

Coronavirus COVID-19 outbreak in the EU

Fundamental Rights Implications

Country: Austria

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1 Measures taken by government/public authorities

The Federal Ministry of Social Affairs, Health, Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz, BMSGPK*) introduced the first legal measures in response to the outbreak of Covid-19 on 28 February 2020.¹ Since then, noteworthy new regulations have come into force on 10, 11, 15, 18 and 20 March, as outlined below. No state of emergency has been declared comparable to that in other countries (such as USA or Spain for example). Instead, Austrian measures are framed as a “state of exception” and are characterised by the authorisation for Ministers to issue regulations in order to quickly deal with the ongoing situation, as outlined in the Covid-19 Law² (15 March 2020) and the Second Covid-19 Law³ (21 March 2020). Both laws are valid until 31 December 2020, meaning also that new regulations made under these laws must not be valid for longer than until 31 December 2020. Part of the legal measures of the (First) COVID-19 Law seek to limit social contact in order to retard the peak of new infections, as to not exceed the capacity of health services. The other part of the measures seek to limit the adverse affects of the limitations on enterprises and employees.

The Second COVID-19 Law contains several accompanying measures, including ones at the level of constitutional law, such as statutory extensions and suspensions of time limits, procedural regulations for the Federal Government and occasional law in the area of social and labour affairs⁴.

These measures include inter alia:

- the legal extension of all judicial and official time limits, with the possibility of setting individual time limits in each case after a proportionality test has been carried out,
- the (constitutional) statutory authorisation to adopt decisions by way of circular decisions and video conferences of the Federal Government and other bodies,
- the granting of further authorisations to Federal Ministers for the extension of COVID-19 measures or for necessary implementing measures,
- specific measures in civil and criminal law to create legal certainty regarding restrictions on contact and leaving one 's home and to soften hardships,
- measures in labour and social law to mitigate the impact of the COVID-19 measures,
- involvement of civilian servicemen (military alternative service),
- facilitation of some formal professional requirements for nursing staff and physicians
- postponements of university entrance examinations
- financial support for artists.

Considering the recent developments, the Austrian FRANET team considers the measures introduced largely **proportionate and justifiable** in their intention. As of 20 March, all measures are also limited time-wise until incl. 13 April.⁵ It is noteworthy that the federal government has made efforts to keep the public extensively informed about developments and the justification behind them at all times.

Procedures

Reporting cases of suspected illness, infection or death pertaining to the Corona virus is mandatory.⁶ All federal provinces follow the same course of action in case of a suspicion of infection, as per decree

¹ Austria, Federal Ministry of Social Affairs, Health; Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) (2020) [Erläss, Vollzug des Epidemiegesetzes, Sicherstellung der einheitlichen Vorgangsweise](#), BMSGPK-Gesundheit - IX/A/4, 28 February 2020.

² Austria, COVID-19 Law ([COVID-19 Gesetz](#)), Federal Law Gazette I No. 12/2020.

³ Austria, Second COVID-19 Law ([2. COVID-19 Gesetz](#)), Federal Law Gazette I No. 16/2020.

⁴ Summary of Austrian Parliament (https://www.parlament.gv.at/PAKT/PR/JAHR_2020/PK0276/index.shtml)

⁵ ORF (2020) [Regierung: Maßnahmen bis Ostermontag \(13.April\) verlängert](#), 20 March 2020.

⁶ Austria, Federal Ministry of Social Affairs, Health; Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) (2020) [Anzeigepflichtige Krankheiten in Österreich](#).

of 28 February 2020⁷: The person suspected to be infected is asked about any persons in their surroundings, who are documented, contacted, and tested in case of symptoms. This potentially affects the right to data protection.

In case of a positive test result, the person is ordered into quarantine either at home or in hospital (depending on severity) by the health authority for 14 days from the day of potential infection. Persons under quarantine may not leave their place of quarantine and must avoid all social contact. Institutional and home quarantine both limit freedom of movement.

All data about the infected person must be submitted to the epidemiological registration system (EMS) (*Epidemiologisches Meldesystem, EMS*) within 24 hours of a positive test result. Data is matched with data from the central civil register and personal identifiers.⁹ The health authority of the federal province must be informed of all new cases. This potentially affects the right to data protection.

Law enforcement may use means of coercion to ensure that the foreseen measures are implemented in the interest of public security. This includes the right to evacuate apartments, impose restrictions on movement and dissolve public gatherings under the conditions stipulated by law. This impacts inter alia the right to freedom of movement and the right to freedom of assembly.

Travel

A travel warning at the level 4/6 was issued by the Federal Ministry of European and International Affairs (*Bundesministerium für Europa, Integration und Äußeres, BMEIA*) for all countries globally on 12 March, recommending no travel unless absolutely necessary.¹⁰ At the time of writing, the list of countries with travel warning level 6/6 encompasses 10 countries (travel is discouraged. Austrian citizens and residency holders are urged to return – in case they choose to do so, they must commit in writing to self-quarantine for 14 days). As of 18 March, third-country nationals may no longer come to Austria via air travel from outside the Schengen area.¹¹ All other travellers who neither have a residency title, nor are third-country nationals traveling via air from outside Schengen, may only enter with an accredited medical statement showing negative Covid test result no older than four days.¹² All measures affect freedom of movement and other fundamental rights.

No visas are currently issued in Austria. Third country nationals in Austria whose residency status may expire during this exceptional situation should contact the provincial police headquarters.¹³

As of 20 March, all those returning to Austria from abroad by plane, including Austrian citizens as well as all those with a residency permit in Austria, must quarantine themselves in their homes for 14 days and commit to doing so with their signature.¹⁴

As of 28 February, air traffic providers are obliged to disclose those passengers who have been to places subject to a travel warning by the Federal Ministry of European and International Affairs within 14 days before coming to Austria.¹⁵ In case an infection is discovered upon landing, the entire

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⁷ Austria, Federal Ministry of Social Affairs, Health; Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) (2020) [Erläss, Vollzug des Epidemiegesetzes, Sicherstellung der einheitlichen Vorgangsweise](#), BMSGPK-Gesundheit - IX/A/4, 28 February 2020.

