

# Coronavirus pandemic in the EU – Fundamental Rights Implications

**Country:** Austria

**Contractor's name:** European Training and Research Centre for  
Human Rights and Democracy

**Date:** 2 July 2020

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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. Please include in particular information on developments relating to the protection of the right of association/demonstration; for example, with respect to the public gatherings that took place concerning the death of George Floyd, or other such events.*

No emergency laws have been issued in Austria in the reporting period.

## 1.2 Measures affecting the general population

In **Austria**, the Federal Minister of Social Affairs, Health, Care and Consumer Protection announced on 5 June that the protection against COVID-19 must be improved during demonstrations.<sup>1</sup> He commended the large-scale actions against racism and discrimination (sparked by the murder of George Floyd in the USA). He stated that even though many people took seriously the security distance of 1 metre and also wore face masks, this was not the case for all during a particularly large protest with over 50,000 attendees. Consequently, he announced a round table with the City of Vienna, the police, the health authority, the Ministry of Health and the organizers of the large-scale conference to better understand how to improve safety measures upon maintaining the right to freedom of assembly. The new amendment to the regulation on COVID-19 relaxation measures<sup>2</sup> from 14 June stipulates that protective gear covering mouth and nose (*“Mund- und Nasenbereich abdeckende mechanische Schutzvorrichtung”*) must be worn during demonstrations and protests in case the 1 metre security distance cannot be observed.

In **Austria**, the Constitutional Court (*Verfassungsgerichtshof*) announced that between 8 and 27 June, there would be deliberations on cases submitted to it during the COVID-19 crisis.<sup>3</sup> These deliberations include 40 cases relating directly to the Federal Government’s COVID-19 measures, including on financial remunerations for businesses which had to close, and the ban on entering businesses and specifically businesses larger than 400 square metres. On 30 June, the Constitutional Court announced that further deliberations on cases relating to COVID-19 measures would be held in mid-July.<sup>4</sup> Among others, these deliberations will centre the ban on public places, the ban on entering businesses, in particular businesses larger than 400 square metres.

In **Austria**, the Ombudsman Committee of the Parliament (*Volksanwaltschaftsausschuss*) debated the 2019 Annual Report of the Austrian Ombudsman Board on the control of the administration on 4 June.<sup>5</sup> On that occasion the members of the Ombudsmen Board were also asked about the complaints brought forward relating to COVID-19. According to the Austrian Ombudsman Board, 247 such complaints had reached the Board as of early May. Main topics of complaint include old

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<sup>1</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Anschober: Pandemieschutz muss in Zukunft auch bei Demonstrationen verbessert werden](#), press release, 5 June 2020.

<sup>2</sup> Austria, Amendment to the regulation on COVID-19 relaxation measures ([Änderung der COVID-19-Lockerungsverordnung \(5. COVID-19-LV-Novelle\)](#)), Federal Law Gazette II No. 266/2020.

<sup>3</sup> Austria, Constitutional Court (2020), [Juni-Session 2020 mit Fällen betreffend u.a. COVID-19, Sterbehilfe und Verhüllungsverbot in Volksschulen](#), 5 June 2020.

<sup>4</sup> Austria, Constitutional Court (2020), [VfGH tritt Mitte Juli erneut zu Beratungen zusammen](#), 30 June 2020.

<sup>5</sup> Austria, Press Service of the Parliamentary Directorate - Parliamentary Correspondence (2020), [Volksanwälte fordern mehr Prüfkompetenzen](#), press release, 4 June 2020.

people's and care homes, homes for persons with disabilities, penalties, and quarantine measures. Complaints relating to the Public Employment Service (*Arbeitsmarktservice*) and the minimum benefit ("*Mindestsicherung*") decreased according to the Austrian Ombudman Board.

### 1.2.1 Social distancing

*Focus on:*

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

In **Austria**, an amendment to the regulation on COVID-19 relaxation measures came into force on 15 June.<sup>6</sup> It clarifies the applicable measures in the following areas of life:

#### Public spaces, customer areas, health and care services, etc.

Protective gear covering mouth and nose no longer needs to be worn in public venues, provided a security distance of one metre can be maintained between persons not living in the same household.<sup>7</sup> In case the distance cannot be maintained in particular professions ("*auf Grund der Eigenart der Dienstleistung*"), customers and salespeople may only interact if adequate protective measures ("*geeignete Schutzmaßnahmen*") are used. Exceptions to this rule include public transport and pharmacies in which protective gear must still be worn. The amendment states that keeping the one metre distance and wearing protective gear in case this is not possible also applies to religious venues, open air markets, and work venues.

Entry to care homes, health institutions and rehabilitation centres and other venues in which health and care services are provided is allowed provided the operator can provide adequate protective measures to minimize the risk of infection.

Funerals and weddings may take place in their regular form without restrictions to the number of participants.

#### Events

Since 29 May, events with up to 100 persons have been permitted. On 1 July this number will increase to 250.<sup>8</sup> Larger events and conventions ("*Fach- und Publikumsmessen*") are allowed, provided there is a permit, which is contingent on the specification of a COVID-19 officer and a COVID-19 prevention concept of the operator. The prevention concept must include measures to train employees and other persons in contact with customers, as well as a part on risk analysis to minimize the risk of infection. Guests may visit conventions if they keep a distance of at least one metre to persons not living in the same household. In case this distance cannot be maintained, protective gear covering mouth and nose must be worn. The same rules (permit, prevention concept, security distance and protective gear) also apply to summer camps for youth and other extracurricular youth activities.

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<sup>6</sup> Austria, Amendment to the regulation on COVID-19 relaxation measures ([Änderung der COVID-19-Lockerungsverordnung \(5. COVID-19-LV-Novelle\)](#)), Federal Law Gazette II No. 266/2020.

<sup>7</sup> Austria, Amendment to the regulation on COVID-19 relaxation measures ([Änderung der COVID-19-Lockerungsverordnung \(5. COVID-19-LV-Novelle\)](#)), Federal Law Gazette II No. 266/2020.

<sup>8</sup> Austria, Amendment to the regulation on the relaxation of COVID-19 measures – Second COVID-19 relaxation amendment ([Änderung der COVID-19 Lockerungsverordnung - 2. COVID-19 LV-Novelle](#)), Federal Law Gazette II No. 213/2020.

