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AUSTRIA

SUBMISSION TO THE UN COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, 80TH SESSION, 2-13 NOVEMBER 2026



SUMMARY

This submission was prepared for the examination of Austria's state party's report, and of the adoption of the Concluding Observation for Austria by the UN Committee on Economic, Social and Cultural Rights during its 80th session, on 2 November to 13 November 2026. In it, Amnesty International raises concerns regarding the general implementation of the Convention in national law, migrant live-in care workers, poverty, housing, access to abortion care as well as the hijab ban in schools.

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Our vision is for every person to enjoy all the rights enshrined in the universal declaration of human rights and other international human rights standards.

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1. INTRODUCTION

Amnesty International submits the following information in advance of the review of Austria at the 80th session of the UN Committee on Economic, Social and Cultural Rights (the Committee). The submission includes information about the list of issues prior to reporting prepared by the Committee (LOI)[1] and relevant developments since the last periodic reporting of Austria in 2013, including in particular the issues of:

- General implementation of the Covenant (Article 2; LOI 6, 12)
- Right to just and favourable conditions of work (Article 7 ICESCR)
- Poverty (Article 9 ICESCR; LOI 3, 4, 21)
- Housing (Article 11 ICESCR; LOI 24)
- Sexual and reproductive health (Article 12 ICESCR; LOI 29)
- Right to education and non-discrimination (Article 13 ICESCR in conjunction with Article 2 ICESCR)

It should not be considered an exhaustive account of the organization's concerns regarding the implementation of the Covenant by Austria.

1.1 POSITIVE DEVELOPMENTS SINCE AUSTRIA'S LAST PERIODIC REPORTING

Amnesty International welcomes steps taken by Austria to further economic, social and cultural rights since its last review in 2013, in particular:

- The establishment of the so-called '*Wohnschirm*' in 2022, a financial support scheme for individuals with the aim of preventing homelessness caused by rent arrears due the cost-of-living crisis, including financial support for electricity and energy bills.[2] The *Wohnschirm* further allocates funds towards the Housing-First approach[3] within the homeless assistance system.
- In 2022, the government introduced amendments to the regressive Basic Act on Social Assistance (BAoSA).[4]
    - Section 6 (2) gives federal states (*Länder*) the discretion to provide social assistance in exceptional cases of hardship for individuals, who do not otherwise meet the formal accessibility criteria (so-called "hardship clause" ('*Härtefallklausel')*.
    - Section 5 (2) gives discretion to the regional governments to grant full social assistance payments to individuals living in certain group-specific forms of assisted living, such as housing for unhoused individuals or women in women's shelters; these individuals would ordinarily be considered to be "living in a shared household" and therefore would receive reducing social assistance payments.

[1] UN Committee on Economic, Social and Cultural Rights, List of Issues prior to submission of the fifth periodic reports of Austria, E/C.12/AUT/QPR/5, 2 April 2019.
[2] Federal Ministry Labour, Social Affairs, Health, Care and Consumer Protection, *Wohnschirm (Housing Umbrella)*, https://wohnschirm.at/ (last acceded on 27 August 2026).
[3] Housing First is a recognized alternative to the traditional stage model of homelessness services. Instead of requiring individuals to progress through successive stages of temporary accommodation, starting with emergency shelters, it prioritizes immediate access to permanent housing.
[4] Federal Ministry Labour, Social Affairs, Health, Care and Consumer Protection, Sozialhilfe (Social Assistance Benefits), 2019, https://www.sozialministerium.gv.at/Themen/Soziales/Sozialhilfe-und-Mindestsicherung.html

- In 2022, the Austrian government introduced measures to alleviate effects of the rising costs of living due to high inflation. Measures included one-off payments to low-income households, indexation of certain social payments and a cap on electricity prices that were however, limited in time.[5]
- Between 2023 and 2024, the government adopted three long-term care reform packages aimed at strengthening the care sector and improving support for persons in need of care, live-in care workers and care workers.[6] The measures included, inter alia, increased funding for 24-hour care arrangements, the expansion of counselling and support centres for care workers, and new transparency requirements for placement agencies regarding billing practices, enhanced quality assurance mechanisms, as well as reforms to improve recruitment, training and recognition of qualifications within the care workforce.[7]

1.2 ISSUES RELATED TO THE GENERAL IMPLEMENTATION OF THE COVENANT (ARTICLE 2, LOI 6 AND 12)

Amnesty International notes that no progress has been made by Austria to systematically incorporate the provisions of the Covenant at the constitutional level. The organization notes its concerns regarding the inconsistent application of the Covenant's rights across the *Länder*.

