903 400	3 035 500
Self-employed persons	909 200	1 297 300	1 417 800
Total number of gainfully active persons	3 797 891	4 202 696	4 455 301
Work accidents*	187 093	155 076	121 587
of these fatal incidents	363	274	216
Occupational diseases	2 082	1 519	1 569
of these fatal cases	17	10	22
Work accidents per 1,000 gainfully active persons	49.3	36.9	27.3

*Source:* Central Association of Austrian Social Insurance Carriers - all figures are case-related, not person-related.

\* Work accidents, not accidents to and from work.

62. Although employment figures went up by about 17 per cent, as compared to 1991, the number of work accidents decreased by 35 per cent during this period; at the same time, the number of occupational diseases decreased by 25 per cent.

#### **Item 4**

63. Please refer to the explanations provided above in connection with article 6 (Equal Treatment Act and Anti-Discrimination Directives of the European Union).

64. In addition, it must be mentioned that the principle of establishing equality, which also relates to advancements, is the substance of Directive 76/207/EEC (Equal Treatment Directive), as amended by Directive 2002/73/EC of the European Parliament and Council to amend Directive 76/207/EEC on the implementation of the principle of equal treatment of men and women as regards access to employment, vocational training and promotion and to working conditions.

65. There is only one exception that applies to cases, where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, gender constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate.

66. The respective regulations for exceptions are also found in the Anti-Discrimination Directives, namely Directives 2000/43/EC and 2000/78/EC, which were mentioned before in article 6.

#### **Items 5 and 6**

67. Changes were made with the amendments to the Hours of Work Act and the Rest Breaks Act in 1994 and 1997 (Federal Law Gazette No. 446/1994 and Federal Law Gazette No. 146/1997), which were mainly adjustments to the European legislation on working times.

68. The 1994 amendment provided accompanying measures under labour law and administrative penal law in connection with EEC Regulation 3820/85 on the harmonization of certain social legislation relating to road transports and with EEC Regulation 3821/85 on recording equipment in road transport.
69. For drivers of vehicles, as a principle the daily driving time between two rest periods must not exceed eight hours. Collective agreements may permit an extension of the driving times up to 9 hours, as well as to 10 hours twice a week. In the course of a week the driving times must not exceed 48 hours, or 56 hours respectively in case of an extension by collective agreement. The service times (working times and breaks between 2 rest periods) must not exceed 12 hours. A minimum rest break of 30 minutes must be taken after an uninterrupted maximum driving time of 4 hours. Drivers are entitled to an uninterrupted minimum weekly rest period of 45 hours every week, which may be reduced to a coherent period of 36 hours.
70. Furthermore, legislation on working times provides the following possibilities.
71. If working hours essentially consist of standby/waiting times and offer the employee special relaxation possibilities during working hours, the collective agreement may also permit labour management contracts that extend the normal working hours to 24 hours three times per week, if industrial health studies have established that, on average, employees are not exposed to major health hazards on account of the special working conditions than when performing the same job as part of an extension of the normal working hours with standby/waiting times.
72. For the first time, legislative measures on flexible working hours were adopted.
73. The 1997 amendment of the Hours of Work Act allows for longer calculation periods for the standard weekly working times. It facilitates models for yearly working times and for accumulating working times' credits over several years. If bonus time is used up in the form of several days or weeks, or if the model of the 4-day week is chosen, the standard daily working hours may be extended to up to 10 hours per day by means of collective agreement.
74. For the longer calculation periods of standard working times measures were provided that restrict the right of employers to give instructions. Arrangements on the compensation of working-time credits upon termination of an employment relation during a calculation period for hours of work, and the possibility that employees can reduce their working-time credits unilaterally, are supplementary features of the new calculation systems.
75. With the transposition of the Directive on working times, an average maximum working time of 48 hours will now be stipulated. Working times of 50 hours and more are therefore admissible only during individual weeks of the calculation period.
76. For workers in agriculture and forestry, these provisions were taken over to a large extent in the amendment of the Work in Agriculture Act, Federal Law Gazette, Vol. I, No. 1998/101. As a matter of principle, the daily rest period is now 11 hours.
77. Collective agreements on exceptions from the rest periods on weekends and holidays have been allowed with the 1997 amendment of the Rest Breaks Act, whenever purely economic reasons require such exceptions.

78. At present, the following statutory regulations apply to paid leaves.
79. Pursuant to the legislation on paid leave, employees are entitled to one paid leave per year during which they continue to receive their remuneration. For an employment period of less than 25 years, the leave period is 30 working days; this goes up to 36 working days after completing the twenty-fifth year of employment.
80. During the first six months of the first year of an employment relation, the entitlement to a paid leave accumulates in proportion to the actually served periods of employment; it accrues in the full amount after six months. As of the second year of employment, the full entitlement accrues at the beginning of the employment year.
81. The times for taking paid leave must be agreed with the employer. The paid leave may be used up in two parts, of which one part, however, must last for a minimum of six days.
82. Agreements to receive a cash compensation for the entitlement to paid leave are ineffective. Leave entitlements lapse after two years, as of the end of the year in which the entitlement to a paid leave has accrued.
83. If employees fall ill during their paid leave, the days of illness are not counted as days of leave, whenever the capacity to work is interrupted for more than three days, the employee has informed the employer of the illness, and the illness can be proved by a medical certificate.
84. For the year in which an employment relation ends, employees receive a compensation for their leave entitlement, which exists at the time of ending the employment relation and is in proportion to the holiday entitlement for the entire year in question. Any paid leave already taken is deducted on a pro rata basis from the entitlement to paid leave. Employees need not refund to employers any remunerations for paid leave exceeding the pro rata period of their entitlement to paid leave, unless the employment relation is terminated prematurely and without good cause or due to the employee's fault.

## **Article 8**

### **Item 1**

85. For general comments please refer to the reports regarding the ILO Convention on the Freedom of Association and Protection of the Rights to Organize (No. 87) and the ILO Convention on the Right to Organize and to Collective Bargaining (No. 98), ratified by Austria.
86. The report in connection with Convention No. 87, dated 1996, in particular, contains detailed explanations on the Austrian legislation concerning strikes.

### **Item 2**

87. In June 2000 the number of specialized trade unions of the Austrian Confederation of Trade Unions (ÖGB) was reduced from 14 to 13, on account of a merger of the metalworking, mining and energy workers' trade union and the textile, clothing and leather workers' trade union. As a result, the number of manual workers' trade unions stands now at seven instead

of eight. In November 2001, the Federal Board of the ÖGB decided on a reform of the organizational structure. It comprises the commitment to develop new basic services, as well as centres of competence and working groups. It is also planned that the individual sub-units of trade unions cooperate more closely and with different intensity. Draft resolutions were submitted to the federal congress of the ÖGB in June 2003.

88. It is stated by way of correction that the then Higher Conciliation Agency already acknowledged in 1947 that not only the Austrian Confederation of Trade Unions but also all specialized trade unions had the authority to engage in collective bargaining. The Federal Conciliation Agency acknowledged the collective bargaining competence of the aforementioned specialized trade union of the metalworking and textile workers on 5 July 2000.

89. With regard to legislation concerning strikes, no changes have occurred in the meantime since the last periodic report.

90. Please find below some statistics on strikes (*Source*: Handbook 2002 on Economic and Social Statistics of the Federal Chamber of Blue and White-Collar Workers).

91. During the period 1996 to 2000, strikes were held in Austria in 1997 and 2000. In the year 1997, there were strikes only in the public civil service sector. Twenty-five thousand eight hundred persons took part in the strike. The number of hours of strike amounted to 153,000 and the duration of the strike was 3 minutes per gainfully employed person. Nineteen thousand four hundred and thirty-nine persons took part in the strike in the year 2000. The strike totalled 23,579 hours of strike, and the duration of the strike was 27 seconds per gainfully employed person.

## **Article 9**

### **Item 1**

92. For general comments please refer to the reports regarding the ILO Social Security (Minimum Standards) Convention (No. 102), as well as the ILO Convention concerning Invalidity, Old-Age and Survivors' Benefits (No. 128), ratified by Austria.

93. With regard to Convention No. 102, Austria has taken over the obligations from Parts II, V, VII and VIII, as well as the commitments under Part IV, with 1 September 1978 being the effective date (Federal Law Gazette No. 506/1978). With regard to Convention No. 128, the obligations pursuant to Part III were accepted.

94. With regard to those parts of Convention No. 102 and Convention No. 128 that were not ratified, as well as concerning the non-ratification of the Employment Injuries Benefits Convention (No. 121) and the Medical Care and Sickness Benefits Convention (No. 130), it should be noted that the underlying reasons were not the scope of the group of the protected persons or the scope and/or amount of the benefits, but the specific features of the Austrian legal situation in particular areas.



## Item 2

95. It should be stated, in general, that the system of social security in Austria comprises all listed branches and/or types of benefits.

### *Care benefits (medical care)*

96. On the basis of the results of the evaluation and the experience gathered since the entry into force of the federal law on care benefits, an amendment was adopted with 1 January 1999 as the effective date (Federal Law Gazette, Vol. I, No. 111/1998). The main points of this amendment were to improve the benefits, to improve the position of the persons requiring care, as well as of the persons providing the care, to expand the scope of persons eligible to care benefits, and to increase the effectiveness of the care benefits.

97. As of 1 February 1999, the ordinance on care benefit categories, which is linked to the federal law on care benefits, was also issued in a new version.

98. In the fall of 1998 the Austrian Federal Institute for the Health Sector (*Bundesinstitut für Gesundheitswesen*) was commissioned to draw up a study providing a national overview of the plans regarding requirements and developments of the federal provinces. The study was published in November 1999 with the title "Services and Institutions for Persons in Need of Care in Austria".

99. With the ordinances issued in 1999, 2001 and 2002, additional groups of persons requiring care were included in the group of persons eligible to receive benefits pursuant to the federal law on care benefits, namely former freelance physicians, lawyers and civil engineers, members of the Vienna Stock Exchange Office and secular priests.

100. The amendment to the federal law on care benefits (Federal Law Gazette, Vol. I, No. 69/2001), which went into force on 1 July 2001, primarily improved the legal position of children and juveniles in need of care, and it also improved the legal basis for measures regarding quality assurance in care provision. As a quality assurance measure, the Social Service of the Federal Ministry of Social Affairs has been offering advice to care providers since January 1998. In addition, in June 2001 the Austrian Federal Institute for the Health Sector (*Bundesinstitut für Gesundheitswesen*) was commissioned to carry out a pilot project "Quality Assurance in Case Provision", which was completed in July 2002.

101. The amendment published in Federal Law Gazette, Vol. I, No. 138/2002, which went into force on 14 August 2002, created the statutory basis for changes in the mode of payment of the care benefits, as well as of lump-sum advances in case of family hospice-service leaves in the framework of the federal law on care benefits. This is an accompanying measure to the possibility under labour law and service regulations law to take family hospice-service leave, in case of a dying family member and a most seriously-ill child.

102. Other measures to secure the social security protection of persons providing care to family members were already enacted in 1998, as a result of which these persons have the possibility to continue their further insurance coverage under old-age pension insurance at

favourable conditions. This is now available for persons who take care of a close relative, who is entitled to care benefits in category 3, as a minimum, and who must therefore discontinue their gainful activity. These care providers receive a beneficial treatment in the sense that the Federal Government pays the fictitious employer's contribution. The care provider must therefore only contribute 10.25 per cent of the assessment basis as a social security contribution instead of 22.8 per cent.

103. Moreover, the position of care-providing family members was further strengthened in the course of changing the requirements for enjoying co-coverage under health insurance without paying contributions (effective date: 1 January 2001). This now includes family members who receive care benefits in category 4, as a minimum, or family members who provide care to insured persons entitled to receive care benefits in the amount of category 4, as a minimum. They continue to enjoy co-coverage under health insurance without paying contributions.

104. In July 2002, a total of 282,709 persons received care benefits pursuant to the federal law on care benefits. In the year 2001, federal expenditures for benefits under the federal law concerning care benefits amounted to EUR 1.43 billion (ATS 19,635 billion).

105. The Federal Ministry for Social Security and Generations drew up its annual report on the development of care-providing services for the period 1 January 2000 to 31 December 2000, which was unanimously adopted by the meeting of the working group on 13 November 2001.

*Continued payment of wages/salaries in the event of sickness (cash sickness benefits)*

106. The comments contained in the last periodic report on the continued payment of wages/salaries in the event of sickness continue to be applicable, to the extent that they relate to the legislation applying to employees, as well as to the statutory provisions for farm employees.

107. For blue-collar workers the continued payment of wages in the event of sickness is governed by the Continued Payment of Remuneration Act. Since the amendment of section 2 of this law, enacted with the 2000 Work Contract Law Modification Act, Federal Law Gazette, Vol. I, No. 2000/44, the statutory provisions are essentially the same as for white-collar workers. The 14-day waiting period for blue-collar workers at the beginning of a work relationship has been eliminated, and the period during which blue-collar workers continue to receive payment of their wages was extended to six weeks (full remuneration) and another four weeks (half the remuneration). However, blue-collar workers continue to enjoy more favourable arrangements regarding industrial accidents and occupational diseases.

108. Whenever a blue-collar worker is prevented from performing his work on account of an industrial accident or an occupational disease pursuant to the provisions on statutory accident insurance, without this being due to some intent or gross negligence on his/her part, he/she will continue to be entitled to receive a remuneration for a period of eight weeks, irrespective of other periods during which he/she was prevented from working. The entitlement to remuneration will go up to a period of 10 weeks if the work relationship has lasted 15 years.

*Maternity benefits* (for details please also refer to the comments below in connection with article 10, item 5 (a))

109. Maternity allowance: this is to compensate losses in remuneration of gainfully employed or self-employed women during a period of protection - eight weeks before and eight weeks after childbirth. The maternity allowance is paid in the amount of the mean net working income.

110. Operating assistance for mothers who are self-employed in a business or a liberal profession, or who work in agriculture and forestry: during the period of protection afforded to mothers, these women are entitled to employing an operating assistant. If the social insurance carrier cannot provide such a helper, a weekly allowance of EUR 22.30 is paid per day, which is to be used to recruit a suitable person for a minimum of 20 hours per week.

111. Mother/Child Pass: it is meant to promote and preserve the health of mothers and children. The Mother/Child Pass programme provides for gratuitous medical check-ups of the pregnant mother as well as of the child up to the age of 5.

*Transfer benefits in case of unemployment (unemployment benefits, relief payments)*

112. In the year 2001 the funds spent on active labour market policy measures reached the highest level to date (an increase of +22 per cent over the year before). This means a clearly improved scope for investments by the Labour Market Service (AMS). The expenditures for passive benefits stagnated (+2 per cent over the previous year), with unemployment rising slightly. The share in total expenditure (for active and passive labour market policies) decreased from about 71 per cent during the year 1997 to about 57 per cent in the year 2001 (see table).

	1999	2000	2001
Passive measures <sup>a</sup> (unemployment benefits, relief payments, leave benefits, special relief payments and special support grants)	EUR 2 845 million	EUR 2 636 million	EUR 2 684 million
Active labour market policy <sup>b</sup> (counselling/placement/training/salary grants)	EUR 783 million	EUR 775 million	EUR 946 million
Share of passive measures in total budget for labour market policy operations	64 per cent	60 per cent	57 per cent
Share of active labour market policy expenditures in total budget	18 per cent	18 per cent	20 per cent

*Source:* Federal Ministry for Economic Affairs and Labour, Section II/6.

<sup>a</sup> Including pro rata contributions to social security (old-age pension, sickness and accident insurance) per received benefits, minus passive measures for an active labour market policy.

<sup>b</sup> Including share of European Social Fund, funds from unemployment insurance for active measures (specific integration assistance, etc.), as well as funds forming part of the National Action Plan on Employment 1999 and the following (such as the measures for young persons in the framework of the Youth Employment Support Act, New Start, etc.). See report for 2002 on implementation regarding the National Action Plan.

*Basis for data:* Year-end accounts of the labour market policy operations.

*Comment:* The difference to total expenditures (100 per cent) is due to expenses for staff and material, refunds for collection, refunds for bad weather, transfers to old-age pension insurance pursuant to section 6 (8) of the Labour market Policy Financing Act and transfers to the Labour Market Service (loan costs).

#### *Invalidity benefits*

113. Invalidity benefits are primarily the care benefits for persons under 60, as well as the expenses for pensions due to a reduced ability to work. Among the expenditures under the heading of "old age", the expenses of the federal provinces and the municipal authorities for homes for the elderly and persons in need of care, as well as for outpatient services and the care benefits for persons above 60 experienced the greatest increase.

#### *Disability policy*

114. On 1 January 2001, a total of 80,532 persons were handicapped persons entitled to benefits, which is an increase of about 3,000 over the year 2000. In the year 2000, the employers required to hire disabled persons recorded a total of 84,869 mandatory positions. Disabled persons were hired for 54,818 of these mandatory jobs. Thirty thousand and fifty-one of these positions were vacant. Altogether, the employment obligation was thus met at a rate of 65 per cent. On 1 January 2002, a total of 1,770 persons - of these 1,415 disabled persons - were employed or tested or apprenticed in the 8 integrative undertakings throughout Austria which can be found in a total of 24 locations. In addition, 64 disabled persons took part in training projects in integrative undertakings as at 1 January 2003.

115. ATS 234.2 million (EUR 17 million) were spent on promoting individual persons in 2001. With help from the European Social Fund and the Compensation Charges Fund, the federal social services offices provide additional programmes to combat long-term unemployment and to bring disabled persons closer to the labour market. These programmes comprise measures to obtain and keep jobs, occupational qualifications and support structures. These activities are carried out in private companies, in self-help enterprises, work training centres and integrative undertakings. Under this heading, 7,100 cases received promotion and support in 2001. A total of about ATS 176 million (EUR 12.75 million) was made available for this purpose. In the framework of supporting measures, about 4,200 persons were given support by means of assistance at work in 2001.

116. Community Initiative EQUAL. EQUAL is a European Community initiative, financed by the European Social Fund (ESF) for the years 2000 to 2006. EQUAL replaces the Community initiative Employment/Horizon (integration of disabled persons), among other things. Its goal is to combat discrimination and inequalities in treatment of any kind in connection with the labour market by means of transnational cooperation. The ESF supports EQUAL projects at a rate of 50 per cent of the costs and pays about EUR 17.3 million to Austria

during the period of promotion. In Austria, priority measures are taken for disabled persons in the transition area from school to work, the interface occupation/invalidity pension, as well as creating public awareness.

117. In 2001, a total of 19 applications for promotion of Campaign 1 were filed. Seven development partnerships were admitted to Campaign 1 (start: 15 November 2001), of which four focused on the transition from school to work, two focus on a new image for persons with disabilities in the working environment, and one concentrates on the interface between occupation and invalidity pension.

118. One Billion Euros for Disabilities Persons - an employment initiative of the Austrian federal government for disabled persons. On account of the difficulties that disabled persons face on the labour market, the Austrian Federal Government started an employment offensive ("One Billion Euros for the Disabled") in order to integrate this group of persons into the labour market.

119. In view of the high rate of unemployment of this group of persons, integration into working life must be at the centre of measures to improve the situation of disabled persons. However, since successful integration into working life requires the corresponding social environment, steps in this direction are also necessary.

120. Target groups:

- Young disabled persons requiring promotion in the form of special pedagogic measures, or coming from integration classes, learning-handicapped persons, as well as socially and emotionally handicapped adolescents;
- Older disabled persons, whose jobs are at risk on account of their deteriorating health, or who need help for becoming reintegrated into working life;
- Persons with psychic limitations, mental handicaps and sensuous disabilities, who suffer from general problems of integration into the labour market.

121. In spite of these priorities, other groups of disabled persons are by no means excluded from the integration measures. They must also cover all those persons with disabilities who can be expected to be integrated into the labour market - at least on a medium-term basis - when given the necessary support.

122. Measures for integration:

- Integration allowances, and payment of wage costs on a temporary basis;
- Developing projects that provide accompanying support at the workplace (job coaching);
- Developing projects that allow young persons to reach maturity at a later stage;

- Benefits to secure workplaces for disabled older persons;
- More emphasis on extending skill enhancement and employment projects.

123. Accompanying measures:

- Measures to increase the mobility of disabled persons;
- Facilitating the access to the information and communications technologies;
- Creating a corporate service as a service for employers by, for example, offering them advice on the optimum manner to deploy disabled persons;
- Building up and expanding assistance at work;
- Increased promotion of fitting companies and workplaces with the structural and technical equipment that is suited for disabled persons.

124. The federal social services offices are in charge of implementing these labour market policy objectives.

125. The results of the year 2001 of the measures financed from the EUR 1 billion for disabled persons can be described as follows:

Promotions	9 979 (share of females: 44 per cent)
Promoted persons	8 495 (share of females: 44 per cent)
Success according to persons:	
– bringing disabled persons closer to the labour market and providing them with accompanying measures	2 248 (share of females: 65 per cent)
– obtaining workplaces	3 170 (share of females: 41 per cent)
– securing workplaces	1 046 (share of females: 43 per cent)

126. To some extent, the share of successful cases among the promoted cases from the promotions granted from the EUR 1 billion for disabled persons becomes effective only in the subsequent year, since, for example, measures to provide assistance at work were not yet completed for all promoted persons at year end.

127. Expenses. In the year 2001, the Federal Government spent a total of ATS 779 million (EUR 56.6 million), as part of its employment offensive, of which ATS 182 million (EUR 13.2 million) were promotions for individual persons. The following amounts were spent on the different priorities:

Young persons	ATS 236 million (EUR 17.1 million)
Older persons	ATS 30 million (EUR 2.2 million)
Persons with specific difficulties	ATS 417 million (EUR 30.3 million)
Accompanying measures	ATS 21 million (EUR 1.5 million)
Social environment (e.g. housing, mobility)	ATS 75 million (EUR 5.5 million)

128. The employment offensive was continued in 2002. In addition, the measures taken in the year 2001 will be evaluated.

*Social compensation*

129. Concerning the provisions for the care to war victims, the number of persons entitled to benefits sank from 122,139 to 66,904 persons during the last decade (1991 to 2001). The total financial expenditure decreased from ATS 6,349 billion to ATS 4,717 billion during this period.

130. Concerning the provisions for the care of army members, the number of persons entitled to benefits rose by about one third - to 1,718 persons - in the year 2001. The financial expenditure rose from ATS 82 million in 1991 to ATS 119 million in the year 2001.

131. Concerning welfare measures for victims, the number of persons receiving payments regularly (pensions and allowances) went down by more than one fourth between 1991 and 2001, i.e. from 3,418 to 2,350 persons. The budget expenditure went down from ATS 298 million to ATS 201 million during the same period.

132. Concerning compensation for victims of crimes, a total of 125 victims and their survivors received financial benefits for loss of income or maintenance in the year 2001. The total expenditure in the year 2001 was ATS 19 million.

133. In 2001, 76 persons received payments regularly as compensations for vaccination damage. The total expenditure in the year 2001 was ATS 28 million.

*Family policy measures* (please also refer to article 10, item 4, below)

134. In 1996, the total volume of family policy measures amounted to between ATS 41 billion and ATS 350 billion, depending on the definition of the term. In the year 2000 the income of the Family Expenses Equalization Fund amounted to a total of ATS 59.34 billion (EUR 4,312,419 million), while expenditures totalled ATS 57.9 billion (EUR 4,207,793 million). In 1999 and 2000 the amount per child that is deductible from taxes and the family allowance were raised by a total amount of about ATS 12 billion.

135. The amount which can be deducted from taxes (EUR 50.90 per month) is the same for children of all age groups. Together with the simultaneous increase of the family allowance (as of 1999 and 2000) by a total of ATS 150.00 (EUR 10.90) per age group, these measures satisfy the Supreme Court requirement, namely to exclude half of the maintenance obligation from tax payments. The net effect of this tax relief amounts to ATS 500.00 (EUR 36.34) per child and month.

136. Moreover, with regard to the amount which single earners and single parents can deduct from taxes, the negative tax was raised from ATS 2,000.00 (EUR 145.34) to ATS 5,000 (EUR 363.36) per year. It is paid out directly in cases of no or only minimal tax payments.

137. Furthermore, a multi-child bonus (EUR 36.34) was introduced, which is paid to families every month as of the third child and for every additional child, when their household income amounts, as a maximum, to 12 times the basic amount for calculating the maximum contribution pursuant to the General Social Security Act.

138. The payments from the Family Expenses Equalization Fund account for a clearly vertical redistribution effect in favour of the lower income categories. The lowest quarter of income earners receives more than three times the amount that they contribute, while the top quarter receives only half the amount that it contributes.

139. The federal provinces and the municipal authorities offer scaled family bonuses amounting to a total sum of about ATS 700 million, and they spend about ATS 12 billion to build and operate childcare facilities.

140. Family counselling offices, which provide families with assistance in stressful situations, receive financial support from the Federal Ministry of Social Security and Generations. At present, Austria has 336 family counselling offices with a total of 2,000 counsellors. In 2001, an amount of about ATS 141.7 million (EUR 10.3 million) was spent on these counselling services. EUR 10.9 million were budgeted for the year 2002.

141. In 1999 the Federal Ministry of Justice presented a draft for an amendment of the law governing children's rights, which was meant to take better account of changes in society, such as the growing number of single-parent families, the efforts of young persons to assume responsibility for themselves earlier, as well as the growing awareness for fundamental rights. The reduction of the age of majority from 19 years to 18 years (core issue of the reform) is also intended to achieve harmonization with comparable legal systems in other European countries. The law amending children's rights entered into force on 1 July 2001.