The Federal Minister of Social Affairs, Health, Care and Consumer Protection stated in a press conference that large events with up to 10,000 participants (outdoor) and 5,000 participants (indoor) will be allowed from 1 September, subject to hygiene rules like spaced seating.<sup>9</sup>

The Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) published recommendations on how to develop a COVID-19 prevention concept for artistic and cultural events.<sup>10</sup>

## Gastronomy

The amendment to the regulation on COVID-19 relaxation measures that came into force on 15 June<sup>11</sup> further stipulates that gastronomy venues may remain open longer, from 6am to 1am. More than four persons not living in the same household may sit at the same table. A distance between visitor groups of one metre must be observed. Guests must no longer wear protective gear when entering and leaving a restaurant, however workers must still wear it. In an announcement on 14 June, the Federal Minister of Social Affairs, Health, Care and Consumer Protection announced that “the removal of obligatory wearing of protective gear covering nose and mouth opens up more opportunities for personal responsibility – of course it can still be used and is absolutely to be recommended, for example in situations with large crowds”.<sup>12</sup> The regulation on COVID-19 relaxation measures from 30 April remains valid until 31 August 2020.<sup>13</sup> In a press conference held on 24 June, the Federal Chancellor and the Federal Minister of Tourism announced further relaxation measures for the gastronomy sector valid from 1 July.<sup>14</sup> These include no more obligation to wear protective gear covering mouth and nose for gastronomy staff, the ceasing of the 1am curfew for restaurants hosting private events for under 100 persons. In addition, restaurants may open earlier at 5am.<sup>15</sup>

## 1.2.2 Education

*Focus on:*

- *Steps to reopen educational institutions (schools, third level and kindergartens). 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 an information sheet on new relaxation measures for elementary, primary and secondary schools.<sup>16</sup> The document outlines the decision by the crisis committee (*Krisenstab*) from 29 May that teaching in shifts shall be continued, and that hygiene measures (keeping distance, washing hands, airing rooms, cleaning daily) shall be observed. New relaxation measures include that no more protective gear covering mouth and nose must be worn in the school building / on school grounds; physical education and sports may

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<sup>9</sup> ORF (2020), [„Maskenpflicht für Personal fällt“](#), 24 June 2020.

<sup>10</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen für die inhaltliche Gestaltung eines COVID-19 Präventionskonzeptes für Veranstaltungen im Bereich von Kunst und Kultur](#), 3 June 2020.

<sup>11</sup> Austria, Amendment to the regulation on COVID-19 relaxation measures ([Änderung der COVID-19-Lockerungsverordnung \(5. COVID-19-LV-Novelle\)](#)), Federal Law Gazette II No. 266/2020.

<sup>12</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [ANSCHÖBER: Nächster Öffnungsschritt wie geplant ab Montag](#), press release, 14 June 2020.

<sup>13</sup> Austria, Regulation on COVID-19 relaxation measures ([COVID-19 Lockerungsverordnung](#)), Federal Law Gazette II No. 197/2020.

<sup>14</sup> ORF (2020), [„Maskenpflicht für Personal fällt“](#), 24 June 2020.

<sup>15</sup> ORF (2020), [„Maskenpflicht für Personal fällt“](#), 24 June 2020.

<sup>16</sup> Austria, Federal Ministry of Education, Science and Research (2020), [Lockerung der COVID-19 Bestimmungen an Schulen](#), 30 May 2020.

be offered voluntarily; singing in choirs is allowed again; end-of-school and graduation events are allowed again with up to 100 guests. Correspondingly, updated hygiene recommendations for elementary pedagogical facilities and schools ("*elementarpädagogische Einrichtungen und Schulen*") were published on 2 June.<sup>17</sup>

In **Austria**, the Federal Ministry of Education, Science and Research (*Bundesministerium für Bildung, Wissenschaft und Forschung*) announced a nation-wide offer for cost-free summer schools for primary and secondary school pupils.<sup>18</sup> The summer school is a voluntary initiative in which pupils attend a programme for two weeks in order to improve their German ("*Festigung der Unterrichtssprache Deutsch*"). As such, it targets irregular pupils ("*außerordentliche Schülerinnen und Schüler*", i.e. a status conferred for a duration of 12 months, indicating a pupil is unable to follow regular teaching due to lacking German<sup>19</sup>), pupils with a non-ratified grade 4 or 5 in German (on a scale from 1-5, 1 indicating excellent and 5 indicating fail), or pupils who face a particular need to catch up in German ("*einen besonderen Aufholbedarf*").<sup>20</sup> Pupils do not receive full grades in summer school. However, they can receive marks on good participation in class ("*Mitarbeit*"), which can be a "bonus" for their German grades in the coming school year 2020/21. Attendance is contingent on a teacher or the school headmaster/headmistress' recommendation and assessment of the pupils' need. The summer school is framed as one of the many measures initiated by the Federal Government to cope with the aftermath of the COVID-19 crisis. It is taught by (retired) teachers and teaching students. The summer school is scheduled to take place from late August to early September, before the new school year begins in mid-September. The participating schools are due to be announced in late June.<sup>21</sup> The *der Standard* newspaper reported that 41,000 students across the country are eligible for attendance. However, the report states that registration numbers have been low. A language professor pointed out that it is unlikely for two weeks of summer school to make up for eight weeks of missed class. While student teachers will receive a mentor for the duration of the summer school, he further criticizes that these students are not prepared enough to take up such a challenge.<sup>22</sup>

### 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.). Please include any specific measures aimed at people in precarious work.*
- *Ending of furlough/short-time work programmes for specific sectors/the general population.*

In **Austria**, no new measures in relation to work have come into force since the last reporting period. The guidebook for safe and healthy working issued by the Labour Inspectorate (*Arbeitsinspektorat*) in cooperation with the Federal Ministry of Labour, Family and Youth (*Bundesministerium für Arbeit, Familie und Jugend*) is still valid.<sup>23</sup> The regulation on risk groups,

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<sup>17</sup> Austria, Federal Ministry of Education, Science and Research (2020), [Hygienehandbuch zu COVID-19, Empfehlungen des BMBWF zum Schutz vor einer COVID-19-Ansteckung in elementarpädagogischen Einrichtungen und Schulen](#), 2 June 2020.

<sup>18</sup> Austria, Federal Ministry of Education, Science and Research (2020), [AVISO: Pressekonferenz mit BM Faßmann, BM Raab und Gemeindebund-Präsident Riedl zur Sommerschule](#), 4 June 2020.

<sup>19</sup> Austria, Law on Teaching in Schools ([Schulunterrichtsgesetz](#)), Federal Law Gazette I No. 472/1986.

<sup>20</sup> Austria, Federal Ministry of Education, Science and Research, [website on summer school 2020](#).

<sup>21</sup> Austria, Federal Ministry of Education, Science and Research, [website on summer school 2020](#).

<sup>22</sup> Der Standard (2020), '[Sommerschulen: Alles aufzuholen wird schwierig](#)', 23 June 2020.

<sup>23</sup> Austria, Federal Ministry of Labour, Family and Youth and Austrian Labour Inspectorate (2020), [Handbuch COVID-19: Sicheres und gesundes Arbeiten](#), 30 April 2020.

allowing temporary paid leave from work for certain groups remains valid.<sup>24</sup> On 25 June, this regulation was extended for another month until 31 July 2020.<sup>25</sup>

In **Austria**, the Chamber of Commerce (*Wirtschaftskammer*) announced new guidelines for the hardship fund ("*Härtefallfonds*"), which was initiated to financially support self-employed persons with income loss incurred due to the COVID-19 crisis.<sup>26</sup> These now foresee a minimum payment of 500 Euro per eligible applicant, a "comeback" bonus of 500 Euro per approved month of support, as well as the doubling of months eligible for support from three to six. In addition, self-employed pensioners are now eligible for application. Two Green Party (*die Grünen*) parliamentarians stated that while negotiations on these amendments had been successful, students were unfortunately still excluded from the fund.<sup>27</sup> Green Party parliamentarians also commented on the ineligibility of sex workers, who work in precarious situations and often do not have Austrian bank accounts, insurance or other eligibility requirements.<sup>28</sup> The press statement states that these conditions lead to an increase of homelessness or illegal work. The *Wiener Zeitung* reported on 25 June that from 1 July, the paragraph forbidding entry into brothels and run houses in the COVID-19 regulation on relaxation measures ceases to be in force.<sup>29</sup> New recommendations on hygiene and protection are being devised with representatives and support organisations.

