

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Austria

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1 Measures taken by government/public authorities impacting on specific freedoms

In **Austria**, the so-called “Corona traffic light” (“*Coronaampel*”) was introduced in an amendment to the Law on COVID-19 measures (*COVID-19 Maßnahmenengesetz*) from 25 September 2020.¹ The colour-coded risk assessment system derives its epidemiological assessment according to five criteria including rate of infectiousness, amount of clusters, state of resources in healthcare, number of conducted tests and positive rate, and regional particularities (eg. tourism). Depending on the district-specific epidemiological situation, regulations may be issued and impose different measures depending on risk classification. The Corona traffic light is available online.² On 29 October 2020, the traffic light was set to red (very high risk) for the entire country and all federal provinces excluding Carinthia, as reported by the Austrian Broadcasting Service (*Österreichischer Rundfunk, ORF*). Exceptions are made for single districts, which are yellow or orange. No part of Austria is rated green (low risk).³

Second lockdown valid from 3 November onwards

In **Austria**, the Federal Government announced significant restrictions, a so-called “second lockdown”, on 30 October in the media.⁴ The related new Regulation on COVID-19 Protective Measures (“*COVID-19 Schutzmaßnahmenverordnung*”) enters into force on 3 November and most parts of it will be valid until 30 November 2020.⁵

1.1 Emergency laws/states of emergency

In **Austria**, no emergency laws have been passed and no state of emergency has been declared.

1.2 Freedom of assembly

General regulations on events and public gatherings during the reporting period

In **Austria**, the Federal Minister of Social Affairs, Health, Care and Consumer Protection amended the Regulation on COVID Measures (*COVID-19 Maßnahmenverordnung*)⁶ six times between 1 September 2020 and 31 October 2020. The amendments pertain to the wearing of protective gear covering face and nose (*Mund- und Nasenbereich abdeckende mechanische Schutzvorrichtung*), and regulations for events and other public gatherings. The amendment from 12 September 2020 first introduced new rules for events. Events (“*Veranstaltungen*”) with more than 50 people in closed rooms and more than 100 people outdoor without regulated seating arrangements are forbidden.⁷ Events with

¹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Amendment to the Law on Epidemics 1950, the Law on Tuberculosis and the Law on COVID-19 measures ([Änderung des Epidemiegesetzes 1950, des Tuberkulosegesetzes und des COVID-19-Maßnahmengesetzes](#)), Federal Law Gazette I No. 104/2020.

² Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, website on [corona traffic light](#).

³ ORF (2020), [„Ab Dienstag drastische Einschütze“](#), 31 October 2020.

⁴ ORF (2020), [„Ab Dienstag drastische Einschütze“](#), 31 October 2020.

⁵ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on COVID-19 Protective Measures ([COVID-19 Schutzmaßnahmenverordnung – COVID-19-SCHuMaV](#)), Federal Law Gazette II No. 463/2020.

⁶ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on Covid-19 measures ([COVID-19-Maßnahmenverordnung](#)), Federal Law Gazette I No. 197/2020.

⁷ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Amendment to the regulation on COVID-19 relaxation measures ([Änderung der COVID-19-Lockerungsverordnung, 10. COVID-19-LV-Novelle](#)), Federal Law Gazette II No. 398/2020.

regulated seating arrangements may take place with 1,500 people indoors and with 3,000 people outdoors. Such regulated events must be authorized by the district authority if there are over 500 people indoors or 750 people outdoors. If a regulated event has over 200 guests, a COVID-officer has to be nominated and a COVID-prevention concept must be developed and implemented. In addition, a minimum distance of 1 meter to people not living in the same household must be observed. Protective gear covering face and nose must be worn. A further amendment from 18 September reduced the number of guests for whom a COVID-19-officer and prevention concept is required from 200 to 50 persons indoors and 100 persons outdoors for regulated events.⁸ Events without regulated seating may only take place with 10 people indoors and 100 people outdoors. Events with regulated seatings remain unchanged. The amendment from 22 October reduced the number of guests authorized at events with regulated seating from 1,500 to 1,000 indoors and from 3,000 to 1,500 outdoors.⁹ According to this regulation, events in closed rooms with no fixed seating (including weddings, birthdays and Christmas parties) may only take place with six people indoors or with twelve people outdoors, excluding underage children and persons necessary to conduct the event (*“Personen, die zur Durchführung der Veranstaltung erforderlich sind”*). While several events may take place in the same location, groups must be separated spatially. The regulation entered into force on 25 October 2020.

Regulations on demonstrations and public assemblies during the reporting period

In **Austria**, demonstrations and other public assemblies were not listed specifically in the above mentioned six amendments to the Regulation on COVID Measures (*COVID-19 Maßnahmenverordnung*¹⁰) between 1 September and 31 October. Therefore, demonstrations and public assemblies were subject to the same measures as other outdoor events. The Austrian Broadcasting Service (*Österreichischer Rundfunk, ORF*) reported on 29 October that the Viennese Chief of Police called on the health authorities to impose a ban on an upcoming demonstration of COVID-19 deniers (*“Corona-Lügner”*) due to epidemiological reasons.¹¹ The responsible health authorities stated that it could not be said in advance whether hygiene precautions would be followed or not, thereby rejecting the ban.

Regulations on sports events during the reporting period

In **Austria**, from 3 July 2020 onwards, sports can be practiced at sports establishments provided a security distance of 1 meter between people not living in the same household can be observed and protective gear covering mouth and nose (*“Mund- und Nasenbereich abdeckende Schutz-ausrüstung”*) can be worn.¹² For any team sport or sports requiring physical contact hosted by associations (*“Vereine”*) or non-public sports establishments (*“nicht öffentliche Sportstätten”*), developing and implementing COVID-19-prevention strategy is mandatory. For team sports or professional sports requiring physical contact, the team medical professional must develop a COVID-19 prevention concept to minimize the risk of infection.¹³ This medical professional is tasked with

⁸ Verordnung des Bundesministers für Soziales, Gesundheit, Pflege und Konsumentenschutz, mit der die COVID-19-Lockerungsverordnung geändert wird (11. COVID-19-LV-Novelle).

⁹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Amendment to the regulation on COVID-19 measures ([Änderung der COVID-19-Maßnahmenverordnung, 3. COVID-19-MV-Novelle](#)), Federal Law Gazette II No. 455/2020.

¹⁰ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on Covid-19 measures ([COVID-19-Maßnahmenverordnung](#)), Federal Law Gazette I No. 197/2020.

¹¹ ORF Wien (2020), [“Corona-Leugner”: Polizei für Demoverbot](#), 29 October 2020.

¹² Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Amendment to the regulation on the relaxation of COVID-19 measures ([Änderung der COVID-19-Lockerungsverordnung, 7. COVID-19-LV-Novelle](#)), Federal Law Gazette II No. 299/2020.