⁸ Austria, Restriction of operation or closure of commercial companies in the event of infection with SARS-CoV-2 ("2019 new type of coronavirus") and amendment to the regulation on the transport of people who are infected with or suspected to be infected with such diseases ([Betriebsbeschränkung oder Schließung gewerblicher Unternehmungen bei Auftreten von Infektionen mit SARS-CoV-2 \(„2019 neuartiges Coronavirus“\) und Änderung der Verordnung über die Beförderung von Personen, die mit übertragbaren Krankheiten behaftet oder solcher Krankheiten verdächtig sind](#)), Federal Law Gazette II No. 74/2020.

⁹ 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 \(EMS\)](#).

¹⁰ Austria, Federal Ministry of European and International Affairs (Bundesministerium für Europäische und internationale Angelegenheiten) (2020) [Außenminister Schallenberg: "Wir raten dringend von allen nicht unbedingt notwendigen Reisen ab"](#), 15 March 2020.

¹¹ Austria, Entry into Austria via air route ([Einreise auf dem Luftweg nach Österreich](#)), Federal Law Gazette II No. 105/2020.

¹² Austria, Entry into Austria via air route ([Einreise auf dem Luftweg nach Österreich](#)), Federal Law Gazette II No. 105/2020.

¹³ Austria, Federal Ministry of European and International Affairs (2020) [Website on entry and stay in Austria](#).

¹⁴ Austria, Federal Ministry of the Interior (*Bundesministerium für Inneres*) (2020) [Grenzkontrollmaßnahmen an Österreichs Grenzen](#), Press release, 20 March 2020.

¹⁵ Austria, Disclosure of air route passengers ([Bekanntgabe von Flugpassagieren](#)), Federal Law Gazette II No. 75/2020.

list of passengers must be transmitted to the Federal Ministry of Health and the authorities of the landing airport. Both provisions were expanded to include all countries worldwide on 12 March.¹⁶ This affects inter alia the right to data protection.

Direct border crossings into Austria from Italy¹⁷, Switzerland and Liechtenstein¹⁸, Hungary, Slovenia and Germany¹⁹ are only possible at designated checkpoints and after health checks are applied to all persons, irrespective of nationality. Entry is only allowed with an accredited medical statement showing a negative Covid test result no older than four days. Austrian citizens, persons with residency titles or those “regularly situated” (“*gewöhnlicher Aufenthalt*”) in Austria who wish to enter Austria from these countries may do so, provided they commit in writing to mandatory self-isolation for 14 days.²⁰ Exceptions are made for freight transporters and commuters, as well as for travellers able to demonstrate that they are only transiting. No air or rail travel is allowed between Austria and Italy, Switzerland, Liechtenstein²¹ and Germany²².

The province of Tyrol declared a quarantine (=curfew) for several districts on 15 March, allowing nobody to leave the house without just cause (buying goods for basic care, other mandatory errands). Foreign tourists were encouraged to leave the province, Austrian residents (and Austrian tourists) were obliged to stay put.²³ The same is valid for one district in Carinthia²⁴ and some districts in Salzburg²⁵, the quarantine for the Carinthian district could be terminated in the meantime. This affects inter alia freedom of movement.

On 18 March, the entire province (279 municipalities) of Tyrol was put under quarantine²⁶ and classified as a risk area as a whole, meaning self-isolation is mandatory for everyone who was there in the last 14 days.²⁷ Movement within Tyrol is only allowed across municipalities for work, or to go to the next municipality for errands related to basic care (bank, pharmacy, supermarket, etc.). Entry into Tyrol is only allowed for persons with residency status there, commuters with accreditation, or who work in the provision of basic care. This affects freedom of movement.

As of 6 March, anyone traveling through Austria must undertake a medical examination, if there is grounds for suspicion and this is ordered by the health authority. The examination includes a temperature check as well as the disclosure of previous travels and any contacts with potentially infected persons. Security personnel may use coercive measures to enforce this, if necessary.²⁸ The regulation applies irrespective of citizenship, thereby also affecting those traveling through Austria from within the Schengen area.²⁹ This affects freedom of movement and the right to data protection.

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¹⁶ Austria, Amendment to the regulation on the disclosure of air route passengers ([Änderung der Verordnung betreffend die Bekanntgabe von Flugpassagieren](#)), Federal Law Gazette II No. 88/2020.

¹⁷ Austria, Measures on entry from Italy ([Maßnahmen bei der Einreise aus Italien](#)), Federal Law Gazette II No. 87/2020.

¹⁸ Austria, Amendment to the regulation on measures pertaining to entry from Italy ([Änderung der Verordnung über die Maßnahmen bei der Einreise aus Italien](#)), Federal Law Gazette II No. 92/2020.

¹⁹ Austria, Amendment to the regulation on the temporary reintroduction of border controls at the internal borders with the Italian Republic and the regulation on the temporary reintroduction of border controls at the internal borders with the Swiss Confederation and the Principality of Liechtenstein ([Änderung der Verordnung über die vorübergehende Wiedereinführung von Grenzkontrollen an den Binnengrenzen zur Italienischen Republik und der Verordnung über die vorübergehende Wiedereinführung von Grenzkontrollen an den Binnengrenzen zur Schweizerischen Eidgenossenschaft und zum Fürstentum Liechtenstein](#)), Federal Law Gazette II No. 102/2020.

²⁰ Austria, Measures on entry from Italy ([Maßnahmen bei der Einreise aus Italien](#)), Federal Law Gazette II No. 87/2020.