In **Austria**, a study conducted by the Market Institute, commissioned by the NGO *zukunft.lehre.österreich* found that the COVID-19 crisis has and had a devastating impact on vocational training places. According to the study, it is to be expected that 10,000 less vocational training places can be offered in the year 2020/21. This is because over half of the 400 businesses consulted feel very affected by the crisis, and one quarter indicates that the crisis negatively affects their ability to offer vocational training places. In particular, the areas of trade, sales and crafts, tourism and industry are negatively affected.<sup>30</sup> On 3 June, the NGO *zukunft.lehre.österreich* announced that the pledge stemming from the study – namely to financially support businesses willing to take on vocational trainees – had been successful. The Federal Ministry of Digital and Economic Affairs (*Bundesministerium für Digitalisierung und Wirtschaftsstandort*) announced on 2 June that any new vocational training contract made between March and October 2020, and any business taking over a trainee within the trainee's first year, would be eligible for financial support of 2,000 Euro.<sup>31</sup>

In **Austria**, the committee on equal treatment (*Gleichbehandlungsausschuss*) at the National Parliament demanded the Federal Government to continue its efforts to mitigate the effects of the COVID-19 crisis and evaluate the gender-specific effects of the crisis, as well as the effect of

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<sup>24</sup> Austria, COVID-19 regulation on groups at risk ([COVID-19-Risikogruppe-Verordnung](#)), Federal Law Gazette II No. 203/2020.

<sup>25</sup> Umbrella organisation of Austrian Social Insurance Carriers (2020), [Lehner: Nachhaltiger Schutz für Risikogruppen](#), press release, 25 June 2020.

<sup>26</sup> Austria, Chamber of Commerce (2020), [Härtefall-Fonds: Neue Förder-Richtlinie veröffentlicht – Antragstellung möglich – Auszahlung gestartet](#), press release, 4 June 2020.

<sup>27</sup> Club of the Green Party in Federal Parliament (2020), [Grüne/Götze/Ribo: Härtefallfonds auch für geringfügig Selbstständige, press release](#), 5 June 2020.

<sup>28</sup> Club of the Green Party in Federal Parliament (2020), [Grüne/Disoski: „Vorgaben des Härtefallfonds sind inakzeptable Schikanen für Sexarbeiter\\*innen](#), 2 June 2020.

<sup>29</sup> Wiener Zeitung (2020), [„Prostitution in Österreich ab 1. Juli wieder erlaubt“](#), 25 June 2020.

<sup>30</sup> Market Institut (2020), [Die Auswirkungen von COVID-19 auf die Lehre – Ergebnisse einer Repräsentativbefragung bei Lehrbetrieben in Österreich](#), 22 May 2020.

<sup>31</sup> Austria, Bundesministerium für Digitalisierung und Wirtschaftsstandort (2020), [Lehrlings-Paket: 2.000 Euro Lehrlings-Bonus für Unternehmen](#), press statement, 2 June 2020.

various support packages, and to take any necessary measures emerging from this evaluation.<sup>32</sup> The motion was debated on 17 June in National Parliament and resulted in a unanimous resolution in which the Federal Government was requested to continue its current initiatives to mitigate the crisis and to evaluate their consequences in order to draw consequences on their gender-specific impact, and to draw necessary measures.<sup>33</sup>

In **Austria**, the Vienna University of Economics and Business (*Wirtschaftsuniversität Wien, WU*) in cooperation with the Chamber of Labour Vienna (*Arbeiterkammer Wien*) are currently conducting a survey on life during COVID-19 restrictions in Austria until 31 July.<sup>34</sup> The non-representative survey is conducted among 2,113 persons.<sup>35</sup> The study already shows that parents perceived the time during the initial COVID-19 restrictions as stressful and were overstrained. The study “reveals a clear backlash to more traditional gender roles: 50% of those families that split childcare tasks relatively equal within the household before COVID-19 reported that these tasks were shared relatively equal during the COVID-19 crisis as well. 40% of females answered that they are doing the largest share of childcare work, whereas only 23.9 % of males reported that childcare is now provided at the expense of women.”<sup>36</sup> Moreover, “during the COVID-19 crisis, unpaid work has become more extensive and seems to be more visible. Nevertheless, women reported that they have a feeling of doing most of this work alone.”<sup>37</sup> Building on this, the NGO *Arbeit, Bildung, Zukunft Austria* stated that particularly women are under immense pressure and often face two to three major responsibilities at once (eg. childcare, household, home office).<sup>38</sup> The NGO states that efforts must be taken to ensure women do not become financially dependent or fall back into precarious living situations.

#### 1.2.4 Access to justice

*Focus on:*

- *Steps to lift restrictions previously imposed on court proceedings and any strategies to deal with case backlog or increased litigation due to COVID-19 measures (e.g. criteria to prioritise certain types of cases/disputes).*
- *Continued use of remote hearings and videoconferences within court proceedings despite the lifting of restrictions (e.g. for which proceedings).*

In **Austria**, no new measures related to the access to justice have come into force since the last reporting period. The 8<sup>th</sup> COVID Law, which entered into force on 6 May,<sup>39</sup> amended the first judiciary law accompanying the COVID-19 Law and is valid until 31 December 2020.<sup>40</sup> This means that civil proceedings, courts may conduct these hearings without the presence of the parties but may resort to technical communication means until 31 December. Until then, also every person

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<sup>32</sup> Austria, Press Service of the Parliamentary Directorate - Parliamentary Correspondence (2020), [Gleichbehandlungsausschuss: Auswirkungen der Corona-Hilfspakete auf Frauen sollen evaluiert werden](#), press release, 9 June 2020.

<sup>33</sup> Austria, Parliament (2020), [Entschließung des Nationalrates vom 17 Juni 2020 betreffend „Geschlechterspezifische Auswirkungen der Corona-Krise“](#), 56/E XXVII. GP, 17 June 2020.

<sup>34</sup> Vienna University of Economics and Business and Chamber of Labour Vienna (2020), [#1 Blog: Analyzing time use of couples during COVID-19](#), 30 May 2020.

<sup>35</sup> Vienna University of Economics and Business and Chamber of Labour Vienna (2020), [#2 Blog: Who filled out our questionnaire? A brief description of our survey sample](#), 26 June 2020.

<sup>36</sup> Vienna University of Economics and Business and Chamber of Labour Vienna (2020), [#1 Blog: Analyzing time use of couples during COVID-19](#), 30 May 2020.

<sup>37</sup> Vienna University of Economics and Business and Chamber of Labour Vienna (2020), [#1 Blog: Analyzing time use of couples during COVID-19](#), 30 May 2020.

<sup>38</sup> ABZ\* Austria (2020), [Die Corona Krise trifft Frauen härter](#), press statement, 4 June 2020.