142. Child leave period/Child leave benefits: gainfully employed parents are entitled to take child leave following the period of protection to mothers, whenever the mother/father was employed for a certain minimum period prior to the birth of the child and contributed to unemployment insurance. If only one parent claims child leave benefits, these may be received until the child has reached the age of 18 months; if both parents claim these benefits, they are due until the child has reached the age of 2. The amount is ATS 5,643.00 per month. However, childcare benefits have replaced the child leave benefits in cases where children were born after 1 January 2002. For details, please see below.

143. Part-time child leave benefits for gainfully employed parents who work part time, instead of taking child leave, after the end of the period of protection. If both parents opt for working part-time, they can apply to receive child leave benefits until the child has reached the age of 2; if only one parent opts for part-time work, child leave benefits are paid until the child has reached the age of 3. The amount paid is in line with the reduction of working hours; half the amount is the possible maximum sum for child leave benefits.



144. Grants to child leave benefits for single mothers or fathers, as well as for mothers or fathers whose partner has no or only a low income (given as a “loan”).

145. Childcare benefits: child leave benefits were replaced by childcare benefits for children born after 1 January 2002. These benefits are paid independent of the previous gainful activity, up to a maximum period of three years in an amount of about EUR 436.00 per month.

146. The entitlement to childcare benefits is decoupled from any previous gainful employment of the parents. Since these benefits accrue to families, they are paid in full from the Family Expenses Equalization Fund. The period for drawing these benefits was extended to the child’s age of 30 months; if both parents share in caring for the child, the benefits accrue until the child has reached the age of 36 months. The limit for earning money in addition to drawing benefits was raised to a comparably higher level than before, in order to ensure more choice in reconciling family and job duties.

147. Family allowance: independent of their gainful activity or income, parents having their usual domicile in Austria are entitled to receive a family allowance for the children belonging to their household, or for children for whom they pay the major part of their maintenance. In this connection, mothers are prioritized regarding this entitlement.

148. Please refer also to article 10, item 4, below regarding the amount of family allowance, as well as the period of entitlement to family allowance.

149. Multi-child bonus: as was mentioned before, a multi-child bonus in the amount of EUR 36.34 per month has been due since 1 January 2002 for every third and further child living permanently on federal territory or in the EU/EEA area, for which family allowance is granted. The entitlement only arises if the taxable family income in the calendar year, for which the application is filed, does not exceed a certain maximum amount.

150. Other benefits: payments for self-insurance contributions to old-age pension insurance when caring for a disabled child, advances on maintenance and benefits under family hardship equalization for families suffering dearth for no fault of theirs.

151. The statutory basis for these benefits is the 1967 Family Expenses Equalization Act. This law reflects the political will to achieve horizontal distribution: it is meant to achieve more balance between the expenses that families with children have to bear, as compared to persons without any maintenance obligations. The aforementioned equalization fund for family allowances is the instrument available to balance the expenses due to family commitments. Its budget is earmarked for payments to families. It has a volume of ATS 59 billion (EUR 4,312 million), which constitutes about 3.5 per cent of the total budget. The money is raised primarily from employers’ contributions, as well as from percentages from the income and corporate income tax, as well as contributions by enterprises in agriculture and forestry and contributions by the federal provinces.

152. Support for pupils, apprentices and students: textbooks are provided free of charge; only a deductible of 10 per cent of the price needs to be paid. Pupils can travel free of charge on means of public transport (EUR 19.60 per school year to be paid by the pupils themselves); furthermore there are commuting allowances, free tickets for apprentices, commuting allowances for apprentices, school and boarding allowances for well-performing pupils.

### Item 3

153. In Austria, the benefits provided in ILO Convention No. 102 and the subsequent conventions in the field of social security are granted:

- Essentially for the entire gainfully active population regarding sickness, accident and old-age pension insurance;
- Unemployment insurance for gainfully employed persons; and
- Essentially the entire resident population regarding payments from the Family Expenses Equalization Fund.

154. Sickness, accident and old-age pension insurance is operated by institutions (insurance carriers) of the insured persons (employers and employees) pursuant to the principle of self-management. With regard to unemployment insurance and benefits to families, the benefits are provided by public administration institutions.

155. The following laws are the main statutory foundation for granting the different benefits:

- General Social Security Act, Federal Law Gazette No. 189/1955, in its currently valid version, which essentially governs sickness, accident and old-age pension insurance of employees (with the exception of persons working under a public law working relationship), as well as accident insurance coverage of pupils and students, and accident insurance of self-employed persons in commerce and industry (trade, commerce and industry);
- Sickness and Accident (Civil Servants) Insurance, Federal Law Gazette No. 200/1967, in its currently valid version, which governs sickness and accident insurance of persons working under a public law working relationship (civil servants);
- Social Security (Commerce, Trade and Industry) Act, Federal Law Gazette No. 560/1978, in its currently valid version, which governs sickness and old-age pension insurance of self-employed persons in commerce and industry (trade, commerce and industry);
- Social Security (Farmers) Insurance Act, Federal Law Gazette No. 559/1978, in its currently valid version, which governs sickness, accident and old-age pension insurance of self-employed persons in agriculture and forestry and their dependants also working in these enterprises;

- Federal Social Security (Liberal Professions) Act, Federal Law Gazette No. 624/1978, in its currently valid version, which makes it possible to include certain groups of self-employed persons (physicians, dispensing chemists and patent agents) in a sickness, accident and old-age pension insurance scheme modelled on the Social Security (Commerce, Trade and Industry) Act;
- Social Security (Notaries) Act, Federal Law Gazette No. 66/1972, in its currently valid version, which governs old-age pension insurance for notaries public and junior notaries;
- 1977 Unemployment Insurance Act, Federal Law Gazette No. 609/1977, in its currently valid version, which governs unemployment insurance;
- 1967 Family Expenses Equalization Act, Federal Law Gazette No. 367/1967, in its currently valid version, which governs family benefits.

156. Certain self-employed persons (physicians, lawyers, architects, notaries public, etc.) are protected under their own scheme of provident measures or private group insurance schemes; they are thus not part of the statutory sickness insurance scheme. Moreover, lawyers and architects are also exempt from the statutory old-age pension insurance scheme.

157. In addition, there are the following individual areas to which specific statutory provisions apply:

- Continued Payment of Remunerations Act, Federal Law Gazette, Vol. I, No. 142/2000, which governs the continued payment of remunerations due to blue-collar workers in case of sickness;
- Federal Care Benefits Act, Federal Law Gazette No. 110/1993, in its currently valid version, which governs the granting of care benefits to persons entitled to benefits.

158. With regard to persons working under a public law working relationship (public officials), it should be noted that their benefits - in case of invalidity, old age and death - are granted in the framework of public law scheme of provident measures (especially the 1965 Old-Age Pension Act, Federal Law Gazette No. 340/1965, in its currently valid version, regarding the entitlement to old-age pensions of federal civil servants, as well as the respective regulations of the federal provinces).

159. With regard to the main features, the types and amounts of these benefits, as well as the method of funding applicable to the Austrian system of social security, please refer to the MISSOC survey, published by the European Commission, on "Social Security in the Member States of the European Union" with the status for the year 2000:

[http://europa.eu.int/comm/employment\\_social/missoc2000/index\\_en.htm](http://europa.eu.int/comm/employment_social/missoc2000/index_en.htm)

#### **Item 4**

160. In 1998, expenditures for social security amounted to 28.5 per cent of the gross domestic product (GDP), according to the ESSPROS method, which is in conformity with the European Union. This value was thus lower than that for 1997 (28.8 per cent). In 1990, the social expenditure ratio was 26.4 per cent. The highest values were recorded in 1994 and 1995, when they each amounted to 29.2 per cent (These values cannot be immediately compared to the most recent values, due to a change in methodology). The decrease observed since that date is mainly due to the regressive number of births, as well as to measures to consolidate the budget.

#### **Item 5**

161. Please refer to the information on the company pension schemes law and the retirement pension funds law contained in the second periodic report of Austria, dated 1993.

#### **Item 6**

162. Sickness insurance. On an annual average, the proportion of persons protected by sickness insurance amounted to 96.5 per cent of the resident population in the year 2000 (99 per cent, in fact, when including persons insured under sickness welfare schemes, which means that the figure has practically remained unchanged as compared to 1990: 99.1 per cent). The coverage extends to gainfully employed persons, self-employed persons, unemployed persons, old-age pensioners, always including their dependants. The insurance coverage for these persons results from the obligation to provide insurance, as stipulated by the social security legislation. Only gainfully active persons in a few liberal professions (e.g. physicians, lawyers, architects, notaries public) are not covered by the system of Austrian sickness insurance. It should be pointed out, though, by way of additional comment that all persons living in Austria have the right to obtain insurance coverage on a voluntary basis.

163. Accident insurance. Statutory accident insurance coverage extends primarily to the sphere of life relating to a gainful activity. As a matter of principle, persons without gainful activity do not come under the protection afforded by statutory accident insurance. However, statutory accident insurance also comprises the areas of school/university, as well as activities that are a consequence of a gainful activity or of training at school or university. Activities outside the aforementioned scope of activities or types of training are afforded protection by accident insurance only to the extent that these are - in broad general terms - altruistic activities for needy, fellow citizens or activities in the interest of the general public. However, as a matter of principle, the medical care for persons not covered by accident insurance is ensured by sickness insurance (self-insured or co-insured dependants), without consideration of the cause of the sickness. Cash benefits for the so-called spare-time accidents are not provided as part of the statutory social security schemes.

164. Old-age pension insurance. As in the field of sickness insurance, practically the entire gainfully active population comes under compulsory insurance schemes of the statutory old-age pension insurance. Civil servants (public officials) are protected by the scheme of old-age provident measures of public law employers (only lawyers and architects are exempt). Thus,

practically 100 per cent of the gainfully active population was protected in the year 2000 (1990: 96.8 per cent). It should be mentioned, by way of additional comment, that all persons living in Austria have the right to take out insurance on a voluntary basis.

165. Independent old-age provident measures for women. The present old-age pension insurance system ensures that women obtain an old-age pension on account of their own gainful activity or by way of a dependant's survivor pension derived from marriage to a gainfully active spouse. Problems are encountered with both types of old-age pensions: on the one hand, marriage is losing its provident character for a growing part of the population, on account of changes in lifestyle; on the other hand, the irregularities in gainful activity result in pension entitlements, derived from active work, that do not provide women with the desired security regarding their old-age pension. Gaps in insurance periods and low calculation bases often lead to lower old-age pension entitlements on the part of women.

166. The Federal Government is planning to facilitate a separate old-age pension for those women who previously did not accumulate any independent entitlement to an old-age pension. The commission of experts working on a pension reform will clarify issues in this connection. As a first step, part of the periods spent on raising children will be taken into account when calculating the period of contributions creating an entitlement to an old-age pension, beginning in 2002.

167. Minimum security afforded by old-age pension insurance. Those persons who basically have accrued an entitlement to an old-age pension under a statutory old-age pension scheme (direct pension or survivor's pension) are paid a compensation grant whenever the total income of the pensioner and the spouse living with him/her in the same household is below the respectively applicable reference value for compensation grants. This minimum security, guided by demand, is an important instrument to avoid poverty in old age.

168. Fictitious retirement ratio. This general instrument under the legislation governing compensation payments and grants, which forms part of the old-age pension insurance scheme for farmers (offsetting a lump sum as income when giving up an estate in agriculture or forestry) is increasingly losing its practical importance, especially among the persons receiving the smallest old-age pensions. The Federal Government plans to gradually reduce the amount of the fictitious retirement ratio. As a first step, the amount offset as fictitious retirement ratio in 2001 was reduced from 30 per cent to 28 per cent of the respectively valid reference value for compensation grants.

#### **Item 7**

169. The social security laws are continuously adjusted to the social and economic changes, as well as to consolidate the status obtained and to raise it to a higher level, to the extent possible.

170. In addition to giving credit for child-raising periods and introducing a sliding pension scale (with a view to facilitating the transition to retirement) - both provisions have been in effect since 1 July 1993 - redesigning old-age pension calculations, in particular by introducing linear incremental amounts (essentially as of 1 January 2000), and a gradual raising of the actual retirement age (as of 1 October 2000), one should especially point to the following measures which protect groups of persons that need specific protection.

*Integrating atypical employment relationships into the social security system*

171. Gainfully active persons who worked in the grey zone between self-employed and employed gainful activity, or certain forms of self-employed gainful activity, as well as persons with a small income (minimum employment relationships) were not covered by any insurance obligation until the end of 1997.

172. At present, all gainfully active persons have been integrated into the social security insurance obligation or benefit from favourable options to join the social security system. Some are covered by the social security system for employees (“freelance collaborators”), while the rest is covered by the social security system for self-employed persons (“new self-employed persons”). Furthermore, compulsory employer’s contributions to sickness and old-age pension insurance were introduced for persons with minimum employment contracts (with a monthly income up to ATS 4,076, or EUR 296, in 2001), offering the latter also the possibility of self-insurance at a favourable rate (“opting in” at a fixed amount) in these branches of the social security system.

*Demand-oriented minimum pension*

173. Old-age pensions are calculated in keeping with the duration of the gainful activity and the amount of the contributions paid. As a result, short periods of insurance coverage or low incomes during working life may also lead to rather small pensions. The legislation governing old-age pensions provides that the pensions of persons with low incomes during their working life and short periods of insurance coverage may be topped up. Every person drawing an old-age pension from the compulsory old-age pension system is entitled to receive a compensation grant in order to ultimately (own pension and other own income and income of the spouse) obtain a minimum amount. The compensation grant is paid together with the pension. As a rule, such persons do not have to resort to other institutions (e.g. social welfare).

174. In previous decades, primarily older persons were among the poor households; in the meantime, though, their share in this group has clearly gone down, which is also due to the progressively higher increase of the reference values for compensation grants and the better access to the old-age pension systems. Between 1970 and 1997 the reference value for compensation grants was raised by approximately 500 per cent, whereas prices went up by about 200 per cent during that period. The reference value for compensation grants for a single-person household was 33 per cent of the average net wages in the early 1970s. In the meantime, it has gone up to more than 50 per cent of the current average net wages.

175. At present, the reference value for compensation grants is as follows:

- For single old-age pensioner      EUR 630.92
- For a couple of pensioners      EUR 900.13
- Increment per child      EUR 67.15

176. From the viewpoint of financial accounting, the compensation grant is not a social security benefit but rather a social welfare payment, the State refunds the expenditure under this heading to the old-age pension insurance carriers.

177. In 1999, an average 1,928,000 pension benefits were paid, contributions were received from 3,122,000 insurance relations. As a result, the relation has improved, compared to the previous year, the load ratio went down (again) to 617.

178. In 1999, there were 117,000 first-time payments of pension benefits: 60 per cent were old-age pensions, 13 per cent invalidity pensions, and 27 per cent survivor's pensions. Three fourths of the new entrants to old-age pension benefits were early retirement cases. Altogether four fifths of all new entrants to direct pensions were persons retiring before the statutory retirement age (men: 90 per cent, women: 69 per cent).

179. The average retirement age was 57.6 years in 1999 (1998: 57.4 years). For women the age was 56.7 years, for men 58.4 years. In 1999, four fifths of all pension benefits were below ATS 15,400, only 5 per cent between ATS 23,400 and the highest possible own pension of ATS 29,713. The clear differences between the average pension amount of men and women continue to persist. The average old-age pension of men amounted to ATS 15,200 in December 1999 and to ATS 8,900 for women.

180. The number of persons receiving pension benefits went up clearly more slowly, as compared to the pension benefits of the previous decade. About 1.9 million pensioners received 2.2 million pension benefits as at 1 July 1999. Fourteen per cent of all pensions (women: 21 per cent, men: 4 per cent) received at least one additional pension benefit from the statutory social security system or a civil servant pension. This fact puts the data on average pensions into some perspective.

181. The pensions and the reference values for compensation grants were increased by 1.5 per cent in 1999. In addition to increasing the reference values for compensation grants there were also one-time additional grants. The reference value for single persons amounted to ATS 8,112 in 1999 (2000: ATS 8,312), for married persons ATS 11,574 (2000: ATS 11,859). In December 1999, 242,000 persons received a compensation grant. The share of 13 per cent of pensioners has continued to decrease for years, in spite of the several extraordinary increases in the reference values.

## **Article 10**

### **Item 1**

182. For general comments please refer to the reports regarding the ILO Maternity Protection Convention (Revised) 1952 (No. 103). The ILO Minimum Age Convention (No. 138) concerning access to employment was ratified by Austria on 18 September 2000.

183. The report on Convention No. 103, dated 1996, includes detailed comments, among other things, on the maternity-protection benefits, as well as on the protection of pregnant employees.

184. The ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour was ratified by Austria on 4 December 2001. The Recommendation (No. 190) concerning the Worst Forms of Child Labour Convention has already been submitted to the National Council for acknowledgement.

## Item 2

185. Since the family is a private concept and the relevant decisions and relations are of a personal nature, politicians take only an indirect influence on families. The task of politicians is to make sure that, as a matter of principle, the decision in favour of children does not lead a disadvantage and that all means are distributed fairly between the generations and the sexes, as well as between persons with and without children.

186. Families are regarded as a subsystem of society with specific roles, tasks and functions (e.g. managing the household, procreation, child-raising, mutual help), which usually comprises two generations, namely the parents and their children, and the children and their parents. The term family therefore does not apply to persons living in a common household, but what is more important is the aspect of partnership relations, family relations or brother/sister relations.

187. Families are thus constituted by a differentiation of generations. Marriage-like subsystems are not regarded as families, but a basic criterion is the relationship between generations. Single parents or extramarital cohabitation communities with children are also included in the term family.

### Families in a comparison over time: 1990-2000 (microcensus)

	1990	1997	1998	1999	2000
Total number of families	2 231 800	2 244 800	2 256 600	2 269 100	2 279 800
Number of families with children	1 429 600	1 440 100	1 428 100	1 427 100	1 422 500
Average number of children per family	1.18	1.11	1.09	1.08	1.06
Families with children	1.75	1.72	1.72	1.71	1.70
Married couples	1 856 600	1 964 200	1 980 300	1 993 400	1 989 000
Married couples with children	1 154 400	1 159 500	1 151 800	1 151 400	1 131 700
Average number of children per married couple	1.14	1.06	1.05	1.04	1.02
Married couples with children	1.84	1.80	1.81	1.79	1.79
Single mothers	238 600	243 500	241 900	242 500	253 500
Average number of children per mother	1.38	1.40	1.38	1.37	1.38
Single fathers	36 600	37 100	34 400	33 200	37 400
Average number of children per father	1.44	1.41	1.38	1.40	1.36



### Item 3

188. Majority. The Children's Rights Amendment Act, which entered into force on 1 July 2001, resulted in a lowering of the age when majority is reached. On their eighteenth birthday, young persons have now reached the age at which they are able to engage in all transactions (legal capacity, i.e. to enter into transactions or to commit themselves by their own legal actions). When reaching the age of 14, they assume capacity for tortious liability (i.e. they can be held responsible for damages on account of their own, unlawful acts).

189. Capacity to contract marriage. When the age at which majority is reached was reduced by the Children's Rights Amendment Act, men obtained the capacity to contract marriage earlier. At the same time, the (previous) inequality between men and women regarding the age of reaching capacity to contract marriage (men at the age of 19, women at the age of 16) was eliminated. Now, all persons who have reached the age of 18 have the capacity to contract marriage. The courts must declare persons capable of contracting marriage who have reached the age of 16 and submit an application to this effect, if the future spouse has reached majority and if the person concerned appears to be mature enough to contract marriage (section 1 of the Marriage Act). A married minor person is regarded like a person of majority age regarding his/her personal relations, as long as the marriage persists.

190. Age of criminal responsibility. As a matter of principle, penal law responsibility in Austria commences at the age of 14. Persons who have not yet reached the age of 14 cannot be held responsible under penal law. Juveniles below the age of 16 cannot be punished for offences (namely deliberate acts punishable by less than three years' of imprisonment, as well as all acts of negligence), if there is no gross guilt and no need to impose a punishment for reasons of special prevention. In terms of substance, juvenile penal law applies to juveniles, i.e. persons who have reached the age of 14, but not yet the age of 18. By the same token, the Juvenile Courts' Act contains specific procedural features for penal proceedings.

191. Although persons between the ages of 18 and 21 are subject to the general penal law stipulations (the so-called "penal law for adults"), the specific procedural features of the Juveniles Courts' Act are applied to offenders below the age of 21, unless they can only be applied to minors on account of their nature (participation of a legal representative) or are not required.

192. The right to enter into marriage and to establish a family is guaranteed in Austria by constitution under article 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). According to the legal opinion of the Austrian Administrative Court, based on articles 8 and 12 of the ECHR, a person who has undergone a sex reversal may not be prevented from entering into marriage, citing as an impediment to marriage that both parties are of the same sex (Administrative Court, 30 August 1997, 95/01/0061, Court Decisions 1998, 461). Please refer also to item 3 regarding the capacity to contract marriage.

193. In addition, Austria has a comprehensive - also by international comparison - and effective system for promoting families.

194. Family allowance. Independent of their employment or income, parents who have their domicile or usual residence in Austria are entitled to a family allowance for the children belonging to their household, or for children for whom they provide the majority of their maintenance. As a matter of principle, family allowance is granted until a child has reached majority (the age of 18). For children undergoing a vocational training (in case of studies also depending on the scheduled study period), family allowance is paid, as a maximum, until the child has reached the age of 26 (in a few exceptional cases until the age of 27, especially during compulsory military service or training service or substitute military service or in case of a considerable disability). There are no age limits in case of children with permanent disabilities which render them incapable of any gainful activity, provided that certain prerequisites are met.

195. The amount of the family allowance is determined by the number and age of the children who are granted the family allowance. Family allowance amounted to the following amounts in the year 2002:

	0-10 years	10-19 years	19-26 years
1st child	EUR 105.40	EUR 123.60	EUR 145.40
2nd child	EUR 118.20	EUR 136.40	EUR 158.20
3rd child	EUR 130.90	EUR 149.10	EUR 170.90

196. For seriously disabled children the family allowance is increased by EUR 131 per month; since 1 January 2003 this increase actually amounts to EUR 138.30.

197. In 2003, the family allowance for all children as of the age of three was raised by EUR 7.30.

198. Multi-child bonus. In order to counteract the special poverty risk of families with several children, a multi-child bonus was introduced for families with three and more children. As of the third and for every further child that lives on federal territory or in the EU/EEA area, a multi-child bonus is paid in addition to the family allowance to all families whose monthly total income does not exceed the amount of EUR 3,872. This multi-child bonus amounted to ATS 200 (EUR 14.53) per month in 1999 and to ATS 400 (EUR 29.07) in the year 2000. As of January 2002, the multi-child bonus for every third and every further child was raised to EUR 36.40 per month.

199. Child deductible. In the year 2000 the amount deductible from taxes for every child was harmonized to amount to ATS 700 (EUR 50.90) for every child. As early as in 1999, the amounts granted to that date had been raised to ATS 125 (EUR 9.08). The previous scale of child deductibles, depending on the number of children, no longer applied as of the year 2000. As of that date, the current amount was added to the family allowance. Furthermore, every parent not living in the same household with the child, but paying maintenance for the child but not receiving the family allowance, is entitled to a maintenance deductible for every child that is entitled to maintenance. It amounts to EUR 25.50 for the first child, EUR 38.20 for the second child, and EUR 50.90 for every additional child.

200. As of the year 1999 the single-earner and single-parent deductible, granted as a “negative tax” was raised from ATS 2,000 (EUR 145.35) to ATS 5,000 (EUR 363.36). Since the year 2000 every family gets an additional monthly amount of ATS 500 (EUR 36.34), which is a total additional annual amount of ATS 6,000 (EUR 436.04). The total expense paid in 1998 for additional measures enacted for families with children amounts to ATS 12.6 billion (EUR 915,677,710.52).

201. The Tax Reform Act 2000 provided a reduction in the tax rate for wages and salary tax, as well as income tax, which resulted in a general tax relief as of 1 January 2000. This tax relief is especially of benefit for earners of small and medium incomes - the annual relief for a monthly gross income of ATS 13,000 (EUR 944.75) is ATS 4,000 (EUR 290.69) per year, earners of monthly incomes of ATS 30,000 (EUR 2,180.19) obtain an annual tax relief of about ATS 5,000 (EUR 363.36).

202. Parental leave. In July 1999, the so-called “Small Family Package” was adopted, which entered into force in early 2000. It is of special importance from the viewpoint of family policy that more flexibility was introduced to the terms for notifying parental leave, that a parental leave account was introduced (which makes it possible to make use of parental leave until the child has reached the age of school attendance), as well as that it has been stipulated in the law that fathers have their own entitlement to parental leave.

203. Following the protection period after childbirth, the mother or the father of a child may either - or alternately - claim parental leave. As a matter of principle, this lasts until the child has reached the age of 24 months. Parental leave benefits may be claimed for a minimum of 549 days; however, the period is extended to 731 days if the second parent claims parental leave benefits for a minimum of three months.

