

An update on developments regarding civic space in the EU and an overview of the possibilities for human rights defenders to enter EU territory

Austria

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1. Civic space developments in 2022

1.1. Participatory process to amend Law on Volunteerism

Area	Participation and cooperation with authorities
Topic	Civil dialogue
Impact	Major

The Federal Ministry for Social Affairs, Health, Care and Consumer Protection tasked the Interest Representation of Public Benefit Organisations (*Interessensvertretung Gemeinnütziger Vereine, IGO*) with carrying out a participatory process¹ amidst active volunteers to gain input for amending the Law on Volunteerism (*Freiwilligengesetz*²). The process was started in early 2022 and built on an in-depth discussion of 10 concrete recommendations for amendment drafted by the Competence Center for Nonprofit Organizations and Social Entrepreneurship at the Vienna University of Economics and Business. Volunteering individuals as well as organisations could comment on and amend these recommendations online³ with the goal of creating recommendations that promote volunteerism in line with current developments and funding needs. The resulting report “Civil Society Recommendations to amend the Law on Volunteerism”⁴ contains 17 recommendations and was presented to the Ministry for Social Affairs, Health, Care and Consumer Protection and discussed with responsible representatives. Members of the coalition parties ÖVP and die Grünen, as well as the SPÖ, commented

¹ Interest Representation of Public Benefit Organisations (IGO), [freiwilligenpolitik.mitgestalten.jetzt – Beteiligungsprojekt](#), 8 April 2022.

² Austria, Law on Volunteerism (*Bundesgesetz zur Förderung von freiwilligem Engagement (Freiwilligengesetz – FreiwG)*), Federal Law Gazette No. 17, 2012.

³ Interest Representation of Public Benefit Organisations (IGO), [Freiwilligenpolitik mitgestalten](#), 2022.

⁴ Interest Representation of Public Benefit Organisations (IGO) (2022), [Zivilgesellschaftliche Empfehlungen zur Novellierung des Freiwilligengesetzes](#), 30 June 2022.

publicly on the results.⁵ No legal amendments to the law have been made as of January 2023. This initiative is one of several efforts to strengthen civic dialogue: in 2022, civil society organisations reported being increasingly involved in political processes, though to varying degrees depending on the topic.⁶

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1.2. Financial support for NGOs amidst rising energy costs

Area	Financing framework
Topic	Funding landscape
Impact	Major

In September 2022, the Federal Government presented an energy cost subvention for businesses as part of its anti-inflation package, valid for 2022.⁸ The subsidy cushions increased energy costs by covering 30 percent of the price difference compared to the previous year for electricity, natural gas and fuels. It is administered by the Austrian Wirtschaftsservice GmbH (aws).⁹ The subsidy is aimed at businesses but also covers at non-profit companies and entrepreneurial divisions of non-profit associations. In December 2022, the scheme was renewed for 2023. Before this was announced, the Alliance of Public Benefit Associations (*Bündnis für Gemeinnützigkeit*) and the Interest Representation of Public Benefit Organisations (*Interessensvertretung Gemeinnütziger Vereine, IGO*) had presented the Federal Government with a set of proposals for the

⁵ Interest Representation of Public Benefit Organisations (IGO), [freiwilligenpolitik.mitgestalten.jetzt – Beteiligungsprojekt](#), 8 April 2022.

⁶ European Commission (2022), [Bericht über die Rechtsstaatlichkeit 2022 Länderkapitel zur Lage der Rechtsstaatlichkeit in Österreich](#), SWD(2022) 520 final, 13 July 2022.

⁸ Austria, Federal Ministry of Labour and Economy, [website on energy cost subvention for businesses](#).