<sup>39</sup> Austria, Eighth COVID-19 Law ([8. COVID-19 Gesetz](#)), Federal Law Gazette I No. 30/2020.

<sup>40</sup> Austria, First judiciary law accompanying the COVID-19 Law ([1. COVID-19-Justiz-Begleitgesetz](#)), Federal Law Gazette I No. 16/2020.

involved in a proceeding may apply to have the proceeding conducted via technical communication means.<sup>41</sup> Since 24 March, technical means of communication shall be used for criminal proceedings.<sup>42</sup> This remains valid until 30 September 2020.<sup>43</sup> The information sheet on conduct in court buildings and during proceedings from 25 May remains valid.<sup>44</sup>

## 1.2.5 Freedom of movement

Focus on:

- *Steps to reopen borders/lift restrictions on freedom of movement to and within the EU, including rules or restrictions applying to certain categories of people (e.g. citizens; ‘essential workers’). 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-isolate etc).*
- *Changes to asylum application procedures (e.g. lifting of temporary suspensions or restrictions on procedures) or available statistics on numbers of asylum applications (e.g. being much lower than for same period in previous years due to travel restrictions).*

In **Austria**, a regulation came into force on 4 June<sup>45</sup>, stating that there are no more border checks to and from the neighbouring countries Germany, Liechtenstein, Switzerland, Slovakia, Slovenia, Czechia and Hungary. Furthermore, also persons who live or have their residency in one of these neighbouring countries are not subject to border controls. Whoever enters Austria must be able to confirm that no other country besides those mentioned above was entered in the past 14 days. Previous regulations on travel restrictions to neighbouring countries were revoked.<sup>46</sup>

In **Austria**, a new regulation on entry into Austria in the context of preventing the spread of COVID-19 came into force on 16 June.<sup>47</sup> The Federal Ministry of the Interior (*Bundesministerium für Inneres*) provides up to date information on travel restrictions on its website.<sup>48</sup> According to the information provided on this website persons from 32 countries<sup>49</sup> can re-enter Austria since June without having to show a negative test for COVID-19 or having to undergo a 14-day home quarantine. However, it should be noted that persons entering Austria from one of these 32 countries must have their place of residence or habitual residence either in Austria or in one of the 32 countries. Furthermore, the persons entering the country must substantiate in credible fashion that have not stayed in a country

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<sup>41</sup> Austria, Eighth COVID-19 Law ([8. COVID-19 Gesetz](#)), Federal Law Gazette I No. 30/2020.

<sup>42</sup> Austria, Regulation laying down special measures in criminal matters to prevent the dissemination of COVID-19 ([Verordnung, mit der zur Verhinderung der Verbreitung von COVID-19 besondere Vorkehrungen in Strafsachen getroffen werden](#)), Federal Law Gazette II No. 113/2020.

<sup>43</sup> Austria, Amendment to the regulation laying down special measures in criminal matters to prevent the dissemination of COVID-19 ([Änderung der Verordnung, mit der zur Verhinderung der Verbreitung von COVID-19 besondere Vorkehrungen in Strafsachen getroffen werden](#)), Federal Law Gazette II No. 243/2020.

<sup>44</sup> Austria, Federal Ministry of Justice (2020), [SARS-CoV-2 \(Corona\) – Verhalten in Gebäuden der Gerichte und Staatsanwaltschaften sowie in Verhandlungen](#), 25 May 2020.

<sup>45</sup> Austria, Amendment to the regulation on entry via air travel into Austria and to the regulation on measures from entry into Austria via neighbouring countries ([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. 252/2020.

<sup>46</sup> Austria, Amendment to the regulation on the temporary reintroduction of border controls at the internal borders with the Italian Republic and the Federal Republic of Germany amended and the Regulation of the Federal Minister of the Interior on the temporary reintroduction of border controls at the internal borders with the Swiss Confederation, the Principality of Liechtenstein, the Czech Republic and the Slovak Republic ([Änderung der Verordnung über die vorübergehende Wiedereinführung von Grenzkontrollen an den Binnengrenzen zur Italienischen Republik und zur Bundesrepublik Deutschland und Aufhebung der Verordnung über die vorübergehende Wiedereinführung von Grenzkontrollen an den Binnengrenzen zur Schweizerischen Eidgenossenschaft, zum Fürstentum Liechtenstein, zur Tschechischen Republik und zur Slowakischen Republik](#)), Federal Law Gazette II No. 253/2020.

<sup>47</sup> Austria, Amendment on entry into Austria in the context of preventing the spread of COVID-19 ([Verordnung über die Einreise nach Österreich im Zusammenhang mit der Eindämmung von SARS-COV-2](#)), Federal Law Gazette II No. 263/2020.

<sup>48</sup> Austria, Federal Ministry of the Interior, [website on entry into Austria](#).

<sup>49</sup> Austria, Federal Ministry of the Interior, [website on entry into Austria](#).

other than Austria or one of the listed countries in the 14 days prior to crossing the border. Persons who do not fall into one of the above-mentioned groups of persons and want to enter Austria from the Schengen area or from Andorra, Bulgaria, Ireland, Croatia, Monaco, Romania, San Marino, Vatican, the United Kingdom or Cyprus must either present a negative test for COVID-19, which is not older than four days, or enter a 14-day home quarantine or a quarantine in a suitable accommodation, whereby the availability of this quarantine must be proven by means of a confirmation. If this confirmation of the availability of suitable accommodation cannot be presented, entry shall be refused. Entry of third-country nationals from outside the EU and Schengen area is currently still not possible in principle. The only exceptions are members of diplomatic missions, employees of international organisations, humanitarian aid workers, nursing and health personnel, seasonal workers, transit passengers or persons engaged in the transport of goods.

No major changes on the asylum procedure to be reported. In May 2020 a total of 631 asylum applications were filed in Austria, which is a decrease of 38.56 % when compared to May 2019. Official numbers for June 2020 are not available yet. The Federal Ministry of the Interior, Department V/8 (*Bundesministerium für Inneres, Abteilung V/8 Asyl und Fremdenwesen*) reports in a telephone interview that at the end of June 2020, the number asylum applications has risen again to around 300 per week.

In **Austria**, the Federal Minister of Social Affairs, Health, Care and Consumer Protection and the Minister of the Interior announced on 29 June that there would be restrictions on entering the country from persons coming from the area of Gütersloh in Germany.<sup>50</sup> Due to the new epidemiological state in this particular district in Nordrhein-Westfalen, anyone wishing to enter Austria must provide a negative COVID-19 test or self-isolate for 14 days.

## 1.3 Impact of measures on particular groups

### Persons with disabilities

In **Austria**, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection published recommendations on the step-by-step return to everyday life for provincial institutions and programmes for people with disabilities on 18 June.<sup>51</sup> They are an update of the recommendations on such institutions on how to best implement relaxation measures.<sup>52</sup> The new recommendations were discussed together with organisations representing persons with disabilities ("*Organisationen der Menschen mit Behinderungen*"), as well as with the institutions in question on 3 June.<sup>53</sup> According to the press release, also the Austrian Ombud for Equal Treatment and representatives from the regional authorities were included in the drafting process. The focus of the recommendations is to maintain the right to self-determination. The recommendations focus on: the protection of health of affected persons; the protection of human rights - in particular the right to

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<sup>50</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Anschober/Nehammer: Einreisebeschränkungen für Personen aus deutschem Landkreis Gütersloh](#), press release, 29 June 2020.