²¹ Austria, Amendment to the regulation on the cease of rail traffic to Italy due to the outbreak of SARS-CoV-2 ([Änderung der Verordnung über die Einstellung des Schienenverkehrs zu Italien aufgrund des Ausbruchs von SARS-CoV-2](#)), Federal Gazette II No. 94/2020.

²² Austria, Amendment to the regulation on the temporary reintroduction of border controls at the internal borders with the Italian Republic and the regulation on the temporary reintroduction of border controls at the internal borders with the Swiss Confederation and the Principality of Liechtenstein ([Änderung der Verordnung über die vorübergehende Wiedereinführung von Grenzkontrollen an den Binnengrenzen zur Italienischen Republik und der Verordnung über die vorübergehende Wiedereinführung von Grenzkontrollen an den Binnengrenzen zur Schweizerischen Eidgenossenschaft und zum Fürstentum Liechtenstein](#)), Federal Law Gazette II No. 102/2020.

²³ ORF Tirol (2020), [CoV: Flucht vor der Quarantäne](#), 14 March 2020.

²⁴ Wiener Zeitung (2020), [Heiligenblut unter Quarantäne, Aufruf zu Selbstisolation](#), 15 March 2020.

²⁵ ORF (2020), [Einige Salzburger Gemeinden unter Quarantäne](#), 18 March 2020.

²⁶ ORF (2020), [Tirol unter Quarantäne, mehr Restriktionen](#), 18 March 2020.

²⁷ ORF (2020), [„Tirol derzeit Risikogebiet“](#), 17 March 2020.

²⁸ Austria, Medical examinations upon entry relating to the „new 2019 Coronavirus“ ([Medizinische Überprüfungen bei der Einreise im Zusammenhang mit dem „2019 neuartigen Coronavirus“](#)), Federal Law Gazette II No. 81/2020.

²⁹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [Website on frequently asked questions on the Coronavirus](#).

Social contact

On 10 March, the first restrictions of public gatherings were announced banning indoor events with more than 100 people and outdoor events with more than 500 people.³⁰ On 16 March, the Covid-19 Law³¹ came into force laying down rules to reduce the spread of the virus by means of drastically reducing social contact. The law is valid until 31 December 2020 and allows for the passing of further implementing decrees.

A decree restricting freedom of movement in public places with very few exceptions (eg. going to work, buying goods for basic care, helping others, taking a walk alone or with household members, walking pets etc.) came into force on 16 March.³² Leaving the house, where necessary, is only allowed alone or with persons one lives with. At least one metre of security distance between persons must be observed.³³ These rules pertaining to public spaces are strictly enforced by police, who have become significantly more visible in public spaces since 16 March. Penalties are financial and up to 3,600 Euros for individuals.³⁴ It is not allowed to use public transport to reach parks and other places for leisure (taking walks).³⁵ Bars and restaurants are entirely shut from 17 March.³⁶ Only shops providing resources applicable to basic needs are operational (pharmacies, supermarkets, banks, emergency services, drug stores, fuel stations, garages, delivery services etc.). Shops close earlier and protective gear is provided to employees in some shops.³⁷ Opening a shop despite the ban can lead to a penalty of up to 30,000 Euros.³⁸

There is a ban on visits to hospitals, care centres and nursing homes. In addition to affecting freedom of movement, this affects the right to family life and other fundamental rights of older people. As of 19 March, treatment and rehabilitation centres have also been shut.³⁹ This affects the right to health.

Public places including playgrounds and sports grounds are shut.⁴⁰ All gatherings of more than five persons are prohibited, including all public events. This impacts inter alia freedom of movement and freedom of assembly.

The Austrian government makes a great effort to inform the public about new legal developments, penalties, impact on daily life etc. Press conferences are regular and televised. Information is published on Ministry websites, social media, digital and print media outlets, and the radio. It is noteworthy that information is cross-linked between Ministries and news outlets, who all refer to each other. The comprehensive website of the Federal Ministry of Social Affairs, Health, Care and Consumer Protection is updated twice daily (see more information on the extent of the transparency measures in part III). The Austrian Broadcasting Corporation (*Österreichischer Rundfunk, ORF*) has made major, televised press conferences and other reports available in sign-language via online videostream and in an easy-to-understand version via teletext.⁴¹

³⁰ Austria, Federal Ministry of Social Affairs, Health; Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) (2020) [Erlass, Maßnahmen gegen das Zusammenströmen größerer Menschenmengen nach § 15 Epidemiegesetz](#), BMSGPK-Gesundheit - IX/A/4, 10 March 2020.

³¹ Austria, COVID-19 Law ([COVID-19 Gesetz](#)), Federal Law Gazette I No. 12/2020.

³² Austria, Regulation according to § 2 Z 1 of the COVID-19-Law ([Verordnung gemäß § 2 Z 1 des COVID-19-Maßnahmegesetzes](#)), Federal Law Gazette II No. 98/2020.

³³ Austria, Regulation according to § 2 Z 1 of the COVID-19-Law ([Verordnung gemäß § 2 Z 1 des COVID-19-Maßnahmegesetzes](#)), Federal Law Gazette II No. 98/2020.

³⁴ Austria, COVID-19 Law ([COVID-19 Gesetz](#)), Federal Law Gazette I No. 12/2020.

³⁵ ORF (2020), [Ein Meter Abstand „wichtigstes Grundprinzip“](#), 19 March 2020.

³⁶ Austria, Regulation on closing and opening hours in the hospitality industry to prevent the spread of COVID-19 ([Verordnung, mit der zur Verhinderung der Verbreitung von COVID-19 die Sperrstunde und Aufsperrstunde im Gastgewerbe festgelegt werden](#)), Federal Law Gazette II No. 97/2020.