204. As a matter of principle, the mother or the father receives the parental leave benefits for the period during which parental leave is claimed, or in case of part-time work. Thirty per cent of the benefits are funded from labour market policy operations, and 70 per cent are derived from the Family Expenses Equalization Fund. A prerequisite for obtaining the parental leave benefits is for men/women below the age of 25 that they previously pursued a gainful activity, paying compulsory contributions to unemployment insurance for a period of 20 weeks; however, when older than 25 years, they must have had such work for 52 weeks, in case of a first child (26 weeks are sufficient for every further child). The parental leave benefits are a lump-sum amount that is independent of the gainful income. In 1999 it amounted to ATS 185.50 (EUR 13.48) per day, and in 2001 to ATS 186.60 (EUR 13.56) per day. For births as of 1 January 2002, the parental leave benefits were replaced by childcare benefits - please refer also to item 2 under article 9 above, as well as to the comments below.

205. The prerequisite for fathers to be legally entitled to parental leave is - in addition to their paternity - that father and child live in the same household, as well as that the mother does not claim parental leave at the same time (with the exception of a one-month period of overlap when there is the first change between the parents in claiming parental leave), or that the mother is not entitled to parental leave.

206. If parental leave is not claimed, the father or the mother, or alternately, has the right to work part time until the child has reached the age of 4. If both parents work part time at the same time, this right applies until the child has reached the age of 2. If parental leave is claimed during the first year after the birth of the child, either the mother or the father, or alternately, may work part time until the child has reached the age of 3, or if both parents work part time at the same time, they can do so until the child has reached the age of 2. For parents whose children were born after 31 December 1999, more flexible arrangements apply, while the overall entitlement remains unchanged.

207. If both parents work part time at the same time, they can apply for and will nevertheless receive parental leave benefits until the child has reached the age of 2. If only one parent actually works part-time, that parent will receive part-time parental leave benefits until the child has reached the age of 3. If full parental leave is claimed in the first year after the birth of the child, one parent - while receiving part-time parental leave benefits in an amount corresponding to the reduction of working hours, but to one half of the parental leave benefits as a maximum - may engage in part-time work until the child has reached the age of 2.

208. Parents by adoption or foster parents intending to adopt a child are entitled to parental leave until the child has reached the age of 2. As of 1 January 2000, parents by adoption or foster parents are - in any event - entitled to parental leave in a total amount of six months, before the child has reached the age of 7. In addition, gainfully employed parents by adoption or foster parents may also make use of the possibility of "working part time" if they engage in a part-time gainful activity that is reduced by two fifths, as a minimum, of the normal working hours - to be agreed between the employer and the mother or the father - instead of taking parental leave.

209. On the basis of an amendment of the parental leave benefits legislation (Federal Law Gazette, Vol. I, No. 153/1999), the so-called parental leave benefits account has been introduced in connection with children born after 31 December 1999. After the child has reached the age of 18 or 24 months, 183 days may be saved and be used up only in the period up to the time when the child has reached the age of 7; alternatively, three months may be used after the child has begun attending school.

210. Higher parental leave benefits. After 1 January 1996, new provisions applied to receiving higher parental leave benefits. The grant paid in addition to the standard rate is only awarded to single parents if the other parent is made known. Married or live-in partners will be paid this grant only if the income of the spouse or partner does not exceed a certain income ceiling. The grant paid to a single mother must be refunded by the established father. If the grant is paid to married parents or to parents living in co-habitation, they must refund the grant if their annual income exceeds ATS 140,000 (EUR 10,174.20).

211. Childcare benefits for all parents. The law providing childcare benefits, adopted in July 2001, which entered into force on 1 January 2002, has replaced parental leave benefits as a social security benefit. This new family benefit offers an extension of the group of entitled persons ("parental leave benefits for all parents") and of the period during which it may be received (up to the 30th or, if shared, up to the 36th month of age of the child) for all children. Childcare benefits serve the purpose of acknowledging, as well as partly compensating parents for the efforts, so valuable for society, which they make when bringing up children during the

first years of their life. At the same time, childcare benefits are meant to provide parents with a basic financial basis for the time during which a major part of the parents or of the mothers look after their children themselves, as well as to provide additional funds to finance (sometimes) extra household childcare services and - by a number of incentives - to make it easier for many young parents or mothers to realize their wish for part-time work following parental leave periods.

212. As a matter of principle, childcare benefits can be obtained in connection with entitlements to family allowance. Other requirements for an entitlement are sharing one household with the child, as well as observing the ceiling for earning any additional income. All mothers and fathers, whose child is born after 1 January 2002, are entitled to receive childcare benefits. Childcare benefits are also due for adopted or foster children.

213. For any births between 1 July 2000 and 31 December 2001, provisions were adopted to help persons making the transition from receiving parental leave benefits or part-time parental leave benefits. In this connection, the parental leave/part-time parental leave benefits were adjusted to the childcare benefits regarding their amount, duration of entitlement and ceiling for earning an additional income.

214. The entitlement for childcare benefits always applies to the respectively youngest child. If a further child is born during the period for which childcare benefits are received, the benefits for the older child are discontinued at the birth of a new child. A new application must be filed for the younger child. In cases of multiple births, the childcare benefits are also due only for the youngest child. However, the multi-child bonus, paid in connection with the family allowance, was raised from previously EUR 29.07 to EUR 36.40 per month in January 2002 for every third child and beyond.

215. Childcare benefits are a lump-sum amount, independent of the gainful income, and they amount to EUR 14.53 per day. By comparison, parental leave benefits amounted to ATS 186.60 (EUR 13.56) per day in the year 2001. Single parents and socially disadvantaged couples receive a grant in addition to the childcare benefits (daily amount of EUR 6.06).

216. If no evidence can be shown for the medical check-ups provided in the Mother/Child Pass (five check-ups during pregnancy and five check-ups for the child) by the age of 18 months, only half the amount of the childcare benefits will be paid as of the child's age of 21 months.

217. Childcare benefits are granted up to the child's age of 30 months or, if shared, with the other parent up to the child's age of 36 months, as a maximum. The parents may alternate twice regarding receipt of the childcare benefits.

218. Eighteen of the 30 (or 36) months are taken into account for the calculation of an old-age pension, the rest constitute old-age pension substitute periods. Persons receiving childcare benefits are automatically covered by sickness insurance.

219. Since the ceiling for earning an additional income when drawing childcare benefits was considerably raised (EUR 14,600.00 per calendar year), compared to the amounts possible in connection with parental leave benefits, this measure promotes the return or first access to a gainful activity, and it is also an incentive for fathers to make more use of parental leave.

220. Under the old statutory provisions, it was only possible in exceptional cases to have a legal claim to the so-called unemployment money during training periods after receiving parental leave benefits, since receiving the parental leave benefits exhausted the claim to unemployment benefits. As a rule, therefore, it was only possible to obtain relief payments. For children born after 1 January 2002, unemployment benefits may be received after receiving childcare benefits, provided that the other requirements for an entitlement are met (capacity to work, willingness to work, and unemployment). If the child is cared for exclusively or overwhelmingly by the person receiving the childcare benefits, it will be possible in the future to receive unemployment benefits parallel to receiving childcare benefits.

221. On account of their amount and longer period during which they can be received, childcare benefits offer a substantial contribution towards avoiding poverty for socially disadvantaged households. Among the mothers/fathers, or parents, now newly entitled to receive these benefits are - in addition to (foreign) housewives, self-employed women and female farmers - also students, young women looking for work, women active as "new self-employed persons", as well as persons with a minimum employment contract and freelance collaborators, who did not have any entitlement under the old statutory provisions, or who were only entitled to half the amount of parental leave benefits and only had a below-average income, as a rule. Moreover, the childcare benefits are also intended to be a contribution to the desired reduction in the differences in income between men and women, which might also create an incentive for men to dedicate more time to looking after their children, without completely interrupting their gainful activities. If the childcare chores are divided more fairly between the parents, the career opportunities, especially for women, are improved.

222. Part-time employment. Female employees may agree with their employers on part-time work (reducing the respective working hours by a minimum of two fifths) after a child is born, up to the child's age of 48 months as a maximum. If no agreement is reached, the female employee may sue the employer for agreeing to part-time work. The court has to dismiss such an action whenever the employer has factual reasons to refuse his/her consent to the requested part-time work arrangement. Part-time working may be claimed by one parent alone or alternately by both parents, or by both parents at the same time, with parental leave periods reducing the entitlement to part-time work (parental leave up to the child's age of 12 or 18 months - part-time work up to the child's age of 36 or 30 months). As a matter of principle, protection against notice of termination or dismissal is afforded upon announcing part-time work, at the earliest, however, four months before commencing part-time work, and it ends four weeks after the end of the part-time work.

223. Agreements on part-time work pursuant to the legislation protecting mothers or the law on parental leave periods (now the law on leave periods for fathers), which were in force at the time when the law on childcare benefits entered into force (1 January 2002) continue to be in force, unless a new agreement is reached with the employer.

224. Caring for sick children. Gainfully employed women and men are legally entitled to take "sick-care leave" (release from the performance of work), while continuing to receive their remuneration for a period of up to one week per work year (in case of caring for a sick child below the age of 12: two weeks) in order to provide the necessary care to a sick, close relative living in the same household (especially spouses, children, foster children, live-in partners,

parents and other direct relatives) or in the event that the person normally taking care of the child is prevented from his/her duties (due to a severe sickness, death, serving a prison term, spending time at a sanatorium or nursing home).

225. Moreover, since 1 January 1998 gainfully employed women and men are entitled to agree with their employer on a reduction of their working hours (reduction of working hours due to care commitments) not only for caring temporarily for a sick, close relative not living in the same household (children, foster children, parents, spouses or other direct relatives).

226. Leave for hospice duties in the family. Since 1 July 2002 all employees can adjust their working hours accordingly, in order to be able to look after severely ill or terminally ill family members. The law permits a reduction in the number of working hours, as well as a complete release from work (leave). During these periods, employees continue to have full sickness and old-age pension insurance, as well as to be protected against dismissal. In case of financial hardships, the support is granted in the form of hardship compensation for family hospice duties or from the care benefits. Persons may also apply for a leave for hospice duties in the family when taking care of severely ill children.

227. Since 1 July 2002, employees have the possibility of changing their working hours or to take leave from their employment relationship in order to accompany their most severely ill children, living in the same household with them, as well as to look after terminally ill relatives for a first maximum period of three months (with the possibility to extend the period to six months). During that time, employees have sickness and old-age pension insurance coverage, provided from unemployment insurance funds.

228. Equalization Fund for Family Allowances. The socio-economic objective of the Family Expenses Equalization Fund is - as was mentioned before - to equalize the maintenance expenses and the care provided by women and men who - being mothers and fathers - have to look after children.

229. The primary redistribution function of equalizing burdens and performances is a horizontal one; the distribution extends to those persons who are currently providing care to children and those who are currently not providing such services. The manner in which the funds are raised for the Family Expenses Equalization Fund also accounts for a considerable vertical redistribution, since it provides more support to the lower income brackets than to the upper ones. The lowest quarter of income earners receive more than three times the amount that they pay into the Fund; the top quarter, however, only receives half of what it paid into the Fund.

230. There is no separate administrative system for the Family Expenses Equalization Fund. Rather, it has been set up as an earmarked operation under the federal budget. The larger part of the means in the Family Expenses Equalization Fund are raised by employer's contributions in the amount of 4.5 per cent of the payroll total (please also refer to the above comments in connection with article 9).

231. In the year 2001, a total amount of EUR 342.8 million (70 per cent of the expenses) was used as a refund from the Family Expenses Equalization Fund for expenses incurred in the year 2000 in the form of parental leave benefits, grants in addition to parental leave benefits, as well as sickness insurance contributions.

232. Furthermore, contributions in connection with maternity benefits as well as operating assistance (80 per cent) in a total amount of EUR 207.7 million were covered with money from the Family Expenses Equalization Fund.

233. From the money of the Family Expenses Equalization Fund EUR 77.4 million were transferred to the Central Association of Pension Insurance Carriers as contributions for old-age pensions of employees on leave. In addition, in the year 2000 the Family Allowance Reserve Fund paid an amount of EUR 279,645 million for substitute periods in connection with raising children.

234. Securing child maintenance. Pursuant to section 140 of the Austrian General Civil Law Code, parents are obliged to pay for the maintenance of their children. The maintenance obligations for legitimate, illegitimate or children from a divorced marriage are the same. The amount of the maintenance payments depends upon the child's needs, on the one hand, and upon the income and living circumstances of the parent responsible for maintenance payments, on the other hand.

235. Pursuant to the case law of the courts, a person responsible for paying maintenance has to pay the following monthly amounts, which are percentages from his/her average net income: 16 per cent for a child between the ages of 0 and 6 years, 18 per cent between the ages of 6 and 10 years, 20 per cent between the ages of 10 and 15 years, and 22 per cent as of the age of 15 years. If the person responsible for maintenance has to pay support for more than one child or for a spouse without income, these percentages go down by 1 per cent or 2 per cent for every further child and by up to 3 per cent for a spouse. Since parents are obliged to make it possible for their children to obtain an education - including university studies - that are commensurate with the child's abilities and inclinations, the parents' obligation to maintenance continues to apply during the entire duration of the university studies. However, the child must pursue his/her education seriously and expediently and with success; however, one change in study courses is to be tolerated.

236. A gross violation of the maintenance obligation, which results in a risk to the maintenance or education of the person entitled to receive maintenance, has penal law consequences (section 198 of the Austrian Penal Law Code).

237. Advance on maintenance payments. The 1985 Advance of Maintenance Payments Act (Federal Law Gazette 451/1985) stipulates that the Republic of Austria must grant advance payments on statutory maintenance payments to those minors (Austrian and EU nationals and persons without citizenship), who do not receive their statutory maintenance payments from the persons obliged to make these payments, in spite of their capacity to make these payments, if the child or the person owing the maintenance payment has his/her usual domicile in Austria. The courts are responsible for collecting the advance payments from the defaulting debtors of these maintenance payments.

238. Advances on maintenance payments must be granted whenever there is a legally effective forced-collection title that can be enforced in Austria, which it was impossible to carry out fully during the last six months prior to filing an application. Furthermore, advances on maintenance payments may be granted in those cases in which there is a maintenance title, but where the performance of a forced collection appears to be futile for lack of assets on the part of



the person owing the maintenance payments, or for lack of a third party debtor, or is futile because the person is serving a prison sentence of more than one month's duration in Austria. Advance payments in the amount of the reference value must also be granted in those cases in which it is not possible to establish the amount of the maintenance payment since the whereabouts of the person concerned are unknown or since the person obliged to pay maintenance has no gainful income.

239. There is no title to an advance payment if the child lives in the same household as the person owing the maintenance payments, or is accommodated with a foster family, in a home or in another institution, on account of a measure taken by the social welfare services, or of a measure for full education pursuant to the public youth welfare legislation.

240. Since the age of majority was reduced by the Children's Rights Amendment Act, one year of receiving advance payments was cancelled. Those children, who had reached the age of 14 on 1 July 2001, are entitled, though, to continue to receive advance maintenance payments - in accordance with the transitional provisions - as before, until the end of the month in which they reach the age of 19. Upon application, these advance payments can be paid out directly to the persons entitled to them.

241. In the year 1994, advance maintenance payments were paid to 30,358 children, in the year 1995 to 31,974 children, in the year 1996 to 33,212 children, in the year 1997 to 34,912 children, and in the year 1998 to 36,546 children. In the year 2000, 38,313 children received a monthly advance on their maintenance payments amounting on average to ATS 2,243.99 (EUR 163). In the year 2000, these 38,313 children received advances on their maintenance payments in a total amount of ATS 1.12 billion (EUR 81,371 million) from the Austrian Government.

**Payment of advances on maintenance-repayments - ratio of repayments  
for advances on maintenance payments**

Year	Payments ATS/EUR million	Repayments ATS/EUR million	Repayment ratio (per cent)
1989	562.5/40.9	284.4/20.7	50.56
1990	587.7/42.7	322.7/23.5	54.91
1991	614.3/44.6	350.3/25.5	57.02
1992	648.5/47.1	344.7/25.1	53.16
1993	702.6/51.1	345.7/25.1	49.20
1994	777.4/56.5	368.4/26.8	47.38
1995	852.0/61.9	381.2/27.8	44.73
1996	917.5/66.7	411.8/29.9	44.88
1997	983.8/71.5	415.2/30.2	42.21
1998	1 041.5/75.7	448.7/32.6	43.08
1999	1 084.0/78.7	458.0/33.2	42.25
2000	1 119.6/81.3	511.2/37.1	45.68

242. Legitimate, illegitimate and stepchildren, who have lost one or both parents on account of death, receive a compensation of their title to maintenance payments by way of a widow annuity/pension.

243. Family promotion by the federal provinces. In most of the federal provinces there are "family grants", especially for families with many children, which are meant as a financial relief to parents with several children, as well as to make it possible for one parent to forego any gainful activity for the time during which this grant is paid. During the period under review, the support grants to families were further extended in several federal provinces (e.g. Tyrol, Vorarlberg, and Upper Austria) (promotions for the stage during which a family is established and children require care, as well as assistance in school matters). The federal province of Vorarlberg has been supporting families since 1999 by paying family grants; in addition, the family holds a special position since 1 January 1999 on account of the Vorarlberg Family Pass, as well as the promotion afforded to childcare facilities, the promotion granted to family holidays, and by the promotion afforded to families with multiple births, etc. The "Platform for a Child-Friendly Society in Styria" issued a brochure in 1998 with the title "Poverty among Children in Styria", which contains labour market, as well as economic and social policy recommendations, and recommendations for the public government sector which are meant to lead to a sustainable improvement in the basic living conditions of children and juveniles.

244. The 1998 Family Package and its distribution effects according to social position (Study by the Austrian Institute for Economic Research).

245. The 1997 microcensus lists 1,892,010 eligible children in 1,117,053 households. The share of households taking care of children in the total number of households (3,186,188) amounts to a total of 35.1 per cent. As a result, the trend towards a decrease in the number of households that take care of children has continued. The average number of children in households providing care to children has remained constant, though (1.69). On the basis of the number of children for the year 1997, direct family promotion for the year 2000 amounted to about ATS 70 billion (EUR 5,087,391.75). On average, every child is promoted by an amount of ATS 3,080 (EUR 223.83) per month, or every household providing care to children is promoted by ATS 5,206 (EUR 378.33). Independent of the changes in family promotion (at the middle of the 1990s) called "savings measures", the promotion granted to individual persons went up by about 12 per cent in the year 2000, as compared to the year 1993.

246. Family promotion measures in Austria aim primarily at a horizontal redistribution between households providing care to children and households without children. Although the promotion afforded to children is relatively uniform, because the amounts granted are essentially independent of incomes, there are vertical redistribution effects in favour of those households having a larger number of children or claiming these benefits for a longer period of time. An analysis according to social groups shows that family promotion measures bring about redistribution in favour of households by persons in industry or commerce or by self-employed persons. On the one hand, more entitlements are claimed for a larger number of children and for longer education periods in households of persons working in industry and commerce, as well as by self-employed persons; on the other hand, self-employed persons (with the exception of farmers) pay lower contributions to their financing, i.e. only ATS 90 million (EUR 6,540,555.08) from the general fiscal revenues.

247. It can be said by way of summary that in the years 1999 and 2000 the combination of fiscal law measures, in combination with improvements in the system of equalization between groups of the population with and without children (“equalization of family expenses”) has made it possible to reduce the number of households with children affected by poverty. Before these measures became effective the (above-)average ratio of a poverty risk for children was about 8 per cent, and persons in households with children accounted for two thirds of the persons living in poorer households (of which 65,000 were single-parent households, 65,000 were households with a minimum of two adults and one child, about 70,000 were families with two children, and about 80,000 were families with three children; when using the number of children per household as a basis, 110,000 were poorer persons in households with one child, about 90,000 were persons in households with two children, and about 80,000 were persons in households with three or more children). In the years 1999 and 2000, however, the number of children living below the poverty threshold went down by 53 per cent, which means that 105,000 children were “released” from poverty (report by the Group of Experts “Integration instead of Marginalization - New Strategies against Poverty” (1999); study by the Austrian Institute for Economic Research).

248. Social security. Austria is a Contracting Party of Convention No. 102 of the International Labour Organization concerning Minimum Standards for Social Security (Federal Law Gazette No. 33/1970), and it has a comprehensive social security system, corresponding to these standards, which covers about 99 per cent of the resident population in Austria either by being insured themselves in the sickness insurance scheme or by having gratuitous co-insurance with a family member. As relatives of insured persons, children obtain insurance protection without any additional payment of contributions, up to the age of 18. The sickness insurance coverage is extended until the child reaches the age of 27 in case he/she attends a vocational or obtains a school education. If children live in the household of the grandparents, then it is possible to obtain co-insurance with them. Persons, who are not subject to statutory sickness insurance, are entitled to obtain sickness assistance in the framework of social assistance from the federal provinces (*Länder*). For orphans there is sickness insurance coverage, as they receive orphan pensions. Children who are unable to have an independent income from a gainful activity on account of a disease or a disability - who are thus incapable of earning an income - continue to be co-insured with the insured parent, without any time limitation, and are not required to pay any additional contributions. A child that has co-insurance within the statutory sickness insurance scheme may obtain medical assistance from a physician (general practitioner) or a specialist, as well as any required care in a hospital, as well as medication, therapeutic agents and auxiliary means.

249. Consequences of accidents that have arisen in connection with a school or university education (e.g. on the way to school, on the premises of the school or the university, etc.) are covered by insurance for pupil or student accidents. This accident insurance covers medical treatment costs, medication, therapeutic agents, medical rehabilitation and the necessary auxiliary means (such as crutches, wheelchairs, etc.). If an accident decreases the child’s ability to perform a gainful activity by a minimum of 20 per cent, and if it persists for a minimum period of three months after the accident, an “injured person payment” is granted as a one-off benefit. There are fixed scaled amounts for the injured person benefit depending on the reduced ability to pursue a gainful activity. If there is still an ability, reduced by 50 per cent, to pursue a gainful activity after the end of the educational period, then a permanent “injured person annuity” is granted on a permanent level.

250. If one or both parents die during the life of the entitlement to maintenance payments, this is replaced by a payment under social security law: children are entitled to an orphan annuity or orphan pension, if the insured parent was insured for a certain minimum period. A child that loses a parent by death receives a half orphan pension, which amounts to 40 per cent of the pension claim of the insured, deceased parent; the full orphan pension - when losing both parents - amounts to 60 per cent of the pension.

251. Apprentices and (juvenile) employees have full insurance coverage under the statutory social insurance scheme (i.e. sickness, accident and old-age pension insurance). In addition, they are covered by compulsory, statutory unemployment insurance as of a certain minimum income. For the period of the first two years of their apprenticeship training - and their employers for the duration of the first three years of their apprenticeship training - apprentices do not have to pay any contributions to the statutory sickness insurance scheme.

252. Whenever children seek medical assistance for the account of the statutory sickness insurance scheme, it must be borne in mind that - with the exception of the group of persons covered by the insurance law on sickness and accident insurance for civil servants - the classification as relative under social security legislation does not constitute an independent right of the relative which gives rise to an independent entitlement. Rather, this claim derives from the entitlement of the person that is insured and must be claimed by that person on behalf of his/her relatives. This pattern may be interpreted as being the consequence of the welfare obligation applying to the insured person in connection with his/her relatives, of which the sickness insurance scheme releases him/her in this area (in a financial respect). The insured person must make sure that the relative entitled to benefits (the child) obtains a sickness form which must be given to the physician.

253. If a person does not have statutory insurance coverage, it is possible to obtain self-insurance under the sickness insurance scheme by paying the necessary contributions (1999: between ATS 489.60 (EUR 35.58) and ATS 3,386.40 (EUR 246.10) per month).

#### **Item 5 (a)**

254. Provisions protecting pregnant and breastfeeding employees are contained in the Maternity Protection Act, Federal Law Gazette No. 221/1979. As a matter of principle, this federal law applies to employees and persons doing homework on contract. For reasons of legal competencies, maternity protection for employees of the federal provinces and the municipalities, who are not employed by undertakings, is regulated by the federal provinces themselves. Female workers in agriculture and forestry are covered by the statutory maternity regulations of the 1984 Agricultural Workers Act, Federal Law Gazette No. 287/1984.

255. During pregnancy, mothers must not be assigned to any heavy physical jobs or other health-endangering jobs (relative employment bans). Pregnant women must not be assigned to any job eight weeks prior to the prospective childbirth. Nor must a pregnant woman be employed beyond the eight-week period, if a certificate by an official or labour inspectorate physician indicates that the life and health of the mother or the child will be jeopardized if the employment is continued. After childbirth, employees must not be assigned to an employment

for a period of eight weeks. In case of premature births, multiple births or Caesarean section, this period is 12 weeks, as a minimum, and 16 weeks, as a maximum (absolute employment ban). Beyond these periods, employees must not be assigned to work as long as they are still incapable of work.

256. There is a general prohibition to assign pregnant women or breastfeeding mothers to certain jobs. As a matter of principle, there is a ban on night work and work on Sundays and holidays, as well as to work extra hours for pregnant and breastfeeding women, with there being exceptions from the first two mentioned prohibitions (e.g. health sector).

257. During pregnancy and until the end of a four-month period after childbirth, the employment relationship of female employees may not be terminated with legal effect. After the eight-week period, the employee may claim parental leave benefits until the child has reached the age of 2. This parental leave may alternately be shared with the father on two occasions. Instead of parental leave, or in combination with it, there may also be arrangements on part-time work with the employer. If no parental leave is claimed, there may be arrangements on part-time work until the child has reached the age of 4. Protection against notices of termination or dismissals extends over a period of up to four weeks after finishing parental leave and part-time employment.