<sup>51</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen zur schrittweisen Rückkehr zum Alltag in den Einrichtungen und Programmen der Behindertenhilfe der Länder](#), 18 June 2020.

<sup>52</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen zur Lockerung der COVID-19-bedingen Einschränkungen in den Einrichtungen und Programmen der Behindertenhilfe der Länder](#), 29 May 2020.

<sup>53</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Korrektur OTS0037: Empfehlungen zur schrittweisen Rückkehr zum Alltag in den Einrichtungen und Programmen der Behindertenhilfe der Länder](#), press release, 22 June 2020.

personal freedom and the right to participation; the step-by-step return to everyday life; measures to plan ahead and prepare for potential future developments.<sup>54</sup>

In **Austria**, the NGO *Hilfsgemeinschaft der Blinden und Sehschwachen Österreichs*, an organisation for blind people and people with visual impairments, pointed out that no barrier-free version of the Austrian Red Cross' (*Österreichisches Rotes Kreuz*) Stopp Corona app was available.<sup>55</sup> The NGO states that the app cannot be installed by a blind person without assistance, the voice output is not ideal, there are no alternative texts for certain elements, and the language and information as a whole is difficult to understand for persons with cognitive disabilities and learning difficulties. Thereby, the app excludes the "largest minority in Austria" ("*die größte Minderheit in Österreich*").<sup>56</sup> The *der Standard* newspaper had announced on 3 June that an updated version of the app was planned for late June to facilitate contact tracing with new interfaces ("*Schnittstellen*") to Google and Apple.<sup>57</sup> The Red Cross released the update on 26 June and clarified that the digital handshake for Apple and Google operating systems was implemented.<sup>58</sup> Furthermore, data protection measures were improved: meetings between devices are now recorded using rotating keys which change every 15 minutes. Persons who receive an alarm signal cannot see whom this was caused by. Users no longer see whether their own device registered meetings in the past two days or not. In addition, the country restriction was lifted: now users outside Austria may download the app. This serves to facilitate digital handshakes. The criticism on blind people and people with visual impairments was not addressed in the update. According to the Austrian Broadcasting Service (*Österreichischer Rundfunk, ORF*), the initial version of the app has been downloaded 630,000 times as of 14 June.<sup>59</sup>

### **Older people**

In **Austria**, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection published new recommendations on the step-by-step return to everyday life in old people's and care homes ("*Alten- und Pflegeheimen*"), as well as for semi-stationary facilities on 9 June.<sup>60</sup> The guidelines come as an update to previous guidelines on how to implement step-by-step relaxation measures from 4 May onward, targeting the provinces, district authorities and individual carriers.<sup>61</sup> The new recommendations applicable from 9 June onwards were drafted according to the motto "against loneliness and protecting human rights" ("*der Einsamkeit entgegen und Menschenrechte wahren*").<sup>62</sup> According to the Federal Minister of Social Affairs, Health, Care and Consumer Protection, the new recommendations were devised in cooperation with representative organisations, representations of old people and care home residents and experts.<sup>63</sup> The NGOs *Caritas* welcomed the new recommendations and the process of their development.<sup>64</sup> According to the new recommendations, general safety and hygiene measures should remain in place (one metre security distance, washing

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<sup>54</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Korrektur OTS0037: Empfehlungen zur schrittweisen Rückkehr zum Alltag in den Einrichtungen und Programmen der Behindertenhilfe der Länder](#), press release, 22 June 2020.

<sup>55</sup> Hilfsgemeinschaft der Blinden und Sehschwachen Österreichs (2020), [Corona-App nicht barrierefrei](#), press release, 3 June 2020.

<sup>56</sup> Hilfsgemeinschaft der Blinden und Sehschwachen Österreichs (2020), [Corona-App nicht barrierefrei](#), press release, 3 June 2020.

<sup>57</sup> Der Standard (2020), [Die „Stopp Corona“-App hat ein massives Imageproblem](#), 3 June 2020.

<sup>58</sup> Austria, Red Cross (2020), [Stopp Corona-App: das Update für den automatischen Handshake ist da](#), 26 June 2020.

<sup>59</sup> ORF (2020), [Update macht Handys fit für „Stopp Corona“-App](#), 14 June 2020.

<sup>60</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen zur schrittweisen Rückkehr zum Alltag in Alten- und Pflegeheimen und teilstationären Einrichtungen ab 9 Juni 2020](#), 9 June 2020.

<sup>61</sup> 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](#).

<sup>62</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen zur schrittweisen Rückkehr zum Alltag in Alten- und Pflegeheimen und teilstationären Einrichtungen ab 9 Juni 2020](#), 9 June 2020.

<sup>63</sup> ORF (2020), [In Altersheime soll Alltag zurückkehren](#), 9 June 2020.

<sup>64</sup> Caritas Österreich (2020), [Caritas begrüßt weitere Öffnungsschritte in Alten- und Pflegeheimen und fordert Pakt gegen Einsamkeit](#), press release, 9 June 2020.

hands, airing rooms). Visitors should be allowed to enter old people's and care homes again provided they have not been in contact with an infected person or are not a suspected infected person themselves. Yet, it is unclear how this will be checked. Furthermore, residents of old people's and care homes should be able to spend time outside and run errands, for example going to the supermarket. In case there is a need for physical contact between visitors and residents, protective gear covering mouth and nose shall be worn. Visiting times shall be made more flexible again, children should be able to visit again, and also visits into quarantined areas of old people's and care homes should be allowed provided safety precautions are taken.<sup>65</sup>

In **Austria**, on 9 June the first results of a study commissioned by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection were published.<sup>66</sup> The study evaluates the situation of persons in old people's and care homes amidst the COVID-19 crisis to determine the effect of the crisis on these highly vulnerable groups.<sup>67</sup> The Austrian Broadcasting Service (*Österreichischer Rundfunk, ORF*) reported about the initial findings:<sup>68</sup> as of early June, the number of clusters of infected persons in old people's and care homes was "nearly at zero". In total, 0,3 % of all deaths in old people's and care homes were caused by COVID-19. In total, one third of all deaths in Austria were persons in such facilities. One third of persons who died in Austria was over 90 years of age. During the press conference, the Federal Minister of Social Affairs, Health, Care and Consumer Protection further stated that over 26,000 residents and 27,000 staff members of old people's and care homes had been tested in a screening programme in these facilities.<sup>69</sup>

In **Austria**, the NGO *Caritas* mentions the need to provide self-tests for COVID-19 infections in old people's and care homes (also for persons with disability) and to invest in measures to counter loneliness through personal and digital means.<sup>70</sup> They call for the establishment of a "pact against loneliness". Similarly, the NGO *Diakonie* pointed to the devastating long-term effects of isolation on people in old people's and care homes, and advised for scientific studies to be undertaken on the subject.<sup>71</sup> The *Ludwig Boltzmann Society* initiated a new initiative "Join the conversation! What does Corona do to our mental health?" ("*Reden Sie mit! Was macht Corona mit unserer psychischen Gesundheit?*") in which the public, experts and mental health practitioners engage in dialogue on the consequences of the COVID-19 crisis.<sup>72</sup> The initiative is a co-creation process in which there are two open, crowdsourcing periods allowing persons to share their experiences and thoughts.