¹³ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Amendment to the regulation on the relaxation of COVID-19 measures ([Änderung der COVID-19-Lockerungsverordnung, 7. COVID-19-LV-Novelle](#)), Federal Law Gazette II No. 299/2020.

monitoring its implementation. Before beginning training or competitions, athletes must take a COVID-19 test. In case of a positive test result, all athletes, trainers and coaches had to take a COVID-19 test within 14 days. The amendment to the Regulation on COVID Measures from 15 October defined new rules for sports events.¹⁴ With the amendment from 15 October, sports events with professional athletes may only take place with up to 100 athletes indoors and 200 athletes outdoors including trainers, coaches and other persons necessary for the implementation of the event ("*andere Personen, die für die Durchführung der Veranstaltung erforderlich sind*"). In relation to the audience, the regulation from 15 October provides that audience of sports events is subject to the general rules for events: The amendment from 18 September provides that events without regulated seating may only take place with 10 people indoors and 100 people outdoors.¹⁵ Events with regulated seating may take place with 1500 persons indoors and 3000 persons outdoors. According to the amendment from 15 October, a prevention concept remains necessary for associations ("*Vereine*") or other non-public sports establishments ("*nicht öffentliche Sportsstätten*"), as well as for professional team sports and sports requiring physical contact.¹⁶ For professional athletes, such a concept must be developed by the team medical professional and its implementation monitored.¹⁷ In an further amendment from 22 October, the number of guests allowed at unregulated events was limited from 10 to six indoors and from 100 to 12 outdoors.¹⁸ For regulated events, the number changed from 1500 to 1000 indoors and from 3500 to 1500 outdoors.

Regulations on cultural and artistic events during the reporting period

In **Austria**, the amendment to the Regulation on COVID Measures from 22 October defines the rules for cultural and artistic events.¹⁹ Rehearsals and artistic performances ("*Künstlerische Darbietungen*") may only be held with six persons indoors and twelve persons outdoors. There is an exception of these limits for those rehearsals and performances, that are conducted in a professional manner or in preparation for a professionally organized performance. For this purpose, a prevention concept must be developed and implemented. If more than 50 persons are present in a closed room or more than 100 persons are present outdoors, a COVID-officer must be nominated.

Regulations on religious gatherings during the reporting period

In **Austria**, the Federal Minister of Social Affairs, Health, Care and Consumer Protection amended the Regulation on COVID Measures (*COVID-19 Maßnahmenverordnung*²⁰) six times between 1 September 2020 and 31 October 2020. The amendment from 18 September defines funerals as an exception to the general rules on indoor and outdoor events and allows for a maximum number of 500 people. The amendment from 22 October reduced this number to 100.²¹ According to a press release of the Federal Minister of Culture, the federal government and the recognized religious

¹⁴ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Amendment to the regulation on COVID-19 measures ([Änderung der COVID-19-Maßnahmenverordnung, 2. COVID-19-MV-Novelle](#)), Federal Law Gazette II No. 446/2020.

¹⁵ Verordnung des Bundesministers für Soziales, Gesundheit, Pflege und Konsumentenschutz, mit der die COVID-19-Lockerungsverordnung geändert wird (11. COVID-19-LV-Novelle).

¹⁶ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Amendment to the regulation on COVID-19 measures ([Änderung der COVID-19-Maßnahmenverordnung, 2. COVID-19-MV-Novelle](#)), Federal Law Gazette II No. 446/2020.

¹⁷ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Amendment to the regulation on COVID-19 measures ([Änderung der COVID-19-Maßnahmenverordnung, 2. COVID-19-MV-Novelle](#)), Federal Law Gazette II No. 446/2020.

¹⁸ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Amendment to the regulation on COVID-19 measures ([Änderung der COVID-19-Maßnahmenverordnung, 3. COVID-19-MV-Novelle](#)), Federal Law Gazette II No. 455/2020.

¹⁹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Amendment to the regulation on COVID-19 measures ([Änderung der COVID-19-Maßnahmenverordnung, 3. COVID-19-MV-Novelle](#)), Federal Law Gazette II No. 455/2020.

²⁰ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on Covid-19 measures ([COVID-19-Maßnahmenverordnung](#)), Federal Law Gazette I No. 197/2020.

²¹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Amendment to the regulation on COVID-19 measures ([Änderung der COVID-19-Maßnahmenverordnung, 3. COVID-19-MV-Novelle](#)), Federal Law Gazette II No. 455/2020.

communities cooperated in defining measures for religious gatherings.²² Public worshipping is exempt from general event regulations. Religious gatherings including weddings and funerals require a COVID-19-prevention concept and adequate contact person management, for example through fixed seating. Additional hygiene measures like wearing protective gear covering mouth and nose during public worship and maintaining a minimum distance of 1 meter to others must be observed, unless particular religious acts require closer contact. Any religious events held aside from public worshipping are subject to the general event regulations outlined in the amendments to the Regulation on COVID Measures (*COVID-19 Maßnahmenverordnung*)²³.

Regulations on gastronomy during the reporting period

In **Austria**, the Federal Minister of Social Affairs, Health, Care and Consumer Protection amended the Regulation on COVID Measures (*COVID-19 Maßnahmenverordnung*)²⁴ six times between 1 September 2020 and 31 October 2020. The regulation lays down hygiene rules for bars and restaurants. The amendment from 12 September provides that guests must wear protective gear covering mouth and nose (*Mund- und nasenabdeckende mechanische Schutzvorrichtung*) when entering an establishment. Consuming food and drink is only allowed in designated spaces („*Verabreichungsplätzen*“). From 29 June 2020 onwards, opening and closing times for gastronomy establishments were between 5am and 1am.²⁵ The amendment from 24 September reduced the opening and closing times for the regions of Salzburg, Tyrol, Vorarlberg from 5am - 1am to 5am - 10pm.²⁶ The amendment from 22 October specifies that only groups of maximum six people may enter any kind of gastronomy establishments („*sämtliche Betriebsarten der Gastgewerbe*“).²⁷ An exception is made if all persons in a group reside in the same household, or if persons in a group have underage children. The same rule is valid for entering an outdoor gastronomy establishment, where groups of 12 guests are allowed. Within establishments, different groups must maintain at least 1 meter distance to each other, which has to be ensured by the operator of the establishment. After closing hours, no alcoholic beverages may be consumed in a 50 meter radius of a gastronomy establishment.

Amendments with respect to freedom of assembly during the second lockdown valid from 3 November 2020 onwards

In **Austria**, the new Regulation on COVID-19 Protective Measures (“*COVID-19 Schutzmaßnahmenverordnung*”) entering into force on 3 November 2020 now prohibits all events, including **indoor and outdoor events**, such as parties, weddings, conferences, touristic events, film screenings, exhibitions, congresses, fairs and markets.²⁸ This general prohibition does not apply, for instance, to meetings necessary for work, demonstrations, meetings of political parties, meetings in private areas apart from private meetings in garages, gardens, sheds, and meetings with less than six

²² Austria, Federal Press Service (2020), [Kultusministerin Raab: Kirchen und Religionsgesellschaften verstärken Maßnahmen gegen Coronavirus](#), press release, 17 September 2020.

²³ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on Covid-19 measures ([COVID-19-Maßnahmenverordnung](#)), Federal Law Gazette I No. 197/2020.

²⁴ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on Covid-19 measures ([COVID-19-Maßnahmenverordnung](#)), Federal Law Gazette I No. 197/2020.

