

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Austria

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency

Provide information on emergency laws/declarations of states of emergency, including actions taken by police to enforce them and court rulings concerning the legality of such measures.

No emergency laws have been issued in the reporting period.

1.2 Measures affecting the general population

In Austria, 68 applications regarding the COVID-19 measures introduced in Austria have been submitted to the Constitutional Court (*Verfassungsgerichtshof*).¹ Court rulings are expected for mid-July. The 68 applications largely concern five topics: compensation for loss of earnings for companies for which a ban on entry was issued; the ban on entering public places; the ban on entering shops with an area of more than 400 square metres; the ban on entering sports facilities; the assignment of extraordinary civil service (*“außerordentlicher Zivildienst”*).

In Austria, the *der Standard* newspaper reported on a statement by the Austrian Ombudsmen (*“Volksanwälte”*) that 281 complaints had reached the Austrian Ombudsman Board as of 20 May.² The complaints concern *“penalties and complaints, the hardship fund, the quarantine measures, border regulations, and more”*. The Chair of the Human Rights Advisory Board to the Austrian Ombudsman Board confirmed the validity of this report.³ Concretely, the Ombudsman mentioned *“regulations issued by the Federal Minister of Social Affairs, Health, Care and Consumer Protection, bans on visits in old people and care homes, bans on entering public spaces, quarantine measures and border measures.”* Another Ombudsman stated that half of all complaints concern the police, the hardship fund, schools, kindergartens and transport. A notable number of complaints relate to the strict checks of Austrian citizens upon entering the country. The Ombudsman noted that in relation to observing human rights, the situation proves difficult but despite the lockdown, *“an eye would be kept on the observance of human rights”* (*“scharfes Auge auf die Einhaltung der Menschenrechte”*).⁴

1.2.1 Social distancing

Focus on:

- *Lifting of stay at home orders, and measures/rules for general physical distancing when in public or at home*
- *Enforcement and penalties*

In Austria, a regulation on the relaxation of COVID-19 measures came into force on 1 May.⁵ It is valid until 30 June. The regulation covers access to public areas, access to shops, behavior at the workplace,

¹ Austrian Constitutional Court (2020), [VfGH wird nach Vorverfahren ab 8. Juni erste Entscheidungen über COVID-19-Fälle treffen](#), press statement, 14 May 2020.

² Der Standard (2020), [‘Volksanwaltschaft rechner mit Flut an Corona-Beschwerden’](#), 20 May 2020.

³ Interview held on 29 May 2020 with the Chair of Human Rights Advisory Board to the Austrian Ombudsman Board.

⁴ Der Standard (2020), [‘Volksanwaltschaft rechner mit Flut an Corona-Beschwerden’](#), 20 May 2020.

⁵ Austria, Regulation on the relaxation of COVID-19 measures ([COVID-19 Lockerungsverordnung](#)), Federal Law Gazette II No. 197/2020.

car pooling, and entry into educational facilities.⁶ Generally, a security distance of one metre must be observed in public places between persons not resident in the same household. Additionally, in closed public places (i.e. buildings) protective gear covering mouth and nose ("*Mund-Nasen-Bereich abdeckende mechanische Schutzvorrichtung*") must be worn. In public transport, these two rules must be observed if possible. If a security distance of 1 metre is not possible in public transport, an exception may be made. In shops customers and employees must wear protective gear covering mouth and nose. Only one customer is allowed per 10 square metres. If, due to the nature of the service, the minimum distance of one metre between customer and service provider cannot be observed and/or the customer cannot wear protective gear covering mouth and nose, other adequate security measures can be taken ("*sonstige geeignete Schutzmaßnahmen*") that minimise risk of infection. As a general rule, the security distance of one metre and the wearing of protective gear covering mouth and nose is mandatory at workplaces, in carpooling, and in schools (under certain regulations, see below). Exceptions to these rules include persons with disabilities and their assistants. Children under the age of six are not required to wear protective gear. On 30 May, the fourth amendment to the regulation on the relaxation of COVID-19 measures⁷ came into force, with which the rule only allowing one customer per 10 square metres was lifted.

In Austria, an amendment to the regulation on the relaxation of COVID-19 measures came into force on 15 May.⁸ It covers access to various gastronomy venues, sports venues and other venues including museums. Restaurants and other gastronomy venues may re-open and operate from 6-23h. Gastronomy venues generally have to arrange their venue to ensure that there is a distance of at least one metre between groups of visitors. Two types of groups of visitors may be admitted: four adults (not in the same household) and, in addition, their children; or groups of people living in the same household. When first entering the gastronomy venue customers must maintain a distance of at least one metre from other persons who are not part of their visitor group and must wear protective gear covering mouth and nose in closed rooms until arriving at the table. When leaving the site, customers must maintain a distance of at least one metre from other persons not belonging to their group. Servers must wear protective gear covering nose and mouth. Sports venues may re-open subject to a security distance of at least two metres between persons not living in the same household. Professional athletes exercising team sports outdoors do not have to observe the two metres security distance, if the team physician has drawn up a COVID-19 prevention concept and continuously monitors compliance with this concept. They must, however, undertake a COVID-19 test. Professional athletes training indoors must observe a security distance of at least two metres and must have at least 20 square metres of space available. Access to museums, exhibitions, libraries and zoos is granted subject to hygiene rules (security distance, wearing of protective gear).

In Austria, an amendment to the regulation on the relaxation of COVID-19 measures came into force on 29 May.⁹ The amendment allows various accommodation venues including hotels to re-open, as well as public baths. In addition, public events (cultural events, sports events, weddings, funerals, film viewings, exhibitions, vernissages, congresses, extracurricular youth activities, trainings) may take place with up to 100 guests from 29 May onwards. From 1 July, seated events in closed spaces may take place with 250 guests and with 500 in open places. With 1 August, seated events in closed spaces

⁶ Please note that this Regulation on the relaxation of COVID-19 measures covers further areas of life. However, these relaxation measures have been amended since and are reported below.

⁷ Austria, Amendment to the regulation on the relaxation of COVID-19 measures – Fourth COVID-19 relaxation novella ([Änderung der COVID-19 Lockerungsverordnung - 4. COVID-19 LV-Novelle](#)), Federal Law Gazette II No. 246/2020.

⁸ Austria, Amendment to the regulation on the relaxation of COVID-19 measures ([Änderung der COVID-19 Lockerungsverordnung](#)), Federal Law Gazette II No. 207/2020.

⁹ Austria, Amendment to the regulation on the relaxation of COVID-19 measures – Second COVID-19 relaxation novella ([Änderung der COVID-19 Lockerungsverordnung - 2. COVID-19 LV-Novelle](#)), Federal Law Gazette II No. 213/2020.

may take place with 500 guests and with 750 in open places as a general rule. As of 1 August, seated events are permitted in closed spaces with up to 1000 persons and 1250 in open places upon approval by the regional administrative authority. From 29 May, any event with more than 100 guests must designate a COVID-19 officer and develop and implement a COVID-19 prevention concept. When not seated, guests must wear protective gear covering mouth and nose. Security distance between people not living in the same household must be observed.