Amnesty International is concerned that the Covenant has not been sufficiently incorporated into domestic law, yet.[8] Despite its ratification, the Covenant is not given full effect in Austria's domestic legal order. Due to the so-called *Erfüllungsvorbehalt* (reservation to its execution)[9], courts and administrative bodies in Austria are not required to apply the Covenant's provisions.[10] Not all provisions of the Covenant have been incorporated in the Constitution. In addition, Austria has not ratified the Optional Protocol to the ICESCR.[11]

AMNESTY INTERNATIONAL RECOMMENDS AUSTRIA TO:

- Ensure that the ICESCR, to which Austria is a state party, is effectively incorporated into national law, including by:
    - Removing the reservation on the national implementation of the ICESCR (*Erfüllungsvorbehalt*); and
    - Taking steps to incorporate all economic, social and cultural rights in Austrian constitutional law.
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

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[5] See Austrian Parliament, Measures packages to offset inflation, (*Maßnahmenpakete zum Teuerungsausgleich*), Austrian Parliamentary Budget Service, https://www.parlament.gv.at/fachinfos/budgetdienst/Massnahmenpakete-zum-Teuerungsausgleich; Austrian Parliament, Third package of measures to offset inflation (*3. Maßnahmenpaket zum Teuerungsausgleich*), Austrian Parliamentary Budget Service, https://www.parlament.gv.at/fachinfos/budgetdienst/3.-Massnahmenpaket-zum-Teuerungsausgleich; and ORF, Relief payments and their recipients (*Entlastungszahlungen und ihre Empfänger*), 22 August 2022, https://orf.at/stories/3281305/

[6] Federal Ministry for Labour, Social Affairs, Health, Care and Consumer Protection, Pflegereformakete I-III, https://www.sozialministerium.gv.at/Themen/Pflege/Pflegereform.html

[7] Federal Ministry for Labour, Social Affairs, Health, Care and Consumer Protection, Pflegereformakete I-III, https://www.sozialministerium.gv.at/Themen/Pflege/Pflegereform.html

[8] Please compare the response provided in the Fifth periodic report submitted by Austria under articles 16 and 17 of the Covenant, due in 2020, Austria referred to the Basic Act as 'Principles of Social Aid Act' in para. 70., https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FAUT%2F5&Lang=en

[9] Section 50 Federal Constitutional Law, BGBl. Nr. 1/1930, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000138

[10] Consolidated Federal Law, Complete Legislation for the International Covenant on Economic, Social and Cultural Rights, version of 2 July 2022, BGBl. 590/1978

[11] OHCHR, Status of Ratification Interactive Dashboard, https://indicators.ohchr.org/, (last acceded on 28 August 2026).

2. RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK (ARTICLE 7 ICESCR): MIGRANT LIVE-IN CARE WORKERS

In 2021, Amnesty International documented human rights concerns regarding the situation of migrant live-in care workers in Austria.[12] More than 98% of live-in care workers in Austria are migrants, and are predominantly women from Central and Eastern Europe. The vast majority are classified as self-employed despite having limited control over their employment conditions, including their remuneration, working hours and rest periods.[13] This is due to the fact that contracts and employment arrangements are established through the placement agency. Due to their inaccurate classification of self-employment, most of the live-in care workers are excluded from legal protections regarding minimum wages and working time regulations, which are only available to people who are formally employed. Amnesty International's research found that many live-in care workers experience excessively long working hours, insufficient rest periods, inadequate pay and access to social security, and very limited agency in negotiating their remuneration and working conditions. The organization also reported cases of racism and exploitation, while highlighting the lack of effective monitoring and complaint mechanisms.[14]

Whilst Amnesty International welcomes the three long-term care reform packages adopted by the Austrian government between the years of 2022 and 2024, the organization remains concerned that the current legal framework is still insufficient to guarantee live-in care workers' rights to just and favourable conditions of work and to social security.

AMNESTY INTERNATIONAL RECOMMENDS AUSTRIA TO:

- Extend minimum wage protection and working hours protection to all live-in care workers.
- Review, clarify and adapt laws and regulations in order to protect the rights of "self-employed" live-in care workers who in practice work in an employment relationship. As recommended by the International Labour Organization (Recommendation R198), the authorities could determine the employment status of live-in care workers by consulting with the most representative organizations of employers and workers themselves.
- Engage and consult with migrant women who are working as live-in carers in the process of developing reforms and responses to the concerns about their human rights.
- Take measures to address discrimination against migrant women live-in care workers and introduce safeguards and support services to prevent and combat abuse or exploitation.

[12] Amnesty International, *Austria: "We just want some rights!", Migrant care workers denied rights in Austria* (EUR 13/4326/2021), 1 July 2021, https://www.amnesty.at/media/8593/amnesty-bericht_wir-wollen-nur-ein-paar-rechte-24h-betreuung-oesterreich_juli-2021_deutsch.pdf (in German); See Executive Summary in English https://www.amnesty.org/en/documents/eur13/4342/2021/en/
[13] Amnesty International, *Austria: "We just want some rights!", Migrant care workers denied rights in Austria*, (EUR 13/4326/2021), 1 July 2021 (previously cited), p 23.
[14] Amnesty International, Austria: "We just want some rights!", Migrant care workers denied rights in Austria (EUR 13/4326/2021), 1 July 2021 (previously cited).