²⁵ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Amendment to the regulation on COVID-19 relaxation measures ([Änderung der COVID-19-Lockerungsverordnung, 6. COVID-19-LV-Novelle](#)), Federal Law Gazette II No. 287/2020.

²⁶ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Amendment to the regulation on COVID-19 measures ([Änderung der COVID-19-Maßnahmenverordnung, 1. COVID-19-MV-Novelle](#)), Federal Law Gazette II No. 412/2020.

²⁷ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Amendment to the regulation on COVID-19 measures ([Änderung der COVID-19-Maßnahmenverordnung, 3. COVID-19-MV-Novelle](#)), Federal Law Gazette II No. 455/2020.

²⁸ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on COVID-19 Protective Measures ([COVID-19 Schutzmaßnahmenverordnung – COVID-19-SCHuMaV](#)), Federal Law Gazette II No. 463/2020.

people from a maximum of two different households. There are two exceptions: funerals, which may take place with up to 50 guests, and professional cultural and artistic events, which may take place with no audience.

Demonstrations and public assemblies are listed as an exception in the above mentioned regulation. Attendees must wear tight mechanical protective gear covering mouth and nose (*“den Mund und Nasenbereich abdeckende und eng anliegende mechanische Schutzvorrichtung”*).

In **Austria**, the new Regulation on COVID-19 Protective Measures (*“COVID-19 Schutzmaßnahmenverordnung”*) bans access to all public **sports** areas catering to group sports or sports necessitating physical contact. Also entering sports venues with the intention of practicing sports is forbidden.²⁹ Exceptions include professional sports training, and accessing outdoor sporting areas provided there is no physical contact between persons. Professional group sports or professional sports requiring physical contact may take place, however a COVID-19 prevention strategy is mandatory.

In **Austria**, the new Regulation on COVID-19 Protective Measures (*“COVID-19 Schutzmaßnahmenverordnung”*) allows for professional **cultural and artistic** rehearsals and performances to take place with no audience. A prevention strategy is mandatory.³⁰

In **Austria**, the new Regulation on COVID-19 Protective Measures (*“COVID-19 Schutzmaßnahmenverordnung”*) provides that the entire regulation does not apply to events necessary to practice **religion** (*“Veranstaltungen zur Religionsausübung”*). Funerals with up to 50 guests are exempt from the general ban of events.³¹

In **Austria**, the new Regulation on COVID-19 Protective Measures (*“COVID-19 Schutzmaßnahmenverordnung”*) prohibits all **gastronomy** establishments from operating, excluding those in hospitals, care homes, schools, or companies.³² In such exempt establishments, only groups of six people may enter, provided they come from a maximum of two different households (excluding underage children). Other gastronomy establishments may continue operating under strict hygiene conditions, but may only prepare food to be picked up by customers between 6am and 8pm.

In **Austria**, the new Regulation on COVID-19 Protective Measures (*“COVID-19 Schutzmaßnahmenverordnung”*) provides that entry into old people’s homes and care homes is allowed provided strict hygiene measures (wearing tight mechanical protective gear covering mouth and nose, keeping the minimum distance of 1 meter to persons not living in the same household) are adhered to.³³ Employees are required to take a weekly COVID-19 test which must be negative for them to enter the premises. Guests may only enter such homes if they can provide a negative COVID-19 test result no older than 24 (antigen test) or 48 (PCR test) hours. If this cannot be provided, guests must wear a CPA mask (*Corona Pandemie Atemschutzmaske*) or equivalent high

²⁹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on COVID-19 Protective Measures ([COVID-19 Schutzmaßnahmenverordnung – COVID-19-SCHuMaV](#)), Federal Law Gazette II No. 463/2020.

³⁰ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on COVID-19 Protective Measures ([COVID-19 Schutzmaßnahmenverordnung – COVID-19-SCHuMaV](#)), Federal Law Gazette II No. 463/2020.

³¹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on COVID-19 Protective Measures ([COVID-19 Schutzmaßnahmenverordnung – COVID-19-SCHuMaV](#)), Federal Law Gazette II No. 463/2020.

³² Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on COVID-19 Protective Measures ([COVID-19 Schutzmaßnahmenverordnung – COVID-19-SCHuMaV](#)), Federal Law Gazette II No. 463/2020.

³³ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on COVID-19 Protective Measures ([COVID-19 Schutzmaßnahmenverordnung – COVID-19-SCHuMaV](#)), Federal Law Gazette II No. 463/2020.

standard mask covering mouth and nose. From the period from 3 November to 17 November, there can be two different visitors to one resident. From 18 November, one visitor per day is allowed.

1.3 Freedom of movement

In **Austria**, the Federal Ministry of European and International Affairs (*Bundesministerium für Europäische und Internationale Angelegenheiten, BMEIA*) announces full and partial travel warnings on its website.³⁴ The Ministry urges travelers to refrain from all travel that is not necessary, particularly holiday travel.³⁵

In **Austria**, from 1 September 2020, the regulation on entry into Austria in relation to the containment of SARS-CoV-2 (*Verordnung über die Einreise nach Österreich in Zusammenhang mit der Eindämmung von SARS-CoV-2*)³⁶ was valid. It was prolonged until 31 December 2020³⁷ and finally replaced by the COVID-19 entry Regulation (*COVID-19 Einreiseverordnung*)³⁸, valid from 18 October 2020. As of 18 October 2020, entry to Austria is differentiated according to origin of travel and person traveling:

- Travel to Austria is generally possible for persons whose residency has been in Austria or one of the countries mentioned in Annex A³⁹ within the last 10 days before travel. Evidence must be provided.
- Persons traveling from countries not listed in Annex A may enter Austria if they fall under one of five categories.⁴⁰ These travelers must provide an official health certificate in German or English, not older than 72 hours (from date of conducting the test), which confirms a negative COVID-19 result. If this cannot be provided, an immediate 10 day home-quarantine is imposed at the own costs of the traveler. Ending quarantine earlier is possible given a negative COVID-19 result can be provided.
- Travel for persons entering from countries listed in Annex B⁴¹ and who have spent time there within the last 10 days are subject to a ten day quarantine and must take a COVID-19

³⁴ Austria, Federal Ministry of European and International Affairs, [website on travel warnings](#).

³⁵ Austria, Federal Ministry of European and International Affairs, [homepage](#).

³⁶ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on entry into Austria in relation to the containment of SARS-CoV-2 ([Verordnung über die Einreise nach Österreich in Zusammenhang mit der Eindämmung von SARS-CoV-2](#)), Federal Law Gazette II No. 263/2020, Version from 1 October 2020.

³⁷ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on entry into Austria in relation to the containment of SARS-CoV-2 ([Verordnung über die Einreise nach Österreich in Zusammenhang mit der Eindämmung von SARS-CoV-2](#)), Federal Law Gazette II No. 411/2020.

³⁸ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on entry into Austria in connection with COVID-19 ([COVID-19-Einreiseverordnung – COVID-19-EinreiseV](#)), Federal Law Gazette II No. 445/2020.