258. Employers, who employ female employees, must determine and evaluate the risks to the safety and health of pregnant and breastfeeding mothers, as well as their impact on pregnancy and breastfeeding, in case of workplaces to which women are assigned. If this evaluation shows that there are such dangers, they must be excluded by changing the assigned job. Whenever it is not possible or reasonable to change jobs, the female employee must be assigned to a different workplace. If there is no other suitable job, the female employee must be released from her work duties. In this case, the employee is entitled, vis-à-vis the employer, to receive remuneration.

259. Breastfeeding mothers are entitled to paid breastfeeding periods in an amount of 45 minutes during a working time of more than 4.5 hours, or of 45 minutes twice (or one time of 90 minutes) in case of a working time of more than 8 hours. The time required for breastfeeding must neither be included in the calculations for work times nor for rest breaks. Furthermore, it is prohibited to assign breastfeeding mothers to certain jobs (e.g. piecework jobs or mining jobs underground). Pregnant women and breastfeeding mothers must be allowed to lie down and rest under suitable conditions.

260. In order that mothers do not suffer any loss of income during the period affording protection to mothers, as well as during the period prohibiting their employment (maternity protection), they are entitled to receive maternity benefits, independent of their employment ban, for the period of maternity protection (8 weeks prior to the prospective childbirth, the day of the childbirth and, as a matter of principle, 8 weeks after the childbirth, or 12 weeks after childbirth in case of premature births, multiple births and Caesarean section). The basis for calculating the amount of the maternity benefits is the income earned during the last 13 weeks or the last 3 months prior to the occurrence of the insured incident of childbirth.

261. Operating assistance. Mothers who work self-employed in industry or trade, who practise a liberal profession or who work in agriculture and forestry, are entitled to an assistant for their operations during the maternity protection period. If the social security carrier cannot provide such a person, maternity benefits in an amount of about EUR 22 per day are paid, so that a suitable operating assistant can be deployed for a minimum of 20 hours per week.

262. Mother/Child Pass/Mother/Child Medical Examinations Programme/infant mortality. The goal that has always been the most important aspect of any health policy, namely the reduction of infant mortality and child mortality, is being ensured by a comprehensive system of preventive measures regarding health. A decisive prerequisite for the success of any therapeutic measures ("early promotion") is to identify a disability or development disorder at the earliest possible time so that possible dangers to the health of the unborn child, infant or small child can be recognized and eliminated at an early stage.

263. A programme of medical examinations, the so-called "Mother/Child Pass", was set up so as to ensure that these services are resorted to at the earliest possible point in time and that the necessary medical interventions may be performed. This programme is to induce parents to actually make use of the programme. The Mother/Child Pass offers free medical check-ups for pregnant women, as well as for the child up to the age of 5.

264. The programme of medical examinations (Mother/Child Pass) provides intensive health care for pregnant women, as well as for children up to the age of 5, which is ensured by the established physicians and maternity counselling centres (in Vienna: parents' counselling centres) and actually goes beyond the scope of the programme. Pregnant women and parents can also resort to a comprehensive offer in connection with infant care and breastfeeding, comprising courses in baby care, parents' schools and maternity counselling services which are available in the federal provinces and municipalities.

265. Before the - previously more generous - childbirth allowance was eliminated, the medical check-ups under the Mother/Child Pass scheme were carried out by about 95 per cent of the pregnant women, as well as the children, whereas this share has now gone down by 10 per cent, after the childbirth allowance was eliminated. In order to obtain the highest possible use of the examinations for the Mother/Child Pass, parents of infants and children between the ages of 1 and 3 are contacted by personal letters reminding them of the due dates for the examinations under the Mother/Child Pass ("letters to parents"). Linking the childcare benefits to the examinations for the Mother/Child Pass is intended to increase the use of this service.

266. For children born after 1 January 2002, the examinations required for the Mother/Child Pass (five during pregnancy and five for the child) must be demonstrated by the child's age of 18 months. If no such evidence can be furnished, only one half of the childcare benefits will be paid as of the child's age of 21 months. No evidence for the examinations is required if there are reasons beyond the parents' control which prevent the carrying out of these check-ups (e.g. when adopting a child).

267. Infant mortality. Infant mortality (with the child's death occurring during the first year of his/her life) amounted to 4.4 per mill per 1,000 live births in 1999. This is a decrease of 9.3 per cent, as compared to 1998. The federal provinces of Vorarlberg (7.2 per mill), as well as of Vienna and Lower Austria (5.1 per mill each) had the highest infant mortality rates.

In Salzburg and Burgenland the rate was only 2.7 per mill in each case. In the other federal provinces the rate was between 3.3 (Styria) and 4.3 per mill (Upper Austria). In 1999, there were 316 stillbirths, which are 18 less than in 1998 (4.0 per mill). Perinatal mortality (the sum total of stillbirths and infants dying during the first week of their life) went down from 6.6 in the year 1986 to 6.0 per mill in the year 1999.

268. In 2000, 378 children died in Austria during the first year of their life (4.8 per mill). This is thus a slight increase in infant mortality; yet, for four consecutive years the value was below the 5 per mill mark. The figures for stillbirths also went up slightly (4.2 per mill per 1,000 live births); the same applies to perinatal mortality (6.7 per mill per 1,000 live births). The Austrian value is thus clearly below the mean value for the EU.

## **Item 6**

269. Children and juveniles are groups of persons who deserve special protection. The protection afforded to children and juveniles against economic exploitation and types of work that might be detrimental to their health and development, is ensured by a number of international conventions and national laws and ordinances\* - primarily by the federal law of 1997 on the employment of children and juveniles, Federal Law Gazette No. 599/1987, as last amended by Federal Law Gazette, Vol. I, No. 126/1997.

### *Child labour*

270. The federal law on the employment of children and juveniles, dated 1987, Federal Law Gazette No. 599/1987, stipulates the fundamental prohibition of child labour.

271. Children are defined as minors up to the age of 15 or later, until they have completed their compulsory schooling. Juveniles are persons beyond the age of 15 and until they have reached the age of 18, or if they have completed their compulsory schooling after their fifteenth birthday, beginning with that date. The provisions for juveniles apply to persons below the age of 15, who have already completed their compulsory schooling, if they are employed in an apprenticeship relation or for summer jobs or compulsory vocational traineeships.

272. There is a general ban on child labour in Austria, as a result of which children below the age of 15 must not be assigned to work of any kind, nor employed in any form. Employing children for purposes intended exclusively for their education or training, and assigning one's

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\* ILO Night Work of Young Persons (Industry) Convention (No. 6), ILO Convention concerning Minimum Age for Admission to Employment (No. 138), ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), European Social Charter (art. 7 (2) to (5) and (7) to (10), Federal law on the employment of children and juveniles, ordinance concerning prohibitions and restrictions for employing juveniles, Agricultural Workers Act, as well as the ordinances of the federal provinces concerning agricultural work, the law on household helpers and household employees, collective agreement and apprentices' remunerations and minimum wage rates (e.g. for household helpers), the law on vocational training, including all relevant ordinances, the employment systems law.

own children to minor chores and jobs of short duration in the household (e.g. helping with cooking, washing up the dishes and cleaning up), though, are not considered to be forms of child labour, since one need not fear that these activities will result in economic exploitation or constitute a danger to the education and health of the child.

273. Children who have reached the age of 12 may be assigned to light and occasional work in the private household or in enterprises where only family members are employed. In addition, they may run errands, collect flowers and mushrooms, etc. and carry out minor tasks at sports facilities. However, these activities must not be performed in commercial enterprises or in the framework of an employment relationship. In addition, these activities are only permitted if they do not constitute a risk to the physical and mental health and development of the children, nor to their morality, if they are not exposed to any detrimental influences and not prevented from successful school attendance.

274. At the same time, it is stipulated that children may not be employed on school days and days without classes for more than two hours. Children may not be assigned to any work on Sundays and holidays, or between 8 p.m. and 8 a.m. For children taking part in music performances, theatre performances, and other presentations, as well as for photo, film, TV and audio recordings, this prohibition applies between 11 p.m. and 8 a.m. An official permit must be obtained in order to admit children to these kinds of activities, and there must be a special artistic, scientific or educational interest involved in these activities. No permission must be granted for the use of children in variety shows, cabarets, bars, sex shops, dancing clubs, discotheques or similar enterprises. Before granting such a permit, the consent of the competent school authorities must be obtained, and the labour inspectorate must be heard when commercial performances are staged. The district administrative authorities, in cooperation with the labour inspectorates, the municipal authorities and the school organs monitor compliance of these provisions. If an employer cannot guarantee compliance with the statutory protective provisions or conditions imposed by authorities, the further deployment of children at public presentations will be prohibited by the competent authorities.

275. In the case of juveniles, there are also certain restrictions regarding their employment: as a matter of principle, the daily working time for juveniles must not exceed 8 hours, their weekly working time, including attendance of vocational school, must not exceed 40 hours (exceptions are admissible in order to obtain longer spare time periods or on the basis of collective agreements; the daily working time, however, must not exceed 9 hours - section 11 of the federal law on the employment of children and juveniles). If juveniles are assigned to preparatory or finishing jobs, they are entitled, as a matter of principle, to additional free time by way of compensation. Working overtime on account of preparatory and finishing jobs is only admissible in individual cases (section 12 of the aforementioned law). If the daily working time is longer than 6 hours, there must be a rest break with a minimum duration of 30 minutes after 4.5 hours at the latest; after the end of their daily working time, juveniles are entitled to an uninterrupted rest break of a minimum of 12 hours (sections 15 and 16 of the aforementioned law).

276. Juveniles must be given sufficient time off so that they can attend compulsory vocational training school, with wage payments being continued during that time. The periods of school attendance must be taken into account when calculating the weekly working time.



277. At night, i.e. between 8 p.m. and 6 a.m., juveniles must not be assigned to work. However, there are special arrangements for activities in the restaurant industry, in enterprises working in several shifts, for performances and for photo, film, television and audio recordings, in enterprises producing bakery products and when training for a sick nursing occupation (section 17 of the aforementioned law). Juveniles must not be assigned to work on Sundays and statutory holidays. There are exceptions for individual activities; every second Sunday, though, must remain free from work.

278. Only in the restaurant industry, the collective agreement may admit work assignments on consecutive Sundays. However, such assignments must be limited to 23 Sundays in a calendar year (section 18 of the aforementioned law). As of 1 July 1997, free time during the week was extended from 43 hours to 2 calendar days, which - as a rule - must be consecutive. As a result, the five-day week was introduced for juveniles in general. Special arrangements apply to individual activities, such as in the catering industry, as well as the preparation and processing of fresh food products (section 19 of the aforementioned law). The holiday leave entitlement of juveniles is 30 workdays (section 32 of the aforementioned law, section 2 of the Paid Leave Act).

279. According to the federal law on the employment of children and juveniles, employers must determine the dangers to the safety, health and morality of juveniles before commencing such an employment and whenever a major change in working conditions takes place. In this connection, special attention must be paid to the physical strength, age, as well as educational and training level of the juveniles concerned. Employers must take all necessary measures in order to protect their safety, health and morality.

280. Before taking up their work, juveniles must be informed of the dangers existing in the undertaking, which comes under the responsibility of the employer, as well as of the measures taken to avert these dangers, and of the respective facilities and their use. The instructions about the dangers existing in an undertaking must be repeated at adequate intervals, as a minimum, though, once every year. In case of persons below the age of 15 (who may already be employed, because they have completed their compulsory schooling and because they are already in an apprenticeship relation or trainee period), their legal representatives must also be given this information.

281. For the early detection of diseases, juveniles must have medical check-ups made once every year. Employers must inform them of such check-ups in due time. Employers are obliged to inform the juveniles about the meaning of these examinations and to see to it that they participate in these examinations. In addition, juveniles must be given the necessary spare time to have these juvenile check-ups performed (with remuneration being continued to be paid).

282. Up to the age of 18, as well as for minors as defined by section 2 § 1 letter (a) of the federal law on the employment of children and juveniles, work is prohibited that must be performed with dangerous materials, as well as work under physical impact, work under a mental and physical stress, work with dangerous working substances, and other dangerous or stressful work or working processes. As an alternative, conditions must apply to these types of work.

283. In general, the ordinance of the prohibition to work and restrictions to employment applying to juveniles (ordinance in conjunction with the federal law on the employment of children and juveniles) comprises a number of undertakings and types of work that are completely prohibited for juveniles. In addition, it lists a number of work assignments that are admitted for all juveniles that have reached the age of 17, or for juveniles that undergo training and have pursued this for 18 months, or already after 12 months when receiving the necessary instructions on dangers as part of their vocational school training. For the training, the arrangements of the vocational training law and the training ordinances, enacted in this connection, are decisive.

284. According to section 6 § 19 of the Employees' Protection Act - Federal Law Gazette No. 450/1994 - employers must take account of an employee's aptitude, when assigning work duties to him/her, with regard to security and health. In this connection, particular attention must be paid to general physical constitution, physical strength and qualifications. When assigning juvenile and female employees to jobs, as well as when using persons for work who are particularly deserving of protection, such as disabled persons, special attention must be paid to the specific requirements for the life, health and morality of these groups of persons (section 10 of the Employees' Protection Act).

285. One should also point out that the maternity protection law also applies to girls below the age of 18. This means that there is a general prohibition on employment eight weeks prior to and after childbirth, as well as that there are prohibitions to assign them to activities that potentially are especially dangerous, in particular to such jobs that are a risk to the life and health of the pregnant mother or the unborn child.

286. The federal law on the employment of children and juveniles prohibits any form of physical punishment and major verbal insult. In addition, performing piecework (for juveniles who have not reached the age of 16 or who are part of an apprenticeship or other training relationship of a minimum duration of one year), as well as assigning juveniles to jobs that endanger the health and morality of juveniles are forbidden (for certain enterprises and for certain activities that constitute a health risk, general prohibitions to employ juveniles have been laid down).

287. The transport of major money and material assets by a juvenile at his/her own responsibility is forbidden.

288. In those enterprises where a minimum of five juveniles (who have not yet reached the age of 18) are employed, a person enjoying the juveniles' confidence must be installed, whose task is to represent the economic, social, health and cultural interests of the adolescent employees in the company.

289. Anybody violating the federal law on the employment of children and juveniles or an ordinance issued on the basis of this law, must be punished by the district administrative authorities with a money fine of EUR 72.00 to EUR 1,090.00, in case of recidivism of EUR 218.00 to EUR 2,180.00, unless the offence is subject to another law with stricter punishments. Employers, who were punished repeatedly for violations of the aforementioned

protective measures, may be prevented from employing juveniles for a certain period of time or permanently by the district administrative authorities, upon application by the labour inspectorate or any other authority authorized to ensure the protection of employees.

290. In general, the possibility to prohibit the employment of young persons is taken into consideration if the employer has been found guilty of major violations of his/her duties vis-à-vis a juvenile, or if facts can be demonstrated that make it appear inappropriate, in a moral sense, that this employer recruits juveniles.

291. Austrian legislation on industry and trades does not explicitly provide for withdrawing the operating permit in case of particularly grave violations against the prohibition of child labour. However, the trade licence may be withdrawn in those cases in which the licence holder no longer shows the reliability required for the exercise of a trade, on account of grave violations against the statutory provisions and protected interests that must be observed in connection with the respective trade or industry. The legislation protecting employees is one of the statutory regulations that must be observed.

292. The district administrative authorities are responsible for monitoring compliance of the provisions of the federal law on the employment of children and juveniles, in cooperation with the labour inspectorates (every labour inspectorate must be provided with a minimum of one labour inspector for child labour, as well as for the protection of juveniles and apprentices), the municipal authorities and the school managing bodies. Teachers at schools, physicians and bodies of private juvenile welfare services, as well as all corporations that are responsible for matters of youth welfare must report any observations on the violation of stipulations regarding child labour.

293. In the year 1995, nine cases relating to child labour were reported that constituted violations of the federal law on the employment of children and juveniles. In 1996, there were 5 such cases, in 1997 10 cases were reported, and in 1998 a mere 7 cases were violations of the aforementioned law.

294. (Item 6 (d)) There are no provisions granting exemptions from the aforementioned provisions to specific persons or groups of persons.

*Other special protective measures for young persons*

295. “Younger” persons (until they have reached the age of 18), who are subject to the care or custody of a person entitled to their education or of an employer, are afforded special protection by the penal law protective provision of section 93 of the Penal Law Code. “Over-exerting minor, younger or persons in need of rest” may be punished with a prison term of up to two years, if this over exertion was due, for example, to malice or lack of consideration, or if this gave rise to a danger of death or a major physical injury or damage to health.

296. Any abuse of the existing relationship under an employment contract or another factual employment relationship between a master craftsman or other employer and his/her juvenile apprentices, household helpers or other juvenile employees in his/her care is also prosecuted under penal law (section 212 of the Austrian Penal Law Code: abuse of a relationship of

authority). Employers must not exploit this relationship of authority for his/her purposes. Any abuse of this relationship of confidence and authority for sexual purposes is sanctioned with a prison term of up to three years.

*Economic exploitation of children*

297. Protection against (excessively hasty) consumption and its dangers by restricting the access to certain forms of consumption (e.g. by a scaled legal capacity for children and juveniles, as well as by means of legislation for the protection of juveniles) constitutes a field of tension in view of the attraction for young people to participate in the world of consumption.

298. On account of intensive efforts on the part of those working in commercial enterprises to win adolescents as consumers and customers (e.g. "bank accounts for juveniles"), there is an increased risk that juveniles enter in major liabilities (that have no legal effect) without the required participation by their statutory representatives or their custody court, which they will implicitly approve upon the juveniles reaching the age of majority, e.g. by simply continuing the bank account relationship, thereby rehabilitating the originally existing flaw.

299. Since the Children's Rights Amendment Act entered into force, a minor, who entered into a legal transaction without the consent of his/her legal representative, is obliged to bear the legal consequences of this legal transaction upon reaching majority only in those cases when he/she acknowledges in writing the assumption of this (earlier) commitment. There is no statutory debtor's obligation without this written statement.

300. On account of the new legal situation, any "child" that has come of age should only be responsible for paying the "big" debts incurred earlier (i.e. prior to reaching majority), which are suspended and ineffectual, unless he/she (having reached majority in the meantime) expressly acknowledges (in written form) these commitments. As a result of this provision, creditors (e.g. banks, mail order companies and alike), who "happily" waive the (necessary) consent of the parents of the juvenile when debts are incurred, should not be able to rely upon the fact that the minor child upon reaching majority will have to take "active" action against these "old debts". In future, banks - or other creditors - are required to ask the person who has come of age to confirm the debts incurred previously within a specified time. If a person, who has reached majority, allows that period to lapse and if he/she does not acknowledge the debt, the legal transaction must be finalized in a reversed transaction.

301. Parallel to reducing the age of majority from 19 to 18 years, the credit institutions must now observe specific obligations of care in their business relations with juveniles that have not yet reached the age of 18 (section 36 of the Banking Sector Act).

302. In 1994, a nationwide information campaign was launched exhorting juveniles to handle money with care. The motto was "Your Fortune in (Loan) Instalments". The goal of the campaign is to keep young people from drifting into so-called "careers of indebtedness" on account of carelessly entering into debt relations. Most of the debtors' counselling services, as well as all major bank institutes could be recruited for this campaign, in addition to Austrian schools. Children and juveniles are prohibited from taking part in any gambling (except for lotteries, football pools, raffles or bazaars, etc.), as well as gambling at machines where money may be won.

303. Separation from parents. If the parents - for whatever reason - only insufficiently meet their educational task for their child, the child deserving of protection may claim the special protection afforded by the State. This protection is implemented by the interference of government bodies, such as e.g. courts and youth welfare institutions, if the child, removed from his/her family environment, has this special need for protection, which requires that a different form of accommodation is found for the child.

304. Adoption. Pursuant to section 179a § 1 of the Austrian General Civil Law Code, adoption (to take on as one's own child) is created by a written contract between the adopter and adopted child. This adoption contract requires the approval of the courts. In the course of granting an adoption, the statutory requirements for approving the adoption contract must be examined and all essential facts and circumstances must be taken into account ex officio. Prior to taking its decision, the court hears the potential adopted child that has no legal capacity, once it has reached the age of 5, as well as the parents of a major potential adopted child, the foster parents or the manager of the home in which the child is accommodated, as well as the youth welfare institution (section 181a § 1 of the Austrian General Civil Law Code).

#### **Statistics on effectively approved adoptions of minor adopted children**

1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
548	518	480	552	544	483	805	894	819	862

305. Negotiating the adoption of a child in Austria is a matter to be handled by the youth welfare institutions. The youth welfare laws of the federal provinces have laid down additional, more stringent criteria for negotiating the adoption of a child in another country. For example, a child may be proposed for adoption in another country only if this serves the well-being of the child in a special or in a better way than an adoption in Austria, or if certain circumstances justify the adoption, or if care must be taken of the child's language, religion or culture, or if the well-being of the child would otherwise be endangered.

306. Austria has ratified the European Convention of 24 April 1967 concerning the adoption of children (Federal Law Gazette No. 314/1980), as well as The Hague Convention of 15 November 1965 on the jurisdiction, applicable law and recognition of decrees relating to adoption (Federal Law Gazette No. 581/1978).

307. On the occasion of ratifying the European Convention concerning the adoption of children, Austria has reserved the right pursuant to section 25 § 1 of the Convention not to require - as would be necessary in accordance with article 10 (2) of the Convention - that all obligations cease to exist which the child has vis-à-vis his/her father and his/her mother regarding maintenance law and inheritance law. This reservation is only effective for a period of five years and may be renewed for another five years. In the year 2000, the reservation was renewed.

308. Furthermore, Austria has ratified the Convention of 29 May 1993 on the protection of children regarding the protection of children and cooperation in the field of intercountry adoption, which was drawn up in the framework of the conference in The Hague on private international law. The Convention went into force for Austria on 1 September 1999 (Federal Law Gazette, Vol. III, No. 145/1999). The governments of the federal provinces were

established as central authorities pursuant to article 6 of the Convention, having geographical competencies for the respective federal province. The central authority of accepting applications from abroad is the Federal Ministry of Justice.

309. Unlawful transfer and non-return of children. Austria is a Contracting Party of The Hague Convention of 25 October 1980 on civil law aspects of international child abduction and of the European Convention of 20 May 1980 on the recognition and enforcement of decisions concerning the right of custody for children and the restoration of the right of custody. Thus, effective instruments are available to fight any unlawful transfer and non-return of children, in violation of any legislation. Special sets of facts, relating to the relationship of minors (until they have reached the age of 18) to the respective person authorized to assume the child's education, are also meant to protect the minor as such and not only the right to an education. It is therefore punishable to remove a minor from the care of the person authorized to assume the child's education (section 195 of the Austrian Penal Law Code) or to "frustrate educational measures imposed by an authority" (section 196 of the Austrian Penal Law Code). The security forces (police) are obliged - when enforcing the lawful status - to cooperate in detecting the whereabouts of a minor, in case of a request pursuant to section 146b of the Austrian General Civil Law Code (section 24 § 1, item 4 of the Security Police Act).

310. Children with disabilities. On the basis of the programme for persons with disabilities of the Austrian Federal Government, a number of statutory and administrative measures have been taken in the course of the last decade in order to integrate children with disabilities into society and everyday life. In particular, efforts are made to promote - already at the infant age - that disabled and non-disabled children live together, as well as to provide care and educational facilities adapted to the needs of children with disabilities (such as special nursery schools or special schools). More financial resources are made available for this purpose. For children with major physical and mental disabilities, a grant is paid in addition to the family allowance, which amounts to EUR 131 per month.

311. Children with disabilities (just like children without disabilities) are also covered by insurance without paying contributions, together with their gainfully active parents covered by compulsory insurance, i.e. the costs for medical treatments are borne by the insurance institute. They also receive rehabilitation services free of charge. If the care for a disabled child, living in the same household, requires the full working potential of one parent, this person may take out self-insurance for his/her old-age pension insurance for the period of time spent on caring for the disabled child. The Family Expenses Equalization Fund bears the costs.

312. Care benefits for children with disabilities. The federal law on care benefits and the nine analogous care benefits laws of the federal provinces introduced care benefits as of 1 July 1993, which are paid according to uniform principles and objectives throughout Austria.

313. Originally, the legal title to care benefits arose only after the age of 3 had been reached. On account of the results obtained when evaluating the experience gained during the first years of care benefits, the amendment, Federal Law Gazette, Vol. I, No. 69/2001, to the federal law on care benefits created the entitlement to care benefits for children as of their births (effective date 1 July 2001). The care benefit laws of the federal provinces of Upper Austria, Salzburg, Tyrol, Vorarlberg and Vienna also extended the entitlement to benefits for children in the same manner.