³⁷ ORF (2020) [Einzelhandel nur noch bis 19 Uhr geöffnet](#), 20 March 2020.

³⁸ Austria, COVID-19 Law ([COVID-19 Gesetz](#)), Federal Law Gazette I No. 12/2020.

³⁹ Salzburg24 (2020) [Reha, Kurhäuser und Parks vor Schließung](#), 19 March 2020.

⁴⁰ Austria, Preliminary measures to prevent the spread of COVID-19 ([Vorläufige Maßnahmen zur Verhinderung der Ausbreitung von COVID-19](#)), Federal Law Gazette II No. 96/2020.

⁴¹ ORF (2020) [Coronavirus: weitere „ZIB Spezial“ um 16:00 Uhr](#), 18 March 2020.

In line with the regulations from 16 March, the Austrian Bishops Conference (*Österreichische Bischofskonferenz*), the Islamic Religious Society Austria (*Islamische Glaubensgemeinschaft, IGGÖ*) as well as the Jewish Community (*Israelitische Kultusgemeinde Österreich*) announced that all religious services shall be suspended. The Austrian Bishops Conference stated that all public religious gatherings, including mass, baptisms and weddings, shall be suspended and postponed. Funerals may take place but subject to strict rules, only allowed to take place with as few people as possible and outdoors. Churches shall, if possible, remain open for individual prayer to “aid the mental well-being of the public”.⁴² The Islamic Religious Society announced that all forms of religious gatherings hosted by Islamic institutions in Austria and related collective religious activities (especially prayer) shall be suspended.⁴³ The IGGÖ announced on 20 March to make all Islamic religious infrastructure (Mosques, rooms, etc) across Austria available to the Austrian government for the provision for those in need, if required.⁴⁴ The Jewish Community called for all synagogues across Austria to be closed and to suspend religious gatherings including prayers, Shiurim and Mikwaot. Women are allowed to visit the Mikwe subject to strict hygiene requirements.⁴⁵ All religious communities mentioned have made available services for worshippers including hotlines, video messages, statements, and online guides for prayer, hygiene and safety.

Journalists only have restricted access to press conferences, with the exception of journalists from the Austrian Broadcasting Corporation (*Österreichischer Rundfunk, ORF*) or the Austrian Press Agency (APA). This potentially restricts freedom of the press, technical solutions are being found.⁴⁶

From 16 March, university teaching shall no longer take place on campus but only online, where possible. On 18 March, high schools, middle schools, primary schools, kindergartens and children’s daycare centres stopped all teaching and encourage children to stay at home.⁴⁷ However, they remain open for children of those parents without opportunity to care for their children at home (e.g. parents working in industries required for the provision of basic care),⁴⁸ even if it is only for a single child.⁴⁹ These measures affect inter alia the rights of the child.

According to the website of the Federal Ministry of Social Affairs, Health, Care and Consumer Protection, all teaching (university and schools) should take place online via established communication channels, partly provided by the Austrian government.⁵⁰ This potentially affects the right to education, as not all educational establishments and also not all students/families are equipped for this switch to digital learning. Particularly primary schools are asked to communicate with students and parents also via WhatsApp groups and mailing lists, or via online platforms.⁵¹ This potentially affects the right to data protection.

In case the government’s plans to curb the peak infection rate does not work as planned, severe impact on access to healthcare is to be expected.

⁴² Österreichische Bischofskonferenz (2020) [Gott, richte uns wieder auf \(PS 80,4\) Ein Wort der Zuversicht und Hoffnung in der Corona-Krise](#), 19 March 2020.

⁴³ IGGÖ (2020) [Maßnahmenkatalog und Unterlagen für Moscheen und islamische Einrichtungen](#), 16 March 2020.

⁴⁴ IGGÖ (2020) [IGGÖ stellt Räumlichkeiten zur Verfügung](#), 20 March 2020.

⁴⁵ Israelitische Glaubensgemeinschaft Wien (2020) [Retten Sie Leben, bleiben Sie zu Hause! Synagogen geschlossen – umfassende Krisenservices gestartet \(aktuell\)](#), 16 March 2020.

⁴⁶ Der Standard (2020) [Was passiert mit unseren Grundrechten in Zeiten von Corona?](#), 17 March 2020.

⁴⁷ Austria, Federal Ministry of Education, Science and Research (*Bundesministerium für Bildung, Wissenschaft und Forschung*) (2020) [Umgang des Bildungssystems mit dem Coronavirus – Erlass](#), 15 March 2020.

⁴⁸ Austria, Federal Ministry of Social Affairs, Health; Care and Consumer Protection (*Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz*) (2020) [Erlass, Maßnahmen aufgrund § 18 Epidemiegesetz 1950 in Bezug auf Kindergärten](#), BMSGPK-Gesundheit - IX/A/4, 13 March 2020.

⁴⁹ ORF (2020), [Kaum Kinder in schulischer Betreuung](#), 16 March 2020.

⁵⁰ Austria, Federal Ministry of Education, Science and Research, [Website on secure communication and data protection in schools in the context of Corona](#).

⁵¹ ORF (2020), [Erste Antworten auf praktische Fragen](#), 12 March 2020.