³⁹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on entry into Austria in connection with COVID-19 ([COVID-19-Einreiseverordnung – COVID-19-EinreiseV](#)), Federal Law Gazette II No. 445/2020, Anlage A. Countries include Australia, Belgium, Bulgaria (with the exception of the regions Blagoevgrad, Burgas, Dobrich, Gabrovo, Jambol, Kardzhali, Montana, Plovdiv, Razgrad, Shumen, Sliven, Smolyan, Sofia, Stara Zagora, Targovishte, Varna), Denmark, Germany, Estonia, Finland, France (with the exception of the Île-de-France and Provence-Alpes-Côte d'Azur regions), Greece, Ireland, Iceland, Italy, Japan, Canada, Croatia (only the regions Brod-Posavina, Istria, Koprivnica-Križevci, Osijek-Baranja, ŠibenikKnin, Varaždin, Zadar), Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, New Zealand, Netherlands, Norway, Poland, Portugal (with the exception of the Lisbon and Norte regions), Republic of Korea, San Marino, Sweden, Switzerland, Slovakia, Slovenia, Spain (only the Autonomous Community of the Canary Islands), Czech Republic (with the exception of the Prague region), Hungary, Uruguay, Vatican, United Kingdom, Cyprus.

⁴⁰ Categories include persons maintaining goods/ cargo traffic; imperative reasons of animal care or for measures required in agriculture and forestry; as part of the implementation of a transfer flight (crews), in the interest of the Republic of Austria; to carry out a repatriation flight (crews).

⁴¹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on entry into Austria in connection with COVID-19 ([COVID-19-Einreiseverordnung – COVID-19-EinreiseV](#)), Federal Law Gazette II No. 445/2020, Anlage B. Countries include Egypt, Albania, Andorra, Argentina, Bahrain, Bangladesh, Belarus, Bosnia and Herzegovina, Brazil, Bulgaria (only the regions Blagoevgrad, Burgas, Dobrich, Gabrovo, Yambol, Kardzhali, Montana, Plovdiv, Razgrad, Shumen, Sliven, Smolyan, Sofia, Stara Zagora, Targovishte, Varna), Chile,

test within 48 hours of arrival. Ending quarantine earlier is possible given a negative COVID-19 result can be provided.

- Travel to Austria from outside the EU and the Schengen area is generally not permitted.
- General exceptions for these rules include Austrian citizens, EU/EEA citizens, Swiss nationals or nationals of the United Kingdom, as well as passport holders other than from the EU/EEA under certain conditions.⁴² These groups may enter Austria with no restrictions.

Before 18 October 2020, the regulation on entry into Austria in relation to the containment of SARS-CoV-2 (*Verordnung über die Einreise nach Österreich in Zusammenhang mit der Eindämmung von SARS-CoV-2*)⁴³ outlined similar measures for entry into Austria (entry possible for residents or those staying in countries listed in Annex A⁴⁴ for the last 10 days before travel; entry from countries in Annex B⁴⁵ only upon presentation of a valid negative COVID-19 result; no entry for third country nationals from outside the EU/EEA; general exceptions for groups including Austrian, EU/EEA citizens, residency permit holders).

In **Austria**, the district of Kuchl (in the region Tennengau, Salzburg) was put under quarantine from 17 October to 1 November 2020 by the Regional Government of Salzburg.⁴⁶ The regulation of the Regional Head of Government from 16 October 2020 is rooted in an amendment to the Law on COVID-19 measures (*COVID-19 Maßnahmengesetz*) from 25 September 2020, which enables the Federal Minister of Social Affairs, Health, Care and Consumer Protection, as well as regional authorities to manage the access and entry to certain areas and locations, as well as to implement stay-at-home regulations as a measure to combat the spread of COVID-19.⁴⁷ Entering the municipal area of Kuchl is not allowed apart for persons qualifying as indispensable workforce. Eleven of 15 access points to the region are closed, the remaining four are checked by police. Within Kuchl, exiting one's residency is only allowed to go to work, to run errands essential to daily life, and to go

China (only Hubei Province), Costa Rica, Ecuador, France (only the Île-de-France and Provence-Alpes-Côte d'Azur regions), India, Indonesia, Iran, Israel, Croatia (with the exception of the regions Brod-Posavina, Istria, Koprivnica-Križevci, Osijek-Baranja, Šibenik-Knin, Varaždin, Zadar), Kosovo, Kuwait, Maldives, Mexico, Moldova, Montenegro, Nigeria, Northern Macedonia, Pakistan, Peru, Philippines, Portugal (Lisbon and Norte regions only), Romania, Russian Federation, Senegal, Serbia, Spain (with the exception of the Autonomous Community of the Canary Islands), South Africa, Czech Republic (only the Prague region), Turkey, Ukraine, United States of America.

⁴² Conditions include family members of Austrians, EU and EEA citizens, Swiss nationals and nationals of the United Kingdom living in the same household; foreigners with an Austrian national D-Visa or documentation of the right of residence, members of diplomatic missions, staff of international organizations, domestic regional authorities, persons entering for commercial reasons, persons beginning or continuing studies, students attending school, those performing official duties, persons with health insurance in Austria, and persons entering the country for important reasons in the family circle.

⁴³ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on entry into Austria in relation to the containment of SARS-CoV-2 ([Verordnung über die Einreise nach Österreich in Zusammenhang mit der Eindämmung von SARS-CoV-2](#)), Federal Law Gazette II No. 263/2020, Version from 1 October 2020.

⁴⁴ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on entry into Austria in relation to the containment of SARS-CoV-2 ([Verordnung über die Einreise nach Österreich in Zusammenhang mit der Eindämmung von SARS-CoV-2](#)), Federal Law Gazette II No. 263/2020, Anlage A, Version from 1 October 2020. Countries included Australia, Belgium, Denmark, Germany, Estonia, Finland, France (with the exception of the Île-de-France and Provence-Alpes-Côte d'Azur regions), Greece, Ireland, Iceland, Italy, Japan, Canada, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, New Zealand, Netherlands, Norway, Poland, Portugal (with the exception of the Lisbon and Norte regions), Republic of Korea, San Marino, Sweden, Switzerland, Slovakia, Slovenia, Spain - only the Canary Islands, Czech Republic with the exception of the Prague region, Hungary, Uruguay, Vatican, United Kingdom, Cyprus.

⁴⁵ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on entry into Austria in relation to the containment of SARS-CoV-2 ([Verordnung über die Einreise nach Österreich in Zusammenhang mit der Eindämmung von SARS-CoV-2](#)), Federal Law Gazette II No. 263/2020, Anlage B, Version from 1 October 2020. Countries included Egypt, Albania, Andorra, Argentina, Bahrain, Bangladesh, Belarus, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Costa Rica, Ecuador, France - only the regions Île-de-France and Provence-Alpes-Côte d'Azur, India, Indonesia, Iran, Israel, Croatia, Kosovo, Kuwait, Maldives, Mexico, Moldova, Montenegro, Nigeria, Northern Macedonia, Pakistan, Peru, Philippines, Portugal - only the Lisbon and Norte regions, Romania, Russian Federation, Senegal, Serbia, Spain (except the Canary Islands), South Africa, Czech Republic - only the Prague region, Turkey, Ukraine, United States (USA), Hubei Province (China).