Different levels of care benefits:

Level 1	For care requirements of more than an average of 50 hours per month	EUR 145.40
Level 2	For care requirements of more than an average of 75 hours per month	EUR 268.00
Level 3	For care requirements of more than an average of 120 hours per month	EUR 413.50
Level 4	For care requirements of more than an average of 160 hours per month	EUR 620.30
Level 5	For care requirements of more than an average of 180 hours per month and additional extraordinary care requirements	EUR 842.40
Level 6	For care requirements of more than an average of 180 hours per month, if - additionally - there is the need for care measures for which the times cannot be coordinated (regular attendance during the day and during the night), or if it is necessary for a person to be present at all times in order to provide care, on account of the probability that a risk may arise due to the person himself/herself or due to third parties (regular attendance during the day and during the night)	EUR 1,148.70
Level 7	For care requirements of more than an average of 180 hours per month if the target-directed movements of the extremities with functional transposition are impossible, or if there is an equivalent condition	EUR 1,531.50

314. Disabled Persons' Act. The federal law regarding disabled persons is the basis for coordinating rehabilitation measures and providing target-oriented advice, care and assistance to disabled persons, in order to ensure for them an optimum integration into society. The social services of the Federal Ministry for Social Security and Generations serve as an information centre for all issues of relevance to disabled persons. Mobile counselling services for children and juveniles have been set up to look after children and juveniles that are affected by or exposed to physical, mental and/or psychosocial impairments. The teams comprise diplomaed social workers, psychologists and physicians, who provide specific advice at regional centres, based on the principles of prevention and integration, and who also provide comprehensive accompanying measures. Since these services are offered close to a person's domicile, easy access is ensured. If necessary, the counselling services also pay visits to the homes of the persons in need of such services. The services offered to clients and their families comprise, in particular, information on available assistance, support in transactions with the authorities, preparing medical and psychological diagnoses and expert opinions, psychosocial interventions, as well as planning, obtaining and organizing individual therapy and/or care.

315. Integration of disabled children in nursery schools and other care facilities. The corresponding statutory provisions of the federal provinces give special consideration to the greater demand and the greater awareness of the population regarding the pedagogic requirements for the integration of disabled children.

316. Education and training of disabled children. The requirement that education and training must be accessible to disabled children in a manner that - as fully as possible - promotes their social integration and individual development, is met by a broad range of special school types, on the one hand, and, on the other hand, by special pedagogic centres and by way of integration, which covers all the age groups of children between the ages of 6 to 14.

317. Integrated education for children with special pedagogic needs of promotion was established by law as of the 1993/94 school year for the primary school level, and as of the 1997/98 school year for the secondary level. It stipulates the right of parents to choose between integrated and special schools:

- Integrated classes: In a class with a reduced number of pupils, disabled and non-disabled children are taught together in all subjects by two teachers (one teacher for the specific subject, one special pedagogue). The education is provided according to different curricula and in forms of education that are suited for heterogeneous groups.
- Supporting teacher model: A special school teacher is additionally assigned to a class, for a limited number of hours, for individual pupils with special pedagogic needs for their promotion.
- Cooperation classes: A standard class and a special school class work together in different proportions; they form one joint group of pupils for specific subjects, for example.
- Small classes (promotion classes): A class with a reduced number of pupils is taught by a special school teacher according to the curriculum for standard schools, to the extent possible. The goal is to reintegrate pupils into standard school classes.
- Special schools/special school classes: Disabled children can continue attending special school, in which the pedagogic overall concept is adjusted to the special needs and requirements of children with a specific type of disability.

318. An important concern of the education policy was implemented when introducing the joint, integrated education for disabled and non-disabled children. Methodological and didactic know-how and special pedagogic centres, which are mainly set up at locations of special schools, were established by law, in order to support integration by means of material and human resources.

319. Integration of disabled juveniles into working life. The law on the employment of disabled persons promotes the creation and maintenance of training positions and workplaces for entitled disabled persons. In order to make it possible for disabled juveniles to become integrated into gainful activities, a bonus is paid for the training of disabled juveniles. As of a certain company size, employers are obliged to hire entitled disabled persons. Employers, who do not meet this requirement, must pay a compensation charge to make up for this omission. These compensation charges (ATS 2,700/EUR 196.22 per vacant compulsory job and month) are paid into the Compensation Charges' Fund and are used for earmarked purposes that support the integration of disabled persons into working life.



320. In the year 2000, employers paid compensation charges in the amount of ATS 739 million (EUR 53,705,224.45).

321. In order to increase the incentives to employ disabled persons and to create a fair balance between employers who hire disabled persons and those who do not hire such persons, the amendment of the law on the employment of disabled persons raised the compensation charge, as of 1 July 2001, to ATS 2,700 (EUR 196.22). At the same time, the period during which the special protection against termination of employment relations for entitled disabled persons is not yet to be applied was extended from three to six months.

322. As assistance towards the integration of disabled school-leavers into working life, the so-called "clearing" programme is offered, in the course of which the best suited package of measures for integration into working life is determined on an individual basis, together with the person concerned. In addition, projects to obtain qualifications are provided for disabled school-leavers.

323. There are a number of specific projects for the integration of young persons into working life, especially at the interface between school and working life. These are also supported with funds from the European Social Fund. The Federal Government also launched a campaign for the recruitment of persons with disabilities ("One Billion Euros for the Disabled" - see also above regarding article 9, item 2). Beginning in 2001, an additional, annual amount of ATS 1 billion (EUR 72,672,834.17) is made available in order to integrate disabled persons into working life.

324. Among other things, this package of measures comprises integration allowances, whereby wage costs are covered for a limited period of time, as an incentive to hire young, disabled persons, as well as a project to obtain maturity at a later stage, as well as qualifications, assistance at work, and allowances for studies and apprentices. This package is meant to fund the participation of 12,000 persons every year in coordinated measures to obtain qualifications and jobs, as well as for further activities that serve the purpose of bringing these persons closer to the primary labour market. The planned measures are handled by the federal offices for social affairs and disability matters. All partners involved on the level of the federal provinces cooperate, in order to control and implement the measures in a region. Already existing coordinating structures are utilized.

325. Persons of confidence for the disabled employees must be elected in every company that has five or more entitled disabled persons on their permanent payroll, in order to make sure that the specific economic, social, health and cultural interests of the disabled employees are safeguarded. If young, disabled persons are employed in a company, then a person of confidence for the young, disabled persons must also be elected.

326. Disabled persons with an established level of disability of 50 per cent (as a minimum), who have their usual domicile in Austria, may be issued a pass for disabled persons by the federal social services offices, pursuant to section 40 of the federal law regarding disabled persons. The pass for disabled persons is an identity card with photograph, which serves to prove to authorities and insurance institutes, for example, the level of disability of the person concerned. In addition, a number of benefits (price reductions for means of public transport, reduced admission fees to museums, theatres, swimming pools, etc.) may be obtained. When the

additional entry “the use of public transport is unreasonable on account of permanent health damage” is made in the pass, the highway toll label may be obtained free of charge for the entire year, if the car is registered in the name of the disabled person.

327. Persons with permanent, severe disabilities are granted tax reliefs (deductibles) and road code privileges (parking their cars in reserved zones). Building standards for public buildings, traffic areas and means of transport that take account of disabled persons serve the purpose of making it possible for disabled persons to have more mobility.

328. Introductory training, retraining and follow-up training for further vocational training and testing at work, as well as the necessary adaptation of training and workplaces (e.g. rooms, sanitary facilities, the refitting of equipment and machinery, etc.) were promoted as part of “projects for qualification and employment” in order to make up for any disadvantages at the workplace due to a disability.

329. Integrated companies are a further opportunity for disabled (young) persons to become integrated (reintegrated) in working life. Working in integrated companies is meant to improve the performance capability of (young) disabled persons, so that these can (again) be integrated into the general labour market. Integrated enterprises also make available permanent workplaces. If it is not possible to integrate a disabled person into working life on the general labour market or an integrated enterprise, day-care centres and institutions with residential facilities are used, when trying to preserve and/or further develop the existing abilities by means of occupational therapy. Work assistants, employed by private associations for the disabled, take care of disabled young persons when looking for and keeping workplaces and make sure, whenever necessary, by way of communicating with the family, the employer and the authorities that any possible difficulties at the workplace are removed.

## **Item 8**

330. It should be mentioned that Austria contributed to the IPEC Programme (International Programme for the Elimination of Child Labour) of ILO.

## **Article 11**

### **Item 1 (a)**

331. Every five years, “Statistik Austria” conducts a survey among consumers on the material situation of the Austrian population.

### **Item 1 (c)**

#### *Persons exposed to poverty and poor people*

332. The European Household Panel for the income years 1994, 1995, 1996 and 1997 is used as a basis for the data concerning comments on this subject. Regarding the definition of poverty, a distinction is made between exposure to poverty and acute poverty. This is increasingly becoming the practice in national reporting on poverty by other EU member States.

333. Exposure to poverty is described exclusively by way of risks to income. According to the customs and recommendations of the European Statistical Central Office (EUROSTAT), persons are considered to be exposed to the risk of poverty whose weighted per capita household income is below a threshold value of 60 per cent of the mean value for the per capita income. In 1997, this amounted to ATS 120,000.00 per year for a one person household. In 1997, about 900,000 persons, i.e. 11 per cent of the Austrian population, were affected by the exposure to poverty.

334. Acute poverty applies to such persons who - in addition to the aforementioned restricted financial conditions - must make noticeable cuts in order to meet the basic needs of life. Such situations are assumed whenever one of the following five situations occurs - in addition to a substandard income:

1. Substandard housing;
2. Arrears in paying rent and repaying loans;
3. Problems in heating one's lodgings;
4. No possibility of replacing worn clothes by new clothes;
5. No possibility to invite other persons over for a meal, at least once a month.

335. Almost 40 per cent of the population exposed to poverty, or about 340,000 persons, were poor in Austria in 1997.

336. The highest risks are incurred by unemployed single parents, long-time unemployed persons, persons in households without any employment, senior citizens living by themselves, and citizens from countries outside the EU.

337. When monitoring the development of poverty over a longer period of time, one can comment on its frequency and duration. In this connection, it is a matter of importance whether a person is exposed to poverty only on a temporary basis or over the entire period of time, or is affected by acute poverty. In the four-year period between 1994 and 1997, about 240,000 persons were exposed to poverty over a long time, among these about 80,000 persons suffered from acute long-term poverty.

338. When breaking down the figures according to the number of years spent in poverty (duration period), the following picture is obtained: slightly less than one half of all persons that were affected by immediate poverty during the years 1994 to 1997, remained in that situation for one year. About 10 per cent were affected by long-term poverty. The results are the same for the persons exposed to poverty: the share of those persons who were exposed to poverty over a long period of time is slightly higher. Altogether, both the average period for remaining in a state of poverty and being exposed to poverty, was about two years.

339. In this connection, please also refer to the "National Action Plan for Fighting Poverty and Social Marginalization". The Federal Minister of Social Security and Generations is responsible for implementing this plan (in the framework of the "open coordination" required by the

European Commission). The first report on this subject has been accessible to the general public on the homepage of the Federal Ministry for Social Security and Generations (<http://www.bmsg.gv.at>).

## **Item 2**

340. There is no lack of adequate food in Austria.

## **Item 3**

341. The social assistance measures of the federal provinces serve to cover the most basic needs of people in different living situations, whenever all other social networks do not provide any corresponding services. Potential recipients of such services are basically all those persons who cannot meet their daily needs, to an adequate extent, with their own resources and means and who do not obtain any adequate support from third parties. Social assistance may basically be provided in the form of pecuniary payments, services in kind (e.g. bearing the costs for staying at a home) or personal assistance (e.g. care and counselling services for the sick, the disabled, refugees, homeless persons).

342. In this connection, the assistance provided to secure daily needs has a particularly high priority. It may cover, inter alia, subsistence payments, care, sickness assistance and help for pregnant women and women after childbirth. Legal titles are always available to cover these needs.

343. The need for lodging, food, clothing, heating, hygiene, keeping up relations with the environment and taking part in cultural life are the core aspects of a livelihood. The payments made to cover such livelihood needs are calculated on the basis of reference values.

344. In the past decade, the supply with adequate housing has clearly improved. The share of apartments with a relatively high level of equipment has risen to more than four fifths; the share of substandard apartments has decreased by 50 per cent. They now amount to 5 per cent.

345. Throughout Austria, there are supporting instruments, such as lodging allowances and allowances for rent payments, especially in the framework of social assistance, for persons whose income is too low. In most of the bigger towns, multiphase plans have been or are being put in place against the lack of housing - which is extremely low in Austria by international comparison.

346. The focal points are:

- Avoiding loss of lodging by prevention;
- Accompanying measures for persons already affected;
- Assisted living and transition to adequate housing.

**Item 3 (a) and (b)**

347. The following data were published in the Statistical Yearbook 2001 for the area of housing.

348. In Austria, 21,000 persons were affected by not having an apartment of their own in 1998, among them were 2,000 persons living in the streets.

349. In 2000, 11,163 evictions were demanded, but there is no detailed information about the number of evictions that were actually carried out.

350. The number of persons on waiting lists for obtaining accommodation has strikingly decreased during the last year (especially in Vienna).

**Item 3 (c)**

351. There is no specific legislation which gives substance to the right to housing in terms of defining the scope of this right but, as a matter of principle, the right to housing is the basis for any legislation on housing.

352. (Sub-items (ii) to (xi)). There are many laws concerning housing, especially the Tenant Rights' Act (*Mietrechtsgesetz*), which contains provisions on rent levels, the prohibition of eviction, the right to transfer lodgings, etc.

353. The federal provinces (*Länder*) are responsible for housing association grants, the purpose of which is to make it possible for people, especially with low or medium incomes, to obtain an apartment (rented or owned). They are also responsible for all kinds of regional planning measures.

354. A special field of housing is the housing provided by non-profit organizations, which is a very important field in Austria. There is, for example, a ceiling on the rent, which must cover costs, as well as other special rules. Building codes and regulations are also the responsibility of the federal provinces, and they also comprise environmental and health measures.

**Item 3 (d)**

355. The communities have taken many measures in order to supply tenants with adequate housing (e.g. promoting the building of lodgings, refurbishing housing estates). In Vienna, in particular, the municipal authorities are the biggest owners of tenement housing. The municipal authorities also have special housing at their disposal which they offer to needy people. Every year, the Federal Government pays about ATS 24.5 billion to the federal provinces in order to promote the construction and refurbishing of dwellings.

356. Urban renewal is also a very important element of housing. The Vienna Urban Renewal Fund, in particular, implements many projects every year.

## Article 12

357. The health reform was launched by means of the “Agreement pursuant to article 15 of the Federal Constitution Act on a Reform of the Health System and Hospital Financing System for the Years 1997 to 2000”, which was agreed between the federal authorities and the federal provinces (*Länder*). The goal is to maintain the unrestricted access to any type of required medical support, independent of age, social status and health aspects. This agreement expired on 31 December 2000.

358. In accordance with the agreement reached in the course of the negotiations on fiscal equalization, with the Federal Government and the federal provinces (*Länder*) as parties to the agreement, the text for a new agreement (pursuant to article 15 (a) of the Federal Constitution) was established on a new structure of the health sector and hospital financing. This agreement entered into force on 1 January 2001 and expires on 31 December 2004.

359. The preamble, which is a new element of the agreement, unites the contracting parties in their objective to ensure for Austria a high-quality, effective and efficient supply with health services that are freely accessible and of equal value to all for the future, as well as to secure the financing of the Austrian health sector, taking into account the financial overall conditions and possible cost savings. The following are the main, new points of substance:

- To achieve integrated and coordinated planning for all aspects of the health sector;
- To introduce a binding quality system for Austria’s health sector that serves to enhance its efficiency;
- To create the prerequisites for an effective and efficient use of information technology in the health sector;
- To improve management at the interface by establishing binding forms of cooperation between the institutions providing health services; and
- To further develop the Austrian Hospital and Major Equipment Plan in direction of a plan listing the available services.

360. New organizational overall conditions were created in early 1997 in order to develop, implement and control the many different steps of the reform of the health system. The Commission on Structures was set up on the federal level; on regional level a respective commission was set up in every federal province. The Structures Fund (about EUR 478 million) was set up at the Federal Ministry for Labour, Health and Social Affairs (later: Federal Ministry for Social Security and Generations) in 1997, which is used for all relevant business matters.

361. During the period under review, the following reform measures were implemented or further developed.

*Austrian Hospital and Major Equipment Plan 2001*

362. The revised plan for hospitals in Austria and their major equipment items went into force on 1 January 2001. It contains the following new features, among others.

363. For the first time, the results of the Austrian Hospital Plan, which was further developed in recent years, was integrated into a plan of available services. For selected areas, which require the necessary federal coordination on account of their comprehensive infrastructure requirements and on account of their high supraregional importance, appropriate locations for providing these services were agreed. This includes, inter alia, areas of services such as transplantation surgery, stem cell transplantation, cardiac surgery and oncological services.

364. In the framework of planning the availability of services, it has become possible to establish priorities for the different special fields and to set up day-clinics in different locations. As a result, medical services can be offered on different levels, namely at special departments, departments, prioritized sites and distributed day clinics, while preserving the agreed criteria for the quality of these structures.

365. In addition, palliative medical facilities were planned in relation to different locations. Account was taken for the first time of the growing demand for palliative medical services, by preparing a non-binding plan, as well as by proposing the establishment of model tests.

366. Finally, agreement was reached on binding criteria for the quality of the different structures at the different service levels, i.e. prioritized sites, departments and distributed day clinics, as well as for their spectres of services. The substance of additional criteria for the quality of the structures for the new types of services (palliative medicine and psychosomatic services, acute geriatrics/remobilization, decentralized psychiatry), inter alia, for intensive care areas and for selected service sectors (e.g. oncological services, transplantation surgery, as well as others) was adopted by the Commission on Structures in December 2001. The modalities for their implementation still need to be fixed.

367. A new area has begun in planning with this integration of all planning activities for the available services, for which the criteria for the quality of the structures are an integral element. The new era will be oriented more strongly in the direction of quality-oriented health planning, going beyond the traditional quantitative planning activities.

*Interface management*

368. Improving the management at the interfaces of the health system is intended to ensure a more expedient, uninterrupted and meaningful chain of treatment steps (from a medical viewpoint and for the patient) at the quality level required in every case. Efforts are made to reduce the length of hospital stays, to reduce the number of hospitals and to shift services to day clinics and outpatient departments, whenever this is justified from the medical and general economic viewpoints. This will be achieved, inter alia, by documenting the diagnosis and services in a manner that allows a comparison between the different health service facilities, as well as by the different health service facilities entering into the necessary agreements. Work along these lines has begun.

*Establishing quality of work in binding form throughout Austria for all levels of the health system*

369. When the federal law concerning hospitals was amended in 1993, the provisions in section 5b of that law (“quality assurance”) established the statutory framework for implementing quality assurance measures in hospitals throughout Austria. Furthermore, as part of the agreement pursuant to article 15a of the Federal Constitution Act, a comprehensive clause on quality issues was introduced, with the goal of implementing a quality system throughout Austria.

370. The new approach is based on a common understanding of what is meant by quality, quality system and quality of work. Accordingly, quality in the health sector is the ability of service providers to design their services in a patient-friendly, effective and efficient manner. Central areas for quality are, in particular, to optimize structures (quality of structures), to optimize processes (quality of processes) and to improve the result (quality of results).

371. The quality system, which should be set up throughout Austria, should primarily be characterized by the fact that the main actors are integrated and that important settings of the (extramural and intramural) health sector are also included.

372. The aforementioned agreement defines specific goals, structures and projects in order to develop a quality throughout Austria, which will ensure, in particular, that the quality system will show its effect beyond individual (extramural and intramural) areas.

373. The quality system is based on the principles of patient orientation, transparency, efficiency and cost containment.

374. For the term of the present agreement pursuant to article 15a of the Federal Constitution Act, quality projects are carried out on the subjects of patient orientation, interface management, quality reporting, optimizing the consumption of blood components, antibiotic strategies, and optimizing the use of medication.

*Support for information and communications technology - a decisive element of the health sector*

375. Any support for the use of information and communication technology in the health sector should be guided by the following objectives:

- To improve the quality of the services;
- To obtain synergy effects; and
- To achieve a harmonization with international efforts.



376. In view of the fact that major benefits of the use of technology in the health sectors result from making available medical knowledge and specific experience, as well as from applying them to administrative routines, activities should primarily focus on these areas. Care must be taken to provide adequate protection for the private sphere of citizens, with a view to data protection.

**Item 1**

377. "Statistik Austria" regularly supplies data on the health situation in Austria to the Regional Office for Europe of the World Health Organization. A report on the mental health situation was recently submitted to the Regional Office.

**Item 2**

378. For many years, public health policies have been modelled on the "health for all" framework developed by the WHO Regional Office for Europe. Primary health care has been provided for many years. In 1946, roughly two thirds of the population were covered by social insurance, in 1980 the figure was 96 per cent. At present, 99.9 per cent of the Austrian population are covered by social insurance and have access to primary health-care services.

**Items 3 and for (b) and (c)**

379. Data are available at the WHO health database.

**Item 4 (d)**

380. Detailed and up-to-date data on the immunization of children against the cited diseases were recently communicated to WHO in the form of the "WHO/UNICEF Joint Reporting Form on Vaccine Preventable Diseases for the Period January-December 2001".

**Austria: Immunization schedule**

Vaccine	Ages of administration	Indicate by an "x" if given in:	
		Entire country	Only part of the country
Hepatitis B	3 x 0-1 year, 1 x 1-2 years 1 x 12-13 years, after 14 years	x	
DTP	3 x 0-1 year, 1 x 1-2 years	x	
dT	1 x 6-7 years, 1 x 13-14 years	x	
Hib	3 x 0-1 year, 1 x 1-2 years	x	
Polio	3 x 0-1 year, 1 x 1-2 years 1 x 6-7 years, 1 x 13-14 years	x	
MMR	1 x from 14 months, 1 x 6-7 years, 1 x 12 years	x	

Vaccine/intervention	A. Description of target group used as denominator in coverage calculation	B. Number in target group (denominator)	C. Number of doses administered through routine services (numerator)	D. Per cent coverage
BCG	Births	ND	ND	
HepB - birth dose	Births	78 268	52 083	66.5 per cent
DTP1	Surviving infants	78 268	58 350	74.5 per cent
DTP3	Surviving infants	78 268	65 715	84 per cent
DTP4	Surviving infants	78 138	55 417	71 per cent
Polio3 (e.g. OPV3)	Surviving infants	78 268	64 835	82.8 per cent
HepB3	Surviving infants	78 268	34 419	44 per cent
Hib3	Surviving infants	78 268	38 186	48.8 per cent
MCV1 <sup>(f)</sup> Measles-containing vaccine	Specify target group - from 14th month	78 138	61 838	79.1 per cent
MCV2 <sup>(g)</sup> Measles-containing vaccine	Specify target group - 6-7 years	92 415	37 666	40.8 per cent
Rubella containing vaccine	Universal (childhood) 14th month	78 138	61 838	79.1 per cent
Rubella containing vaccine	Universal (childhood) 6-7 years	92 415	37 666	40.8 per cent
Rubella containing vaccine	Adolescent	88 052	20 436	23.2 per cent
Rubella containing vaccine	CBAW <sup>(h)</sup>	ND	ND	
Mumps containing vaccine	Surviving infants 14th month	78 138	61 838	79.1 per cent
Mumps containing vaccine	Surviving infants 6-7 years	92 415	37 666	40.8 per cent

<sup>(f)</sup> MCV1 = the first dose of a measles-containing vaccine (i.e. measles vaccine, measles-rubella vaccine, or measles-mumps-rubella vaccine).

<sup>(g)</sup> MCV2 = the second dose of a measles-containing vaccine (if this is part of the routine immunization schedule).

<sup>(h)</sup> CBAW - childbearing age women.

- List any factors limiting the accuracy of your administrative coverage estimates.

Factors limiting the accuracy of the numerator.

1. Estimation of vaccine coverage - for all calculations the birth cohort 2000 was followed up for two years, except:
  - (a) DTP1 - birth cohort 2000 - 1 year;
  - (b) DTP4 - birth cohort 1999 was followed up for 2000-2001;
  - (c) MCV1 and rubella (universal childhood target group 14 month) - birth cohort 1999 was followed up for 2000-2001 (vaccination at 14 months);
  - (d) MCV2 and rubella (universal childhood target group 6-7 years) - birth cohort 1994 was followed up for 2000-2001;
  - (e) Rubella Adolescent - birth cohort 1988, data contains the first and the second vaccination MMR and Rubella for girls, it was not possible to separate boys and girls.
2. HepB birth dose: first dose of HepB is administered at 3rd month (birth dose only in few indicated cases!).
3. 2001 is a transition period with change to hexavalent vaccine (DTaPHibHepBPolio) due to this and the change from different (tri-, tetra- and pentavalent) products make the evaluation difficult.
4. The low rate for polio is due to the fact that only the new hexavalent product is evaluated.
5. Austria is currently changing from OPV to IPV which causes false low coverage rates.