1.2.2 Education

Focus on:

- *Steps to reopen educational institutions (schools, third level educational facilities and kindergartens/day care). Please include any specific measures aimed at children from socioeconomically disadvantaged backgrounds*
- *Measures to protect students and staff as they return to educational institutions (e.g. related to physical distancing, shift patterns, health and hygiene, etc.)*

In Austria, the Federal Ministry of Education, Science and Research (*Bundesministerium für Bildung, Wissenschaft und Forschung*) published the step-by-step plan on school openings on 24 April.¹⁰ On 7 May, an implementation plan and teaching guidelines were published.¹¹ According to the implementation plan, graduating classes begin school attendance again on 4 May. From 18 May, all classes in primary and lower secondary schools, special schools, extra German classes and vocational middle and high schools restart. From 3 June, all further classes from upper secondary school and all transitional levels recommence. The support programmes (*“Betreuungsangebote”*) offered by many schools remain open, allowing parents (regardless of their occupation) with no means of supporting their children (with homework etc.) after school time to make use of this offer. To minimise the risk of infection during teaching, classes are split into two groups and are to be taught in a shift system. Generally, one group receive teaching from Monday to Wednesday and the other group from Thursday to Friday. However, other models of this shift system are also possible for schools.¹² The reduced teaching periods imply that not all the curriculum planned for the year can be followed. No tests are scheduled to take place anymore in the school year, primary and secondary school students receive the marks from their mid-year exams in their final report.¹³ This affects the right to education for compulsory school students. Parents who wish not to return their children to school for the duration of the school year due to concerns of a COVID-19 infection may do so and should follow the curriculum from home.¹⁴

In Austria, first results from recent study conducted by the Centre for Social Innovation (*Zentrum für Soziale Innovation, ZSI*) were released. The findings show that out of 342 surveyed students between 7 and 19 in Vienna, 35% feel rather or very overburdened and uncertain because of having to study from home. In particular, pupils with fewer educational resources and children of single parents felt the most uncertain.¹⁵

¹⁰ Austria, Federal Ministry of Education, Science and Research (2020), [Schulettappenplan](#), 24 April 2020.

¹¹ Austria, Federal Ministry of Education, Science and Research (2020), [Umsetzung des Etappenplans für Schulen, Richtlinien für die Unterrichtsorganisationen und pädagogische Gestaltung](#), 7 May 2020.

¹² Austria, Federal Ministry of Education, Science and Research (2020), [Umsetzung des Etappenplans für Schulen, Richtlinien für die Unterrichtsorganisationen und pädagogische Gestaltung](#), 7 May 2020.

¹³ Austria, Federal Ministry of Education, Science and Research (2020), [Umsetzung des Etappenplans für Schulen, Richtlinien für die Unterrichtsorganisationen und pädagogische Gestaltung](#), 7 May 2020.

¹⁴ Austria, Federal Ministry of Education, Science and Research, [website on step-by-step plan to re-open schools](#).

¹⁵ Zentrum für Soziale Innovation (ZSI) (2020), [„Lernen im Ausnahmezustand – Chancen und Risiken“ Erste Ergebnisse der Schüler innenbefragung](#), 27 May 2020.

According to the Austrian Broadcasting Service (*Österreichischer Rundfunk, ORF*), controversy was raised by the union of teachers when the Federal Minister of Education, Science and Research announced that teaching should take place on 22 May and 12 June – two bridge days after public holidays – to use “as much time as possible” for teaching.¹⁶ Both the ORF and other news outlets, including *der Standard*, reported on 2 May that the controversy had been settled and teachers had been asked in a joint letter by the Federal Minister and the leader of the teacher’s union to teach on those days at their own discretion.¹⁷

The Federal Ministry of Education, Science and Research (*Bundesministerium für Bildung, Wissenschaft und Forschung*) further published detailed guidelines on hygiene measures for elementary pedagogical facilities and schools (“*elementarpädagogische Einrichtungen und Schulen*”), relating to all aspects of school – arrival, in the classroom, in the building, at the buffet, and during exams.¹⁸ Generally, students are advised to wash hands regularly and must wear protective gear covering face and nose when moving around the building.¹⁹ On 30 May the Federal Ministry of Education, Science and Research announced relaxations to the hygiene measures from 3 June onward, including that no more protective gear must be worn, that physical education and sports may be offered at the discretion of schools, that events after school (graduation ceremonies, etc) may be held, and that singing in a choir is allowed again.²⁰

In Austria, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) issued a decree on 24 April on the extension of measures pertaining to kindergartens.²¹ The decree states that until 15 May, kindergartens shall remain open for daycare services, supporting parents without the means of taking care of their children at home. From 16 May onward, kindergartens and other elementary pedagogy institutions may open without restrictions. The Federal Ministry of Social Affairs, Health, Care and Consumer Protection states in its information guide to the re-opening of the school system that two groups of children in particular should go back to kindergarten starting on 18 May: first, five-year olds who must absolve the mandatory final kindergarten year to ensure a seamless switch to elementary school; second, three to four year old children who have special language requirements.²² The Federal Ministry of Social Affairs, Health, Care and Consumer Protection also published hygiene and safety recommendations for kindergartens.²³ *Der Standard* newspaper reported that kindergartens fall under the competency of the regional authorities, whereas the exact implementation on regional rules rests with the operators. Particularly among parents, there is confusion about which rules apply and should be followed.²⁴ Also the NGO *Kinderfreunde* stated that the lack of national rulings on kindergartens has led to simple questions about opening times, payment deadlines, group sizes or hygiene

¹⁶ ORF (2020), ‘[Lehrer sollen „freiwillig“ unterrichten](#)’, 1 May 2020.

¹⁷ *Der Standard* (2020), ‘[Lehrergewerkschaft und Faßmann in Sachen Fenstertage einig](#)’, 2 May 2020.

¹⁸ Austria, Federal Ministry of Education, Science and Research (2020), [Hygienehandbuch zu COVID-19 – Teil 1: Empfehlungen des BMBWF zum Schutz vor einer COVID-19-Ansteckung in elementarpädagogischen Einrichtungen und Schulen](#), Vienna 2020.

¹⁹ Austria, Federal Ministry of Education, Science and Research (2020), [Hygienehandbuch zu COVID-19 – Teil 1: Empfehlungen des BMBWF zum Schutz vor einer COVID-19-Ansteckung in elementarpädagogischen Einrichtungen und Schulen](#), Vienna 2020.

²⁰ Austria, Federal Ministry of Education, Science and Research (2020) [Lockerung der COVID-19 Bestimmungen an Schulen](#), 30 May 2020.

²¹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020) Erlass, [Verlängerung der Maßnahmen aufgrund §18 Epidemiegesetz 1950 in Bezug auf Kindergärten](#), BMSGPK-Gesundheit - IX/B/16, 24 April 2020.

²² Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Eckpunkte der Aktivierung des Schulsystems](#), 24 April 2020.

²³ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen des BMSGPK zu Schutzmaßnahmen in Kindergärten](#), 27 April 2020.