⁴⁶ Austria, Federal State of Salzburg, Definition of additional measures to combat COVID-19 ([Festlegung zusätzlicher Maßnahmen zur Bekämpfung der Verbreitung von COVID-19](#)), Regulation No. 97.

⁴⁷ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Law on measures to prevent the spread of Covid-19 ([COVID-19-Maßnahmengesetz – COVID-19-MG](#)), Federal Law Gazette I No. 12/2020.

to authorities or schools (including kindergartens and elementary schools). Schools are subject to their own traffic light ruling (see Section on Education). Protective gear covering mouth and nose (*Mund- und nasenabdeckende mechanische Schutzvorrichtung*) must be worn at all times outside one's residency. All businesses not necessary for daily life are closed.⁴⁸

Amendments with respect to freedom of movement during the second lockdown valid from 3 November 2020 onwards

In **Austria**, the new Regulation on COVID-19 Protective Measures ("*COVID-19 Schutzmaßnahmenverordnung*") defines a curfew ("*Ausgangsregelung*") from 8pm to 6am.⁴⁹ There are five exceptions to this rule: aversion of immediate danger; care of persons in need and exercising family obligations; covering basic needs of daily life; professional and educational purposes as well as participation in judicial or official acts; physical and mental recovery. The regulations concerning the curfew enters into force on 3 November 2020 and is valid until 12 November 2020. According to the Austrian Broadcasting Service (*Österreichischer Rundfunk, ORF*), two law students brought the issue of curfew to the Austrian Constitutional Court (*Verfassungsgerichtshof, VfGH*) stating that fundamental rights are unjustifiably violated, the curfew is not covered by law, and the exceptions were unclear. The two claimants demand the regulation to be repealed.⁵⁰

In **Austria**, the new Regulation on COVID-19 Protective Measures ("*COVID-19 Schutzmaßnahmenverordnung*") provides that a security distance of one metre must be observed on public transport and other means of mass transportation, in addition to wearing tight mechanical protective gear covering mouth and nose.⁵¹ In case the security distance cannot be observed due to heavy travel times, an exception to this rule can be made.

2 Implications of Covid-19 and measures to contain it on specific social rights

2.1 Education

In **Austria**, the Law on Epidemics 1950 (*Epidemiegesetz 1950*), which was adopted on 14 October 1950 and provides the basis for the majority of COVID-19 laws and regulations in Austria, outlines that schools and other educational facilities, kindergartens and similar institutions may be closed by the relevant educational authority ("*Schulbehörde*") if this is required due to the spread of a disease.⁵² The Federal Minister of Education, Research and Science introduced the COVID-19 School regulation on 3 September 2020.⁵³ The regulation outlines the organization of school, teaching and hygiene measures during school to prevent the spread of COVID-19. The "traffic light phases" ("*Ampelphasen*") for schools determine the status of teaching, school events, hygiene measures and

⁴⁸ Austria, Federal State of Salzburg, Definition of additional measures to combat COVID-19 ([Festlegung zusätzlicher Maßnahmen zur Bekämpfung der Verbreitung von COVID-19](#)), Regulation No. 97.

⁴⁹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on COVID-19 Protective Measures ([COVID-19 Schutzmaßnahmenverordnung – COVID-19-SCHuMaV](#)), Federal Law Gazette II No. 463/2020.

⁵⁰ ORF (2020), [„Ausgangssperre: Studentinnen rufen VfGH an“](#), 4 November 2020.

⁵¹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on COVID-19 Protective Measures ([COVID-19 Schutzmaßnahmenverordnung – COVID-19-SCHuMaV](#)), Federal Law Gazette II No. 463/2020.

⁵² Austria, 1950 Law on Epidemics ([Epidemiegesetz 1950](#)), Federal Law Gazette I No. 186/1950.

⁵³ Austria, Federal Ministry of Education, Research and Science, COVID-19 regulation on schools 2020/21 ([COVID-19 Schulverordnung2020/21](#)), Federal Law Gazette II No. 384/2020.

the organization of the school/kindergarten day. The traffic light has four colours: green, yellow, orange and red. When a school is switched by regulation, hygiene measures associated with the colour apply. When the traffic light switches to red, for instance, teaching from elementary and secondary schools should be held via distance and afternoon care offers are only provided in small groups. The Federal Ministry provides an updated version of the traffic light regulations for all levels of compulsory schooling in Austria on its website.⁵⁴ The NGO *SOS Kinderdorf* criticises that the traffic light for schools was introduced too late, not allowing educational facilities enough preparation time. In addition, no additional measures were introduced to facilitate home-schooling. There is a need for additional support offered for switching to home-schooling or to help children with learning deficits that were incurred in the past year according to *SOS Kinderdorf*.⁵⁵ The Austrian Broadcasting Service (*Österreichischer Rundfunk, ORF*) further reported that there are practical difficulties implementing the traffic light requirements at schools, referring to the guidelines for schools published in a handbook by the Ministry of Education, Research and Science (*Bundesministerium für Bildung, Wissenschaft und Forschung, BMBWF*) in August 2020 before the corresponding regulation was implemented.⁵⁶ The handbook outlines general measures for all public and private schools to be observed in addition to the rules defined for each school level depending on traffic light colour.⁵⁷ General measures in the handbook regular hand washing, staying at home when feeling sick, airing rooms, and wearing protective gear covering mouth and nose outside the classroom.⁵⁸ Further, schools should establish a crisis team to provide information and to prepare the necessary infrastructure for teaching. The handbook was updated on 22 October.⁵⁹ These measures were criticized, according to the Austrian Broadcasting Service (*Österreichischer Rundfunk, ORF*).⁶⁰ For example the traffic light rule to air rooms every 20 minutes is often not possible due to locked windows or strict safety precautions. In addition, the Fraction of Social Democratic Trade Unionists (*Fraktion Sozialdemokratische GewerkschafterInnen*) criticized the traffic light measures as not being fit for practice, for example when it comes to maintaining security distance or identifying potential COVID-19 cases.⁶¹ The handbook from 17 August states that potentially infected students should be isolated immediately and the health authorities alerted for further steps. Teaching continues as normal. No formal rules for testing at schools are in place, the updated guidelines from 22 October state that it is recommended for routine COVID-19 tests not to take place at educational facilities (*“wird empfohlen, von Routine-Symptomuntersuchungen an Bildungseinrichtungen abzusehen”*).⁶² Scientific pilot tests on using gargle tests (*“Gurgeltests”*) are being conducted from autumn 2020 to summer 2021 at select schools on a voluntary basis.⁶³ The traffic light ruling and practical challenges associated with it potentially restrict the right to education. The lack of supplementary measures for students with learning deficits or supplementary materials to ensure everyone has access to digital means necessary for home schooling also restrict the right to education, in particular the right to access quality education.

⁵⁴ Austria, Federal Ministry of Education, Research and Science, [Poster on Corona traffic light for schools](#), 17 August 2020 with clarifications from 22 September 2020.

⁵⁵ SOS Kinderdorf (2020), [SOS-Kinderdorf: Corona Ampel für geregelten Schulbeginn zu spät](#), press release, 4 September 2020.

⁵⁶ ORF (2020), [‘Schulbeginn als praktische Herausforderung’](#), 6 September 2020.