Vaccine/intervention	A. Description of target group used as denominator in coverage calculation	B. Number in target group (denominator)	C. Number of doses administered through routine services (numerator)	D. Percentage covered
DTP3	Surviving infants			
List all first subnational levels here	Burgenland	2 206	1 084	49.1 per cent
	Carinthia	5 155	4 758	92.3 per cent
	Lower Austria	14 097	11 142	79.0 per cent
	Upper Austria	14 105	11 606	82.3 per cent
	Salzburg	5 437	4 955	91.1 per cent
	Styria	10 675	9 538	89.3 per cent
	Tyrol	7 149	6 028	84.3 per cent
	Vorarlberg	3 897	2 359	60.5 per cent
	Vienna	15 547	14 209	91.4 per cent

**Table (continued)**

Vaccine/intervention	A. Description of target group used as denominator in coverage calculation	B. Number in target group (denominator)	C. Number of doses administered through routine services (numerator)	D. Percentage covered
MCV1	From 14th month			
List all first subnational levels here	Burgenland	2 231	1 292	58 per cent
	Carinthia	5 233	4 449	85 per cent
	Lower Austria	14 131	12 153	86 per cent
	Upper Austria	13 902	9 952	71.6 per cent
	Salzburg	5 557	4 674	84.1 per cent
	Styria	10 765	8 599	79.9 per cent
	Tyrol	7 091	4 998	70.5 per cent
	Vorarlberg	4 071	2 887	70.9 per cent
	Vienna	15 157	12 834	84.7 per cent
MCV2	6-7 years			
List all first subnational levels here	Burgenland	2 620	398	15.2 per cent
	Carinthia	6 275	3 253	51.8 per cent
	Lower Austria	16 701	5 688	34.1 per cent
	Upper Austria	17 228	7 343	42.6 per cent
	Salzburg	6 338	1 972	31.1 per cent
	Styria	12 945	8 011	61.9 per cent
	Tyrol	8 585	4 403	51.3 per cent
	Vorarlberg	4 659	137	2.9 per cent
	Vienna	17 064	6 461	37.9 per cent

**Item 4 (f), (g) and (h)**

381. Access to the respectively listed services is ensured 100 per cent.

**Item 5**

382. There are no such groups as mentioned in item 5.

383. When replying to the question with regard to international cooperation, developments in health-care reform, as well as improvements in the health-care system are achieved by implementing WHO guidelines and recommendations, which provide valuable support in defining health policies. Since Austria is a member of the EU, the various EU directives and regulations are also implemented.

**Item 5 (c)***Health care for mothers and children*

384. To assure medical care during pregnancy and in the first years of a child's life, the Mother/Child Pass programme was introduced in 1974 and continuously adapted and improved

in the following years and up to now. At present, the programme provides that women have to undergo at least 6 clinical examinations and certain special blood tests during pregnancy, while children should have 12 medical check-ups until they have reached the age of 5.

385. The following examinations are required:

- 5 gynaecological examinations during pregnancy;
- 1 examination by a specialist in internal medicine;
- 2 laboratory tests (including blood group, red blood count or haemoglobin, rubella, toxoplasmosis, lues and Hepatitis B);
- 2 ultrasound examinations during pregnancy (optional);
- 8 paediatric examinations until the child has reached the age of 5;
- 2 ultrasound examinations of the hip (optional);
- 1 orthopaedic examination;
- 1 otolaryngologic examination;
- 1 ophthalmologic examination;
- 1 ophthalmologic examination by an ophthalmologist (optional).

386. These examinations are performed by general practitioners or by the respective specialists, as for example a gynaecologist or a paediatrician.

387. When these examinations were performed in time, parents received a specific financial bonus in the past. At the beginning of the year 2002, childcare benefits were introduced, which means that parents get EUR 14.53 per day until the child has reached the age of 36 months (maximum). The entitlement to receive the full amount for more than 21 months is linked to providing evidence of all required check-ups for mother and child during pregnancy and the first 14 months of the child's life.

388. Approximately 90 per cent of pregnant women and of children undergo these examinations, which are free of charge for pregnant women and children. For women and children who are not covered by any social insurance, the doctors' fees are paid by the Federal Government.

389. The main aim of the Mother/Child Pass is the early detection of illnesses during pregnancy and in the children's first years of life by organizing regular medical consultation. The Federal Ministry of Health stipulates the number and the timing of the examinations by law and organizes the printing and the distribution of the Mother/Child Pass.

**Item 5 (g)**

390. The following laws/decrees are in force for the control of communicable diseases:

Infectious Diseases (1950)

Tuberculosis (1968)

AIDS (1993)

STD (1945)

Moreover, a vaccination programme provides vaccinations recommended by the Supreme Health Council free of charge for children up to the age of 15. This includes immunization against polio, diphtheria, tetanus, whooping cough, measles, mumps and rubella, haemophilic influenza, type B, and Hepatitis B virus.

*UB*

391. The social security scheme does not make any distinctions regarding age.

**Item 7**

392. According to Austria's Constitution, responsibilities are assumed not only by the central authorities but also by the federal provinces (*Länder*) and municipalities and the social security institutions, which are self-administered public corporations.

393. Patient rights exist in many regulations at the federal and the regional level. Efforts were made to develop a complete and clear summary of all patient rights and to conclude agreements between the federal and the regional governments in order to guarantee these rights within the respective domains:

(a) It shall be guaranteed that independent bodies representing patients are offered the opportunity to state their position, before decisions on fundamental general issues with relevance to patients are taken. This shall apply, in particular, before new inpatient and outpatient care facilities involving the expenditure of public funds are to be established, as well as in connection with evaluation procedures for draft proposals for legislation and regulations, and for general future planning activities;

(b) Parent organizations of patient self-help groups shall be given the opportunity to be heard in evaluation procedures for draft proposals for legislation and regulations of relevance to patients.

**Item 8**

394. The Health Promotion Act, which was passed in 1998, introduced new developments in the area of health promotion in Austria, which were designed to provide a sound basis for existing initiatives and projects and their long-term efficacy. Since 1998, EUR 7,267,422

(ATS 100 million) have been allocated every year for health-promotion measures, information about healthy lifestyles, education about health hazards, and the development of healthy lifestyles. The administration and implementation of programmes was entrusted to the “Fund for a Healthy Austria”, whose governing body represents all those involved in Austria’s health system.

395. The media campaign “Deliberate Focus on a Healthy Lifestyle”, conducted since 1999, which promoted and propagates a healthy lifestyle, holds a special position. By making nutrition the priority subject for the period 2001-2002, the main theme of the campaign was elaborated in greater depth. With the campaign focusing on “Favouring Non-Smoking”, the “Fund for a Healthy Austria” took adequate steps in 2002 in order to contribute towards creating more awareness among people for the health risks of tobacco consumption.

396. The major social systems (schools, municipalities, hospitals and offices) have established model projects and cooperation structures in recent years, upon the initiative of the health ministry, for the purpose of health promotion. These networks combine health promoting measures, both on the national and the international level, and are further developed on a continuous basis.

397. The Federal Ministry of Education, Science and Culture has issued a basic decree on health education in schools. Health promotion activities are carried out in cooperation with the Federal Ministry for Social Security and Generations.

398. The federal provinces (*Länder*) and the municipalities, as well as NGOs play an important role in health promotion.

### **Article 13**

#### **Item 1**

399. Legislation on education in Austria is quite specific: matters concerning the federal school authorities, compulsory schooling, school organization, private schools and the relationship between schools and the Churches require a two-thirds majority in the National Council (Parliament) and must therefore be supported by the great majority of the representatives of the people.

400. In matters pertaining to education, law-making and enforcement powers lie with the federal authorities. In the organization of compulsory State schools (establishment, maintenance, closure, duration of education, class sizes) federal legislation determines issues of principle. Legislation on implementation falls within the purview of each of the nine federal provinces (*Länder*). In the case of compulsory general and vocational training schools, the *Länder*, and more specifically the municipalities, are responsible for building and providing them with all facilities. This task falls to the federal authorities in the case of mid-level and secondary schools, as well as teacher-training colleges.

401. For compulsory general schools, the district school council is the first authority and the regional school council is the superior authority. In the case of vocational training schools and secondary vocational training, as well as general schools, the regional school council is the first authority, and the Federal Ministry of Education, Science and Culture acts as the superior authority.

402. As a matter of principle, schools in Austria are open to everybody free of charge, including children who are citizens of other countries, regardless of their origin. The provisions of Austrian law on educational matters (for example, nine years of compulsory schooling) apply to foreign children and take precedence over the legislation of a child's country of origin. Foreign children who are in Austria for an "extended stay" (i.e. six months) are required to attend school.

403. Textbooks and commuting to and from school are provided almost free of charge. Concerning textbooks, parents contribute a mere 10 per cent to the costs. With regard to commuting, parents contribute EUR 19.20 per year.

### **Item 1 (c)**

#### *Higher education in Austria*

404. Austria has a wide range of institutions for higher education, i.e. post-secondary and tertiary education. In addition to universities and specialized university colleges (*Fachhochschulen*), there are teacher-training colleges (training teachers of compulsory schools and vocational schools) and colleges for social work and the health professions at the post-secondary level. Up to the early 1990s, the university landscape in Austria was characterized by uniformity. The introduction of the specialized university colleges (*Fachhochschulen*) in 1994, offering a more occupation-oriented higher education, resulted in a higher diversification of the tertiary sector. In 1999 the accreditation of private universities was finally regulated in Austria.

405. The institutions of higher education are mainly funded by the Federal Government. The term "higher education budget" summarizes the following expenses, necessary for the operation of the higher education system and allocated to different budget items: staff costs and operating expenses of universities, expenditure for buildings, federal contributions to university clinics, promotion of research relevant to higher education, specific support and social security benefits (mainly for students), the funding contributed by the Federal Government to the specialized university colleges (*Fachhochschulen*).

406. The expenditure for higher education has risen from EUR 1.29 billion in 1990 to EUR 2.39 billion in 2001. This is a nominal increase of 85 per cent, when including the year 2001. Adjusted for inflation, this corresponds to an increase of 54 per cent. In consequence, the development of the budget for higher education in the 1990s ran parallel to the increase in students and the academic staff.



407. In the last decade, the share of the budget for higher education in the federal budget has risen from around 3.2 per cent (1990) to approximately 4.2 per cent (1999). The budget for higher education accounts for around 1.2 per cent of GDP and thus corresponds to the average value of OECD countries. The sustained increase of the share of the budget for higher education in the GDP shows the growing importance of higher education for society as a whole.

408. The scientific universities account for the greater part of the university expenditure with 71 per cent, the universities for the arts and music account for 6.1 per cent, the specialized university colleges (*Fachhochschulen*) for 2.5 per cent; 21 per cent, which include a major part of the expenditure for the promotion of research and assistance to students, cannot be directly assigned to one of these three sectors.

#### *Universities and universities for the arts and music*

409. Universities are public institutions; many of their functions are laid down in laws, particularly regarding teaching and research, as well as in the development and cultivation of the arts and music. Austria has 12 universities for the sciences and 6 universities for the arts and music. The University of Vienna is not only the oldest Austrian university, but also the largest in the country. Similarly to the Universities of Graz and Innsbruck, it offers the whole range of subjects of “classical” universities. The Universities of Salzburg, Linz and Klagenfurt, as well as the Technical Universities of Graz and Vienna are also divided into departments. In addition, there are four specialized universities: the University of Leoben (mining and metallurgy), the University of Economics and Business Administration in Vienna, the University of Veterinary Medicine in Vienna and the University of Agriculture and Forestry.

410. The Academy of Fine Arts in Vienna (*Akademie der Bildenden Künste in Wien*), which is the oldest of the six universities for the arts and music, as well as the University of Applied Arts (*Universität für Angewandte Kunst*) and the University of Music and the Performing Arts (*Universität für Musik und Darstellende Kunst*) are located in Vienna. In addition, there is the University of Music and the Performing Arts “Mozarteum” in Salzburg, the University of Music and the Performing Arts in Graz and the University for Artistic and Industrial Design (*Universität für Künstlerische und Industrielle Gestaltung*) in Linz.

411. Finally, one should mention the Danube University at Krems (*Donau-Universität Krems*), which is a university centre for continuing education and was founded in 1994.

412. Altogether, approximately 180 degree programmes are offered in Austria, about one third at the universities for the arts and music. Since many degree programmes are offered at several universities, this corresponds to a total of 450 available study programmes at Austrian universities. The branches of specialization increase the range of subject-related courses by another third.

413. The number of permanent posts at universities and universities for the arts and music has risen by around one third since 1990 and amounted to almost 19,900 in the year 2000. The scientific and artistic staff, as well as the administrative staff each account for about one half of the permanent jobs. The academic staff of the universities is divided into three groups: university professors, associate professors with full teaching qualifications and academic staff

without habilitation, i.e. mainly university assistants. For all groups, the service obligations comprise duties in teaching and research, or cultivating and making the arts accessible, as well as administrative tasks.

414. In 2000, the number of university professors at universities amounted to 1,854 according to the schedule of positions, that of university assistants and contract-based assistants was 7,335 (associate professors with habilitation qualifications account for about 35 per cent of this figure), and miscellaneous academic staff amounted to 763. According to the schedule of positions, the universities for the arts and music had 413 professors, 229 assistants and 611 permanent jobs for miscellaneous academic staff.

415. The university staff is usually employed by the Federal Government, either as civil servants under civil service law or as contract based employees under private law. The university organization laws (for both, universities and universities for the arts and music) created a new category of professor: the temporary contract-based professor who has an employment contract under private law with the Federal Government and can be employed in special cases, e.g. as a substitute, as a part-time employee, as well as in specific situations related to the study law regulations, or in case of foundation sponsored professorships.

416. Other groups are also involved in teaching and research. Visiting professors are appointed for a maximum of two years and assume duties in teaching and research by agreement. In addition, external experts can be appointed to teach certain courses. Such additional faculty accounts for 21 per cent of the programmes offered by universities. The university institutions with restricted legal capacity can also employ staff from the revenues they earn from contract work (within the scope of funding research projects from private and public sources).

417. The universities in Austria are currently undergoing a fundamental process of reform. The economic and social conditions have changed substantially and make a development of the tertiary educational institutions and their programmes necessary. In an effort to cope with the increasing demand for qualifications and competencies provided by universities, for example in connection with the new media, the substantial increase in student numbers ("mass university"), the growing internationalization of the educational sector, as well as the consolidation of the federal budget, reforms were introduced in the first half of the 1990s. The reform measures pursue a modernization of the universities, both in terms of their organization and their study programmes.

418. The 1990 working programme of the Austrian Federal Government defined the objectives of the university organization reform as a "strengthening of the responsibilities and the autonomy of the universities" and an "improvement of their efficiency" in general. In view of the broad scope of the planned changes, it was clear that a complex long-term reform process would be needed to achieve them.

419. The 1993 University Organization Act, a first major reform step, provided the basis for the institutional autonomy of the universities. Extensive decision-making powers were shifted from the Federal Ministry to the universities in order to enable them to introduce business management methods and a service-oriented approach and to achieve thus more efficiency, as well as to improve their quality, cost effectiveness and - accordingly - to obtain a better use of the available resources. The university organization reform and its extension to the universities

for the arts and music marked the whole decade of the 1990s. The first phase of the organizational reform was fully implemented at the scientific universities at the beginning of the year 2000, and at the universities for the arts and music at the beginning of 2001.

420. With the new law regarding university organization, the university bodies frequently reached the limits of the autonomy granted to them. Flexibility in managing resources had remained restricted, since the general regulations of the Federal Government concerning recruitment and payment of staff, as well as concerning the budget continued to apply. In its programme dated 2000, the Federal Government therefore made it its political goal - regarding higher education - to grant the universities a status of genuine autonomy, setting targets to be achieved by agreements covering several years ("full legal capacity"). In consequence, the reform of the universities' organization has entered into a second phase, in the course of which the currently restricted institutional autonomy of universities is transferred into a full legal capacity with a management culture similar to that of private companies. Under the slogan "Modern Studies and Research" several projects for the further development of the university sector and the cornerstones of the reforms were presented, the legal bases of which was created in the year 2001 and the beginning of 2002. New statutory provisions for employing university teachers and an extension of the universities' autonomy are at the centre of the reforms, which are supported by the adjustment of the locations and key areas of the study programmes, as well as by additional investments ("One Billion for the Universities").

421. Comprehensive legal measures were taken in the mid-1990s, in accordance with the coalition agreement of 1996, which served the aim of modernizing study programmes and improving the innovative capacity of the system of higher education. The principles of the 1997 University Studies Act correspond to those of the organizational reform: decentralization of responsibilities, deregulation and less bureaucracy. In addition, it was necessary to introduce a goal-oriented organization for teaching and studying and thus to offer study courses which are in demand and oriented to the needs of the labour market, as well as to shorten the actual study periods and to improve international competitiveness.

422. The internationalization of study programmes is a major driving force for the entire reform of the study programmes. The Bologna Declaration on "The European Higher Education Area" of 1999 encouraged activities towards achieving a common European framework for study programmes. As a result, Austria has also established the legal basis for a two-stage study-programme in architecture, consisting of an undergraduate and a graduate stage. Existing degree programmes can be converted into courses for a Bachelor and a Master degree. The first Bachelor programmes, lasting six to eight terms, started in the academic year 2000/01.

423. Austria supports the development of the European Course Credit Transfer System (ECTS) for standardized information about the study programmes of universities which describes the range of the courses and the requirements for students. This system reassures students and the curriculum committees that credits will be given for academic performance. The law on university studies already provides for the ECTS compatibility of programmes leading to a Bachelor and Master degree. It is mandatory for curricula of degree programmes to be ECTS-compatible by 2002.

424. Moreover, Austria participates in the Diploma Supplement developed by UNESCO, the Council of Europe and the European Union, which is a standardized supplement to the diploma in an internationally understandable form in order to document the content and the qualification level of degrees. Since 1982 Austria has been represented on ENIC (European Network of Information Centers), which the Council of Europe and UNESCO developed, as well as on NARIC (within the framework of the EU).

*Specialized university colleges (Fachhochschulen)*

425. Three concerns of education policy were decisive for establishing and expanding, as of the mid-1990s, the *Fachhochschule* sector, which is another mainstay of the reforms. These were diversification, deregulation and more permeability of the educational system. Diversification means that the growing number of students participating in education programmes and the increased number of professions requiring university qualifications should be matched with a wider range of education programmes offered by the tertiary sector. The specialized university colleges (*Fachhochschulen*) were modelled on the vocational training offered by higher education systems in Europe. Deregulation was achieved by stipulating that the law on *Fachhochschule* studies is a framework law that regulates the principles for the organization of the sector and the procedure for the recognition of their study programmes. The *Fachhochschule* Council, an independent body, is responsible for the accreditation of specialized university colleges. The Federal Government has laid down the criteria for obtaining public funding for study places and the expansion of the sector in a five-year development plan for the *Fachhochschule* sector. The objective of permeability results from the increasing demand for further training and higher qualifications. With a view to “lifelong learning” and “equal opportunities”, special attention has to be paid to permeability between the dual system of vocational education and higher education.

426. While the universities are assigned the task of providing scientific or artistic pre-professional education, the specialized university colleges (*Fachhochschulen*) offer scientifically sound occupational training. The first 10 *Fachhochschule* programmes were started in the 1994/95 winter semester. Since autumn 2001, 93 study programmes are being offered and particular attention is paid to a regionally balanced distribution of the *Fachhochschule* programmes offered outside of major urban areas. The first *Fachhochschule* study programmes were offered exclusively in the fields of technology and economics. In the meantime, the available programmes were extended to the fields of information technology and multimedia technology, as well as to interdisciplinary fields and social work. All study programmes provide for obligatory practical training in the respective occupations during the study courses. More than 20 part-time study courses are available for working students.

427. The study courses take up seven to eight semesters. Graduates of *Fachhochschule* programmes are entitled to enrol in doctoral programmes at universities, which take up another two semesters.

428. *Fachhochschule* programmes are provided by public and private legal entities. The Federal Government has abandoned the monopoly of offering university education. The accreditation of a study programme is decided by the *Fachhochschule* Council. Six institutions are currently entitled to call themselves specialized university college (*Fachhochschule*). These are: “Fachhochschule Vorarlberg”, “Fachhochschule Wiener Neustadt”, “Technikum Carinthia”,

“Technikum Vienna”, “Fachhochschule bfi Vienna” and “Fachhochschule International Management Center Krems”. An important prerequisite is that at least two study programmes are offered by a specialized university college and that more than 1,000 students are enrolled.

*Private universities*

429. In 1999, foreign universities as well as private Austrian institutions were authorized by law to act as universities and to offer study programmes in Austria. The University Accreditation Act regulated the criteria for educational institutions and the accreditation procedure for private universities. Accreditation is one of the prerequisites if a university wishes to award degrees to graduates of their study courses. Moreover, students at private universities have been integrated into the system of study grants and transfer payments, as well as into the Austrian National Students Union. Public financial contributions are only possible within the framework of agreements regarding the compliance with teaching and research goals, signed with the Federal Government, which serve the aim of complementing the study programmes offered by State universities.

430. The implementation of the accreditation procedure has been assigned to the Accreditation Council. Private universities report to the Accreditation Council in matters relating to expenditure for rooms, current expenditure and staff costs, quality assurance, students and graduates.

431. The following private universities have been accredited to date: the Roman Catholic Theological University Linz, Webster University, The International University, IMADEC University, as well as the University for Health Informatics and Technology Tyrol (*Private Universität für Medizinische Informatik und Technik Tirol*).

*The non-university tertiary educational sector*

432. The non-university tertiary educational sector comprises post-secondary colleges for teacher training (*Pädagogische Akademien*), for R.E. teachers (*Religionspädagogische Akademien*), for the training of vocational school teachers (*Berufspädagogische Akademien*), and for teachers in agriculture and forestry (*Land- und Forstwirtschaftliches Berufspädagogisches Institut*). These institutions provide training, in-service training and further training for teachers at compulsory schools and vocational schools. The law regarding these post-secondary colleges, adopted in 1999, provided that these institutions should be developed into academies for the teaching professions (*Berufspädagogische Akademien*) within the subsequent eight years.

433. The post-secondary colleges for social work (*Akademien für Sozialarbeit*) are currently being integrated into *Fachhochschule* programmes. Four *Fachhochschule* programmes on social work started during the 2001/02 winter term.

434. Finally, the non-university tertiary sector also includes post-secondary colleges for the training of paramedical staff (*Medizin-Technische Akademien*) (qualified medical technical assistants, qualified physiotherapists, qualified radiological technical assistants, qualified dieticians and nutritional advisors, qualified ergotherapists, qualified logopedists, qualified orthoptists), as well as colleges of midwifery (*Hebammenakademien*).

435. The training courses at post-secondary colleges usually take three years. The colleges for social work, which offer further training to persons already integrated in working life, offer courses that take four years.

436. The post-secondary sector for the graduates of upper secondary schools, particularly of secondary academic schools (*allgemeinbildende höhere Schulen*), also provides access to colleges where vocational training for qualifications in certain fields of specialization is offered in four semesters (six semesters for working students). This additional education is offered in technical and economic/commercial fields, as well as in tourism.

*Access to higher education; students and graduates of universities and specialized university colleges (Fachhochschulen)*

437. The secondary educational sector is well developed in Austria. Presently, 86 per cent of an age group completes a school at the upper secondary level. About 41 per cent of an age group also obtains the right of access to higher education (by passing the school-leaving examination “*Matura*”). This corresponds to an increase of 10 percentage points since the beginning of the 1990s. At present, 25 per cent of an age group commences studies at a university or a specialized university college (*Fachhochschule*), about 10 per cent obtains a non-university, post-secondary training (ISCED 5b). About 2.5 per cent of new entrants obtain admission to higher education by means of another type of access (university qualification examination, vocational certificate, supplementary entrance examination for a *Fachhochschule* programme). These other forms of access are more significant for the *Fachhochschule* sector than for the universities.

438. In Austria, there is open access to higher education, in other words all persons with a school-leaving certificate from an upper secondary school or another university entrance qualification can enrol for a study programme of their choice. In some cases, aptitude tests are required. All study programmes for the arts and music have entrance examinations. In the *Fachhochschule* sector, the study places for new entrants are limited, and applicants are therefore subject to an admission procedure. Since the colleges also have only limited capacities for admitting new students, students must pass entrance examinations or aptitude tests.

439. Since the beginning of the 1970s, studying at a university was basically free of charge. Only students from countries outside the EEA had to pay a flat fee of ATS 4,000 (EUR 291) per term. However, there were exceptions, such as for students coming from developing countries. In autumn 2000, general tuition fees were introduced by law that became effective with the 2001/02 winter term. These amount to ATS 5,000 (EUR 363) per term for students from Austria and other EU and EEA countries and to ATS 10,000 (EUR 727) for other foreign students. However, extensive exemption and reimbursement regulations were laid down for students from developing countries and the reform countries of Central and Eastern Europe. As a result, only a small percentage of the foreign students pay tuition fees. Participation fees for higher education courses (post-graduate further education) have to be paid as before.

440. The number of new entrants increased considerably in the 1970s and 1980s. In the 1990s, this growth has slowed down. The expansion is the result of a stronger integration of educationally disadvantaged groups, as well as of women, and it is characterized by efforts to create a social balance and a balanced gender-ratio among students. In the meantime, women

represent the majority of new entrants in the tertiary sector. However, the *Fachhochschule* sector continues to be dominated by men. In the 2001/02 winter term there were 22,310 new entrants at universities, 802 new entrants at universities for the arts and music, and 5,323 new entrants to *Fachhochschule* study programmes.

441. At present, about 210,825 students are enrolled in Austria: 187,662 at universities, 8,825 at universities for the arts and music, and almost 14,338 in *Fachhochschule* study programmes. The relatively low number of *Fachhochschule* students can be explained by the fact that this sector is still being developed, that there is a limited number of publicly funded study places and that - compared to the universities - the study courses are shorter. The share of foreign students in overall student numbers amounts to about 14 per cent. By tradition, the figure has always been high in Austria.

442. About 50 per cent of the students at universities are women. Gender-specific behaviour is still obvious in the choice of the major fields of studies. Women tend to enrol in the humanities and cultural sciences. With regard to medicine, women have reached a share of 56 per cent of the student numbers, although the majority of medical students were men until 1992. In the *Fachhochschule* sector, the sexes are relatively balanced in the study courses for economics, the media and tourism, whereas the technical fields are dominated by men (91 per cent).