²⁴ *Der Standard* (2020), [Schwammige Corona-Empfehlungen für Kindergärten](#), 26 May 2020.

recommendations having different responses, depending on whom is asked. The NGO calls for clear rules to ensure that the right to education can be upheld equally for all children.²⁵

In Austria, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) published a detailed handbook on hygiene measures pertaining to higher education institutions and universities.²⁶ The handbook explicitly asks administrations of higher education institutions to implement the measures. Guidelines include regulating the stream of persons entering and moving around the building, disinfecting commonly used areas regularly, maintaining a security distance of one metre, wearing protective gear covering mouth and nose, particularly in narrow areas.

1.2.3 Work

Focus on:

- *Steps for specific sectors/the general population to return to work and measures to protect employees in the workplace (physical distancing, health and hygiene, shift patterns, etc.)*
- *People in precarious work*

In Austria, the Labour Inspectorate (*Arbeitsinspektorat*) in cooperation with the Federal Ministry of Labour, Family and Youth (*Bundesministerium für Arbeit, Familie und Jugend*) issued a guidebook on safe and healthy working on 1 May 2020.²⁷ The goal is to reduce the risk of infection for employees in various work settings across all branches. Measures pertain to hygiene measures, rules about airing the building, distancing, personal measures, measures on groups at high risk (eg. pregnant, persons with chronic illnesses), emergency planning and measures for groups from particular industries (eg. healthcare system).

In Austria, a new regulation on risk groups ("*COVID-19-Risikogruppe-Verordnung*") came into force on 6 May.²⁸ The regulation defines group who may receive a notification classifying them as "at risk", which consequentially can be used for being granted temporary paid leave from work. The regulation encompasses various illnesses and does not take age as a decisive criterion. The 9th COVID-19 Law²⁹ amended the General Law on Social Insurance³⁰ and stipulates that persons who are classified as "at risk" may make use of paid temporary leave, unless the work can be conducted from home or the employer can introduce measures to minimise risk at work and on the way to work. The employer may have the wage and any other costs related to granting this temporary leave reimbursed. Corresponding to the regulation on risk groups, the Austrian Society for Labour Medicine (*Österreichische Gesellschaft für Arbeitsmedizin*) published a guideline on how to deal with groups at risk in labour settings for all employees.³¹ The guideline is targeted to politicians and experts in businesses responsible for occupational safety.

²⁵ Kinderfreunde (2020), [Kindergarten: Corona-Krise zeigt Handlungsbedarf](#), press release, 29 May 2020.

²⁶ Austria, Federal Ministry of Education, Science and Research (2020), [Hygienehandbuch zu COVID-19 – Teil 2: Empfehlungen des BMBWF zum Schutz vor einer COVID-19-Ansteckung in Universitäten und Hochschulen](#), Vienna 2020.

²⁷ Austria, Federal Ministry of Labour, Family and Youth and Austrian Labour Inspectorate (2020), [Handbuch COVID-19: Sicheres und gesundes Arbeiten](#), 30 April 2020.

²⁸ Austria, COVID-19 regulation on groups at risk ([COVID-19-Risikogruppe-Verordnung](#)), Federal Law Gazette II No. 203/2020.

²⁹ Austria, 9th COVID-19 Law ([9. COVID-19-Gesetz](#)), Federal Law Gazette I No. 31/2020.

³⁰ Austria, General Law on Social Insurance ([Allgemeines Sozialversicherungsgesetz](#)), Federal Law Gazette I, No. 101/2000.

³¹ Österreichische Gesellschaft für Arbeitsmedizin (2020), [Leitfaden: Umgang mit Risikogruppen im betrieblichen arbeitsmedizinischen Setting](#), May 2020.

In Austria, the hardship fund (*“Härtefallfonds”*) run by the Chamber of Commerce (*Wirtschaftskammer Österreich, WKÖ*) was amended on 27 May.³² The hardship fund is available for self-employed persons who face income losses due to the COVID-19 restrictions. The amendment extends the duration of eligibility from three to six months. Moreover, a so-called “comeback bonus” has been introduced, topping all payments already made to eligible applicants of phase two of the fund with an additional 500 Euros per month. This measure ensures that self-employed people have enough money to mitigate income loss and cover personal costs (eg. rent).³³ Finally, persons in retirement who are marginally employed in business are now entitled to apply for the hardship fund.

In Austria, a new fund for artists was announced by the Vice-Chancellor, the Federal Minister of Finance and the new State Secretary for Art and Culture (*Kulturstaatssekretärin*).³⁴ According to the Federal Ministry of Art, Culture, Civil Service and Sport (*Bundesministerium für Kunst, Kultur, öffentlicher Dienst und Sport*), 15.000 persons are eligible for the new 90 million Euro fund including artists, actors, authors, musicians, composers, dancers, film directors, singers, etc.³⁵ The group of creative artists, creators in the open culture scene and small cultural institutions reportedly face severe problems due to the previous ban of performances and rehearsals and artists’ ineligibility for existing funds, as was criticised by opposition parties and reported by the *Kurier*.³⁶

In Austria, no particular measures are in place targeted explicitly to people in precarious work. There is a series of funds available for various target groups (self-employed, artists, families, employees) that seek to mitigate the circumstances of those incurring financial loss during COVID-19. However, there are recurring statements pointing to the dire situation of 24h care workers³⁷, working university students³⁸ or cleaning personnel³⁹.

1.2.4 Access to justice

Focus on:

- *Strategies/steps to lift measures or restrictions previously imposed on court proceedings (e.g. resuming physical hearings)*
- *Measures to address the backlog in cases/proceedings prompted by lockdown restrictions*

In Austria, the 8th Covid Law, which entered into force on 6 May,⁴⁰ amended the first judiciary law accompanying the COVID-19 Law.⁴¹ Oral hearings and hearings without the personal presence of the parties or their representatives may now in principle be held until the end of 31 December 2020 using appropriate technical means of communication for the transmission of words and images. The parties to the proceedings must agree and have the necessary equipment. The parties to the proceedings will

³² Wirtschaftskammer Österreich (2020), [Nachbesserungen im Härtefallfonds: Comeback-Bonus und höhere Mindestförderung für Selbstständige](#), 27 May 2020.

³³ Austria, Federal Ministry of Finance (2020), [Härtefallfonds: 6 statt 3 Zahlungen, bis zu 3.000 Euro Come-back Bonus](#), press statement, 27 May 2020.

³⁴ Austria, Federal Ministry of Art, Culture, Civil Service and Sport (2020), [Überbrückungsfinanzierung für selbständige Künstlerinnen und Künstler](#), 28 May 2020.

³⁵ Austria, Federal Ministry of Art, Culture, Civil Service and Sport (2020), [Überbrückungsfinanzierung für selbständige Künstlerinnen und Künstler](#), 28 May 2020.

³⁶ *Kurier* (2020), [“SPÖ und Neos kritisieren Kulturpolitik, Lunacek hält dagegen”](#), press release, 5 May 2020.

³⁷ Diakonie (2020), [Zugang zum Corona-Härtefall-Fonds bleibt für 24-Stunden-Betreuerinnen geschlossen](#), press release, 20 May 2020.

³⁸ Arbeiterkammer Oberösterreich (2020), [AK-Befragung unter berufstätigen Studierenden zeigt: Finanzielle Lage für rund die Hälfte schlechter als vor der Krise](#), 19 May 2020.