Labour market

On 13 March, it was reported that the Federal Ministry of Social Affairs, Health, Care and Consumer Protection would make working times of police officers, pharmacy staff, employees in food trade and energy providers more flexible, with the option of extending this to more professional groups as needed. This means that maximum working times can be exceeded. This potentially affects the right to fair and just working conditions.⁵²

The Covid-19 law establishes a fund enabling the implementation of measures pertaining to the Covid outbreak. 38 billion Euros have been made available to stabilise healthcare, to promote short-time employment and assist the labour market, to uphold public security and order, to support educational institutions, to make up for income losses, and more.⁵³ Employers can register their company for short-time work, allowing employees to reduce their contracts by up to 90%, uphold their contracts, and receive 80-90% of their gross salary in financial aid from the Public Employment Service (*Arbeitsmarktservice, AMS*) for up to six months.⁵⁴ Also, vocational trainees can register and receive 100% of their gross salary from the Public Employment Service. This should effectively prevent the termination of contracts due to financial losses incurred by companies. According to the Second Covid-19 law of 21 March, employees in short-time employment are required by law to use up any remaining holiday allowance (up to 8 weeks) and any surplus hours during this time if the work required cannot be carried out during the crisis. Holiday pay is paid by the employer.⁵⁵

On 20 March, an emergency fund (“*Härtefallfonds*”) of 1 billion Euros was announced for the self-employed, for family-run businesses, for one-person companies, for non-profit organisations, and for independent contractors. The fund is coordinated by the Chamber of Commerce for the Austrian government.⁵⁶ The law does not pay particular attention to gendered labour sectors. This affects the right to equal treatment of those active in the Austrian labour market. As of 23 March, 115,600 new unemployment cases have been registered, largely from tourism and hospitality industries, and among temporary workers.⁵⁷

Parents working in areas not related to basic needs, who are not entitled to a leave of absence and who have children under the age of 15, are now entitled to three weeks of special holiday, 30% of which is paid for by the government.⁵⁸ This is granted to employees at the discretion of the employer as long as schools/kindergartens do not offer the opportunity for children between 6-14 to be brought there for care.⁵⁹ As of 20 March this was extended to persons with care obligations for persons with disabilities.⁶⁰ There is no mention of gender-specific measures. Parents who work in basic care related institutions can bring their children to schools for daycare despite closures, as mentioned above.

A comprehensive information website has been installed by the Federal Ministry of Labour, Family and Youth (*Bundesministerium für Arbeit, Familie und Jugend, BMAFJ*) covering frequently asked questions on labour law, short-time employment, effects on families, and the above-mentioned special holiday.⁶¹

Impact on special groups

There is constant and explicit reference by authorities to the most vulnerable target group of the virus, older people and those with pre-existing health conditions. Measures pertaining to limiting social

⁵² Kleine Zeitung (2020), [Arbeitszeit für Polizisten, Apotheker, Verkäuferinnen wird aufgeweicht](#), 13 March 2020.

⁵³ Austria, COVID-19 Law ([COVID-19 Gesetz](#)), Federal Law Gazette I No. 12/2020.

⁵⁴ Austrian Trade Union, [Website on questions and answers on short-time work in times of the Coronavirus](#).

⁵⁵ Austria, Second COVID-19 Law ([2. COVID-19 Gesetz](#)), Federal Law Gazette I No. 16/2020.

⁵⁶ WKÖ (2020) [Härtefallfonds: Sicherheitsnetz für Betriebe](#), 20 March 2020.

⁵⁷ ORF (2020) [115.600 Arbeitslose mehr – viele Kurzarbeitsanträge](#), 23 March 2020.

⁵⁸ Austria, COVID-19 Law ([COVID-19 Gesetz](#)), Federal Law Gazette I No. 12/2020.

⁵⁹ ORF (2020) [Alleinerziehende geraten ans Limit](#), 24 March 2020.

⁶⁰ Die Presse (2020) [44 neue Gesetze zur Bekämpfung der Corona-Krise abgesegnet](#), 20 March 2020.

⁶¹ Austria, Federal Ministry of Labour, Family and Youth, [Current information on the coronavirus \(COVID-19\)](#)

contact are introduced with the explicit goal of protecting those who are vulnerable and at risk from contracting the virus.⁶²

Children whose parents are divorced initially had to stay with the parent who holds custody and are not allowed to visit or be visited by the other parent, in order to reduce social contact.⁶³ This affects the rights of the child and of family life. On 19 March, following hefty criticisms, the Federal Ministry of Justice (*Bundesministerium für Justiz, BMJ*) announced that an exception would be made for these children.⁶⁴ The Federal Ministry of Social Affairs, Health, Care and Consumer Protection published a clarification on their website, stating that children of divorced parents can continue to see both parents and can travel between them.⁶⁵

On 26 February, a first catalogue on preventative measures was published for penal institutions and extended on 12 March until 13 April. Measures include limits to prisoners' visitation rights, limited granted outside time, increased health and safety measures (risk assessment for new prisoners, different section of stay for 14 days, increased hygiene measures), and quarantine measures for prisoners in case of infection.⁶⁶

The Federal Ministry of Justice announced that trials that are not "urgent" should be postponed (excluding trials linked to incarceration and other matters that "cannot be delayed") and that the public should be excluded from trials.⁶⁷ For personal attendance of trials, prior registration is necessary. An amendment to the Code of Criminal Procedure also allows for pre-trial detention interrogations, as well as trials and main trials to take place via video conference in cases of a pandemic.⁶⁸ This potentially affects the immediacy principle for trials (right to a public hearing).

On 22 March, in the context of the second Covid-19 law, a comprehensive set of new measures for the judicial area was introduced⁶⁹: procedural deadlines, limitation periods and deadlines for filing claims at the court are interrupted (with exceptions), bailiffs are generally not active. It is also possible for trials to be suspended and to decide upon pre-trial detention without a hearing – however, pertaining to strict oversight by the court. The latter potentially affects the right to a fair trial.