443. Social and regional imbalances regarding access to higher education have slowly eased off in the 1980s and 1990s. Since specialized university colleges (*Fachhochschule*) were set up outside of the major urban areas, this has contributed to increasing the number of students who, by tradition, come from educationally disadvantaged groups but are now making use of these opportunities. The average age of students continued to go up in the 1990s, together with the share of non-traditional students, i.e. working students or students with children.

444. Depending on the field of studies, the statutory duration of a study course is between four and six years. In practice, though, substantially more time is needed, since students need an average of seven years to get their first degree. The success rate has increased in recent years and is about 63 per cent.

445. In the academic year 2000/01, the number of graduates of degree programmes was 14,829, of doctoral programmes (after completion of a degree programme) 1,871. The average age of graduates with first degrees is about 27 years; 1,981 students graduated from *Fachhochschule* study programmes in the 2000/01 study year.

#### *Assistance to students*

446. Since the 1970s, Austria has been committed to a policy of open access to higher education. It is part of this principle to make up for the different social and financial background of students by means of a system of support measures to students. The publicly funded support measures can be divided into direct educational assistance, which the students receive directly as money transfers, and in indirect assistance, which are transfer payments to families and social facilities.

447. According to the criteria applicable to the living conditions of students, the maximum study allowance was between EUR 5,088.00 and EUR 7,800.00 per year as of the 2001/02 winter term. The average study allowance was about EUR 4,000.00 in the 2001/02 winter term. About 20 per cent of all Austrian students receive study allowances. The quota of students receiving allowances is lowest at the scientific universities, but is about 30 per cent at the specialized university colleges (*Fachhochschule*).

448. Other direct payments are:

- Commuting allowances, contributions to social insurance costs;
- Grants for studies abroad, travel grants and language scholarships;
- Scholarships awarded for excellence and outstanding academic performance, or for the writing of theses and artistic works;
- Grants to complete specific studies;
- Assistance to make up for social hardships.

449. Indirect educational assistance is designed as transfer payments and mainly regulated by family and tax laws. The most significant payment is the family allowance, which is due to all parents whose children are students. As of the year 2002, it has ranged from EUR 123.60 to EUR 170.90 per month, depending on the number and age of the dependent children. The family allowance is paid for student children regardless of any social need criteria. The age limit is 26 years, in special circumstances 27 years. At present, family allowance is paid for almost 88,000 students at universities, universities for the arts and music and specialized university colleges (*Fachhochschulen*).

450. The general tax credit for children allows a tax deductible of EUR 51.00 per month for every student child for which a family allowance is paid. For children studying away from home, an additional amount can be claimed as extraordinary financial burden. Students are also integrated into the compulsory statutory accident insurance schemes. Students are integrated into the sickness insurance scheme by being insured together with their parents or partners, or by means of low cost self-insurance.

451. Student cafeterias and student hostels are promoted to a large extent by the Federal Ministry of Education; this is another form of indirect social and educational assistance.

452. Protection afforded to students in the form of social security is an important basis for open access to higher education. It is therefore necessary to expand the system of support to students and to bring it in line with their requirements. The criteria for claiming the main subsidies (study allowances and family allowances) were therefore harmonized. The promotion of investments into student hostels was substantially increased; the aim is to improve the housing situation of students. The respective support scheme promoting the international mobility of students was considerably expanded.



453. In connection with the introduction of tuition fees, as of the 2001/02 winter term, accompanying measures to ensure the social protection of students were taken. The support payments to students have been substantially expanded, in terms of increasing the allowances by the amount of the tuition fees and by enlarging the group of eligible students. In addition, favourable loans to finance tuition fees are being offered.

### **Item 3**

#### *Illiteracy*

454. No current, reliable data on illiteracy in Austria are available. This relates both to illiteracy in the narrower sense - which is of extremely minor dimensions according to all experience - and to so-called functional illiteracy, where only individual basic knowledge regarding reading and writing is available. In view of the many, very different forms of illiteracy and its many different reasons, existing school statistics do not allow either to draw any conclusions concerning correct data. This applies, in particular, to schools requiring promotion with regard to special pedagogic.

455. All children with any form of disability may be educated in special schools (obviously depending on the degree of their disability). It has always been one of the aims of Austria's educational policy to reduce, as much as possible, the number of pupils who are unable to obtain any form of education. This was done by various measures concerning curricula, the organization of classes and the training of teachers. Moreover, commencing with the 1993/94 school year, integration has gradually been introduced into the education system as a standard model, now comprising primary schools (*Volksschule*), lower secondary compulsory schools (*Hauptschule*) and the lower cycle of secondary academic schools (*allgemeinbildende höhere Schulen*).

#### *Success rates*

456. The data sheet giving basic information on schools and post-secondary colleges for teacher training (*Pädagogische Akademien*) in Austria (2001/02 school year) published for information purposes by the Federal Ministry of Education, Science and Culture gives a summary overview of the situation. At "<http://www.bmbwk.gv.at/Schulstatistik>" one can find "Faltblatt 2001/02" (Folder for 2001/02) in German, English and French. It contains data about all educational institutions in Austria, information on the success rate in school-leaving examinations (*Matura*) in 2000, 2001 and 2002. It indicates the number of boys and girls in their final year of secondary education, as well as all types of schools. It lists the number of male and female teachers in the 2001/02 school year for every provincial province (*Länder*). It describes the development of student enrolment and the federal budget forecast in Chapter 12 (education) for 2002.

457. Beginning with the Austrian statistics for 2003, the figures will indicate how many children fail to finish their education. At present, only data on class success rates are available on an annual basis.

**Item 4***The budget for education*

458. The Federal Ministry of Education, Science and Culture has ultimate responsibility for administrating and managing the educational system. This responsibility covers curricula matters, matters of teaching, establishing, maintaining and closing secondary schools and teacher training institutions, the training (including the in-service training) of teachers and the organization of teacher-qualification examinations.

459. The budgetary figures below on "education and teaching" cover education (except for universities, scientific universities and universities for the arts and music), adult education services, extra-curricular education for young people, and extra-curricular physical education.

460. Expenditure under the item "Education and Teaching":

## Operating costs

1998	ATS 3,654.7 million;	Revenues: ATS 22.7 million
1999	ATS 3,729.2 million;	Revenues: ATS 15.6 million
2000	ATS 3,691.2 million;	Revenues: ATS 164.5 million

This item covers primarily operating costs for the entire area of development relating to general teaching requirements, adult training and also general education, vocational training and training of teachers of all categories.

461. Services dependent on the central administration:

Staff costs for 1998	ATS 79.5 million
Operating costs	ATS 119.3 million
Revenues	ATS 91.4 million
Staff costs for 1999	ATS 84.9 million
Operating costs	ATS 123.9 million
Revenues	ATS 100.4 million
Staff costs for 2000	ATS 83.2 million
Operating costs	ATS 118.1 million
Revenues	ATS 104.2 million

462. Federal boarding schools for schoolchildren and sports grounds at school:

Staff costs for 1998	ATS 23.2 million
Operating costs	ATS 21.3 million
Revenues	ATS 21.2 million
Staff costs for 1999	ATS 24.3 million
Operating costs	ATS 21.3 million
Revenues	ATS 22.8 million
Staff costs for 2000	ATS 25.0 million
Operating costs	ATS 19.1 million
Revenues	ATS 23.6 million

This item covers the running of four federal boarding schools and eight federal sports grounds for the benefit of physical education and with a view to organizing and making schoolchildren attend sports activities as part of their education.

463. Civic education activities and international youth activities:

Staff costs for 1998	ATS 13.4 million
Operating costs	ATS 65.8 million
Revenues	ATS 60.1 million
Staff costs for 1999	ATS 14.4 million
Operating costs	ATS 66.2 million
Revenues	ATS 65.3 million
Staff costs for 2000	ATS 12.4 million
Operating costs	ATS 62.5 million
Revenues	ATS 67.0 million

464. Federal adult education institutions:

Staff costs for 1998	ATS 42.8 million
Operating costs	ATS 32.2 million
Revenues	ATS 10.1 million
Staff costs for 1999	ATS 46.2 million
Operating costs	ATS 36.3 million
Revenues	ATS 12.4 million
Staff costs for 2000	ATS 45.9 million
Operating costs	ATS 36.5 million
Revenues	ATS 13.7 million

This item covers the financing of the day-to-day running of the Federation's promotional services for adult education and the Federal Institute of Adult Education, the training and further training of educators in the field of adult education, and publications concerning adult education in Austria.

465. Administrative services at the level of the federal provinces (*Länder*) (school inspection services and educational-psychology counselling services):

Staff costs for 1998	ATS 734.7 million
Operating costs	ATS 227.9 million
Revenues	ATS 202.6 million
Staff costs for 1999	ATS 777.9 million
Operating costs	ATS 234.1 million
Revenues	ATS 216.2 million
Staff costs for 2000	ATS 810.4 million
Operating costs	ATS 230.2 million
Revenues	ATS 241.9 million

466. Collegiate organizations of the federal provinces (*Länder*) and district school councils:

Staff costs for 1998	ATS 644.7 million
Operating costs	ATS 206.3 million
Revenues	ATS 185.3 million
Staff costs for 1999	ATS 680.8 million
Operating costs	ATS 211.4 million
Revenues	ATS 198.3 million
Staff costs for 2000	ATS 709.8 million
Operating costs	ATS 209.3 million
Revenues	ATS 221.1 million

## 467. Educational psychology: counselling on training:

Staff costs for 1998	ATS 90.0 million
Operating costs	ATS 21.7 million
Revenues	ATS 17.3 million
Staff costs for 1999	ATS 97.1 million
Operating costs	ATS 22.7 million
Revenues	ATS 17.9 million
Staff costs for 2000	ATS 100.6 million
Operating costs	ATS 20.9 million
Revenues	ATS 20.8 million

## 468. This item covers the operating costs of general education institutes, secondary academic schools, federal secondary boarding schools, the Federal Teacher Training Institute and the Federal Institute for the Training of the Deaf, compulsory general education schools and seminaries and boarding schools for schoolchildren in general education:

Staff costs for 1998	ATS 11,784.1 million
Operating costs	ATS 35,020.8 million
Revenues	ATS 138.9 million
Staff costs for 1999	ATS 12,315.7 million
Operating costs	ATS 36,729.1 million
Revenues	ATS 147.6 million
Staff costs for 2000	ATS 12,556.2 million
Operating costs	ATS 37,963.2 million
Revenues	ATS 153.5 million

## 469. Secondary general education schools (State-run upper secondary schools, upper secondary modern schools, economics-orientated upper secondary modern schools, classical and modern preparatory schools, classical and modern secondary schools with an upper secondary cycle, modern and economics-orientated modern upper secondary schools for working adults):

Staff costs for 1998	ATS 11,336.1 million
Operating costs	ATS 1,110.2 million
Revenues	ATS 63.1 million
Staff costs for 1999	ATS 11,882.2 million
Operating costs	ATS 1,149.0 million
Revenues	ATS 72.8 million
Staff costs for 2000	ATS 12,114.6 million
Operating costs	ATS 1,155.5 million
Revenues	ATS 78.9 million

470. Federal secondary boarding schools: these are secondary schools providing general education based on a national curriculum with boarding facilities. Pupils in these schools receive education, training and care as well as board and lodging. This system also offers a broader curriculum and a selective organization of leisure time activities. At the moment there are four such institutes with 98 classes:

Staff costs for 1998	ATS 258.7 million
Operating costs	ATS 40.8 million
Revenues	ATS 40.8 million
Staff for costs 1991	ATS 270.1 million
Operating costs	ATS 43.3 million
Revenues	ATS 39.8 million
Staff costs for 2000	ATS 278.5 million
Operating costs	ATS 43.5 million
Revenues	ATS 39.4 million

471. Federal Institute of Education for the Blind and Federal Institute of Education for the Deaf:

Staff costs for 1998	ATS 97.6 million
Operating costs	ATS 22.4 million
Revenues	ATS 7.3 million
Staff costs for 1999	ATS 97.6 million
Operating costs	ATS 22.4 million
Revenues	ATS 7.9 million
Staff costs for 2000	ATS 102.1 million
Operating costs	ATS 22.0 million
Revenues	ATS 9.9 million

472. Compulsory schools for general education:

Operating costs 1998	ATS 33,822.4 million
1999	ATS 35,490.6 million
2000	ATS 36,717.5 million

## 473. General education seminaries and boarding schools:

Staff costs for 1998	ATS 61.7 million
Operating costs	ATS 25.0 million
Revenues	ATS 27.6 million
Staff costs for 1999	ATS 63.9 million
Operating costs	ATS 23.9 million
Revenues	ATS 27.1 million
Staff costs for 2000	ATS 61.0 million
Operating costs	ATS 24.8 million
Revenues	ATS 25.2 million

## 474. Technical and vocational training schools:

Staff costs for 1998	ATS 11,431.7 million
Operating costs	ATS 2,695.6 million
Revenues	ATS 200.7 million
Staff costs for 1999	ATS 12,038.2 million
Operating costs	ATS 2,901.3 million
Revenues	ATS 211.6 million
Staff costs for 2000	ATS 12,271.0 million
Operating costs	ATS 2,862.6 million
Revenues	ATS 221.9 million

## 475. Technical and industrial training institutes:

Staff costs for 1998	ATS 4,771.2 million
Operating costs	ATS 623.1 million
Revenues	ATS 72.4 million
Staff costs for 1999	ATS 4,975.2 million
Operating costs	ATS 663.2 million
Revenues	ATS 82.4 million
Staff costs for 2000	ATS 5,060.5 million
Operating costs	ATS 634.7 million
Revenues	ATS 84.1 million

## 476. Social workers' academies, training institute for tourism, as well as social and economic/commercial occupations:

Staff costs for 1998	ATS 3,165.1 million
Operating costs	ATS 455.2 million
Revenues	ATS 66.0 million
Staff costs for 1999	ATS 3,384.4 million
Operating costs	ATS 487.2 million
Revenues	ATS 68.0 million
Staff costs for 2000	ATS 3,500.0 million
Operating costs	ATS 475.7 million
Revenues	ATS 77.5 million

477. Secondary commercial schools and commercial schools:

Staff costs for 1998	ATS 3,435.5 million
Operating costs	ATS 326.6 million
Revenues	ATS 8.3 million
Staff costs for 1999	ATS 3,616.72 million
Operating costs	ATS 349.7 million
Revenues	ATS 10.3 million
Staff costs for 2000	ATS 3,650.1 million
Operating costs	ATS 334.9 million
Revenues	ATS 11.5 million

478. Compulsory technical and vocational training schools:

Operating costs 1998	ATS 1,255.0 million
Revenues	ATS 0.0 million
Operating costs 1999	ATS 1,365.7 million
Revenues	ATS 0.0 million
Operating costs 2000	ATS 1,380.0 million
Revenues	ATS 0.0 million

479. Seminaries, boarding schools and boarding schools in the technical and vocational education sector:

Staff costs for 1998	ATS 59.9 million
Operating costs	ATS 35.7 million
Revenues	ATS 53.9 million
Staff costs for 1999	ATS 61.9 million
Operating costs	ATS 35.5 million
Revenues	ATS 50.9 million
Staff costs for 2000	ATS 60.1 million
Operating costs	ATS 37.5 million
Revenues	ATS 48.8 million

480. Teacher-training and tutor-training institutes: teachers of primary and lower secondary schools, special schools and polytechnical years are all trained at post-secondary teacher-training colleges. Elementary schools and middle schools are attached to these academies in order to give the future teachers an opportunity to gain practical experience:

No. Institution

- 8 Federal teacher-training colleges with schools used for practical training attached
- 6 Private teacher-training colleges with schools used for practical training attached
- 9 Diocesan religious education teacher-training colleges
- 4 Vocational federal teacher-training colleges
- 8 Federal teacher-training institutes

No. Institution

- 3 Teacher-training institutes of the federal provinces (*Länder*)
- 1 Private teacher-training institute
- 9 Diocesan religious education teacher-training institutes
- 1 Protestant religious education teacher-training institute (Helvetic denomination)
- 16 Federal training institutes for kindergarten teachers
- 13 Private training institutes for kindergarten teachers
- 1 Federal training institute for tutors
- 1 Federal training institute for training of tutors in boarding schools and homes
- 5 Private training institutes for tutors
- 4 Federal training institutes for physical education and sports

Staff costs for 1998	ATS 1,730.8 million
Operating costs	ATS 588.6 million
Revenues	ATS 20.1 million
Staff costs for 1999	ATS 1,796.4 million
Operating costs	ATS 593.1 million
Revenues	ATS 22.5 million
Staff costs for 2000	ATS 1,830.7 million
Operating costs	ATS 605.5 million
Revenues	ATS 23.3 million

481. Teacher-training colleges: These post-secondary training colleges accept students who have completed their secondary school education. They offer courses covering six semesters for the training of primary and middle-school teachers, teachers for special schools and teachers for polytechnical courses:

Staff costs for 1998	ATS 904.8 million
Operating costs	ATS 192.5 million
Revenues	ATS 4.5 million
Staff costs for 1999	ATS 919.7 million
Operating costs	ATS 190.7 million
Revenues	ATS 5.6 million
Staff costs for 2000	ATS 931.0 million
Operating costs	ATS 202.6 million
Revenues	ATS 5.4 million

482. Institutes for the training of teachers in kindergarten teaching methods: The task of these institutes is to train students to become teachers who are able to perform educational and instructional work at nursery schools. At the same time, these students receive an education up to university entrance level. The courses take up five years.



Staff costs for 1998	ATS 601.0 million
Operating costs	ATS 127.0 million
Revenues	ATS 12.8 million
Staff costs for 1999	ATS 639.3 million
Operating costs	ATS 120.9 million
Revenues	ATS 14.4 million
Staff costs for 2000	ATS 658.4 million
Operating costs	ATS 122.6 million
Revenues	ATS 15.8 million

483. Vocational teacher training colleges: These post-secondary colleges accept students who have completed their secondary education or have obtained a master craftsman's diploma or an equivalent skill level. Their task is to train middle- and secondary-school level teachers for vocational schools in the fields of the domestic sciences or to provide technical and industrial training. They also train teachers for textile processing. Their professional approach and their specific knowledge and vocational skills make them suited for teaching in their respective fields.

Staff costs for 1998	ATS 60.9 million
Operating costs	ATS 19.1 million
Revenues	ATS 0.4 million
Staff costs for 1999	ATS 64.9 million
Operating costs	ATS 21.8 million
Revenues	ATS 0.4 million
Staff costs for 2000	ATS 68.1 million
Operating costs	ATS 19.0 million
Revenues	ATS 0.3 million

484. Federal physical and sports training institutes: The task of these institutes is to train teachers of physical education and sports.

Staff costs for 1998	ATS 38.5 million
Operating costs	ATS 36.1 million
Revenues	ATS 0.2 million
Staff costs for 1999	ATS 41.3 million
Operating costs	ATS 36.7 million
Revenues	ATS 0.3 million
Staff costs for 2000	ATS 42.7 million
Operating costs	ATS 37.1 million
Revenues	ATS 0.4 million

485. Teacher-training institutes: This group of institutes is divided into four subgroups which prepare students to become - (1) teachers of compulsory general education schools, (2) teachers of vocational training schools, (3) teachers of secondary general education schools, and (4) teachers of technical and vocational training schools.

Staff costs for 1998	ATS 125.7 million
Operating costs	ATS 213.9 million
Revenues	ATS 2.1 million
Staff costs for 1999	ATS 131.1 million
Operating costs	ATS 222.9 million
Revenues	ATS 1.8 million
Staff costs for 2000	ATS 130.5 million
Operating costs	ATS 224.2 million
Revenues	ATS 1.4 million

486. The numbers of pupils in State schools in Austria were as follows:

(a) Compulsory general education schools (2001/02):

Number of schools	4,801
Number of classes	32,523
Number of pupils	659,289

(b) Secondary general education schools (2001/02):

Number of schools	250
Number of classes	6,471
Number of pupils	157,710

(c) Compulsory technical and vocational training schools (2000/01):

Number of schools	172
Number of classes	5,630
Number of pupils	132,017

(d) Intermediate-level technical and vocational training schools (2001/02):

Number of schools	320
Number of classes	1,701
Number of pupils	38,690

(e) Secondary-level technical and vocational training schools (2001/02):

Number of schools	228
Number of classes	4,571
Number of pupils	113,608

(f) Technical and vocational training colleges (post-secondary colleges training students for careers in the social services - 2001/02):

Number of colleges	2
Number of pupils	473

## (g) Intermediate- and secondary-level teacher training institutes (2001/02):

Number of institutes	21
Number of classes	386
Number of pupils	9,358

## (h) Teacher training colleges (2001/02):

Number of colleges	13
Number of students	8,658

487. Presentation of the budget regarding Chapter 12 - Education and Culture: Federal Draft Budget 2002 (*BVA*) and Results 2001 (*Erf.*): chapter 12 contains sections that are not part of "education/teaching". These items are deducted in the figures for overall expenses in the table below. As compared to the presentation under "Federal Budget 1992" there are now several areas, due to organizational changes.

Budget item	Amounts in millions of euros with three decimal digits	EUR mill. <i>Erf.</i> 2001	EUR mill. <i>BVA</i> 2002
	Chapter 12 - Total expenditure	5 733.033	5 658.227
1/12007 (partly)	Culture - permanent expenditure	45.181	44.490
1/1204	Shares in holdings	0.000	0.001
1/1205	Public law institutions	48.971	76.970
1/1221	Adult education	12.030	10.805
1/1229	Monuments Fund (earmarked operations)	0.000	0.010
1/1240	Imperial Court Music Chapel	1.236	1.148
1/1242	Other institutions of youth education	5.483	5.588
1/1243	Adult education	6.574	6.025
1/1244	Museums	48.076	42.881
1/1245	Museums (earmarked operations)	0.911	0.659
1/1246	National Library	16.011	0.000
1/1247	Federal Monuments Agency	20.666	21.674
1/1248	Federal Monuments Agency (earmarked operations)	4.223	3.412
1/1249	National Library (earmarked operations)	0.762	0.000
1/12003 (partly)	Procurement of school premises	2.480	2.483
1/12008 (partly)	Procurement of school premises	41.981	30.993
1/1201	Payments to the Federal Real Estate Agency ( <i>BIG</i> )	246.986	138.079
1/1202	School premises (earmarked operations)	0.055	0.001
1/1203	School in <i>BIG</i> buildings (earmarked operations)	0.000	0.001
	Sum total:	501.626	385.220
	Remaining rest - Chapter 12:	5 231.407	5 273.007
	which includes:		
1/12757 (partly)	Ongoing transfer payments pursuant to the Fiscal Equalization Act	2 689.125	2 673.499
1/12857 (partly)	Ongoing transfer payment pursuant to the Fiscal Equalization Act	101.667	102.604

Comments on the above items:

- 1/12007: The payments to the Catholic, Protestant and Old Catholic Churches, as well as to the Jewish Community, are due to compensation measures pursuant to article 26 of the State Treaty (draft budget items 7661 and 7661/001). (The designation "religious education" in the 1992 report is incorrect.)
- 1/1205: The basic remunerations by the Federal Government to the divested federal museums and the divested National Library are entered here.
- 1/1221 and 1/1243: Training and further training of adult education trainers, as well as basic structure and expansion of the education information and counselling offices.
- 1/1229, 1/1247 and 1/1248: Responsibilities regarding the preservation of monuments and measures for the upkeep of monuments.
- 1/1240: Imperial Court Music Chapel - Continuation of classical church songs from the time before the Second Vatican Council.
- 1/1242: Expenses for carrying out the civic education campaigns "Austria's young people get to know Vienna - the federal capital" and "Europe's young people get to know Vienna".
- 1/1244 and 1/1245: Federal museums.
- 1/1246 and 1/1249: National Library, divested since 2002.
- 1/12003 and 1/12008: Funds for the programme to procure space for schools (partly included in draft budget items 1/12003 and 1/12008). Since 2001 all costs for making school premises available (rent costs) are entered under chapter 12.
- 1/1201: Payment commitments towards the Federal Real Estate Agency (*BIG*) pursuant to the relevant law. In 1992, these funds were still included under Chapter 64 - Buildings and Technology. Now, all school constructions are only handled by way of rent costs.
- 1/1202 and 1/1203: Earmarked operations in connection with the making available of school premises.
- 1/12757: Pursuant to the Fiscal Equalization Act (*FAG*) the Federal Government reimburses to the federal provinces (*Länder*) the salaries of teachers at State-run secondary academic schools (*allgemeinbildende höhere Schulen*) (budget item 7302).
- 1/12857: The staff costs for teachers at vocational schools, employed by the federal provinces (*Länder*), are refunded at a rate of 50 per cent (draft budget item 7302) pursuant to the Fiscal Equalization Act (*FAG*).

*The school system*

488. In Austria children begin their compulsory education at the age of 6 and attend school for a period of nine school years. After four years of primary school, pupils may choose between the following school types:

(a) Lower secondary (compulsory) schools (*Hauptschule*), covering the ages from 10 to 14, for a period of four years. After pupils have completed the polytechnical year, they continue preparing for a practical occupation by pursuing an apprenticeship;

(b) Secondary academic schools (*allgemeinbildende höhere Schulen*), for a period of eight years, which end with a school-leaving examination that affords admission to a university or a similar post-secondary institute. Gifted pupils who have successfully completed a lower secondary (compulsory) school are entitled to transfer to a secondary technical and vocational school or college or to an upper secondary academic school (*Oberstufe einer allgemeinbildenden höheren Schule*).