³⁹ Wirtschaftskammer Österreich (2020), [Studie: Corona-Krise rückt Reinigungskräfte ins richtige Licht](#), press release, 14 May 2020.

⁴⁰ Austria, Eighth COVID-19 Law ([8. COVID-19 Gesetz](#)), Federal Law Gazette I No. 30/2020.

⁴¹ Austria, first judiciary law accompanying the COVID-19 Law ([1. COVID-19-Justiz-Begleitgesetz](#)), Federal Law Gazette I No. 16/2020.

not be held responsible for technical faults. Any party to the proceeding who is at risk or in contact with persons at risk may apply to take part in the proceeding via technological means.⁴²

In Austria, on 25 May the Ministry of Justice (*Bundesministerium für Justiz*) issued an information sheet on conduct in court buildings and during proceedings.⁴³ It outlines basic hygiene measures (security distance, covering nose and mouth, washing hands) and clarifies how parties should act when entering the court room.

1.2.5 Freedom of movement

Focus on:

- *Steps to reopen borders/lift restrictions on freedom of movement to (external borders) and within the EU (internal borders), including rules or restrictions applying to certain categories of people (citizens; ‘essential workers’; cross border commuters etc). Please mention what requirements are in place for various categories of people to enter country (e.g. negative COVID-19 test result and/or obligation to self quarantine; work certificate etc).*
- *Any changes to asylum application procedures (e.g. lifting of temporary suspensions or restrictions on procedures, or mentioning whether such restrictions are rather still in place)*

In Austria, an amendment to the regulation on entry into Austria from neighbouring countries came into force on 28 May.⁴⁴ It outlines that persons with residency titles in Austria may now go abroad (not only to neighbouring countries) to make use of medical services, provided a confirmation about the necessity of such a service can be provided. Further, the existing measures on entry into Austria from neighbouring countries were extended until 15 June 2020. According to a summary provided by the Federal Ministry of the Interior (*Bundesministerium für Inneres*), entry from neighbouring countries is only allowed at certain border checkpoints and is subject to being able to provide a medical certificate showing a negative COVID-19 test result.⁴⁵ Austrian citizens or others with residency status may enter the country upon confirming 14 days of self-isolation. These rules do not apply to the transport of goods and services, repatriation, family emergencies, animal caretaking responsibilities, commuters with a confirmation from their workplace, emergency vehicles.

In Austria, an amendment to the regulation on entry into Austria via airway came into force on 28 May.⁴⁶ It outlines that persons may now enter the country if they are registered in the mandatory health insurance or require urgent medical attention at an Austrian hospital. A confirmation of the health insurance and/or the medical urgency is required. These persons may also re-enter Austria regardless of their residency status, subject to being able to provide the above-mentioned confirmations again. Previously, these two possibilities were only granted to travelers from neighbouring countries.⁴⁷ According to a summary provided by the Federal Ministry of the Interior (*Bundesministerium für Inneres*), entry via airway is granted to citizens and those with residency titles upon presentation of a negative COVID-19 test result or confirmation of 14 days of self-isolation.⁴⁸

⁴² Austria, Eighth COVID-19 Law ([8. COVID-19 Gesetz](#)), Federal Law Gazette I No. 30/2020.

⁴³ Austria, Federal Ministry of Justice (2020), [SARS-CoV-2 \(Corona\) – Verhalten in Gebäuden der Gerichte und Staatsanwaltschaften sowie in Verhandlungen](#), 25 May 2020.

⁴⁴ Austria, Amendment to the regulation on entry into Austria via airway and to the regulation on measures on entry from neighbouring states ([Änderung der Verordnung über die Einreise auf dem Luftweg nach Österreich und der Verordnung über die Maßnahmen bei der Einreise aus Nachbarstaaten](#)), Federal Law Gazette II No. 233/2020.

⁴⁵ Austria, Federal Ministry of the Interior (2020), [Grenzkontrollmaßnahmen an Österreichs Grenzen](#), press release, 25 May 2020.

⁴⁶ Austria, Amendment to the regulation on entry into Austria via airway and to the regulation on measures on entry from neighbouring states ([Änderung der Verordnung über die Einreise auf dem Luftweg nach Österreich und der Verordnung über die Maßnahmen bei der Einreise aus Nachbarstaaten](#)), Federal Law Gazette II No. 233/2020.

⁴⁷ Austria, Amendment to the regulation on measures upon entry into Austria from Italy, Switzerland, Liechtenstein, Germany, Hungary and Slovenia ([Änderung der Verordnung über Maßnahmen bei der Einreise aus Italien, der Schweiz, Liechtenstein, Deutschland, Ungarn und Slowenien](#)), Federal Law Gazette II No. 129/2020.

⁴⁸ Austria, Federal Ministry of the Interior (2020), [Grenzkontrollmaßnahmen an Österreichs Grenzen](#), press release, 25 May 2020.

Third-country nationals coming to Austria from outside the Schengen area may not enter the country, with the exception of diplomatic personnel, humanitarian forces, care and health personnel, seasonal workers in agriculture and forestry, transit passengers as well as those necessary for the transport of goods and services. Third-country nationals coming to Austria from the Schengen zone must either provide a negative COVID-19 test result or shall be placed in mandatory 14-day isolation in an adequate residency, unless proof of departure from Austria can be provided. This regulation does not apply for flight crews and staff, emergency flights, members of the Austrian military and those with particular family emergencies.

In Austria, no changes occurred in relation to asylum application procedures. As was confirmed to the newspaper *Kurier* by the Federal Ministry of the Interior (*Bundesministerium für Inneres*), asylum seekers may not enter the country (and consequently not file asylum applications at the border) unless they are able to provide a negative COVID-19 test result.⁴⁹

1.3 Impact of measures on particular groups

Persons with disabilities

In Austria, the NGO *Lebenshilfe* held a press conference on the visibility of persons with disabilities on the occasion of the European Protest Day for the Equality of Persons with Disability on 5 May.⁵⁰ The *Lebenshilfe* President stated that for the last six weeks, persons with disabilities have been excluded from societal developments and were not included in (political) decisions affecting them. During the COVID-19 crisis, in relation to persons with disabilities living at home it became evident there was a lack of personal assistance opportunities, persons of trust were not allowed to accompany persons to hospitals, and there was no sufficient training offered for the usage of technical support measures. *Lebenshilfe* pointed to the importance of additional support measures and the acknowledgement that such persons require assistance, either by qualified staff, or by relatives. As such, isolation and not being allowed to be in contact with such persons is not conducive to health.

In Austria, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) published recommendations on how to best implement the COVID-19 relaxation measures in regional institutions and programmes for people with disabilities.⁵¹ These measures were developed in cooperation with the regional authorities of the nine provinces, and with representatives from organisations for people with disabilities.⁵² They seek to provide a framework for orientation for residential care settings, shared living situations, occupational programmes and vocational training programmes. Measures relate to hygiene measures, distancing, shifted visiting/working times, and regular health checks. A press statement by the NGO *Diakonie* from 7 May commends the newly possible relaxation measures on visiting rights to care homes.⁵³ *Diakonie* stated that the ban on visits

⁴⁹ *Kurier* (2020), 'Corona: Einreisestopp für Asylwerber', 27 March 2020.