3. POVERTY (ARTICLE 9 ICESCR, LOI 3, 4 AND 21): SOCIAL ASSISTANCE PAYMENTS

In 2025, 15.9 % of the population was at risk of poverty and 2.9% of the population was considered materially and financially deprived.[15] In general, women are at particular risk of experiencing poverty due to structural inequalities, including a persisting high gender pay gap (17.6% in 2024[16]), high rates of part-time employment, and the disproportionate burden of unpaid care work.[17]

Generally, social assistance payments, which replaced the previous means-tested income benefits in June 2019, are intended to function as the last social safety net for people experiencing poverty. Social assistance is a non-contributory scheme and based on individual financial need.

Amnesty International considers the Basic Act on Social Assistance (BAoSA)[18], which constitutes the general framework legislation, despite some positive amendments (see above), a setback for the right to social security in this respect. In its 2013 concluding observations, the Committee expressed concerns about the means-tested income benefits due to "the lack of its consistent application across the nine *Länder*, as well as its inadequacy in ensuring an adequate standard of living for the beneficiaries".[19] Amnesty International notes that the Committee's concerns have not been addressed by the Austrian authorities with the adoption of the BAoSA. Instead, Section 4 of the BAoSA replaced the previous minimum standards foreseen in the legislation on means-tested income benefits with maximum caps. These maximum rates are set below the threshold for at-risk-of-poverty[20] as well as the minimum according to the reference budget.[21] In addition, federal states may enact laws that allow for payments below these maximum caps thresholds.

Notably, in 2024, 36.7 % of social assistance beneficiaries were children.[22] Yet, the BAoSA does not establish specific social assistance quotas (payments) for children.[23] There is also no standardized definition of who qualifies as a single parent and is therefore entitled to additional support.[24] As a result, the level of assistance families and children may receive, varies significantly depending on which federal state they reside in.[25]

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[15] Statistik Austria ('Statistics Austria'), Armut (Poverty) 2025, https://www.statistik.at/statistiken/bevoelkerung-und-soziales/einkommen-und-soziale-lage/armut In comparison, in 2024, 14.3% of the population was at risk of poverty and 3.7% experienced material and financial deprivation.

[16] Statistik Austria, Einkommen (Income), 2024, https://www.statistik.at/statistiken/bevoelkerung-und-soziales/gender-statistiken/einkommen

[17] Amnesty International, "*As If You Were Going to the Enemy": Access to Social Assistance Benefits in Austria* (EUR 13/8223/2024), 28 June 2024, p. 13f., https://www.amnesty.org/en/documents/eur13/8223/2024/en/

[18] Note that in its state party report on the Fifth periodic report under articles 16 and 17 of the Covenant, due in 2020, Austria referred to the Basic Act on Social Assistance as 'Principles of Social Aid Act' in para. 13., https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FAUT%2F5&Lang=en

[19] CESCR, Concluding observations on the fourth periodic report of Austria, E /C.12/AUT/CO/4, 13 December 2013, para 17https://www.refworld.org/policy/polrec/cescr/2013/en/96435

[20] In 2024, the threshold of being at risk of poverty was at EUR 1.661 for a single-household. Social assistance benefits were capped at EUR 1.155,83 for a single-household. See https://www.statistik.at/statistiken/bevoelkerung-und-soziales/einkommen-und-soziale-lage/armut and https://noe.arbeiterkammer.at/beratung/arbeitundrecht/arbeitslosigkeit/sozialhilfe.html (last access 10. November 2025).

[21] A reference budget in Austria is a specific amount of money that shows how much a household needs each month to maintain an adequate standard of living and participate in social life. It represents the minimum income required to cover essential expenses such as housing, food, transportation, healthcare, and social activities. The reference budgets are recalculated and updated every year by ASB Debt Counselling Services (*ASB Schuldnerberatungen*) to reflect current living costs. See https://referenzbudgets.at/

[22] Statistik Austria, Mindestsicherung und Sozialhilfe 2024, https://www.statistik.at/statistiken/bevoelkerung-und-soziales/sozialleistungen/mindestsicherung-und-sozialhilfe (Note: At the time of this submission, no current data for 2025 was available.)