489. Vocational training is provided for pupils between the ages of 14 and 19 years in two areas which partly overlap:

(a) Secondary technical and vocational schools (*berufsbildende mittlere Schulen, berufsbildende höhere Schulen*) and colleges (*berufsbildende Akademien*), master craftsmen courses (*Meisterprüfungslehrgänge*), post-secondary colleges for the training of vocational teachers (*Berufspädagogische Akademien*), specialized university colleges (*Fachhochschulen*) and universities;

(b) In Austria apprenticeship training is organized as a dual system. The company-based training of apprentices is complemented by the compulsory attendance of a part-time vocational school for apprentices. The number of years spent in these institutions (generally three) depends on the period required for training for a specific trade. At present, training can be obtained for more than 250 skills trades. Apprenticeship training is provided in more than 35,000 enterprises.

490. Austria has 263 secondary academic schools (*allgemeinbildende höhere Schulen*) consisting of a lower and an upper cycle. While the lower cycle is for pupils between the ages of 11 and 14, the upper cycle is for pupils between the ages of 15 and 18. Admission is on completion of elementary education, and school attendance is for eight years. These schools provide pupils with a broad but comprehensive education. At the same time, they prepare them for higher education. Like all State schools, these schools are free of charge. The cost of private schools varies according to school.

491. Austria has 91 secondary academic schools consisting only of an upper cycle (*Oberstufe*). They are intended for pupils who, after having successfully completed the first eight years of compulsory education outside the secondary academic school system, wish to continue their education in order to prepare for higher education.

492. Special types of lower secondary (compulsory) schools (*Hauptschule*) and secondary academic schools for particularly motivated and gifted students are available in several locations in Austria. For example:

(a) In some lower secondary (compulsory) schools and secondary academic schools special emphasis is put on artistic training (teaching to play an instrument, or practising different forms of painting or other manual skills);

(b) In some secondary academic schools pupils study music for five years. The lower number of weekly hours devoted to general education provides students with sufficient time to practise an instrument, particularly if they wish to engage in full-time music studies at a university for the arts or music or a similar institute recognized by law. Music theory is a subject taught as music science. It is combined with group exercises;

(c) In some lower secondary (compulsory) schools and in a number of secondary academic schools emphasis is laid on sports.

493. Curriculum autonomy, introduced in 1994, gives schools an opportunity to develop their own programmes within a specified framework. Thus, special emphasis may not only be laid on the arts and sports. It may rather be extended to all fields of teaching such as modern languages, science, etc.

494. Secondary school studies end with a school-leaving examination (written and oral - *Matura*). The certificate affords graduates access to a university, a specialized university college (*Fachhochschule*) or to any other institute offering tertiary education.

#### *Adult education in Austria*

495. Every day, thousands of people in Austria go to adult education centres (*Volkshochschulen*), training institutes and special colleges of further training in order to:

- Brush up their existing knowledge, to acquire a specific basic knowledge, to take school-leaving examinations, or to obtain key qualifications which they failed to take or obtain at an earlier stage in life, in order to obtain equal opportunities at work, as well as in everyday life;
- Obtain support in the planning and organization of their lives, in coping with problems in society, regarding their occupation or family life, and in developing their individual personality;
- Obtain guidance in dealing with social, economic and political changes;
- Prepare the ground for unbiased discussions and the constructive resolution of conflicts (democratic consensus).

496. In Austria the adult education system is highly developed and comprises more than 6,000 education centres and more than 2,000 libraries. According to expert opinion, 30 per cent of all Austrians take part in various individual activities related to adult education every year. During the 2001/02 school year, some 10,000 actively employed persons took part

in courses for taking the adult school-leaving examination, to finish their lower secondary school education (*Hauptschulabschluss*) or to take the university studies admission examination (*Studienberechtigungsprüfung*).

497. Since adult education is organized along different lines, various methods of financing are needed. In addition to the Federal Government, the Confederation of Austrian Trade Unions, the Chambers of Labour as well as the Federal Economic Chamber and the Churches finance courses and lectures for adults. Other funds are provided by various organizations, together with course and/or admission fees.

498. Today, the general education system can no longer afford to leave adult education aside. It comprises the vast area of further general education and vocational training. When bearing in mind that a great number of young people, leaving school today, will have to switch to other occupations several times during their working life, adult education will become a necessity for almost everyone.

499. At the Federal Government level, the Federal Ministry of Education, Science and Culture is responsible for promoting adult education. Federal agencies to promote adult education have been established in the federal provinces (*Länder*). In addition, the cultural departments of the federal provinces (*Länder*) employ experts to take care of adult education. A federal institute for adult education has been established at St. Wolfgang, Salzburg, in order to provide persons working in the field of adult education or in one of the various educational and cultural institutions with further education and training opportunities.

500. Furthermore, support is also provided by the Federal Ministry of Economic Affairs and Labour, as well as the Federal Ministry for Agriculture, Forestry, Environment and Water Management.

501. Adult education in Austria is provided by numerous institutions and organizations of different magnitude. The main bodies involved, in addition to the Federal Government, the federal provinces (*Länder*) and the municipalities, are the political parties, the chambers established by law, economic interest groups and the churches. By way of example, some of the largest organizations involved in adult education in Austria are listed below:

(a) The political academies, which are institutions associated with political parties and which receive State subsidies pursuant to a law adopted in 1972. Their aim is to train members and officers. The various political parties - SPÖ (Social Democratic Party), ÖVP (People's Party), FPÖ (Freedom Party) and the Green Party - have their own training institutes;

(b) The Austrian Society of Political Education (*Österreichische Gesellschaft für Politische Bildung*), which is an institution run by the Federal Government and the governments of the federal provinces (*Länder*). Its main objective is to provide political education for adults;

(c) The Association of Austrian Residential Education Centres (*Arbeitsgemeinschaft der Bildungsheime Österreich*), which offers courses on political, religious and integrated socio-political issues, as well as DIY courses;

(d) The Vocational Training Institute (*Berufsförderungsinstitut*), which offers courses in all fields of occupation, as well as courses for acquiring additional qualifications and certificates. Moreover, it provides training to skilled workers, organizes company-based courses and public courses and programmes by way of the second educational channel;

(e) The Austrian Library Association (*Büchereiverband Österreichs*), which is the parent organization for approximately 2,500 public libraries and branch libraries;

(f) The Catholic Adult Education Institution (*Forum Katholischer Erwachsenenbildung*), which organizes events on the regional level;

(g) The Institute for Further Education in Rural Areas (*Ländliches Fortbildungsinstitut*), which provides career-related further education in the agriculture and forestry sectors;

(h) The Austrian Society for the National Economy (*Österreichische Volkswirtschaftliche Gesellschaft*), which provides information on economic and socio-political issues;

(i) The Federation of Austrian Education Associations (*Ring Österreichischer Bildungswerke*), in which Catholic and Protestant education associations and the associations for community education cooperate. The aim is to organize educational activities in the various regions;

(j) The Association of Austrian Training and Educational Centres (*Verband Österreichischer Schulungs- und Bildungshäuser*), which focuses on questions concerning labour legislation, social law, as well as leisure time activities;

(k) The Association of Austrian Adult Educational Centres (*Verband Österreichischer Volkshochschulen*), which offers a wide variety of courses on general education, cultural issues, philosophy and science, life skills, leisure time activities and the preservation of the cultural heritage, personality development, political and social issues, languages and the second education channel (preparation for the adult school-leaving examination, the university studies admission examination, etc.);

(l) The Institutes for Economic Development of the Federal Economic Chamber (*Wirtschaftsförderungsinstitute der Bundeswirtschaftskammer*), which are service centres of the chambers of commerce and industry offering career-related general education, courses on business management, applied economics and organization, legal issues, production and technical innovation, as well as basic training and further training in various fields and for various occupations, or courses for foremen for gainfully employed persons;

(m) The education programmes run by the Austrian Broadcasting Corporation (*Österreichischer Rundfunk ORF*) via radio and television are governed by legislation which establishes the educational role of the ORF. In line with its obligations, the ORF regularly broadcasts educational programmes, language courses and information broadcasts in various fields of science.



502. In addition to these major associations and institutions, which play a decisive role in the world of adult education in Austria, there are numerous other institutions and courses.

#### **Item 5**

503. Under the 1962 Education Act, State-run schools in Austria are open to all, regardless of birth, sex, race, status, class, language or religion.

#### **Item 5 (a)**

504. All the measures taken to ensure equal access for girls and boys to all forms of education, regardless of sex, are based on article 10 of the Convention on the Elimination of All Forms of Discrimination against Women. This Convention was ratified by Austria in 1982 and offers guidelines for all measures adopted to eliminate discrimination in the field of education. The most important of the measures taken relate to the following areas:

- (a) Vocational guidance facilities in cooperation with counselling services that are specially designed for girls (since girls face specific problems on the labour market);
- (b) The elimination of stereotypes regarding the roles of men and women at every level of teaching by means of the principle applied in teaching “Education for Equality between Women and Men” (announced in 1995), as well as the “Guideline for the Presentation of Women and Men in Teaching Materials” (published in 1999), making available information and teaching materials, adapting teaching methods and offering specific facilities within the framework of the basic and further training of male and female teachers;
- (c) Promotion of a “co-education with empathy” at schools, which means that girls are educated in a manner that raises their self-confidence, while boys are supported in finding their gender-specific identity by teachers who are aware of men’s socialization problems. Model projects in schools are especially supported;
- (d) The promotion and encouragement of the entry of boys into fields traditionally considered to be “women’s work”, such as the domestic and social sciences’ sectors: for example, the campaign “Campaign MiT” (Girls/Women Working in Technical Fields) in technical schools, or the project “Projekt FIT” (Women in Technology) in order to encourage young women (ages 17-19) to choose technical studies;
- (e) “Action Plan 2000” (99 measures to advance gender equality at school and in adult education) from 1997-2000, “Action Plan 2003” (gender mainstreaming and the advancement of women at school and in adult education) from 2001-2003.

#### *Women at universities*

505. Although political efforts have been made in the last decades to improve the situation of women in science, their situation at the various hierarchical levels of universities can still be described by referring to the picture of a pyramid. While the quota of women among new entrants has been continuously increasing and has reached more than 58 per cent, the increase of the quota is proportionally low at the various higher career levels. Women account for 48 per cent of graduates of degree programmes and 34 per cent of doctoral degree

programmes. Their quota among contract based assistants is 43 per cent. With the first career step at the university which is the appointment as a university assistant the quota of women drops to 23 per cent. Experience has shown that the quota of women regarding habilitations is subject to clear fluctuations, since absolute numbers are very low. The quota is 14 per cent at present. At the level of professorships, the share of women is 5.2 per cent.

506. At the universities for the arts and music, the situation is better at all levels, although there is also a gap between the quota of women among graduates (54 per cent), university assistants (about 34 per cent) and professors (18 per cent).

507. At the Federal Ministry of Education, Science and Culture, there is a major statutory requirement to eliminate the underrepresentation of women. This is based on the gender-specific protection against discrimination laid down in the law for the organization of universities and universities for the arts and music, and in the ordinances for the promotion of women which are contained in the Federal Equal Treatment Act and is implemented by means of specific affirmative action plans for every government department. Since 1992 working groups for equal treatment issues have been working at universities. They are assigned the legal mandate to counteract gender-specific discrimination by university organs. In 1995 the first "Affirmative Action Plan within the Scope of the Federal Ministry of Science, Transport and the Arts" was adopted. This department specific plan is the concrete result of the ordinance for the promotion of women laid down in the Federal Equal Treatment Act, which stipulates a target quota of women of 40 per cent among the total number of permanently employed staff members in the civil service at all qualification and hierarchical levels. In order to achieve this target, preference is given to women in the recruitment for civil service, in the promotion and the participation in further education and training measures, provided that the female applicant does not have lower qualifications than the best qualified male applicant.

508. Since the beginning of the 1990s, specific programmes for the promotion of women have been set up with the aim of supporting women in academic qualification stages between first university degree and habilitation. This includes the Charlotte Bühler Habilitation Scholarships for Women and the APART programmes (Austrian Program for Advanced Research and Technology) which make sure that the quota of women receiving the awards is higher than the quota of their applications. In 1998, the programme "Hertha Firnberg Posts" was created which supports five female university graduates every year. These posts promote the integration into university research and enable women to obtain a further academic qualification after the doctorate within three years.

509. Another important aspect is the promotion of women and gender studies and women sciences because this strengthens critical scientific opinions in connection with the discrimination of women. The 1997 University Studies Act, for example, laid down the fundamental principle of equal treatment of women and men, as well as the equal status of research into women's and gender issues, as compared to other research areas. The objective of this legal provision is to institutionalize women and gender research in curricula.

510. In 1999 the "White Paper on the Advancement of Women in Higher Education and Research" was published. The White Paper comprises 25 concrete measures relating to the following areas: study system, gaining a higher profile in scientific and artistic fields, allocation

of funds to universities and research promotion, childcare, research networks inside and outside of universities, services and the promotion of women research/gender studies. The implementation of these measures is monitored by a working group.

#### **Item 5 (b) and (d)**

511. Children whose mother tongue is another language than German have the same right to education as Austrian children. For the purpose of their better integration into Austrian schools, they can receive additional German lessons. At the same time, they can follow additional courses in their mother tongue in order to ensure their bilingual competence. This education is provided by native speakers.

512. In the 2001/02 school year, 111,263 foreign pupils were enrolled in Austrian schools; they accounted for 9.3 per cent of all pupils.

513. At present, Vienna has four big schools where foreign languages are used as teaching language: the Vienna International School, which is an officially recognized school regarded as a United Nations school, the American International School, which provides education along the American pattern, the Danube International School and the Lycée Français de Vienne, the French school in Vienna. There are other schools in which the teaching language is a foreign language, which have a foreign curriculum and do not come under the Austrian Schools Organization Act. These include Japanese, Arab, Swedish and Russian schools.

#### *Teaching and education of ethnic groups*

514. With the exception of the areas specifically mentioned in article 14 of the Federal Constitution, competence with regard to nursery schools lies with the federal provinces (*Länder*). Until recently, the latter did not take into account in their legislation on nursery schools of the specific aspects of teaching in the language of an ethnic group. However, the importance of bilingual nursery schools is increasingly gaining widespread recognition. In the federal province of Burgenland, the bodies responsible for operating nursery schools are required, under certain conditions, to offer educational facilities in Croatian and Hungarian as well as in German, since a change in the legislation concerning nursery schools was introduced in December 1989. Even before the amendment came into force, some nursery schools in Burgenland were already bilingual, offering either Croatian or Hungarian as a second language. In order to have a sufficient number of teachers for these nursery schools, the Minority School Act for Burgenland stipulates that at least one of the training colleges for nursery school teachers in this region must offer courses in Croatian and Hungarian. Moreover, student teachers must be given the opportunity of acquiring practical experience in a bilingual nursery school. In Carinthia, too, eight municipal nursery schools provide education in Slovene. There are altogether eight private bilingual nursery schools. In Vienna, there is a private nursery school managed by the Komensky Czech Education Association.

515. Article 7 (2) of the 1955 State Treaty of Vienna stipulates that Austrian nationals of the Slovene and Croatian minorities in Carinthia, Burgenland and Styria are entitled to an elementary school education in Slovene and Croatian and to a proportional number of their own secondary schools. In addition, the same paragraph provided that school curricula would be reviewed and that a separate department would be established in the school inspection services

for Slovene and Croatian schools. Although the 1955 State Treaty of Vienna does not refer to the Hungarian-speaking minority of Burgenland, the same system, implemented by the Minority School Act of Burgenland, is applied to them. There are private education facilities for Czech-speakers in Vienna.

516. Concerning the Slovene ethnic group in Carinthia, article 7 (2) of the 1955 State Treaty is implemented by the Carinthian Minority School Act. Under the general provisions of the 1959 Minority School Act, every pupil is entitled to being taught in Slovenian, or to learn Slovenian as a compulsory language, in schools designated by law if this is the wish of the pupil's legal representative ("parents' rights"). In order to being taught in Slovenian, pupils must be signed up for this type of teaching when being admitted to school. However, no pupil is obliged to prove his/her affiliation to the Slovene-speaking ethnic group or to prove his/her ethnic background. Schools must accept these requests for foreign language instruction. Concerning primary and secondary education, the Carinthian Minority School Act provides for the following possibilities:

- Primary schools and lower secondary (compulsory) schools where teaching is entirely in Slovenian;
- Bilingual primary schools or primary schools with bilingual classes;
- Lower secondary (compulsory) schools where teaching is in German, with Slovenian as a compulsory subject covering four units a week.

517. Concerning primary schools the regulation also applies to the pre-school year. This first opportunity has never been implemented, owing to a lack of interest on the part of the ethnic group concerned. Education in bilingual primary schools or primary schools with bilingual classes is conducted in equal proportions during the entire period of four years.

518. At present, Carinthia has 79 bilingual primary schools attended by 5,683 pupils, as well as 14 lower secondary (compulsory) schools with departments in which pupils are taught in Slovenian, for a total of 268 pupils. One hundred and six pupils have signed up for Slovenian as a non-compulsory subject.

519. In Burgenland, the obligations deriving from the 1955 State Treaty of Vienna are implemented by the Minority School Act for Burgenland. This law, however, does not only cover the Croatian minority of this region, but it also covers its Hungarian and Roma-speaking minorities who are not mentioned in the 1955 Treaty.

520. With regard to the schools for the Croatian and the Hungarian ethnic groups, the organizational structure provided by the Minority School Act for Burgenland resembles very much to the one laid down in the Carinthian Minority School Act. The main organizational difference between these two is that the Minority School Act for Burgenland also extends to pre-vocational schools. The following types of schools may therefore be established:

- Primary schools and lower secondary (compulsory) schools, where pupils are taught exclusively in Croatian or Hungarian;

- Bilingual primary schools for Croatian and German, or Hungarian and German respectively, or primary schools with bilingual classes;
- Lower secondary (compulsory) schools, where pupils are taught in German, with Croatian or Hungarian as a compulsory subject covering four units a week.

521. As in Carinthia, schools providing teaching entirely in Croatian or Hungarian have never been established. The minorities themselves have always adopted a critical position vis-à-vis an education policy that is only based upon teaching in the language of the ethnic groups. In contrast to the Carinthian Minority School Act, the legislation for Burgenland does not require that pupils sign up for being taught in Croatian and German, or Hungarian and German respectively. All pupils living in bilingual areas have to participate in bilingual education, as long as they do not opt for teaching being conducted only in German, when being admitted to school.

522. At the moment there are 31 bilingual primary schools in Burgenland (29 for Croatian and German, and 2 for Hungarian and German). Moreover, Croatian is instructed at 11 and Hungarian at 5 lower secondary (compulsory) schools.

523. The basic statutory regulations, which apply to the educational arrangements for the Czech ethnic group in Vienna, are the provisions concerning the protection of minorities in the Treaty of St. Germain and the Brno Treaty, which was concluded with Czechoslovakia in 1921. The Komensky School Association runs a nursery school in Vienna as well as a primary school and a lower level secondary school, which together have about 150 pupils per year.

524. Article 7 (2) of the 1955 State Treaty stipulates that the Slovene and the Croatian ethnic groups must have “a proportional number of their own secondary schools”. Under this provision, the federal secondary school (which subsequently became a secondary academic school) was established for Slovenes in Klagenfurt (where Slovenian is the only teaching language) in 1957. Ever since, the school has grown rapidly, and in the 2002/03 school year 502 pupils were enrolled in this school. Four hundred pupils of other secondary academic schools in Carinthia attended Slovenian a compulsory or non-compulsory subject. At the bilingual federal upper-level commercial school (*Bundeshandelsakademie*) pupils are taught in Slovenian and German. In the 2002/03 school year, 124 pupils were enrolled. There is also a bilingual private secondary school for management occupations in the service industries, which has 127 pupils at present. For the Croat and Hungarian ethnic groups in Burgenland, a bilingual secondary academic school was opened at Oberwart in the 1992/93 school year. Pupils there are taught in German and Croat, or German and Hungarian. Moreover, Croatian or Hungarian are offered either as a non-compulsory or as an elective compulsory subject at another eight secondary schools (seven for Croatian and three for Hungarian). There are also six upper-level commercial schools at which Croatian or Hungarian are offered, either on a compulsory or a non-compulsory level.

525. For the small ethnic group of the Roma, language courses have been organized at a primary school at Oberwart.

526. Primary and lower secondary (compulsory) school teachers teaching in Slovenian or in Slovenian and German are trained at a teacher-training college in Klagenfurt. They obtain the standard teaching qualifications and additional qualifications for teaching in two languages, or teaching qualifications and additional qualifications for giving bilingual instruction or teaching Slovene. Teachers already in employment may undergo a supplementary training in order to qualify for bilingual instruction or for teaching Slovene. For the assistant primary school teachers mentioned earlier, who have been employed since 1988, specific courses continue being offered in such subjects as the theory and practice of teamwork and information about the cultural heritage of the Slovene people, as well as optional Slovene language courses. This post-secondary teacher-training college also organizes events as part of the ongoing training of teachers. Primary and lower secondary (compulsory) school teachers teaching in Croatian or Hungarian, or in German and one of the two minority languages, are trained at the teacher-training college in Eisenstadt, where additional teaching qualifications may be obtained along the same pattern.

### **Item 7**

#### *Private schools*

527. In contrast to the situation in other countries, the private school sector in Austria is of secondary importance. The great majority of schools in Austria are State-run. However, in principle, everybody has the opportunity to establish a private school, subject to compliance with the statutory provisions in this respect. There are two types of private schools in Austria:

(a) Private schools that are equivalent to State-run schools, which - although privately run - are like State-run schools in all respects. There are private schools on the primary and secondary school level. If the organization operating the school belongs to a religious denomination recognized by law, it is entitled to be assigned the necessary number of teachers. The teachers continue to be employed by the Federal Government or the respective federal province, from which they continue to receive their salaries. Schools run by a non-denominational body may only receive support on the basis of a contract;

(b) Alternative schools: These are schools which are not comparable with any type of the State-run schools. They have their own study programmes and organizational rules. There are no difficulties when establishing schools of this type, or attending them.

### **Item 8**

528. During the period covered by this report, no changes occurred in the legislation regarding this subject.

### **Article 15**

529. The following changes have occurred since the last periodic report.

## 2002 budget for cultural activities

### 530. Federal museums:

- Museums with legal capacity (Museum for Art History, together with the Museum for Ethnology and the Austrian Theater Museum, MAK - Austrian Museum for Applied Arts, Technical Museum with the Austrian Media Collections, Albertina, Austrian Gallery Belvedere, Museum of Modern Art - Ludwig Foundation Vienna);
- The Austrian National Library (ÖNB) obtained full legal capacity on 1 January 2002.

Basic remuneration (total amount)	EUR 76,970 000.00
of which ÖNB	EUR 20,602 000.00
Museums (incl. central funds)	
Staff costs	EUR 9,829,000.00
Assets	EUR 1,665,000.00
Promotion, sponsorships (incl. Leopold Foundation)	EUR 12,333,000.00
Expenditures	EUR 18,765,000.00
Total amount:	EUR 42,592,000.00
Revenues (not incl. museums with full legal capacity)	EUR 324,000.00

### 531. Federal Monuments Office:

Staff costs	EUR 8,142,000.00
Assets	EUR 238,000.00
Promotion, sponsorships	EUR 9,674,000.00
Expenditures	EUR 3,607,000.00
Sum amount:	EUR 21,661,000.00
Revenues	EUR 14,000.00

### 532. Libraries, ethnic culture:

Promotion, sponsorships	EUR 2,690,000.00
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533. The federal museums, listed in the 2002 Federal Museums Act, as well as the Austrian National Library come under responsibility of the Federal Ministry for Education, Science and Culture. They have been established as scientific institutes under public law. On the basis of the law on the federal museums, a restructuring phase began in 1999, in the course of which the federal museums received full legal capacity. Their operation is ensured by means of a basic remuneration, paid by the Federal Government. As of 1 January 1999, the first federal museum (Museum for Art History) obtained full legal capacity. By 2003, all federal museums covered by the 2002 Federal Museums Act, i.e. also the Museum for the History of Nature, obtained full legal capacity.

534. There are altogether about 2,000 museums in Austria. Apart from federal museums, there are private collections, accessible to the public, including also district and regional museums, as well as museums operated by the municipalities and the federal provinces (*Länder*).

*Austrian federal theatres*

535. Austria's federal theatres were divested from the federal administrative authorities on 1 September 1999. The legal basis for this step is the law on the organization of theatres, Federal Law Gazette, Vol. 1, No. 108/1998.

536. Fives limited liability companies were set up: Bundestheater-Holding GmbH, which is owned 100 per cent by the Federal Government, as well as its 100 per cent subsidiaries, i.e. Burgtheater GmbH, Wiener Staatoper GbmH, Volksoper Wien GmbH, and Theaterservice GmbH.

537. Theaterservice GmbH provides its services as a central workshop for decorations and costumes and it also offers centralized services, such as with regard to IT.

Basic remuneration (total amount)	EUR 133,645,000.00
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## Group figures for 2001-2002:

Staff costs	EUR 143,635,972.44
Cost of material	EUR 75,264,936.08
Sales	EUR 51,103,592.58
Profit for the year (incl. profit carried forward)	EUR 4,382,829.67

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