⁹ Austrian Chamber of Commerce, website on [energy cost subsidy for companies and businesses: subsidy guidelines and subsidy levels](#).

necessary medium-term and environmental reduction in NPO-specific inflation.¹⁰ One of the recommendations was the eligibility of non-profit organisations in the energy cost subvention for businesses. In addition to this, the Federal Ministry of Finance (*Bundesministerium für Finanzen*) announced a new subsidy scheme for municipalities worth 1 billion Euros to increase energy efficiency and to undertake municipal investments in December 2022.¹¹ 5% of the money can be given to non-profit, charitable or church organisations to cover increased energy costs, thereby helping secure these organisations’ ability to uphold their activities.

1.3. Activists confronted with SLAPPs by Municipality of Vienna

Area	Safe space & protection
Topic	Strategic Lawsuits Against Public Participation (SLAPPs)
Impact	Major

In late 2021, the controversial construction project “Lobautunnel” – a highway project including a tunnel under the national park of the Lobau floodplains near Vienna – was put on hold due to a re-evaluation of its climate impact.¹² In 2022, the Municipality of Vienna threatened climate protesters and organisations, who have been opposing and blocking the project since August 2021, with court proceedings worth millions of Euros. Media reported about underage protesters receiving threats, although these were later

¹⁰ Alliance of Public Benefit Associations (2022), [Anti-Teuerungs-Hilfe für Gemeinnützige Organisationen, Vorgeslagene Maßnahmen zur Abfederung der Teuerungskrise bei Nonprofit-Organisationen](#), 19 September 2022.

¹¹ Austrian Ministry of Finance, ‘[1 Milliarde für Österreichs Gemeinden](#)’, press release, 14 November 2022.

¹² Federal Ministry of Climate Protection, Environment, Energy, Mobility, Innovation and Technology (2021), [Evaluierung des Bauprogramms der Zukunft in Umsetzung des Regierungsprogramms – Schlussfolgerungen](#), GZ. 2021-0.747.473, Vienna, November 2021.

revoked.¹³ This led to a strong backlash by civil society organisations¹⁴ and to criticisms of the police using force at the clearing of the protest camp in February 2022¹⁵. Human Rights Expert Wolfgang Benedek stated in a paper that freedom of expression was under threat.¹⁶ Similarly, a member of Boycott, Divestment, Sanctions Austria (BDS) had a SLAPP filed against him by the Municipality of Vienna for sharing a Facebook post showing a poster “Visit Apartheid” alongside the logo of the City of Vienna.¹⁷ The BDF activist filed a rebuttal, but the court ruled in favour of the City of Vienna in April 2022. This was criticised by four UN special rapporteurs, who expressed concern this may “hinder peaceful activities of human rights defenders (...) shrinking the civic space available to them”.¹⁸

¹³ ORF Wien (2021), [Stadt zieht Klagsdrohung an Minderjährige zurück](#), 23 December 2021.

¹⁴ Amnesty International Austria, [Klimaschutz- und Menschenrechtsbewegung sowie Wissenschaftlerin verurteilen Klagsdrohungen der Stadt Wien als Menschenrechtsverletzung](#), 15 December 2021.

¹⁵ ORF News (2022), [Wien überrascht mit Protestcamp-Räumung](#), 1 February 2022.

¹⁶ Kleine Zeitung (2022), [‘SLAPP-Klagen: Die Meinungsfreiheit ist bedroht’](#), 18 February 2022.

¹⁷ European Legal Support Center, [Austrian Activist Facing Lawsuit](#), 8 December 2022.

¹⁸ European Legal Support Center, [Four UN Special Rapporteurs Address Their Concerns to Austrian Authorities About Anti-BDS Resolution and Lawsuit Against Activist](#), press release, 18 October 2022.