[23] The Austrian Constitutional Court annulled provisions of the BAoSA soon after its introduction. For example, the provision determining standard benefit rates for children (Section 5) was annulled. The Court held that these highly degressive rates were not justified and would lead to a disadvantage for families with multiple children. However, the government neither amended nor replaced the annulled provision leaving it to the *Länder* to determine benefit levels for children. See Verfassungsgerichtshof (Consititutional Court), G 164/2019-25, G 171/2019-24, 12. December 2019, https://www.vfgh.gv.at/downloads/VfGH_Erkenntnis_G_164_G_171_2019_12._Dezember_2019.pdf

[24] Amnesty International, Das Sozialhilfe-Grundsatzgesetz in Österreich: Ein Schritt zurück für die Menschenrechte, 2023, p. 12, https://www.amnesty.at/media/11264/amnesty_report_das-sozialhilfe-grundsatzgesetz-in-oesterreich-ein-schritt-zurueck-fuer-die-menschenrechte_oktober-2023.pdf

[25] For example, foresees an additional 32% of social assistance benefits per child whilst Burgenland only provides an additional 19.2% per child. Other federal states such as Lower Austria and Upper Austria have introduced degressive social assistance benefit rates for children. Amnesty International Austria, Das Sozialhilfe-Grundsatzgesetz in Österreich: Ein Schritt zurück für die Menschenrechte, 2023, p. 11., https://www.amnesty.at/media/11264/amnesty_report_das-sozialhilfe-grundsatzgesetz-in-oesterreich-ein-schritt-zurueck-fuer-die-menschenrechte_oktober-2023.pdf

Amnesty International further expressed concerns about how specific groups, in particular individuals with subsidiary protection status, cannot access benefits under the BAoSA.[26] Under the current legal framework, only Austrian citizens, persons with asylum status, and non-Austrian nationals who have legally and permanently resided in Austria for at least five years are entitled to social assistance payments.[27] This results in the exclusion of individuals with subsidiary protection status[28] as well as those who do not meet the necessary residency requirements.[29] Amnesty International is concerned that the government fails to provide a legitimate reason for this differential treatment and considers the exclusion of individuals with subsidiary protection status discriminatory, as they are in a comparable situation to refugees and those seeking international protection in Austria.[30]

Furthermore, Amnesty International has documented several barriers which affect individuals from accessing social assistance payments in its report,[31] including a hostile environment towards beneficiaries of social assistance payments that can contribute to stigmatization and shame. The estimated non-take-up rate of social assistance payments is around 30%.[32]

Due to the subsidiary nature of social assistance (according to Sections 3 and 7 BAoSA) persons with disabilities are obliged to exhaust all other financial claims before applying for social assistance.[33] This includes seeking financial support from parents, in some cases through court proceedings. This creates additional stress and dependency within families.[34] Furthermore, requiring adults with disabilities to pursue claims against their parents before gaining access to social protection raises concerns under Article 28 of the UN Convention on the Rights of Persons with Disabilities that requires states parties to establish benefits that "reduce the potential tension between the needs of persons with disabilities and the needs of their families."[35] Such requirements may therefore not only strain family relationships but also create barriers to accessing social assistance.[36]

Amnesty International is further concerned about the recently announced plans regarding social assistance that are due to come into force in January 2027.[37] While negotiations on the reform are ongoing and specific details have not yet been presented at the time of this

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[26] Amnesty International, "*As If You Were Going to the Enemy": Access to Social Assistance Benefits in Austria*, (EUR 13/8223/2024,) 28 June 2024: previously cited p. 28ff.

[27] Section 4 Basic Act on Social Assistance, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20010649

[28] This is an international protection status for individuals who do not qualify as refugees but would face serious harm upon returning to their home countries.

[29] Section 4(1) of the Basic Act foresees that persons entitled to subsidiary protection status are only eligible to 'core elements' of social assistance payments, which do not exceed the level of assistance granted to asylum-seekers. Thus, persons with subsidiary protection status are de facto only eligible to the so-called "basic care" ('Grundversorgung'), which are the same payments asylum seekers receive during their asylum procedure. They are not entitled to the full range of social assistance payments, to which refugees are entitled.

[30] Amnesty International, "*As If You Were Going to the Enemy": Access to Social Assistance Benefits in Austria*, (EUR 13/8223/2024,) 28 June 2024: previously cited p. 28ff.: This is particularly pressing since two federal states (*Länder*), namely Vienna and Tyrol, who have not yet excluded individuals with subsidiary protections status, announced their plans to comply with the Basic Act in this regard in 2026. 13,652 individuals will be affected. See also, Statistik Austria, Mindestsicherung und Sozialhilfe 2024, https://www.statistik.at/fileadmin/pages/348/2_MuS_Personen_Staatsangehoerigkeit_Aufenthaltsstatus_2024.ods

[31] Amnesty International, "*As If You Were Going to the Enemy": Access to Social Assistance Benefits in Austria*, (EUR 13/8223/2024,) 28 June 2024: previously cited p. 28ff.