On 15 March, the Provincial Government Salzburg announced that the increasing number of Covid cases has led to the re-accommodation of 44 refugees to two accommodation quarters in the Salzburg region to accommodate people confined to quarantine instead. The 44 inhabitants of the quarters were moved to different accommodations.⁷⁰ On 18 March the first refugee quarter with 162 residents was put under quarantine in Salzburg, after an inmate fell ill with corona. Residents are no longer allowed to leave the quarters.⁷¹

According to research by the newspaper Der Standard, the largest state-run refugee quarter in Traiskirchen has conducted daily temperature checks among inhabitants for the last three weeks (as of 18 March), allowed access to the cafeteria only in groups, and given the advice not to leave the quarter.⁷² Apparently, those living in Traiskirchen are informed about the virus and there have been negotiations about quarantining the few new arrivals for two weeks in some of the empty state-run accommodations for refugees.⁷³

⁶² Austria, Federal Government, [Homepage information campaign Corona virus](#).

⁶³ ORF (2020), [Kein Besuchsrecht für Scheidungskinder](#), 19 March 2020.

⁶⁴ Der Standard (2020) [Besuchsrecht von Scheidungskindern während der Coronakrise](#), 19 March 2020.

⁶⁵ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [Website on frequently asked questions on the Coronavirus](#).

⁶⁶ Austria, Federal Ministry of Justice (Bundesministerium für Justiz) (2020) [Maßnahmen zu Covid-19 im Bereich des Strafvollzugs](#), Statement from Minister of Justice, 13 March 2020.

⁶⁷ Austria, Federal Ministry of Justice (Bundesministerium für Justiz) (2020) [Maßnahmen zu Covid-19 im Bereich der Gerichte und Staatsanwaltschaften](#), Statement from Minister of Justice, 14 March 2020.

⁶⁸ Austria, Federal Ministry of Justice (Bundesministerium für Justiz) (2020) [Erlass vom 16. März 2020 über die Erweiterung des Anwendungsbereichs für die Durchführung von Videokonferenzen in Strafverfahren aufgrund der Ausbreitung der SARS-VoV-2-Pandemie](#), 16 March 2020.

⁶⁹ Austria, Federal Ministry of Justice (Bundesministerium für Justiz) (2020) [COVID-19-Justizbegleitgesetz](#), 23 March 2020.

⁷⁰ Salzburg24 (2020), [Quarantäne-Quartiere stehen bereit: Salzburger Unterkünfte für den Ernstfall](#), 15 March 2020.

⁷¹ ORF (2020), [Quarantäne für Asylheim mit 162 Bewohnern](#), 18 March 2020.

⁷² Der Standard (2020), [Auf Geflüchtete wird in der Corona-Krise vergessen](#), 18 March 2020.

⁷³ Der Standard (2020), [Auf Geflüchtete wird in der Corona-Krise vergessen](#), 18 March 2020.

NGOs have stated that increased quarantine measures across the country are likely to lead to an increase in domestic violence, particularly against women. Indeed, more women have called hotlines asking for help on how to avoid encountering the police when seeking a women's shelter.⁷⁴ This affects the right to security. The government has introduced measures including a 24h help-hotline and the ability of the police to immediately hand out application forms for preliminary injunctions.⁷⁵

There is concern about the status of 24-hour care as borders are closed, meaning that healthcare staff from Slovakia and Romania, which makes up 80% of all 24-hour care personnel, can no longer come to or leave Austria. This is an issue that is said to show severe consequences in about three weeks from mid-March. The Austrian authorities are negotiating with neighbouring countries to find new solutions.⁷⁶ This will potentially impact the right to healthcare for those in 24-hour care.

No government measures to regulate prices of highly-sought-after goods have been made – there is the emergence of a market dealing with goods like face masks and disinfectants.⁷⁷

2 Impact of the outbreak on certain national or ethnic communities

Incidents of xenophobic speech, acts of harassment, and violent attacks

The Federal Ministry of Social Affairs, Health, Care and Consumer Protection on its website decidedly states that the “main goal is the protection of health of all people living in Austria” with no mention of measures being targeted to specific groups.⁷⁸ There are no relevant official statistics pertaining to reports of xenophobic speech, acts of harassment or violent attacks.

On 13 February, the newspaper Kurier reported about more than a dozen reported cases to ZARA, an anti-discrimination organisation, regarding discrimination incidents towards persons who appear to be of Asian heritage, including children.⁷⁹ In these incidents people report that it is assumed they carry the virus, ZARA stated. The news report details the case of two children who were shouted at, threatened with violence on their way home on a bus due to their assumed Asian heritage, where nobody stepped in. From February until 18 March, ZARA reported at least 23 cases directly related to the outbreak of the virus, many of which are directed to people with assumed Asian heritage. Since 10 March there has been an increase of discrimination cases also directed to other groups including Muslims, Jews, and other minority groups in Austria who are accused of carrying/spreading the virus.⁸⁰

The Anti-Discrimination Office in Styria (*Anti-Diskriminierungsstelle Steiermark, ADS*) confirms this trend, stating that on their app “Ban Hate”⁸¹, which allows for the reporting of hate speech online, there has been an increase in reported posts relating to the Coronavirus. In February, as the crisis began, online hate speech was first directed towards persons with assumed Asian heritage. As the developments continued, Italians became targets, and as developments stand now, it is to a large extent refugees who are targeted and accused of spreading the virus in Austria.⁸² According to ADS, since February, there have been 21 reports made either directly to the Office or via the app relating to the

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⁷⁴ ORF Vienna (2020), *Öfter häusliche Gewalt in Quarantäne*, 17 March 2020.

⁷⁵ ORF (2020), *Zu viel Nähe als Konfliktpotential*, 20 March 2020.

⁷⁶ Der Standard (2020), *In drei Wochen droht die 24-Stunden-Betreuung zu kippen*, 18 March 2020.

⁷⁷ ORF Salzburg (2020), *CoV: Spitäler kämpfen mit Materialschwund*, 6 March 2020.

⁷⁸ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [Website on current measures pertaining to the outbreak of the Coronavirus](#).

⁷⁹ Kurier (2020), *Antidiskriminierungsstelle: Asiaten in Österreich angefeindet*, 13 February 2020.