2. Promising practice in 2022

2.1. NGOs advise and offer support to government in refugee accommodation crisis

The Council of Europe Commissioner for Human Rights, Dunja Mijatović, visited Austria in late 2021 and in early 2022 published a report with recommendations on improving the reception and integration of refugees, asylum seekers and migrants.¹⁹ She highlighted the importance of adopting harmonised standards regarding reception centres and cooperation between the provinces. Several CSOs explain that there is an ongoing crisis of reception and dignified accommodation opportunities, caused by lacking coordination between federal and provincial levels in providing basic care for refugees, which has led to an overload of the care quarters and lack thereof more generally.²⁰ This is largely compensated by civil society organisations, private donors, NGOs, and municipalities.²¹ Amnesty and other notable social organizations have presented the Federal Government with a 7-point-plan to establish a system in which the state protects the human rights of refugees while simultaneously holding the state responsible.²² In addition, Amnesty and other organizations have written an open letter to the government suggesting and calling for a summit on accommodating refugees and pledged to help implement any measures taken by the government.²³

¹⁹ Council of Europe, [Austria: improve reception and integration of migrants and protection of women's rights](#), press release, 12 May 2022.

²⁰ Amnesty International Austria, [`Keine Flüchtlingskrise, aber eine unnötige Unterbringungskrise: Offener Brief an die Bundesregierung`](#), press release, 19 October 2022.

²¹ Asylkoordination, [`Zivilgesellschaft kräpelt Ärmel auf`](#), press release, 20 June 2022; Initiative „Courage – Mut zur Menschlichkeit“, [Unterbringungskrise: Vertreter:innen der Zivilgesellschaft wollen Bundesregierung „zur Lösungsbereitschaft ermutigen“](#), press release, 12 December 2022.

²² Amnesty International Austria (2022), [7 Punkte Sofortmassnahmen-Plan zur Bekämpfung der Managementkrise in der Grundversorgung](#), 23 September 2022.

²³ Amnesty International Austria, [`Keine Flüchtlingskrise, aber eine unnötige Unterbringungskrise: Offener Brief an die Bundesregierung`](#), press release, 19 October 2022.

3. Visa for human rights defenders

3.1. Entry and stay for human rights defenders (HRDs) at risk

Dedicated visa scheme for HRDs at risk available in your country	<i>No</i>
Other type of visa or alternative legal entitlement or derogation clause applied to HRDs	<i>No</i>

Austria does not offer legal nor practical avenues for human rights defenders (HRDs) at risk to enter and stay temporarily in the country. Nor does it offer alternative visa types, legal entitlements or apply derogation clauses to HRD. Austria supports the implementation of the European Union Guidelines on Human Rights Defenders (2004).²⁴ The website of the Federal Ministry of European and International Affairs states that Austrian diplomatic missions “maintain regular contact with human rights defenders (...)” and, through the Austrian Development Cooperation (ODA) “grants financial support to a number of concrete projects of human rights defends in third countries”. The Ministry further states that Austria actively supports the elaboration of local EU strategies on the protection of human rights defenders and frequently participates at common EU-interventions or EU-statements on the protection of human rights defenders.”²⁵ However, a comprehensive mapping of legal instruments for the protection of HRDs maintained by International Service for Human Rights (ISHR) shows that while the European Union Guidelines on Human Rights Defenders have been adopted in Austria, there are no complementary policies or concrete policy instruments supporting this.²⁶ No publicly accessible information on HRDs and specific entry and stay regulations was identified. Amnesty International has found that there is a significant

²⁴ European Union, [European Union Guidelines on Human Rights Defenders](#), 1 July 2004, Council doc. 16332/2/08 REV 2, 10 June 2009.

²⁵ Federal Ministry of European and International Affairs, [website on human rights defenders](#).

²⁶ International Service for Human Rights, [website on protection instruments for human rights defenders](#).

gap between ambition and actual implementation at country level, citing “a lack of overall strategy and predictability in the EU’s efforts to support HRDs. Rather than pursuing a consistent approach within and across countries, EU action appears to be contingent on a host of different and, at times arbitrary factors (...)”.²⁷

²⁷ Amnesty International (2019), [Defending defenders? An assessment of EU Action on Human Rights Defenders](#), Amnesty International European Institutions Office, IOR 60/0995/2019, Brussels, 2019, p. 8.