[32] Amnesty International, "*As If You Were Going to the Enemy": Access to Social Assistance Benefits in Austria*, (EUR 13/8223/2024),28 June 2024, (previously cited), p. 23, In addition the report documents that this stigmatization can be reinforced by public narratives on poverty. Public comments by prominent public figures reinforce the notion that poverty is a sign of personal failure rather than rooted in wider structural causes, which exacerbates the stigmatization of poverty. As an example, in a recently leaked video, the [former] Austrian Chancellor Karl Nehammer suggested that it is up to the individual to overcome poverty: "If I do not have enough money, then I will work more." Similarly, the former Austrian Chancellor Sebastian Kurz stated that it "is not a good development if more and more people have no work and are dependent on means-tested minimum income benefits". His coalition partner and former Vice-Chancellor Heinz-Christian Strache stated that the political intention behind the BAoSA was to stop "[t]he immigration into the social system." Instead of protecting people's economic and social rights and ensuring they are treated with respect and dignity, such statements by political leaders risk reinforcing the negative stereotyping and stigmatization of people living in poverty", See ibid., p.22 -26.

[33] BAoASA, Section 3 and 7

[34] Amnesty International, "*As If You Were Going to the Enemy": Access to Social Assistance Benefits in Austria*, 28 June 2024, EUR 13/8223/2024, (previously cited), p. 40.

[35] Kevin Cremin, Art. 28 Adequate Standard of living and Social Protection, in The UN Convention on the Rights of Persons with Disabilities: A Commentary, edited by Bantekas et al., 2018, https://academic.oup.com/oxford-law-pro/book/57191/chapter-abstract/473999303?redirectedFrom=fulltext

[36] Amnesty International, "*As If You Were Going to the Enemy": Access to Social Assistance Benefits in Austria*, (EUR 13/8223/2024),28 June 2024, (previously cited), p. 44.

[37] Republik Österreich, Jetzt das Richtige tun. Für Österreich. 2025-2029 (Government Programme), p. 106 and Bundeskanzleramt, *Ministerratsvortrag betreffend Sozialhilfe-Reform („Sozialhilfe Neu")*, MRV Nr. 21a, https://www.bundeskanzleramt.gv.at/dam/jcr:4aedd2b4-539a-4e30-81e4-53fae18b6699/21a_1_mrv.pdf

submission, the government has outlined plans that already raise questions about compliance with human rights law and standards. In particular, the government's working programme 2025-2029 foresees a so-called "integration phase" for individuals with asylum status. Currently, people with asylum status have access to the same social assistance benefits as the rest of the population. However, the government is planning to remove access to these benefits, and instead grant people with asylum status, for the duration of the so-called "integration phase", access to a so-called "integration benefit", which consist of payments of a lower amount than the current level of social assistance. [38] The new system would create a de facto waiting period for refugees until they are eligible to access full social assistance payments.[39]

In addition, the outlined plans include making part of the social assistance payment conditional on the applicant's "integration into working life", which would apply to both Austrian nationals as well as individuals with asylum status. The plans suggest that until the applicant meets certain criteria that prove their complete integration into working life, e.g. through trainings or proof of work performed within a specific time period, they would receive a lower amount than the current level of social assistance.[40] Meaning that individuals with asylum status face two additional requirements before being eligible to access the full amount of a social assistance payments.

Meanwhile, several federal states implemented additional restrictions for accessing social assistance payments, including the introduction of a stricter sanctions policy (i.e. higher penalties and deductions for non-compliance with the obligation to apply for jobs) or even fines in cases of non-compliance. [41] These fines may be imposed in cases of providing false or incomplete information to obtain payments, failing to notify authorities of relevant changes, refusing to provide requested information or documentation or in cases of repeatedly failing to meet work-related obligations.[42]

AMNESTY INTERNATIONAL RECOMMENDS AUSTRIA TO:

- Take steps to counter stigmatization of individuals receiving social assistance payments including through public awareness programmes and to minimize the non-take up rate, including monitoring the non-take up rate on a regular basis.
- Introduce new national legislation on social assistance that is in full compliance with Austria's human rights obligations under Article 2 and Article 9 ICESCR, and that ensures a life in dignity and social participation.
- Urgently revise the existing Basic Act on Social Assistance (BAoSA) to ensure that any social assistance payments programme entails the following elements:
    - The introduction of an explicit exemption clause in Section 7 BAoSA for adults with disabilities from having to request financial support from family members before being able to claim social assistance payments.