In **Austria**, the Austrian Ombudsman Board ("*Volksanwaltschaft*") announced they had started an enquiry among old people's and care homes to determine how well these institutions were able to cope during the COVID-19 crisis.<sup>73</sup> The goal of the enquiry is to determine what worked well, what was missing, and what the responsible authorities can do to better support such institutions. The

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<sup>65</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Empfehlungen zur schrittweisen Rückkehr zum Alltag in Alten- und Pflegeheimen und teilstationären Einrichtungen ab 9 Juni 2020](#), 9 June 2020.

<sup>66</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [AVISO: Pressekonferenz: Präsentation des 1. Teils der Studie „COVID-19 in Alten- und Pflegeheimen“](#), press release, 5 June 2020.

<sup>67</sup> Gesundheit Österreich GmbH (2020), [COVID-19 in Alten- und Pflegeheimen](#), 9 June 2020.

<sup>68</sup> ORF (2020), [„In Altersheime soll Alltag zurückkehren“](#), 9 June 2020.

<sup>69</sup> ORF (2020), [„In Altersheime soll Alltag zurückkehren“](#), 9 June 2020.

<sup>70</sup> Caritas Österreich (2020), [Caritas begrüßt weitere Öffnungsschritte in Alten- und Pflegewohnhäusern und fordert Pakt gegen Einsamkeit](#), press release, 9 June 2020.

<sup>71</sup> Diakonie Österreich (2020), [Diakonie zu COVID-19 in Pflegeeinrichtungen: Isolation schützt und schadet gleichzeitig](#), press release, 9 June 2020.

<sup>72</sup> Ludwig Boltzmann Society, [website on the initiative: Join the conversation!](#).

<sup>73</sup> Austria, Austrian Ombudsman Board (2020), [ERINNERUNG: Pflegeeinrichtungen in Zeiten der Corona-Pandemie – PK am 1. Juli](#), press release, 29 June 2020.

initial finding will be presented on 1 July, particularly in light of recent discussions about a “second wave”.

## **Detainees**

In **Austria**, the Federal Ministry of Justice (*Bundesministerium für Justiz*) has made available a consolidated version of all currently valid COVID-19 measures related to the penal system.<sup>74</sup> The document summarises all valid COVID-19 measures as of 1 June. The document remains valid at the time of writing. It includes summaries of hygiene and medical measures, procedures, information for employees, plans of action for dealing with infected persons, and other measures. According to the document, detainees and persons in custody may, for instance, only receive visitors through a glass pane (“*Glasscheibenbesuche*”) in special booths. Detainees do have permission to go out in order to take care of personal affairs which cannot be postponed or realised by a substitute or for educational and training measures provided preventative and hygiene measures are taken; detainees may go out to receive outpatient medical procedures, provided preventative and hygiene measures are taken; general hygiene measures that must be observed include: wearing protective gear covering mouth and nose under certain circumstances, disinfecting hands, separate confinement of prisoners who have gone out and those who have not. In case separated confinement is not possible, protective gear must be worn for 14 days instead.<sup>75</sup> Furthermore, new prisoners who are suspected of being infected shall be kept in isolation for 14 days “only if strictly necessary” (“*in unbedingt notwendigen Fällen*”), in line with the recommendations issued by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection on 15 May.<sup>76</sup> The document states that criminal proceedings (including trials, main hearings and hearings on the extension of detention) shall be conducted via video since 24 March.<sup>77</sup> In all penal institutions, an isolated entry area must be installed.

In **Austria**, the *der Standard* newspaper reported about the restrictions faced by detainees during the COVID-19 crisis.<sup>78</sup> The report states that detainees are still mostly excluded from the rest of society (“*von der Gesellschaft in der Regel weitgehend abgeschottet*”) due to the measures issued restricting detainees from having contact with the outside world. Since early May, visits from friends and family members have been allowed again subject to hygiene measures including plexiglass barriers between detainees and visitors, and the mandatory wearing of protective gear covering mouth and nose. Per visit, one adult and one child are allowed. Infected detainees are still isolated from other detainees, which has previously been criticised by Amnesty Austria.<sup>79</sup> According to an interview conducted by *der Standard*, one detainee stated that there was no systemic testing of detainees. Detainees who wished to get tested nonetheless were not able to do so, as tests could not be conducted without prior classification as potentially infected or referral by a medical professional (“*freiwillige Tests ohne Einstufung als Verdachtsfall und ärztlicher Zuweisung nicht*”).

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<sup>74</sup> Austria, Federal Ministry of Justice (2020), [Maßnahmen zu COVID-19 im Straf- und Maßnahmenvollzug \(Stand: 1. Juni 2020\) – komprimierte Fassung](#), 1 June 2020.

<sup>75</sup> Austria, Amendment to the regulation on special precautions within the scope of the Penal Code to prevent the spread of COVID-19 ([Änderung der Verordnung über besondere Vorkehrungen im Anwendungsbereich des Strafvollzugsgesetzes zur Verhinderung der Verbreitung von COVID-19](#)), Federal Law Gazette II No. 241/2020.

<sup>76</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [Behördliche Vorgangsweise bei SARS-CoV2-Kontaktpersonen](#), 15 May 2020.

<sup>77</sup> Austria, Regulation laying down special measures in criminal matters to prevent the dissemination of COVID-19 ([Verordnung, mit der zur Verhinderung der Verbreitung von COVID-19 besondere Vorkehrungen in Strafsachen getroffen werden](#)), Federal Law Gazette II No. 113/2020 in the version of Federal Law Gazette II No. 180/2020.

<sup>78</sup> Der Standard (2020), [Einsperren, um das Coronavirus auszusperren: Noch weniger Freiheit im Gefängnis](#), 15 June 2020.

<sup>79</sup> Amnesty Austria (2020), [Amnesty Zwischenbericht: Wie sich die Bekämpfung der Corona-Pandemie auf Menschenrechte in Österreich auswirkt](#), 16 April 2020.

durchgeführt werden“). According to *der Standard*, the Federal Ministry of Justice (*Bundesministerium für Justiz*) confirmed there are efforts to initiate so-called “pool solutions” (“*Poollösungen*”, i.e. large-scale tests) and quick tests for the correctional system.<sup>80</sup> The news report further states that also defence lawyers have pointed to restrictive measures relating to the maximum number of people allowed in the area in which lawyers meet their clients: in one particular correctional facility, the number of people allowed in this area was limited to 22, making it difficult to interact with clients. Also, initiatives to re-socialise detainees have reported difficulties, as due to the restrictions faced by detainees, no meetings were possible and therefore, fear and hopelessness spread among those detainees unable to attend regular meetings.<sup>81</sup>

From 1 July onwards, a maximum of two visitors are allowed per detainee at the same time.<sup>82</sup>

## 2 Selected issues emerging during the COVID-19 crisis

### 2.1 Xenophobic speech, acts of harassment and violent attacks

- *In reference to Bulletin #1 where these issues were addressed, please report incidents of xenophobic speech, acts of harassment and violent attacks against specific minority groups on the grounds of race or ethnic origin during the reporting period and on any key developments since you last reported on this issue.*