⁵⁷ Austria, Federal Ministry of Education, Research and Science, [Poster on Corona traffic light for schools](#), 17 August 2020 with clarifications from 22 September 2020.

⁵⁸ Austria, Federal Ministry of Education, Research and Science (2020) COVID-19 Hygiene- und Präventionshandbuch, 17 August 2020.

⁵⁹ Austria, Federal Ministry of Education, Research and Science and Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [COVID-19 Hygiene-, Präventions- und Verfahrenslinien für Gesundheits- und Bildungsbehörden](#), 22 Oktober 2020.

⁶⁰ ORF (2020), [‘Schulbeginn als praktische Herausforderung’](#), 6 September 2020.

⁶¹ ORF (2020), [‘Schulbeginn als praktische Herausforderung’](#), 6 September 2020.

⁶² Austria, Federal Ministry of Education, Research and Science and Federal Ministry of Social Affairs, Health, Care and Consumer Protection (2020), [COVID-19 Hygiene-, Präventions- und Verfahrenslinien für Gesundheits- und Bildungsbehörden](#), 22 Oktober 2020.

⁶³ Austria, Federal Ministry of Education, Research and Science, [website on the „gargle study“ at schools](#)

Amendments with respect to education during the second lockdown valid from 3 November 2020 onwards

In **Austria**, the new Regulation on COVID-19 Protective Measures (“*COVID-19 Schutzmaßnahmenverordnung*”) imposes strict restrictions on public gatherings and events, among others.⁶⁴ It lays the groundwork for the so-called “second lockdown”. In the regulation it is stated that elementary educational facilities (“*elementare Bildungseinrichtungen*”), private schools, agricultural and forestry schools, as well as universities, private universities, as well as teaching colleges are exempt from the regulation. This means that all rules relating to teaching, conduct at school and hygiene measures are adopted by the Federal Ministry of Education, Science and Research (*Bundesministerium für Bildung, Wissenschaft und Forschung, BMBWF*).

In **Austria**, the Federal Ministry of Education, Research and Science (*Bundesministerium für Bildung, Wissenschaft und Forschung, BMBWF*) published an information sheet⁶⁵ on 1 November confirming that from 3 November to 30 November, teaching in upper secondary schools would switch to distance learning.⁶⁶ According to the newspaper *der Standard*, the Federal Minister of Education, Research and Science stated that a new, centralised digital platform for teaching and learning was available and that hardware was available for students to borrow.⁶⁷ According to the Federal Government’s lockdown-announcement on 30 October, also universities will switch to distance learning from 3 November to 30 November 2020.⁶⁸

2.2 Work

In **Austria**, the district of Kuchl (Salzburg) was put under quarantine from 17 October to 1 November 2020. The Chamber of Commerce Salzburg (*Wirtschaftskammer Salzburg*) stated that it was necessary to include economic actors in the implementation of Corona measures to ensure that mechanisms to replace incurred costs can be implemented.⁶⁹ Currently, businesses are only reimbursed for the loss of fixed costs (“*Entgeltfortzahlung*”) in case individuals are put under quarantine. There is no regulation about this measure when entire districts are placed under quarantine according to the Chamber of Commerce Salzburg. Furthermore, the Chamber of Commerce Salzburg reminded that businesses must be able to fulfil their contractual obligations, deliveries, services and production. The *Standard* newspaper reports this is a catastrophe for businesses, as the quarantine was imposed on short notice and there is much insecurity about who will pay for incurred losses.⁷⁰ The traffic light ruling and its consequences negatively impact the right to fair and just working conditions.

In **Austria**, the Law on Employment Contract Amendments (*Arbeitsvertragsrechts-Anpassungsgesetz*) was amended on 30 September 2020.⁷¹ In case educational facilities or child care

⁶⁴ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on COVID-19 Protective Measures ([COVID-19 Schutzmaßnahmenverordnung – COVID-19-SCHuMaV](#)), Federal Law Gazette II No. 463/2020.

⁶⁵ Federal Ministry of Education, Research and Science (2020), [Informationen zum Schulbetrieb ab 3. November 2020](#), 1 November 2020.

⁶⁶ Federal Ministry of Education, Research and Science (2020), [Information zum Schulbetrieb ab 1. November 2020](#).

⁶⁷ Der Standard (2020), [‘So geht es im Lockdown an den Schulen weiter’](#), 2 November 2020.

⁶⁸ RF (2020), [‘Ab Dienstag drastische Einschnitte’](#), 31 October 2020.

⁶⁹ Chamber of Commerce Salzburg (2020), [Schnellstens Entschädigungsfrage bei Quarantäne ganzer Orte lösen](#), press release, 16 October 2020.

⁷⁰ Der Standard (2020), [‘Kuchl vor der Quarantäne: ein Ort in Aufruhr’](#), 16 October 2020.

⁷¹ Austria, Amendment to the Law on Employment Contract Amendments ([Änderung des Arbeitsvertragsrechts-Anpassungsgesetzes](#)), Federal Law Gazette I No. 107/2020.

institutions are closed due to COVID-19 prevention measures, an employer may grant up to three weeks of leave of absence for special care ("*Sonderbetreuungszeit*"), in which employees may be absent to care for their children until the age of 14. This time may also be used to care for persons with disabilities for whom there is a care obligation and who are regularly in care or educational facilities, for relatives of persons in need of care whose regular care at home cannot be guaranteed anymore, or for relatives of persons with disabilities whose personal assistance services cannot be guaranteed anymore. Employers are entitled to a reimbursement of half the costs of the leave of absence for special care by the Federal Government. The regulation is valid until 28 February 2021. The NGO *Volkshilfe* criticized this amendment, stating that a legal entitlement to time for special care is still lacking because the decision whether to grant the leave of absence or not remains with the employer.⁷² In particular, the large group of relatives who provide care for persons (for example for persons with dementia) is not accounted for according to this criticism. Similarly, the Austrian Trade Union (*Österreichischer Gewerkschaftsbund, ÖGB*) stated that the lack of legal entitlement has a negative impact on the ability of parents to care for their children. Parents are already under immense pressure and the need for childcare has increased during the crisis as there are no external care services. Particularly women are negatively impacted as the majority of child care obligations remains with them. According to the ÖGB, children should not become an additional disadvantage for parents.⁷³ The Viennese Chamber of Labour (*Arbeiterkammer Wien*) underlined this criticism and also calls for a legal entitlement to a leave of absence, stating that parents are reduced to supplicants at the mercy of employees, who might incur additional costs for childcare services in case they are not granted time for special care.⁷⁴ The Austrian Broadcasting Service (*Österreichischer Rundfunk, ORF*) cited an employment lawyer, who pointed to other legal entitlements of parents, for example a leave of absence for care ("*Pflegefreistellung*").⁷⁵ This measure and its repercussions on particular target groups, including parents, women and children in particular, negatively impacts the right to fair and just working conditions. On 5 November 2020, the Federal Minister of Women's Affairs announced the framework conditions for the leave of absence for special care have been amended and are valid retrospectively from 1 November 2020, according to the Austrian Broadcasting Service (*Österreichischer Rundfunk, ORF*)⁷⁶. The leave of absence for special care is now a legal entitlement no longer requiring the approval of an employer. Furthermore, it was prolonged from three to four weeks and the Federal Government covers 100% of the costs incurred by the employer. The new version of the regulation shall be valid until the end of the school year 2020/21.