⁵⁰ *Lebenshilfe Österreich* (2020), [Pressekonferenz „Mehr Sichtbarkeit von Menschen mit Behinderungen in Krisenzeiten“](#), press release, 4 May 2020.

⁵¹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen zur Lockerung der COVID-19-bedingten Einschränkungen in den Einrichtungen und Programmen der Behindertenhilfe der Länder](#), 29 May 2020.

⁵² Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Korrektur: Schrittweise Öffnung des Gesundheits- und Sozialsystems für BesucherInnen](#), press release, 30 May 2020.

⁵³ *Diakonie* (2020), [Diakonie begrüßt Lockerungen der Besuchsverbote](#), press release, 7 May 2020.

had made clear the negative effects of isolation on the quality of life and state of health of persons with disabilities in care homes.

In Austria, the NGO *Lebenshilfe Steiermark* voiced criticism pertaining to the step-by-step plan to open schools from 24 April 2020.⁵⁴ They criticise that this plan⁵⁵ presented by the Federal Ministry of Education, Science and Research (*Bundesministerium für Bildung, Wissenschaft und Forschung*) does not include information or reference to children with disabilities and how social inclusion of these children and their special needs can be guaranteed in times of crisis. *Lebenshilfe* states that the proposed strategy includes measures that could easily exclude children with disabilities from school attendance and further criticise that it was expected from their families to ensure teaching and support. This and other measures are cited as running the risk of having exclusionary consequences not rooted in the needs of children with disabilities.⁵⁶

In Austria, the Independent Monitoring Committee (*Unabhängiger Monitoringausschuss*) in cooperation with the Austrian Council of People with Disabilities (*Österreichischer Behindertenrat*) and the NGO Self-Determination Austria (*Selbstbestimmt Österreich*) voiced concerns about the availability of psychosocial services for women with disabilities.⁵⁷ They refer to caretaking responsibilities, precarious work and isolation as some of the intersectional challenges facing women with disabilities, and point to the importance of additional support measures including financing for personal assistance and the availability of regular work.

In Austria, the NGO *Lebenshilfe* pointed to the importance of participation and inclusion of persons with disabilities in crisis councils and expert meetings to improve crisis management, citing the President of the Austrian Council for Persons with Disabilities (*Österreichischer Behindertenrat*).⁵⁸ On 4 May, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) announced that the Ombud for Persons with Disabilities (*Behindertenanwalt*) and the Monitoring Committee as well as representatives from the field were consulted for new regulations pertaining to the wearing of protective gear covering mouth and nose. As a result, persons with disability who are unable to wear such protective gear are exempt from the obligation to wear it in closed public places.⁵⁹ Nonetheless, on 15 May the NGO *Bizeps* reiterated once again the lacking inclusion of representatives in the development of measures, the lacking protection from discrimination in the COVID-19 laws, and the lacking acknowledgement that measures like short-term employment impact transport services, due to which persons with disabilities are often still unable to leave their residencies at all or only in a very limited manner.⁶⁰

Detainees (including measures on early release or alternatives to detention)

In Austria, Amnesty International reported that the Austrian Ombudsman Board (*Volksanwaltschaft*) ceased its 'Commissions' regular human rights monitoring visits to institutions in which people may not move freely (*"Einrichtungen, in denen Menschen sich nicht frei bewegen können"*), including

⁵⁴ Lebenshilfe Steiermark (2020), [Presseaussendung zum Etappenplan der Öffnung der Schulen](#), press release, 12 May 2020.

⁵⁵ Austria, Federal Ministry of Education, Science and Research (2020), [Umsetzung des Etappenplans für Schulen, Richtlinien für die Unterrichtsorganisationen und pädagogische Gestaltung](#), 7 May 2020.

⁵⁶ Lebenshilfe Steiermark (2020), [Presseaussendung zum Etappenplan der Öffnung der Schulen](#), press release, 12 May 2020.

⁵⁷ Unabhängiger Monitoringausschuss (2020), [Corona-Krise: Situationen von Frauen mit Behinderung beachten](#), press release, 28 May 2020.

⁵⁸ Lebenshilfe Österreich (2020), [Pressekonferenz „Mehr Sichtbarkeit von Menschen mit Behinderungen in Krisenzeiten“](#), 4 May 2020.

⁵⁹ Austria, Regulation on the relaxation of COVID-19 measures ([COVID-19 Lockerungsverordnung](#)), Federal Law Gazette II No. 197/2020.

⁶⁰ BIZEPS (2020), [Isoliert und vergessen? Zum Lebensalltag von Menschen mit Behinderung](#), 15 May 2020.

prisons.⁶¹ Therefore, no independent monitoring of the situation takes place. On 20 May, the opposition party NEOS voiced criticism, stating that regular monitorings during the COVID-19 crisis are vital as even in “normal times”, the situation is dire (“wenn (...) in ‘normalen Zeiten’ so vieles im Argen liegt”).⁶²

According to the Chair of the Human Rights Advisory Board to the Austrian Ombudsman Board (*Menschenrechtsbeirat der Volksanwaltschaft*), the Ombudsman Board advised its Commissions to not contribute to the further spread of the virus by ceasing its monitoring visits.⁶³ The *der Standard* newspaper reported that on 20 May during a press conference, the Austrian Ombudsman Board voiced criticism on the fact that the Ministry of Health had not published any guidelines on how such visits could be resumed.⁶⁴

Further, according to the Chair of the Human Rights Advisory Board, on 30 April a working group of the Human Rights Advisory Board submitted a set of recommendations to the Austrian Ombudsman Board on measures pertaining to access to justice and criminal procedures in particular. The recommendations are rooted in information and best practices from international National Preventive Mechanisms (NPMs). According to the Chair of the Human Rights Advisory Board, the Advisory Board suggested the Ombudsman Board to reinstate the visits of the Commissions, as these are “critical services” and could be held via alternative means, including direct phone calls, the use of a complaint box, or video conferences. Furthermore, the Advisory Board recommended to find means of shortened detention or alternative detainment measures, including - among others - electronically monitored house arrest, the conversion of detainment into social services, or the release of people at risk (youth, elderly persons, persons with illnesses). In addition, in relation to the 14-day solitary confinement of new detainees, the Advisory Board stated that these persons should receive compensations for this confinement, for example in the form of electronic communication with family members or access to a television. Further recommendations for human rights-friendly conduct pertain to restricted visiting rights, resocialisation, free time outside, and taking measures to increase the availability of staff members. The Advisory Board reiterates the importance of the observance of fundamental rights at all times during the pandemic, including access to adequate personal hygiene, the right to spending at least an hour outdoors, as well as providing alternative means of getting into contact with the outside world.

2 Impact on fundamental rights of older people

Please provide information under each title / sub-title; and indicate n/a when no information available.

2.1 Data/statistics

In Austria, data on COVID-19 cases is provided by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) via the official COVID-19 dashboard.⁶⁵ The dashboard is updated once daily with newest data from the Epidemiological Registration System (*Epidemiologisches Meldesystem, EMS*).

⁶¹ Amnesty Austria (2020), [Auswirkungen der Bekämpfung der COVID-19 Pandemie auf Menschenrechte in Österreich – Zwischenbericht](#), 16 April 2020.