In **Austria**, incidents of racism during the COVID-19 crisis have been reported to NGOs. The NGO *Zara (Zivilcourage und Anti-Rassismus Arbeit)* stated on Twitter in early May that while acts of racist incidents reported to them no longer affected persons of Asian heritage (as they did before the “lockdown” on 16 March), they now affected refugees and Muslims. One quarter of all reported incidents of racist discrimination between 16 March and 30 April (93 reports) occurred on the basis of ethnic or national background. 43 % of cases were against refugees, 24 % due to racist and ethnic background, and 18 % due to religious affiliation (Islam).<sup>83</sup> A corresponding press statement, introducing the organisation’s annual Racism Report 2019, specifies that 87 % of racist incidents occurred online during the “lockdown”.<sup>84</sup>

In **Austria**, the Anti-Discrimination Office in the province of Styria (*Anti-Diskriminierungsstelle Steiermark, ADS*) reports that between 1 April and 28 June, 142 reports relating to COVID-19 were made to them.<sup>85</sup> These include reports made to the Anti-Discrimination Office Styria and reports via the Ban Hate App<sup>86</sup>, which tracks incidents of online hate speech. Topics within the Ban Hate App include: scapegoating minority groups for the outbreak of the virus (refugees, persons with Asian heritage. Incidents relating to the latter were apparently triggered by a [viral video of an interview](#) with a former politician, who dubbed the virus “slit-eye virus” (“*Schlitzaugenvirus*”)); conspiracy

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<sup>80</sup> Der Standard (2020), [‘Einsperren, um das Coronavirus auszusperren: Noch weniger Freiheit im Gefängnis’](#), 15 June 2020.

<sup>81</sup> Der Standard (2020), [‘Einsperren, um das Coronavirus auszusperren: Noch weniger Freiheit im Gefängnis’](#), 15 June 2020.

<sup>82</sup> Austria, Amendment to the regulation on special precautions within the scope of the Penal Code to prevent the spread of COVID-19 ([Änderung der Verordnung über besondere Vorkehrungen im Anwendungsbereich des Strafvollzugsgesetzes zur Verhinderung der Verbreitung von COVID-19](#)), Federal Law Gazette II No. 279/2020.

<sup>83</sup> ZARA – Zivilcourage und Anti-Rassismus-Arbeit, [post on Twitter about racist incidents during COVID-19](#), 6 May.

<sup>84</sup> ZARA – Zivilcourage und Anti-Rassismus-Arbeit, [Pressestatement: Rassismus Report 2019](#), press statement, 7 May 2020.

<sup>85</sup> Information received by email after an enquiry to the Anti-Discrimination Office Styria, received on 29 June 2020.

<sup>86</sup> Anti-Diskriminierungsstelle Steiermark, [website on ban hate app](#).

theories (particularly relating to anti-Semitic prejudice against Bill Gates, George Soros). Within the reports generally made to the Anti-Discrimination Office Styria, topics include the obligation to wear protective gear covering mouth and nose for pregnant women, the separation of family members due to immigration rules, the unavailability of the hardship fund (“*Härtefallfonds*”) for third country nationals, the worse treatment of third country nationals with the Public Employment Service (*Arbeitsmarktservice, AMS*), and the sacking of Black persons due to COVID-19.

In **Austria**, the NGO *Amnesty Austria* published an initial assessment of the human rights consequences of the COVID-19 measures until April. It is stated that there had been complaints on social media about racial profiling by the police related to measures to contain COVID-19.<sup>87</sup> *Amnesty* therefore called for police officers to maintain the principle of non-discrimination during their work. No further information or recent developments relating to such complaints could be identified. *Amnesty* noted increased reports of disproportionate police action during the COVID-19 crisis in all of Europe. However, they identify positive developments in Austria.<sup>88</sup> According to *Der Standard* newspaper, the Federal Ministry of the Interior (*Bundesministerium für Inneres*) plans to introduce a concept on establishing an independent complaints office to investigate allegations of ill-treatment made against police-officers.<sup>89</sup> This initiative was already included in the governmental programme introduced by the Federal Government upon inauguration. The planned office shall act as an authority to pursue cases, and as a victims’ organisation.

In **Austria**, the NGO *No Hate Speech Austria* pointed to the prevalence of fake news, conspiracy theories and hate speech online, primarily targeting marginalized minorities.<sup>90</sup> According to the press release, cases of racist discrimination during the COVID-19 crisis primarily concerned Asians, Jews, Muslims, refugees and migrants (“*AsiatInnen, JüdInnen, MuslimInnen, Geflüchtete bzw. MigrantInnen*”). The NGO formulated recommendations to political decision-makers on how to foster respectful, democratic and peaceful coexistence online.<sup>91</sup> The goal is to create sensitivity for hate speech online and to put the reasons and contexts for it onto the political agenda to prevent racism, sexism and discrimination online.<sup>92</sup> Recommendations include, among others: strengthening the use of a commonly agreed upon term for hate speech; evaluating existing laws according to clarity, effectiveness, and sensitivity in wording; strengthening measures beyond penal action (eg. awareness campaigns, tools for argumentation, strengthening of civil courage); capacity-building.<sup>93</sup>

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<sup>87</sup> Amnesty Austria (2020), [Amnesty Zwischenbericht: Wie sich die Bekämpfung der Corona-Pandemie auf Menschenrechte in Österreich auswirkt](#), 16 April 2020.

<sup>88</sup> Amnesty Austria (2020), [Europa: COVID-19 Lockdowns enthüllen rassistische Voreingenommenheit bei der Polizei](#), 24 June 2020.

<sup>89</sup> Der Standard (2020), [Innenministerium plant Behörde zur Untersuchung von Polizeigewalt](#), 8 May 2020.

<sup>90</sup> No Hate Speech Committee (2020), [Hate Speech in Zeiten von Corona entgegenwirken](#), press release, 4 June 2020.

<sup>91</sup> No Hate Speech Movement Austria (2020), [Empfehlungen des Nationalen No Hate Speech Komitees an politische Entscheidungsträgerinnen und Entscheidungsträger](#), June 2020.

<sup>92</sup> No Hate Speech Committee (2020), [Hate Speech in Zeiten von Corona entgegenwirken](#), press release, 4 June 2020.

<sup>93</sup> No Hate Speech Movement Austria (2020), [Empfehlungen des Nationalen No Hate Speech Komitees an politische Entscheidungsträgerinnen und Entscheidungsträger](#), June 2020.