[38] Republik Österreich, Jetzt das Richtige tun. Für Österreich. 2025-2029 (Government Programme), p. 106.
[39] See for example: Austrian Federal Chancellery, Integration Minister Bauer: "Integration is an Obligation", 14 January 2026, https://www.bundeskanzleramt.gv.at/bundeskanzleramt/nachrichten-der-bundesregierung/2026/01/integrationsministerin-bauer-integration-ist-verpflichtung.html, Although the government programme refers to a three-year integration phase period, it is currently unclear how long this de facto waiting period would be in practice.
[40] See derStandard, Sozialhilfe: Fahrplan 2027 soll halten, Inhalte noch vage, 20. August 2026, https://www.derstandard.at/story/3000000336268/sozialhilfe-fahrplan-2027-soll-halten-inhalte-noch-vage; Entitlement to unemployment payments generally depends on prior contributions to the unemployment insurance system. First-time claimants aged 25 or over typically must have completed 52 weeks of insured employment within the preceding 24 months before becoming eligible.
[41] In 2025 both Styria and Lower Austria have announced fines in cases of non-compliance. In particular, individuals who refuses German classes may face a fine up to 5,000 Euros: See steiermark.orf.at, Neues Sozialhilfegesetz mit Geld- und Freiheitsstrafen, https://steiermark.orf.at/stories/3321356/ and noe.orf.at, Sozialhilfe: Mikl-Leitner für Strafen bis 5,000 Euro, https://noe.orf.at/stories/3325916/. Compare Section 29 of the Styrian Implementation Act on Social Assistance Benfits (*Steiermärkisches Sozialunterstützungsgesetz*), LGBl. Nr. 51/2021 (XVIII. GPStLT RV EZ 1113/1 AB EZ 1113/6), https://ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrStmk&Gesetzesnummer=20001656
[42] Compare Section 29 of the Styrian Implementation Act on Social Assistance Benfits (*Steiermärkisches Sozialunterstützungsgesetz*), LGBl. Nr. 51/2021 (XVIII. GPStLT RV EZ 1113/1 AB EZ 1113/6), https://ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrStmk&Gesetzesnummer=20001656

- Revision of the waiting period for non-nationals to ensure that they enjoy their right to social security on an equal basis and are not required to wait for excessively long periods before they can access social assistance.
- Ensure non-discriminatory access to adequate levels of social assistance payments for all, including individuals with subsidiary protections status.
- Ensure that the level of support for children and single-parent households meets levels of adequacy throughout the country.
- Refrain from pursuing any reforms that would constitute a regressive measure under Article 9 ICESCR.

4. RIGHT TO HOUSING (ARTICLE 11 ICESCR; LOI 24)

According to the latest available data, 20,573 individuals were officially registered as homeless in 2023.[43] Approximately 10% of those registered were children and around a third were women.[44] However, these figures are incomplete, as the statistical methods used do not capture all forms of homelessness, particularly those affecting women (i.e. 'hidden homelessness').[45]

As regards Austria's homeless assistance service system, there is no legal provision guaranteeing these services at a national level.[46] Support is traditionally organised according to the so-called 'stage-model-approach', whereby people experiencing homelessness are expected to progress through different stages of accommodation, typically moving from emergency shelters to temporary housing before being able to access permanent housing.[47]

The federal government has made additional funding available through the '*Wohnschirm'* programme to expand Housing First services, which seek to provide rapid access to permanent housing together with the support needed to sustain it. This is a welcome step in line with human rights law and standards.[48] Despite this progress, the Austrian government has failed to adopt a national housing strategy as recommended in the concluding observations on the fourth periodic report of Austria.[49] Consequently, there is not one national homeless assistance service but nine different ones in each federal state.[50] This leads to a fragmented system for the provision of homelessness assistance services, resulting in significant regional variations in availability, eligibility and accessibility, as particularly seen in services provided to women and youth.[51]

Amnesty International documented in its 2022 report the lack of adequate homelessness assistance services for individuals not meeting the stipulated eligibility criteria which in general are based on the eligibility requirements for accessing social assistance benefits. This leads to

[43] Statistik Austria, Wohnen, Wohnraum und registrierte Obdach- und Wohnungslosigkeit, Kennzahlen zu registrierter Obdach- und Wohnungslosigkeit 2023 inkl. Definition, https://www.statistik.at/fileadmin/pages/350/Kennzahlen_zu_registrierter_Obdach-_und_Wohnungslosigkeit_2023_inkl_Definition.ods

[44] Statistik Austria, Wohnen, Wohnraum und registrierte Obdach- und Wohnungslosigkeit, Kennzahlen zu registrierter Obdach- und Wohnungslosigkeit 2023 inkl. Definition previously cited.

[45] Amnesty International, "*If housing was a human right, I would not live like this": – Barriers to accessing homeless assistance services in Austria*, (EUR 13/5458/2022),7 April 2022 (previously cited) p. 11 and p. 22 Since detailed disaggregated data on homelessness is still missing in Austria, only those registering their residence at a shelter or municipality will be represented in the current data. Therefore, all other forms of homelessness are not included; particularly those living with friends or family.

[46] In accordance with Article 15(a) of the Austrian Federal Constitutional Law, the federal states are responsible for preventing and eliminating homelessness and ensuring the provision of homeless services in their respective regions., see Bundes-Verfassungsgesetz, Artikel 15a., https://www.ris.bka.gv.at/eli/bgbl/1930/1/A15a/NOR40045742

[47] Amnesty International, "If housing was a human right, I would not live like this": – Barriers to accessing homeless assistance services in Austria, (EUR 13/5458/2022), 7 April 2022, (previously cited) p. 46f.