⁶² NEOS (2020), [NEOS zu Volksanwaltschaft: In der Corona-Krise sind Kontrollen umso wichtiger](#), press release, 20 May 2020.

⁶³ Interview held on 29 May 2020 with the Chair of Human Rights Advisory Board to the Austrian Ombudsman Board.

⁶⁴ Der Standard (2020), [‘Volksanwaltschaft rechner mit Flut an Corona-Beschwerden’](#), 20 May 2020.

⁶⁵ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [Official COVID-19 Dashboard – public information](#).

This data set is licenced as Open Government Data (OGD) under creative commons licence BY-4.0 and is made available open source.⁶⁶

2.1.1 Share of persons 60+ in the total number of persons in the community infected, recovered and died in relation to COVID-19.

- **Infected by COVID-19**

In Austria, according to the Official COVID-19 Dashboard, a total of 16.731 persons have been infected with COVID-19 in total since 25 February 2020.⁶⁷ 2.704 persons are between 55 – 64 years, 1.435 persons are between 65 – 74 years, 1.363 persons between 75 – 84 years and 902 persons older than 84 years. In total, 51% of those infected are female and 49% are male.⁶⁸

- **Recovered from COVID-19**

In Austria, according to the Official COVID-19 Dashboard, a total of 15.286 people have recovered from a COVID-19 infection.⁶⁹ No information is available on age or gender composition.

- **Died in relation to COVID-19**

In Austria, according to the Official COVID-19 Dashboard, a total of 668 people are reported to have died from COVID-19 as of 28 May 2020. This number is slightly reduced to 638 when considering only data confirmed by the Epidemiological Registration System (*Epidemiologisches Meldesystem, EMS*). 43% of persons who died were female, 57% were male.⁷⁰ With respect to the age group 60+, the 338 deaths registered in the EMS show that there have been 22 deaths in the age group 55 - 64, 110 in the age group 65 – 74, 236 deaths in the age group 75-84 and 254 in the age group older than 84.⁷¹

2.1.2 Share of persons 60+ in the total number of persons in institutional settings infected, recovered and died in relation to COVID-19.

On 14 April, the Federal Minister of Social Affairs, Health, Care and Consumer Protection confirmed to the Wiener Zeitung that no data on persons in institutional settings relating to COVID-19 was available. However, he stated a study had been commissioned covering this.⁷²

- Infected by COVID-19: n/a
- Recovered from COVID-19: n/a
- Died in relation to COVID-19: n/a

2.1.3 Number and type of institutions affected

No statistical information is available on how many people in how many facilities are affected. According to the Austrian Broadcasting Service (*Österreichischer Rundfunk, ORF*), the Federal Minister of Social Affairs, Health, Care and Consumer Protection announced on 16 April that there would be COVID-19 tests conducted on all residents and staff members of old people and care homes in Austria. He reportedly stated there are 918 such facilities in Austria with a total of 130.000 staff members and

⁶⁶ Open Data Österreich, [website on Austrian COVID-19 Open Data](#).

⁶⁷ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [Official COVID-19 Dashboard - Epidemiological data](#).

⁶⁸ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [Official COVID-19 Dashboard - Epidemiological data](#).

⁶⁹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [Official COVID-19 Dashboard – Recovered and deaths](#).

⁷⁰ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [Official COVID-19 Dashboard – Recovered and deaths](#).

⁷¹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [Official COVID-19 Dashboard – Recovered and deaths](#).

⁷² Wiener Zeitung (2020), [‘Altersheimbewohner machen die Hälfte aller Corona-toten aus’](#), 14 April 2020.

residents.⁷³ In Austria, on 6 May the Federal Minister of Social Affairs, Health, Care and Consumer Protection announced at a press conference that 35,5% of all recorded COVID-19 infection cases in Austria at that time were recorded in old people's and care homes, affecting residents, staff members and infections of household members of infected persons.⁷⁴

2.1.4 Do official statistics on mortality rates from COVID-19 include deaths of older persons in care homes? Has there been any critique of data collection with respect to care homes?

In Austria, data on mortality rates are derived from the Epidemiological Registration System (*Epidemiologisches Meldesystem, EMS*). In relation to COVID-19, doctors and/or health institutions must transmit data on infection to the EMS within 24 hours of diagnosis/death/recovery.⁷⁵ Official statistics on mortality rates therefore include deaths of older persons in care homes. No information could be found on critique of data collection in care homes.

2.1.5 Independent studies published on the situation of older persons with respect to the impact of and responses to COVID-19

Please reference up to three studies and provide brief information on their focus.

In Austria, the Institute for Advanced Studies (*Institut für Höhere Studien, IHS*) links to a resource collection curated by Dr. Thomas König, Head of Strategy and Scientific Services at the IHS.⁷⁶ The list is updated on an ongoing basis and aims to list all research projects that deal with the social and economic impact of the COVID-19 epidemic in Austria, both published and in progress.⁷⁷ As of 31 May, the list does not include studies explicitly focused on the situation of older persons with respect to the impact of and responses to COVID-19.

2.2 COVID-19 measures targeting older people

Please indicate the age group/s concerned; e.g. 60+, 65+, 70+ etc.

Please consult and refer in particular to measures related to existing or planned national exit strategies (policies/measures). Please report on developments for the reference period 1 May – 31 May (inclusive) and on any changes/revisions of measures reported in the 1st and 2nd bulletin regarding older people.

In Austria, older people ("SeniorInnen") are defined by the Law on Seniors⁷⁸ as women over 55 years of age and men over 60 years of age. Also, persons receiving pensions are qualified as seniors.

⁷³ ORF (2020), '[Anschöber will alle Altersheime durchtesten](#)', 16 April 2020.

⁷⁴ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), Coronavirus - Ein Drittel der Cluster in Senioren- und Pflegeheimen, press release, 6 May 2020.

⁷⁵ Austria, Regulation of the Federal Minister of Health on electronic laboratory reports on illnesses subject to notification into the registration system ([Verordnung des Bundesministers für Gesundheit betreffend elektronische Labormeldungen in das Register anzeigepflichtiger Krankheiten](#)), Federal Law Gazette II No. 184/2013.

⁷⁶ Institute für Advanced Studies, [website on IHS resources regarding COVID-19](#).

⁷⁷ Thomas König (2020), [Google sheet on COVID-19 Social Data Austria](#), continuously updated.

⁷⁸ Austria, Federal law on the promotion of interests of the older generation ([Bundesgesetz über die Förderung von Anliegen der älteren Generation](#)), Federal Law Gazette I No. 84/1998.

2.2.1 **National guidelines/protocols in response to COVID-19 addressing older people**

- *in residential care homes (including protective equipment, visits etc.)*

In Austria, an all-encompassing ban on visits to old people and care homes was recommended by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*), as mentioned in the recommendations on COVID-19 protective measures for care and support in partly and entirely stationary institutions and mobile services.⁷⁹

The Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) published a catalogue of recommendations for old people and care homes on how to implement step-by-step relaxation measures from 4 May onward.⁸⁰ Care homes are under the competence of the *Länder*, therefore national guidelines act as a framework for *Länder* and private operators. Recommendations include hygiene and safety distance precautions, as well as advice on how to organise shift visits by relatives. For visits, the Ministry recommends prior registration, only one visitor at a time, and a timely restriction to the visit. Visits should be held outdoors where possible and the wearing of protective gear covering mouth and nose is mandatory.⁸¹

- *in the community in general*

No particular guidelines have been addressed to older persons. Older persons are included to guidelines pertaining to the whole population.