In **Austria**, the Federal Minister of Labour, Family and Youth prolonged the regulation on increased emergency benefits (*Notstandshilfe*) on 30 September 2020.⁷⁷ Persons who received emergency benefits from May 2020 onwards receive an increased amount of emergency benefit, that is equal to the amount of unemployment benefit they would have received during this time, had they been eligible.⁷⁸ This was initially valid from 16 March to 30 September and was now extended to 31 December 2020. In Austria, emergency benefits are calculated as 92% of unemployment benefits (excluding benefits for families),⁷⁹ whereas unemployment benefits are calculated as 55% of the

⁷² Volkshilfe (2020), [Volkshilfe ad Nationalrat: „Soziale Weichenstellung verpasst“](#), press release, 23 September 2020.

⁷³ Austrian Trade Union (2020), [GB-Schumann: Kinderbetreuung muss möglich sein, ohne dass Eltern beim Arbeitgeber betteln müssen](#), press release, 21 October 2020.

⁷⁴ Chamber of Labour Vienna (2020), [AK Anderl zu Sonderbetreuungszeit: Rechtsanspruch statt Bittsteller](#), press release, 22 October 2020.

⁷⁵ ORF (2020), [‘Schulbeginn als praktische Herausforderung’](#), 6 September 2020.

⁷⁶ ORF (2020), [‘Sonderbetreuungszeit wird mit Rechtsanspruch verlängert’](#), 5 November 2020.

⁷⁷ Austria, Federal Ministry of Labour, Family and Youth, Prolonging of the time period of increased emergency benefit ([Verlängerung des Zeitraums der erhöhten Notstandshilfe](#)), Federal Law Gazette II, 421/2020.

⁷⁸ Austria, Law on Unemployment Insurance ([Arbeitslosenversicherungsgesetz 1977](#)), Federal Law Gazette I No. 609/1977.

⁷⁹ Public Employment Service (2020), [website on emergency benefits](#).

previous net income.⁸⁰ Persons whose unemployment benefits have expired, who have less than 4,586.76 Euros of savings, and whose household income is below the standard for needs-based minimum benefit are eligible for emergency benefits.⁸¹ When the intention to implement this regulation became public in June 2020, *Amnesty International* pointed out in July 2020 that while increasing the amount of emergency benefits sends a positive sign, the question remains if this can truly help guarantee living in dignity as the amounts given tend to be rather low and there are already groups heavily disadvantaged by the pandemic.⁸² The NGO *Caritas* stated in the media that the pandemic has increased poverty and pressure on persons living in disadvantaged situations.⁸³ Caritas states that while the Federal Government has taken several measures, it will need a mix of several targeted, additional measures to combat the rise of poverty. Similarly, the NGO *Armutskonferenz* and the Vienna University of Economics (*Wirtschaftsuniversität Wien, WU*) conducted a qualitative study with 32 people on the effects of the Corona crisis on those in poverty.⁸⁴ The study found the pandemic affected impoverished persons particularly harshly, and made visible and increased societal faultlines between old and young, unemployed and employed, poor and middle-income. Recommendations include pro-active offers for risk groups and unbureaucratic, immediate financial support for various groups.⁸⁵

In **Austria**, the Unemployment Insurance Act was amended on 30 September 2020.⁸⁶ Unemployed persons taking part in additional educational and training measures required by the Public Employment Service (*Arbeitsmarktservice, AMS*) that began between 1 October 2020 and 31 December 2020 and take at least four month, receive an additional amount of 4 Euros a day. The NGO *Volkshilfe* criticizes this development, stating that persons who began their training in September or before are excluded from this and the additional daily money should be made available to everyone who started a training course since the outbreak of the pandemic.⁸⁷ This negatively impacts the right to social assistance for persons who began training and educational measures required by the *AMS* between March and September 2020.

In **Austria**, the Federal Minister of Labour, Family and Youth affairs announced that the Corona “short-term employment” (“*Corona-Kurzarbeit*”) would start into its third phase on 1 October 2020 and has been prolonged until March 2021.⁸⁸ This model allows employers to maintain contracts with employees and to reduce the extent of their contracts. Employees continue to receive between 80 and 90% of their original net income, paid for by the Federal Government, and may keep their jobs.

⁸⁰ Public Employment Service (2020), [website on unemployment benefits](#).

⁸¹ Chamber of Labour, [website on minimum need-based minimum benefits](#).

⁸² Amnesty International Austria (2020), [Soziale Rechte sind Menschenrechte: Eine Analyse der Folgen von COVID-19 auf das Recht auf soziale Sicherheit und angemessene Arbeitsbedingungen in Österreich](#), 1 July 2020.

⁸³ ORF Vienna (2020), [‘Caritas gegen “Pandemie der Armut”](#)’, 24 October 2020.

⁸⁴ Armutskonferenz (2020), [Erhebung: Armutsbetroffene und die Corona-Krise](#), 8 October 2020.

⁸⁵ Armutskonferenz (2020), [Armutsbetroffene und die CoronaKrise Eine Erhebung zur sozialen Lage aus der Sicht von Betroffenen](#), 8 October 2020.

⁸⁶ Austria, Amendment to the Law on Unemployment Insurance ([Änderung des Arbeitslosenversicherungsgesetzes 1977](#)), Federal Law Gazette I No. 108/2020.

⁸⁷ Volkshilfe (2020), [Volkshilfe ad Nationalrat: „Soziale Weichenstellung verpasst“](#), press release, 23 September 2020.

⁸⁸ Federal Ministry of Labour, Family and Youth (2020), [Aschbacher: Corona-Kurzarbeit sichert auch im Herbst und Winter Arbeitsplätze](#), 1 October 2020.

Amendments with respect to work during the second lockdown valid from 3 November 2020 onwards

The new Regulation on COVID-19 Protective Measures (“*COVID-19 Schutzmaßnahmenverordnung*”) provides that businesses/shops may remain open provided that each customer is allocated 10 square meters of the vending space (i.e. a shop with 100 square meters may host 10 customers at once).⁸⁹ Hygiene measures like wearing protective gear covering mouth and nose, as well as maintaining a security distance of 1 meter must be maintained between customers and between customers and vendors. The hygiene rules are equally valid for outside markets. Personal service providers (hairdressers, massage studios, cosmetic studios) may continue operation provided the same hygiene measures are followed.

In **Austria**, the new Regulation on COVID-19 Protective Measures (“*COVID-19 Schutzmaßnahmenverordnung*”) provides that at places of work, a security distance of one metre must be observed between people unless other protective measures can be taken.⁹⁰ Whether wearing tight mechanical protective gear covering mouth and nose must be worn can be arranged between employer and employee. In case no security distance can be implemented, such protective gear must be worn or other spatial measures must be taken.

In **Austria**, the Federal Government announced to the media that those businesses that must close due to the “second lockdown” shall receive compensation of 80% of the turnover (*Umsatz*) in November 2019.⁹¹ This will be automatically reimbursed by the Ministry of Finance (*Bundesministerium für Finanzen, BMF*).