[48] Federal Ministry for Labour, Social Affairs, Health, Care and Consumer Protection, Housing First, previously cited

[49] Amnesty International, *"If housing was a human right, I would not live like this": – Barriers to accessing homeless assistance services in Austria*, (EUR 13/5458/2022),7 April 2022, (previously cited) p. 17f. and see CESCR, Concluding observations on the fourth periodic report of Austria, E/C.12/AUT/CO/4, 13 December 2013, para. 20.

[50] Amnesty International, "If housing was a human right, I would not live like this": – Barriers to accessing homeless assistance services in Austria, (EUR 13/5458/2022),7 April 2022 (previously cited), p. 16.

[51] Amnesty International, "If housing was a human right, I would not live like this": – Barriers to accessing homeless assistance services in Austria, (EUR 13/5458/2022), 7 April 2022 (previously cited), p. 35.

the exclusion of non-Austrian citizens without legal and permanent residency, mobile EU citizens as well as Austrians who become homeless in another federal state where they have had no residency in previously.[52]

AMNESTY INTERNATIONAL RECOMMENDS AUSTRIA TO:

- Adopt a national housing strategy that addresses the underlying causes that contribute to violations of the right to adequate housing, and stipulates concrete actions to end homelessness by 2030 in line with the concluding observations on the fourth periodic report of Austria para 20; and ensure that such a strategy addresses the particular barriers faced by people belonging to marginalized groups including women.
- Review the criteria of eligibility that hinder both Austrian nationals and non-nationals from accessing all homeless assistance services.
- Ensure adequate group specific homeless assistance services throughout all federal states, i.e. for women and youth.
- Develop a systematic data collection mechanism on the extent and causes of homelessness based on a comprehensive definition of the many forms it takes, disaggregated by gender, age, ethnicity, migrant status, sexual orientation, gender identity, disabilities and rural-urban population applicable throughout Austria.

5. RIGHT TO SEXUAL AND REPRODUCTIVE HEALTH (ARTICLE 12 ICESCR; LOI 29): CRIMINALIZATION OF ABORTION; LIMITED ACCESS TO ABORTION CARE

Abortion continues to be regulated under criminal law through Sections 96 and 97 of the Criminal Code. While Section 96 criminalizes abortion care services, Section 97 provides exemptions from this criminal liability, including for abortions performed within the first three months of pregnancy and for medical reasons and in cases where the life or health of the pregnant person is at risk or if the pregnant person was under the age of 14 at the time of conception.

Amnesty International regrets the lack of plans or concrete steps towards the full decriminalization of abortion in line with international human rights law and standards, including the World Health Organization's 2022 Abortion Care Guideline.[53]

Licensed gynaecologists were authorised to prescribe abortion medication in 2020,[54] which improved access to medical abortion care services. However, significant gaps in the provision of abortion care services remain throughout Austria. According to information compiled by the Austrian Society for Family Planning (ÖGF), access to abortion care remains particularly scarce in several federal states (*Länder*).[55] For instance, the federal states of Salzburg and Vorarlberg respectively have one known provider of abortion services each, while no officially known provider is available in Burgenland.[56] These disparities raise concerns regarding the issues of availability and accessibility of abortion care throughout the country.

Amnesty International's research further shows that healthcare professionals involved in the provision of abortion services continue to face stigma, harassment, and hostility, which can

[52] Amnesty International, "*If housing was a human right, I would not live like this": – Barriers to accessing homeless assistance services in Austria*, (EUR 13/5458/2022), 7 April 2022 (previously cited) Those who are not eligible to access homeless assistance services only have access to so-called "*winter packages*" that the city of Vienna offers as a humanitarian measure during the winter nights.
[53] World Health Organization (WHO), Abortion care guideline, 8 March 2022, https://www.who.int/publications/i/item/9789240039483
[54] DerStandard, "Abtreibungspille" Mifegyne wird in Österreich leichter zugänglich, 2. July 2020, https://www.derstandard.at/story/2000118462893/gynaekologen-duerfenabtreibungspille-mifegyne-verschreiben or Österreichisches Parlament, Entschließungsantrag, 416/A(E), https://www.parlament.gv.at/dokument/XXVII/A/416/imfname_789982.pdf
[55] ÖGF, Schwangerschaftsabbruch (Abortion), https://oegf.at/schwangerschaftsabbruch/.
[56] Ibid.

contribute to existing shortages in service provision, particularly in rural areas.[57] In addition, the possibility of refusals of care under Section 97 of the Criminal Code may further result in limited access to abortion care, as previously highlighted by the Committee on the Elimination of Discrimination against Women (CEDAW).[58]

An additional factor impacting pregnant persons' access to abortion care, is the issue of costs. Abortion services are generally not integrated into the regular public healthcare system and consequently not covered by public health insurance, except in cases of medical necessity. Individuals seeking abortion care must cover their costs privately, ranging from approximately EUR 400 to EUR 1,600 depending on the federal state (*Länder*).[59] These financial barriers disproportionately affect persons on low income and those living in poverty. While Vienna and Tyrol provide financial support through dedicated assistance schemes to pregnant persons on low income and living in poverty, such support is not available throughout Austria.[60] Therefore, Amnesty International notes with concern the absence of measures aimed at comprehensively improving the availability, accessibility, and affordability of abortion care across all federal states, particularly for persons on low income, those living in poverty and in rural areas.