2.2.2 **National guidelines/protocols on patient triage that apply age as the main and decisive criterion**

n/a

Upon consultation of recent COVID-19 Laws and press releases by Ministries, no guidelines or protocols could be found that explicitly apply age as the main and decisive criterion. Age is mentioned as a determining factor for the priority in which PCR (polymerase chain reaction) testing shall be undertaken (see point 2.2.3).⁸² Recent amendments to laws, including the 16th Covid Law which amends the 1950 Law on Epidemics explicitly excludes age as a criterion under which persons can be excluded from attending events for reasons of risk of infection.⁸³

⁷⁹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlung zu COVID-19 Schutzmaßnahmen für Pflege und Betreuung: Teil-/Stationäre Einrichtungen und Mobile Dienste](#), 9 April 2020, p. 6.

⁸⁰ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen zur schrittweisen Lockerung der aufgrund der COVID-19 Pandemie erlassenen Besuchsbeschränkungen in Alten- und Pflegeheimen ab 4. Mai 2020](#).

⁸¹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen zur schrittweisen Lockerung der aufgrund der COVID-19 Pandemie erlassenen Besuchsbeschränkungen in Alten- und Pflegeheimen ab 4. Mai 2020](#).

⁸² Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen zur PCR Testung auf Infektion mit SARS-CoV-2](#), 27 April 2020.

⁸³ Austria, 16 COVID-19 Law ([16. COVID-19 Gesetz](#)), Federal Law Gazette I No. 43/2020.

2.2.3 Targeted testing of residents and staff in residential care homes

- *Is this laid down in a targeted policy/measure or done on an ad-hoc basis when a case has been detected?*
- *Data/statistics on testing & frequency of testing – institutions, residents, staff*

In Austria, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) published its recommendations on PCR testing as part of its Containment 2.0 strategy on 29 April 2020.⁸⁴ The recommendations act as supplementary guidelines for medical and care professionals on how to best identify and isolate persons infected or assumed to be infected.⁸⁵ Generally, all persons infected or assumed to be infected should be reported to the epidemiological registration system (*Epidemiologisches Meldesystem, EMS*), tested and their contacts shall be traced. The recommendations on the Containment 2.0 strategy lay down priorities according to which tests should be conducted, particularly in case there is a shortage: The first priority is to avoid the spread of COVID-19 in hospitals, care institutions and institutions for people with disability. Therefore, the strategy names residents and staff members in medical institutions, including care homes, older people homes and homes for people with disabilities as the main priority to be tested.⁸⁶ Second, the strategy mentions persons at “high risk” (*Personengruppen mit erhöhtem Risiko*) as priority number two to be tested. This includes persons over 65 years of age who belong to a defined risk group.⁸⁷ The document states that generally, asymptomatic testing should be avoided to preserve testing capacity. However, it is stated that to “prevent outbreaks and infections”, PCR tests should be conducted preemptively among two groups: health and care facilities, and persons entering the country.⁸⁸

In Austria, on 6 May the Federal Minister of Social Affairs, Health, Care and Consumer Protection announced at a press conference that 24,000 residents and staff members in old people’s and care homes have already been tested.⁸⁹

In Austria, according to the Austrian Broadcasting Service (*Österreichischer Rundfunk, ORF*) the Federal Minister of Social Affairs, Health, Care and Consumer Protection announced at a press conference held on 16 April, that all staff members and residents of homes for older people would be tested nationwide, which encompasses 130.000 people in total.⁹⁰ No information is available on how this will be implemented. A parliamentary enquiry was submitted on 22 April by members of the opposition Freedom Party (*Freiheitliche Partei Österreichs, FPÖ*) asking about procedural details on implementation.⁹¹ The deadline for response is 22 June.

⁸⁴ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen zur PCR Testung auf Infektion mit SARS-CoV-2](#), 27 April 2020.

⁸⁵ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [website on COVID-19 and case definition](#).

⁸⁶ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen zur PCR Testung auf Infektion mit SARS-CoV-2](#), 27 April 2020, p. 4.

⁸⁷ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen zur PCR Testung auf Infektion mit SARS-CoV-2](#), 27 April 2020, p. 4.

⁸⁸ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen zur PCR Testung auf Infektion mit SARS-CoV-2](#), 27 April 2020, p. 9-10.

⁸⁹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), Coronavirus - Ein Drittel der Cluster in Senioren- und Pflegeheimen, press release, 6 May 2020.

⁹⁰ ORF (2020), [‘Anschober will alle Altersheime durchtesten’](#), 16 April 2020.

⁹¹ Dagmar Belakowitsch, Gerhard Kaniak, Peter Wurm and others (2020), Parliamentary enquiry on [Name des Fragenden] (2020), Parliamentary inquiry on COVID-19 tests in 918 care and old people’s homes in Austria, 1628/J XXVII. GP, 22 April 2020.

2.2.4 Restrictions/bans on visits to residential care settings, and any (conditional) lifting of these restrictions

Please report on the conditions applied.

In Austria, an all-encompassing ban on visits to old people and care homes was recommended by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*), as mentioned in the recommendations on COVID-19 protective measures for care and support in partly and entirely stationary institutions and mobile services.⁹² Correspondingly, all nine regional governments issued restrictions on the visits to old people and care homes. For example Vienna issued a ban on visits on 16 April.⁹³

On 1 May, the Federal Minister of Social Affairs, Health, Care and Consumer Protection announced the beginning of relaxation measures, including in old people's homes.⁹⁴ The Federal Ministry of Social Affairs, Health, Care and Consumer Protection published a catalogue of recommendations for old people and care homes on how to implement step-by-step relaxation measures from 4 May onward.⁹⁵

On 30 May, the Federal Minister of Social Affairs, Health, Care and Consumer Protection announced that improvements to the national recommendations on step-by-step relaxation measures were being conducted and that recommendations were being extended to reflect the positive epidemiological framework conditions.⁹⁶ Visitors' access to those in old people and care homes shall be improved and made easier.

2.2.5 Restrictive measures for older people living in the community

Please report on any restrictions for older people after gradual lifting of confinement measures (e.g. use of public services, work, and participation in voluntary and social activities).

n/a

Older persons must comply with the restrictions valid for the whole population without any distinction.

2.2.6 Access to healthcare for older people for conditions unrelated to COVID-19

Please report on measures targeted at older people living in the community and in institutional care settings (e.g. home-based visits, mobile health care, other hospital treatment).

In Austria, the Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) provides a comprehensive collection of information, links and further reading relating to access to healthcare for older people. Measures include public and private residential and care homes, mobile social services (including food

⁹² Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlung zu COVID-19. Schutzmaßnahmen für Pflege und Betreuung: Teil-/Stationäre Einrichtungen und Mobile Dienste](#), 9 April 2020, p. 6.