## 2.2 Infringement of privacy and/or data protection rights

- *In reference to Bulletin # 1 and Bulletin #2 where these issues were addressed, please describe instances of infringement of privacy and/or data protection rights related to the pandemic during the reporting period and on any key developments since you last reported on this issue.*

In **Austria**, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection published a position paper on contact tracing apps.<sup>94</sup> The document includes a national catalogue of requirements for a contact tracing app, which, next to obligations brought about by the data protection law, include: voluntary use; no access to sensitive data by authorities or third parties; decentral and encrypted data processing; data storage, processing and security of personal data only through organisations subject to Austrian or European law; deactivation of the app after the end of the pandemic has been announced by the World Health Organization (WHO); state of the art technical functions including secure coding and secure development lifecycle; guaranteed protection of the right to privacy; barrier free access.<sup>95</sup>

In **Austria**, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection announced that the usage of data in the epidemiological registration system (*Epidemiologisches Meldesystem, EMS*) was being provided to scientific institutions.<sup>96</sup> The EMS is rooted in the Law on Epidemics.<sup>97</sup> It is an electronic notification system<sup>98</sup> on diseases and pathogens which can be used by the competent authorities for collection purposes and means of disease control, or for the evaluation, prevention and control of infectious diseases. In the context of COVID-19, all data about the infected person must be submitted to the system within 24 hours of a positive test result. Data is matched with data from the central civil register and personal identifiers.<sup>99</sup>

“Health Austria Corporation” (*Gesundheit Österreich GmbH, GÖG*) was commissioned by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection to establish a data platform. The preparation has been completed and the website was put online in early June.<sup>100</sup> Scientific and thematic support is provided by an Advisory Board. To ensure data protection, the Advisory Board accredits scientific institutions upon their application, only allowing access to the data after verification.<sup>101</sup>

In **Austria**, an updated FAQ<sup>102</sup> on data protection during the COVID-19 crisis was issued by the Data Protection Authority (*Datenschutzbehörde*). It clarifies various questions arising from legal developments in Austria in April and May 2020. Information provided includes: which data the health authorities process of people who are infected or assumed to be infected; which data protection guidelines to consider while working from home; that attending large events cannot be

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<sup>94</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [BMSGPK Position zu Contact Tracing Apps](#), 10 June 2020.

<sup>95</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [BMSGPK Position zu Contact Tracing Apps](#), 10 June 2020.

<sup>96</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [ANSCHÖBER: Plattform zur Datenbereitstellung für wissenschaftliche Community ab sofort verfügbar](#), press release, 4 June 2020.

<sup>97</sup> Austria, Law on Epidemics ([Epidemiegesetz 1950](#)), Federal Law Gazette No. 186/1950.

<sup>98</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) (2020) [Häufige Fragestellungen in Bezug auf das Epidemiologische Meldesystem \(EMS\)](#).

<sup>99</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) (2020) [Häufige Fragestellungen in Bezug auf das Epidemiologische Meldesystem \(EMS\)](#).

<sup>100</sup> Gesundheit Österreich GmbH, [data platform for COVID-19 research](#).

<sup>101</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [ANSCHÖBER: Plattform zur Datenbereitstellung für wissenschaftliche Community ab sofort verfügbar](#), press release, 4 June 2020.

<sup>102</sup> Austria, Republic of Austria Data Protection Authority (2020), [FAQ zum Thema Datenschutz und Coronavirus \(COVID-19\)](#), 20 Mai 2020.

tyed to the use of a contact tracing app; and that there is no mandatory participation in screening programmes.

## 2.3 Spread of disinformation online

- *In reference to Bulletin #1 where these issues were addressed, please describe measures taken to counter the spread of disinformation online, during the reporting period and on any key developments since you last reported on this issue.*

In **Austria**, the Federal Chancellery (*Bundeskanzleramt, BKA*) installed a digital crisis team (*Digitaler Krisenstab*) in March, whose task it is to promote active and trustworthy provision of information for Austrians.<sup>103</sup> It “increases the cooperation between media, civil society and science against fake news around the coronavirus”. The digital crisis team initiated the “network of debunkers”, which consists of 20 participants from the aforementioned sectors who share, debunk and rectify fake news relating to the virus. The crisis team does not make editorial decisions, rather it is an “operative hub for participating experts and media stakeholders, and provides information from the Federal Ministries and other public institutions”.<sup>104</sup>

In **Austria**, according to the Federal Computing Center (*Bundesrechenzentrum, BRZ*) official statistics and numbers published from the epidemiological registration system (*Epidemiologisches Meldesystem, EMS*) are published as open data to ensure that no wrong information is spread online or in the media.<sup>105</sup> Open data is an efficient means to combat fake news, therefore the Federal Computing Center in cooperation with the Federal Ministry of Digital and Economic Affairs (*Bundesministerium für Digitalisierung und Wirtschaftsstandort*) initiated statistical information to be licenced under the open licence CC-BY-4.0. All open data relating to COVID-19 is available on the open data information portal.<sup>106</sup> The federal dashboard with active cases, deaths, rates of infection etc. is updated daily with this information by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection.<sup>107</sup>

In **Austria**, a representative survey was conducted by the *ikp (Agentur für integrierte Kommunikation, ikp)* in cooperation with the market research institute *TripleM*.<sup>108</sup> The study was conducted in April among 1,007 people, who were interviewed about their communication habits during the crisis. Overall, 92 % of the respondents stated they felt well informed about the crisis via the Austrian Broadcasting Service (*Österreichischer Rundfunk, ORF*). It was found that every second person (55 %) has come across fake news, while among younger respondents this number increased to 73 %. The content seen includes fake news about the legal measures introduced (37 %), conspiracy theories (19 %), wrong information about the virus (17 %) and wrong information about cures and vaccines (12 %).

In **Austria**, the NGO *Mimikama (Verein für Aufklärung über Internetmissbrauch)* conducts fact checks for pieces of news submitted to their website. The Austrian Broadcasting Service (*Österreichischer Rundfunk, ORF*) stated in a TV special that Mimikama identified several phases of Corona fake news: from simple chain emails to alternative facts to conspiracy theories.<sup>109</sup> The NGO has run a dedicated

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<sup>103</sup> Austria, Federal Government, [website on the digital crisis team](#).

<sup>104</sup> Austria, Federal Government, [website on the digital crisis team](#).

<sup>105</sup> Federal Computing Center, [blogpost on the importance of open data during the COVID-19 crisis](#).

<sup>106</sup> Open Data Austria, [website on Austrian COVID-19 open data information portal](#).

<sup>107</sup> Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [website on federal dashboard on COVID-19 cases](#).

<sup>108</sup> ikp (2020), [ikp - Corona Kommunikation](#), press statement, 27 May 2020.

<sup>109</sup> ORF (2020), [“Dok 1: Glauben statt Wissen – Fake News“ am 13 Mai in ORF 1](#), press release, 12 May 2020.

focal point on fake news relating to the Coronavirus since the beginning of the crisis in Austria.<sup>110</sup> Further NGOs and initiatives providing fact-checking services include *Correctiv*<sup>111</sup> and *Hoaxmap*<sup>112</sup>. The initiative “transparent medicine” (*Medizin Transparent*), hosted by the Department for Evidence-based Medicine and Evaluation at the Danube University Krems (*Donau-Universität Krems*) also offers fact-checked and medically sound information on COVID-19, debunking questions sent in about alternative healing methods.<sup>113</sup>

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<sup>110</sup> Mimikama, [Information website debunking fake news relating to the Coronavirus.](#)

<sup>111</sup> Correctiv, [fact checking and journalistic website for fake news.](#)

<sup>112</sup> Hoaxmap, [fact checking website for fake news.](#)

<sup>113</sup> medizin transparent, [website on coronavirus myths and facts relating to medicine.](#)