AMNESTY INTERNATIONAL RECOMMENDS AUSTRIA TO:

- Ensure the complete decriminalization of abortion in accordance with the World Health Organization's 2022 Abortion Care Guideline, including by repealing Section 96 of the Austrian Criminal Code.
- Recognize abortion care as healthcare and ensure access to comprehensive sexual and reproductive health services and information for all persons, in line with Austria's international human rights obligations.
- Implement effective measures to eliminate the stigmatization of abortion care and abortion providers.
- Implement measures to ensure the sexual and reproductive rights of all individuals, including through the meaningful participation of relevant stakeholders, in particular people affected by sexual and reproductive health policies, and the removal of existing barriers.
- Adopt effective measures to protect healthcare professionals from attacks, including physical and verbal violence, threats, intimidation, and harassment – both online and offline – along with any necessary swift, thorough, and independent investigations of such attacks.

6. RIGHT TO EDUCATION AND NON-DISCRIMINATION: HIJAB BAN FOR GIRLS IN SCHOOLS (ARTICLE 13 ICESCR; LOI 30)

After the Constitutional Court annulled a headscarf ban in 2020, Austria adopted a new and similar legislation in December 2025. The law prohibits the wearing of headscarves (hijab) by

[57] Amnesty International Austria, *"Es ist mein Job": Gesundheitspersonal als Verteidiger*innen des Rechts auf Schwangerschaftsabbruch in Österreich*, 2024, https://cdn.amnesty.at/media/11919/amnesty-briefing_es-ist-mein-job_gesundheitspersonal-als-verteidiger_innen-des-rechts-auf-schwangerschaftsabbruch-in-oesterreich_062024.pdf
[58] Committee on the Elimination of Discrimination against Women, Concluding observations on the ninth periodic report of Austria, 22 July 2019, para. 34 – 35, https://www.gleichbehandlungsanwaltschaft.gv.at/dam/jcr:bed5f4e8-e354-4356-a7e7-5006b0e0ff51/CEDAW-Concluding%20observations%20on%20the%20ninth%20periodic%20report%20of%20Austria.pdf
[59] Amnesty International, *When Rights Aren't Real for All: The Struggle for Abortion Access in Europe* (EUR 01/0275/2025), 6 November 2025, https://www.amnesty.org/en/documents/eur01/0275/2025/en/, p.21.
[60] Ibid.

girls under the age of 14 in both public and private schools and entered into force in September 2026.[61]

Amnesty International raised concerns regarding the draft legislation in a written submission, highlighting its discriminatory character.[62] The organization considers the blanket ban to constitute direct discrimination against Muslim girls under the age of 14, as it specifically targets a particular religious group, gender, and form of religious expression. Amnesty International further considers the measure to amount to a disproportionate interference with several human rights, including the rights to freedom of religion, freedom of expression, and education, as well as the right to non-discrimination.

Amnesty International also underlines that such measures risk reinforcing existing patterns of gendered Islamophobia and anti-Muslim racism.[63]

AMNESTY INTERNATIONAL RECOMMENDS AUSTRIA TO:

- Repeal the ban on the wearing of headscarves by pupils in both public schools and private schools.
- Ensure that any legislation concerning restrictions on religious clothing is in compliance with human rights law and standards including the rights to freedom of expression and religion, right to education and the right to be free from discrimination.

[61] Bundesgesetz zur Stärkung der Selbstbestimmung von unmündigen Mädchen an Schulen mittels Einführung eines Kopftuchverbots (44/ME), https://www.parlament.gv.at/gegenstand/XXVIII/ME/44

[62] Amnesty International, Stellungnahme zum Ministerialentwurf (44/ME) betreffend das Bundesgesetz zur Stärkung der Selbstbestimmung von unmündigen Mädchen an Schulen mittels Einführung eines Kopftuchverbots, 22 October 2025, https://cdn.amnesty.at/media/wdjghqxw/amnesty_stellungnahme_kopftuchverbot_oktober-2025.pdf

[63] ECRI Report on Austria, 2020, p. 7, https://rm.coe.int/report-on-austria-6th-monitoring-cycle-/16809e826f and EU-FRA, Being Muslim in the EU - Experiences of Muslims, 2024 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-being-muslim-in-the-eu_en.pdf