3 Negative impact on social rights for vulnerable groups including measures to address this

3.1 Women

In **Austria**, women are negatively impacted by the measures taken to prevent the spread of COVID-19, in particular by the amendment to the Employment Law Amendment Act on 30 September 2020 (see Section on Work).⁹² Time for special care, which may be taken for caretaking obligations, is only granted at the discretion of the employer. This negatively affects women, in particular single mothers or those in part-time jobs. The Austrian Trade Union (*Österreichischer Gewerkschaftsbund, ÖGB*) states that a legal entitlement for this leave of absence for special care is necessary particularly for women, as it is mostly women who take over educational and care obligations towards children.⁹³ There is a need for improved childcare opportunities and a legal entitlement to a leave of absence for special care to prevent women being driven to dependence and poverty according to

⁸⁹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on COVID-19 Protective Measures ([COVID-19 Schutzmaßnahmenverordnung – COVID-19-SCHuMaV](#)), Federal Law Gazette II No. 463/2020.

⁹⁰ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Regulation on COVID-19 Protective Measures ([COVID-19 Schutzmaßnahmenverordnung – COVID-19-SCHuMaV](#)), Federal Law Gazette II No. 463/2020.

⁹¹ Die Presse (2020), [‘Entschädigung für betroffene Betriebe’](#), 31 October 2020.

⁹² Austria, Amendment to the Law on Employment Contract Amendments ([Änderung des Arbeitsvertragsrechts-Anpassungsgesetzes](#)), Federal Law Gazette I No. 107/2020.

⁹³ Austrian Trade Union (2020), [PRO-GE Frauen: Backlash verhindern – Frauen am Arbeitsmarkt halten](#), press release, 21 October 2020.

the Austrian Trade Union.⁹⁴ The Viennese Chamber of Labour (*Arbeiterkammer Wien*) states that unemployment during the COVID-19 crisis has disproportionality affected women in Austria: women face multiple stressors at once, particularly in relation to childcaring obligations; also, more than half of women work part-time jobs compared to one in ten men.⁹⁵ *Amnesty International* published a report on social rights in Austria amidst the COVID-19 pandemic in July 2020 building on interviews with affected persons, experts, civil society representatives, activists, as well as extensive desk research.⁹⁶ It was pointed out then that women are more strongly affected by poverty and their often already precarious status has increased during the pandemic due to unemployment and child caring responsibilities (especially single mothers). In July 2020, the National Parliament agreed to provide families with a special payment of 360 Euros per child in September 2020.⁹⁷ On 8 September 2020, Federal Minister of Women's Affairs stated that this bonus would support especially women in better dealing with the effects of the COVID-19 crisis. She stated that 84% of those eligible to receiving the bonus are women (i.e. mothers and female guardians). In addition, the Minister noted that in September 2020, an additional 100 Euros would be paid per child to support parents and children at the beginning of the school year.⁹⁸

3.2 Young people

In **Austria**, the COVID-19 crisis has made the effects of poverty on children more evident than they already were before the COVID-19 crisis, reports the *Kurier* newspaper.⁹⁹ The NGO *Volkshilfe* points out that in Austria, 19% of children and young people under 18 are affected by poverty and marginalization. This amounts to every fifth child.¹⁰⁰ Consequently, *Volkshilfe* called on the Federal Government to host a round table on child poverty on 28 October 2020. No steps have been taken thus far. Similarly, the NGO *Armutsnetzwerk Linz* (Poverty Network Linz) states that around 80.000 children in the country are dependent on minimum benefits, making up around 40% of all recipients.¹⁰¹ The NGO *Caritas* stated that families with children now increasingly seek assistance from the Caritas Vienna. The NGO points to a significant need for action when it comes to child poverty.¹⁰² In July 2020, the National Parliament agreed to provide families with a special payment of 360 Euros per child in September 2020.¹⁰³ In addition, every child received an additional 100 Euros to help at the beginning of school.¹⁰⁴ On 30 September, the Law on Equalisation of Family Burdens (*Familienlastenausgleichsgesetz*) was amended, increasing the amount of taxable income of a child/young person for which the parents receive family assistance ("*Familienbeihilfe*") from 10.000 Euros to 15.000 Euros per year.¹⁰⁵ In Austria, persons with children up to the age of 24 living in the same household are eligible for family assistance per child. In addition, on 8 October the Federal Council agreed to waive the returns of additional grants given to parents needing support with costs

⁹⁴ Austrian Trade Union (2020), [PRO-GE Frauen: Backlash verhindern – Frauen am Arbeitsmarkt halten](#), press release, 21 October 2020.

⁹⁵ Chamber of Labour Vienna (2020), [„Rückschritte für Frauen durch Corona rasch wieder beseitigen“](#), press release, 14 October 2020.

⁹⁶ Amnesty International Austria (2020), [Soziale Rechte sind Menschenrechte: Eine Analyse der Folgen von COVID-19 auf das Recht auf soziale Sicherheit und angemessene Arbeitsbedingungen in Österreich](#), 1 July 2020.

⁹⁷ Austria, Parliamentary Correspondence, [Nationalrat: Familien erhalten im September Sonderzahlung von 360 € pro Kind](#), Correspondence No. 769, 8 July 2020.

⁹⁸ Austria, Federal Press Service, [Raab zu Corona-Bonus für Familien: Wesentliche finanzielle Unterstützung für Frauen](#), press release, 8 September 2020.

⁹⁹ *Kurier* (2020), [Neue Caritas-Generalsekretärin will Kindergrundsicherung](#), 15 October 2020.

¹⁰⁰ *Volkshilfe* (2020), [Volkshilfe ruft Regierung zu rundem Tisch zur Bekämpfung von Kinderarmut auf](#), press release, 28 October 2020.

¹⁰¹ *Armutsnetzwerk Oberösterreich* (2020), [Sozialkrise Corona?](#), press release, 15 October 2020.

¹⁰² *Caritas Wien* (2020), [Caritas zu Corona-Armutsbericht: „Wir brauchen jetzt wirksame Rezepte gegen Kinderarmut und Rekordarbeitslosigkeit!“](#), press release, 8 October 2020.

¹⁰³ Austria, Parliamentary Correspondence, [Nationalrat: Familien erhalten im September Sonderzahlung von 360 € pro Kind](#), Correspondence No. 769, 8 July 2020.

¹⁰⁴ Austria, Federal Press Service, [Raab zu Corona-Bonus für Familien: Wesentliche finanzielle Unterstützung für Frauen](#), press release, 8 September 2020.

¹⁰⁵ Austria, the Law on Equalisation of Family Burdens ([Familienlastenausgleichsgesetz](#)), Federal Law Gazette I No. 376/1967.

for child care. The grants given in 2015 and 2016 would have been payable in 2020 and 2021. Particularly families with low incomes should profit from this.¹⁰⁶

¹⁰⁶ Austria, Press Service of the Parliamentary Directorate, [Bundesrat erhebt keine Einwände gegen weitere COVID-19-Maßnahmen](#), press release, 8 October 2020.