⁸⁰ Information received via telephone interview with ZARA on 18 March 2020. It should be noted that ZARA does not enquire about ethnicity, exact location or direct link to the virus outbreak, hence the information on cases given is by no means representative but only an estimate.

⁸¹ Anti-Discrimination Office Styria, [Ban hate app](#).

⁸² Information received via telephone interview with the Anti-Discrimination Office Styria on 19 March 2020.

outbreak of the virus.⁸³ There has also been an increase in hate postings responding to persons posting pictures enjoying their newly won “free time” off school, university, or work.

Both ZARA and the ADS emphasise that only few discrimination cases are effectively reported overall but nonetheless, there has been a noticeable increase in reports of discrimination related to the virus.

The children’s and adolescent’s legal representation in Southern Tyrol reported on 28 February 2020 about an incident of discrimination faced by a student from Southern Tyrol studying in Graz. According to the press statement, the student was taken out of his classroom by health authorities for health checks and asked not to attend festivals or frequented locations. The statement said that the only reason for this action was his origin from a country, in which the virus is spreading.⁸⁴

As reported by Kurier, the hashtag #IchBinKeinVirus (*I’m not a virus*) on social media, particularly Twitter, is used by people who experience discrimination due to their appearance as either Asian or Iranian.⁸⁵

Alleged discrimination on the grounds of nationality in access to goods and services

No information pertaining to such discrimination could be found from equality bodies or media outlets. ZARA reports about one case in which someone was denied service in a shoe store due to assumed Asian heritage. No reports have been made to ZARA regarding specific discriminatory measures, however ZARA decidedly points out that discrimination in access to goods and services, particularly since the increase of restrictive measures, may well take place behind closed doors.⁸⁶ Also the ADS confirms that no reports have come in regarding discrimination in access to goods and services, but reports about a noticeable lack of guests in Chinese and subsequently also Italian restaurants in Graz before the measure to shut all restaurants was introduced.⁸⁷

3 Impact on privacy and spread of disinformation

Infringement of privacy and/or data protection rights

A large telecommunications company (A1) out of its own initiative provided the Austrian Government and the Austrian Red Cross with movement data of Austrian mobile phone owners, comparing data from 7 to 15 March do give insight whether the governmental measures reducing social contact make a difference.⁸⁸ Supposedly, no customers were informed about this step. According to A1, who confirmed on 17 March that this had taken place, providing the data was in compliance with the General Data Protection Regulation (GDPR) and data was only provided in an anonymised manner, which does not require explicit consent of users.⁸⁹ A1 published information on its website stating that the procedure was similar to what many companies do in Europe, and that this data was provided to the government in times of crisis to support the “well-being of the public”.⁹⁰

⁸³ Information received via email from Anti-Discrimination Office Styria on 20 March 2020.

⁸⁴ Kinder- und Jugendanwaltschaft Südtirol (2020), [Jugendwältin Höller zur Corona-Epidemie: „Panik und Diskriminierung vermeiden.“](#), 28 February 2020.

⁸⁵ Kurier (2020), [#ichbinkeinvirus: Hashtag über Diskriminierung erreicht Österreich](#), 5 February 2020.

⁸⁶ Information received via telephone interview with ZARA on 18 March 2020.

⁸⁷ Information received via telephone interview with the Anti-Discrimination Office Styria on 19 March 2020.

⁸⁸ Der Standard (2020), [Mobilfunker A1 liefert Bewegungsströme von Handynutzern an Regierung](#), 17 March 2020.

⁸⁹ Futurezone (2020) [Ausgangsbeschränkung: A1 liefert Bewegungsdaten an Regierung](#), 17 March 2020.

⁹⁰ A1, [Warum stellt A1 Bewegungsdaten zur Verfügung?](#)

According to news reports, the Austrian Integration Fund (*Österreichischer Integrationsfonds, ÖIF*) has sent thousands of text messages directly to persons with a migration background living in Austria giving information on the virus and preventative measures in a total of eleven languages.⁹¹ The text messages are said to have been sent to everyone with whom the Fund has been in contact with in the past years to ensure that persons with migration background have access to important information in their respective mother tongues.⁹²

With an increase of work from home, the Federal Criminal Police Office (*Bundeskriminalamt*) warns of an increased risk of cybercrime pertaining to attempts to gather user data through false requests, such as installing collaborative software, providing an email address to remain informed about the virus, etc.⁹³

Media reporting about new cases has generally been rather factual. No infringements of privacy and data protection rights of individuals could be found: news outlets report about the age, the gender, and sometimes the workplace and occupation of affected individuals but refrain from disclosing pictures, names or other personal identifiers. A search was conducted using keywords as well as screening the archives of main news outlets, in particular Kronen Zeitung, OE24 and Heute.

The Austrian Data Protection Agency (*Datenschutzbehörde, DSB*) published a guideline for employers and employees on data protection in times of the Coronavirus, related in particular to the manner in which data related to health can be used.⁹⁴ A template for collecting personal contact details of employees for the purpose of risk prevention is provided.⁹⁵ Frequently asked questions on data protection measures for employers working with infected employees is offered by the independent organization Data Protect.⁹⁶

Measures taken to prevent the spread of disinformation

The Austrian government makes noteworthy efforts to be transparent and to provide factual, evidence-based information to the public on a regular basis in cooperation with various outlets. The extensive information website, launched on 28 February by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection provides information on the virus, the current situation in Austria, health measures, legal measures, contact points/hotlines for further information, and an extensive FAQ section. It is updated several times daily. Information on health measures, prevention and the government hotline is available in English, Arabic, Farsi, Turkish, Serbian/Bosnian/Croatian.⁹⁷ There is an “easy-to-read” version of this information available too⁹⁸ in addition to a comprehensive page dedicated to barrier-free information in various formats.⁹⁹ The Ministry has also made available detailed information on Corona cases per province, giving (numerical) information on the number of cases, the severity of illness, the gender and the age composition.¹⁰⁰

The Ministry of Education, Science and Research (*Bundesministerium für Bildung, Wissenschaft und Forschung, BMBWF*) offers an extensive FAQ catalogue on the closure of schools and the impact on parents and their care responsibilities.¹⁰¹ On 15 March, a new information/advertisement campaign “*look out for yourself, look out for me – stay at home*” was started

⁹¹ Tiroler Tageszeitung (2020), [Integrationsfonds verschickt Info SMS zum Coronavirus](#), 16 March 2020.