⁹³ Province of Vienna, Regulation by the Governor of Vienna on a ban on entry for visitors to hospitals, residential and care homes as well as care stations ([Verordnung des Landeshauptmannes von Wien über ein Betretungsverbot für Besucherinnen und Besucher von Krankenanstalten, Wohn- und Pflegeheimen sowie Pflegestationen](#)), Regional Law Gazette Vienna No. 18/2020.

⁹⁴ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Anschober: Mit heutigen Öffnungsschritten beginnt der Monat der Entscheidung – Appell zu Vorsicht und Eigenverantwortung](#), press release, 1 May 2020.

⁹⁵ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen zur schrittweisen Lockerung der aufgrund der COVID-19 Pandemie erlassenen Besuchsbeschränkungen in Alten- und Pflegeheimen ab 4. Mai 2020](#).

⁹⁶ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Korrektur: Schrittweise Öffnung des Gesundheits- und Sozialsystems für BesucherInnen](#), press release, 30 May 2020.

deliveries), day care, short-term care, alternative forms of living (shared living).⁹⁷ The Federal Ministry of Social Affairs, Health, Care and Consumer Protection also provides financial assistance to those requiring 24h care and their relatives.⁹⁸ The website does not list any information specific to the COVID-19 situation.

In Austria, the shortage of 24-hour care workers due to the travel restrictions led to a near collapse of the system of 24-hour-healthcare. To facilitate access to healthcare, a special permit was issued by the Federal Ministry of European and International Affairs (*Bundesministerium für Europäische und internationale Angelegenheiten*) to fly 231 female healthcare workers from Romania and Bulgaria into Austria in late April.⁹⁹ In May, an agreement was made between the Austrian Chamber of Commerce (*Wirtschaftskammer, WKÖ*), the Austrian Federal Railway Services (*Österreichische Bundesbahnen, ÖBB*), the Federal Ministry of European and International Affairs and the Romanian government, allowing for direct trains to travel between Timisoara (Romania) and Vienna.¹⁰⁰ In each train, 350 healthcare workers (with Austrian employment permit) could travel between Romania and Austria, subject to strict hygiene requirements. On 28 May, the Austrian Broadcasting Service (*Österreichischer Rundfunk, ORF*) reported that the so-called corridor trains (*“Korridorzüge”*) ceased operation after having transported 1.600 persons.¹⁰¹

In Austria, mobile healthcare services continued operation in a limited manner during the “lockdown” subject to strict hygiene requirements laid down by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*).¹⁰² However, depending on the carrier and the region, the extent to which operation continued differed based on regional recommendations. For example, the NGO Volkshilfe in the Province of Styria was able to keep up mobile care but spread out visiting times and encouraged relatives to offer support.¹⁰³ The NGO Caritas in Upper Austria only continued mobile care in cases where people had no relatives or no means to sustain themselves.¹⁰⁴ Criticism was voiced by service staff working in organisations offering mobile care services and home visits: the group of Hilfswerk care staff in the province of Styria wrote in an open letter that they felt left alone with dealing with the crisis and the consequences on their clients, and that they felt publically invisible.¹⁰⁵

2.2.7 Support measures and promising practices targeting older people, including access to goods and services online and offline, social/psychological support, and use of digital tools and technology

In Austria, the initiative neighbourhood help (*“Nachbarschaftshilfe”*) by Team Austria (*“Team Österreich”*) links people in risk groups with volunteers, who run errands for them during the COVID-19 crisis.¹⁰⁶ People over the age of 65 are the main target group. The initiative is operated by the Austrian Red Cross (*“Österreichisches Rotes Kreuz”*) and Radio Ö3.

⁹⁷ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [website on social services](#).

⁹⁸ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [website on 24-hour-healthcare](#).

⁹⁹ Kurier (2020), *‘24-Stunden-Betreuung steht vor dem Kollaps’*, 9 April 2020.

¹⁰⁰ Wirtschaftskammer Österreich (2020) *24h Betreuung: Erste erfolgreiche Zugverbindung zwischen Rumänien und Österreich*, 11 May 2020.

¹⁰¹ ORF (2020) *‘Korridorzüge aus Rumänien eingestellt’*, 28 May 2020.

¹⁰² Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), *Empfehlung zu COVID-19 Schutzmaßnahmen für Pflege und Betreuung: Teil-/Stationäre Einrichtungen und Mobile Dienste*, 9 April 2020.

¹⁰³ ORF (2020), *‘Pflege: Mobile Dienste wieder unterwegs’*, 21 May 2020.

¹⁰⁴ Caritas Oberösterreich, [website on mobile care services](#).

¹⁰⁵ Hilfswerk Steiermark, [website with open letter by mobile caregiving staff](#).

¹⁰⁶ Team Österreich, [website on neighbourhood support](#).

In Austria, the website on the governmental strategy on dementia ("*Demenzstrategie*") published advice relating to COVID-19 and people with dementia.¹⁰⁷ The website points to support channels for relatives (eg. hotlines, self-help groups), and offers tips to relatives on how to cope in day-to-day life during COVID-19 (eg. tips on self-quarantine, information folders, educational videos).

2.2.8 Consultation of older people's organisations and/or other civil society organisations in the design, implementation and review of COVID-19-related measures

In Austria, the governmental narrative on COVID-19 measures centred on evidence- and expert-based information. The Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) initiated a "corona taskforce"¹⁰⁸ and regularly refers to consultations with experts in designing new COVID-19 related measures. However, it is not clear with which experts thematically specific consultations are held, therefore no clear response can be given as to whether old people's organisations are consulted in the design, implementation and review of COVID-19 related measures. The *der Standard* newspaper reported in late April that decision-making relating to COVID-19 is indeed not always transparent.¹⁰⁹

Generally, the 1998 Law on Seniors stipulates that the Austrian Seniors Council (*Österreichischer Seniorenrat*) and the Federal Advisory Board of Seniors (*Bundesseniorenbeirat*) represent the interests of old people ("*Senioren*") and make recommendations to the Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*).¹¹⁰ The Austrian Seniors Council is an umbrella NGO of seniors' organisations in Austria and acts as a dialogue platform for older people's organisations and political decision-makers.¹¹¹ The Federal Advisory Board of Seniors (*Bundesseniorenbeirat*) is the legally enshrined interest representation of seniors in Austria – its representative and consultative function is equivalent to that of the Austrian social partners.¹¹² The Board is composed of 34 members and is hosted by the Federal Ministry of Labour, Social Affairs and Consumer Protection. The Federal Minister for Social Affairs and Consumer Protection chairs the Board. No information is available to the public on the concrete involvement of these organisations in COVID-19 policy-making.

¹⁰⁷ Demenz Strategie, [website on dementia and COVID-19](#).

¹⁰⁸ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [website on coronavirus taskforce](#).

¹⁰⁹ Der Standard (2020), '[Wissenschaftliche Corona-Beratung hinter verschlossenen Türen](#)', 26 April 2020.

¹¹⁰ Austria, Federal law on the promotion of interests of the older generation ([Bundesgesetz über die Förderung von Anliegen der älteren Generation](#)), Federal Law Gazette I No. 84/1998.

¹¹¹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [website on policies relating to seniors](#).

¹¹² Österreichischer Seniorenrat, [website on legal basis of Austrian Seniors Council](#).