⁹² ORF (2020), [Hotlines, Tipps und Unterstützung](#), 16 March 2020.

⁹³ Kleine Zeitung (2020), [Tipps zum Schutz vor Cybercrime – Polizei warnt vor Corona-Betrügern](#), 15 March 2020.

⁹⁴ DSB (2020) [Information der Datenschutzbehörde zum Coronavirus \(Covid-19\)](#), 17 March 2020.

⁹⁵ DSB (2020) [Musterformular der Datenschutzbehörde: Erhebung privater Kontaktdaten von MitarbeiterInnen zum Zwecke der Risikoprävention](#), 17 March 2020.

⁹⁶ Data Protect, [website on data protection in times of the Corona virus](#).

⁹⁷ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [Information material for download](#)

⁹⁸ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [Easy-to-read information on the Coronavirus in Austria: the most important information](#)

⁹⁹ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [Barrier-free content](#)

¹⁰⁰ Austria, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, [Dashboard COVID19 – publicly accessible information](#)

¹⁰¹ Austria, Federal Ministry of Education, Science and Research, [Website on questions and answers about Corona in the context of education](#).

on media outlets by the Austrian government, including on social media.¹⁰² The City of Vienna published a video explaining the virus and ways to prevent contracting it specifically for children in easy-to-understand language.¹⁰³

The Austrian Integration Fund offers up-to-date information in 14 languages, as well as a multi-lingual hotline.¹⁰⁴

After a surge in rumours on social media and via WhatsApp, a statement by the Federal Ministry of the Interior (*Bundesministerium für Inneres, BMI*) of 12 March called to only trust messages made public by relevant ministries and public institutions.¹⁰⁵ On 20 March, it was reported that the Federal Chancellery (*Bundeskanzleramt, BKA*) had installed a “digital crisis team” (*Digitaler Krisenstab*) a week earlier, whose task it is to flag and respond to fake news related to the virus. Furthermore, an investigative network of media outlets will be established to enable exchange among media and the crisis team about fake news.¹⁰⁶

On 28 February, the Austria Press Agency (APA) started a liveblog to which uncertain or fake news can be submitted. These are then corrected/rectified with extensive links to further reading.¹⁰⁷

The Agency for Food and Health Safety (*Österreichische Agentur für Ernährungssicherheit, AGES*) offers an extensive webpage with medical and other information on the virus, as well as a 24-hour information hotline manned by experts to “answer questions about the Coronavirus”, including information about transmittal, symptoms, and prevention.¹⁰⁸ AGES together with Twitter has initiated a tool to raise awareness for factual evidence on Covid.¹⁰⁹ When an Austrian user clicks on #Coronavirus or searches for particular keywords, an information box by AGES appears linking users to the above-mentioned information website. The feature has been described as “quality-ensured facts provided by a scientific agency in times of fake news”. Facebook also shows an infobox linking to the information provided by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection. It can be assumed that country-specific, governmental information on the virus is shown to users depending on location. It is unclear whether this is also a project in cooperation with AGES.

Several newspaper outlets have initiated information sections on their websites, offering up-to-date FAQ sections on the virus, preventative measures, governmental measures etc. These sections centre solely on information and do not link to journalistic articles. The websites link back to the AGES and the information provided by the Austrian Ministries. Media outlets offering this include the Austrian Broadcasting Corporation (*Österreichischer Rundfunk, ORF*),¹¹⁰ Der Standard,¹¹¹ Kronen Zeitung,¹¹² Kurier¹¹³.

The organisation “Mimikama – Association for information about internet abuse”, which clarifies fake news on social media platforms, has established a focal point dedicated specifically to fake news about the Corona virus.¹¹⁴ There is also a function to report fake news, which is picked up on and published with a rectification.

¹⁰² Austria, Federal Government, [Homepage information campaign Corona virus](#).

¹⁰³ City of Vienna, [Video: Coronavirus explained for children](#).

¹⁰⁴ ÖIF, [Together against the Coronavirus. The most important information in several foreign languages and how we can protect ourselves](#).

¹⁰⁵ Austria, Federal Ministry of the Interior (*Bundesministerium für Inneres*) (2020) [Innenministerium warnt vor Falschmeldungen auf Sozialen Medien zu Corona-Virus](#), Press release, 12 March 2020.

¹⁰⁶ ORF (2020) [Digitaler Krisenstab gegen Falschinformation](#), 20 March 2020.

¹⁰⁷ APA (2020) [APA Faktencheck Liveblog](#)

¹⁰⁸ Austrian Agency for Food and Health Safety, [Information website on the Coronavirus](#).

¹⁰⁹ Der Standard (2020), [Coronavirus:Twitter in Österreich mit Aufklärungstool zum Virus](#) 3 March 2020.

¹¹⁰ ORF, [Information website on the Coronavirus](#).

¹¹¹ Der Standard, [Information website on the Coronavirus](#).

¹¹² Kronen Zeitung, [Information website on the Coronavirus](#).

¹¹³ Kurier, [Information website on the Coronavirus](#).

¹¹⁴ Mimikama, [Information website debunking fake news relating to the Coronavirus](#).