

Universal Periodic Review

(51st Session)

Contribution of UNESCO to Compilation of UN information

Austria

I. RATIFICATION OF UNESCO CONVENTIONS

<i>Title</i>	<i>Date of ratification, accession, acceptance, approval or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification on 18 December 1992			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification on 9 April 2009			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratification on 18 December 2006			Right to take part in cultural life
Convention against Discrimination in Education 1960	Not ratified	Reservation to this Convention shall not be permitted		Right to education

II. REVIEW OF LEGISLATIVE, REGULATORY AND POLICY FRAMEWORKS AND IMPLEMENTATION

A. RIGHT TO EDUCATION

Discrimination in education (UNESCO consultations)

1. Austria did not submit a report for the 10th consultation on the Convention and Recommendation against Discrimination in Education but did for the 11th consultation.

Constitution and main education law(s)

2. The [Constitution of Austria, as last amended in 2024](#), does not enshrine the right to education, but it contains a principle of non-discrimination and equality (article 7.1) and a principle of equal access to schools (article 14.6). The Constitution guarantees nine years of compulsory education (article 14.7.a).
3. The [School Organization Act of 1962](#), with amendments up to 2024, does not guarantee the right to education but contains a principle of non-discrimination (article 4). The [Compulsory School Attendance Act of 1985](#), with amendments up to 2024, guarantees nine years of compulsory primary and secondary education, starting at the age of six (articles 2 and 3). Also, the [Compulsory Training Act of 2016](#), with amendments up to 2024, requires young people to apply to training education up to the age of 18 if they have fulfilled compulsory education (article 3).
4. According to the [Basic Act on the Maintenance of Compulsory Schools \(article 14.1\)](#) and the [School Organization Act, 1962 \(article 5\)](#), primary and secondary education is free for 12 years. The [Agreement pursuant to Art. 15a B-VG on the introduction of half-day free and compulsory early intervention in institutional childcare facilities](#) guarantees one year of free and compulsory pre-primary education (article 1).

Legal age of marriage

5. According to the [Civil code](#) (article 21(2)) and the [Law of marriage with amendments up to 2017](#) (articles 1(1) and (2)), the legal minimum age for marriage is set at 18 years old, allowing for exceptions with the consent of the legal representative at the age of 16 years old. According to the [Joint CEDAW-CRC General Recommendation/Comment](#), child marriage, also referred to as early marriage, is any marriage where at least one of the parties is under 18 years of age.

Enrolment rates

6. Most recent UIS available data for the enrollment rates is as follows:

	Pre-primary education (net) (2023)	Primary education (gross) (2023)	Secondary education (gross) (2023)	Tertiary education (gross) (2023)
Girls	86.25%	100.56%	99.54%	103.99%
Boys	85.33%	101.23%	101.41%	80.19%
Total	85.78%	100.90%	100.50%	91.68%

Investment in education

7. According to UIS data, in Austria, in 2022, the government expenditure on education as a percentage of GDP was 4.77%, and 8.98% of the total government expenditure.

Refugees

8. During the last cycle, Austria was recommended to strengthen its measures to increase access to education for refugees (140.26). Austria has not yet ratified the [Global Convention on the Recognition of Qualifications concerning Higher Education](#), which aims notably to “promote, through the recognition of qualifications, inclusive and equitable access to quality higher education and support lifelong learning opportunities for all, including refugees and displaced persons” (article II). However, Austria ratified the [Convention on the Recognition of Qualifications concerning Higher Education in the European Region](#) on 3 February 1999.

Access to quality education for all

9. During the last cycle, Austria was recommended to actively ensure access to quality education for all (139.133 and 139.134). In that regard, the [current federal government's work program for the years 2025 to 2029 covers education](#). This program reads that from 2026, the federal government will provide additional resource packages for legally binding national high-quality standards and implementation plans. This will mainly focus on early childhood care and education.

National minorities

10. During the last cycle, Austria was recommended to increase its efforts in guaranteeing the right to education of national minorities, notably in terms of access to education and language of instruction (139.136, 139.137, 139.138, 139.139, 139.183, 140.28 and 140.29). In that regard the [federal government work program for 2025 to 2029](#) includes measures to “further development of educational programs in the languages of the national minorities” and “attract and open up the professional field for people with a migrant background through qualification and advanced courses for first-language teachers as well as targeted information and recruitment campaigns by training institutions, expansion of accompanying language support programs for German perfection”.

Human rights education

11. During the last UPR cycle, Austria was recommended to promote human rights education (139.22, 139.77, 139.144 and 139.145). The [federal government work program for 2025 to 2029](#) also contains some measures strengthening the integration of human right education, notably by creating a platform to enhance the visibility of the various offers related to democracy education and by expanding cooperation programs with memorial sites.

People with disabilities

12. During the last cycle, Austria was recommended to ensure the right to inclusive education of children with disabilities (139.143). The [federal government work program for 2025 to 2029](#) contains multiple initiatives to further realize inclusive education, such as the further development of special schools and an offer in which children without disabilities attend integration classes and learn together with children with disabilities, the introduction of a compulsory module on inclusive education as part of the regular teacher training program, as well as the introduction of a separate teacher training program for inclusion and special needs education. The federal government work program for 2025 to 2029 also includes

the introduction of a legal entitlement to an 11th and 12th school year for pupils with special educational needs, the development of corresponding curricula, the gradual expansion of barrier-free and inclusive education at secondary level 2 with the aim of promoting integration into the labor market, a new concept for special educational needs including needs-based provision, the introduction and financing of all-day care at inclusive schools, and the release the municipalities from the responsibility to bear the costs of school assistance for pupils who have a right to school assistance.

B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

Constitutional and Legislative framework

13. Article 13 of the Austrian Basic Law determines that “everyone has the right within the limits of the law freely to express his opinion” by any means.¹ In addition, Austria ratified the European Convention on Human Rights, which safeguards freedom of expression in Article 10.² This international treaty was enacted as Austrian constitutional law in 1964 as well.³
14. Any form of neo-Nazism or anti-Semitism is prohibited by law as well as the public denial, approval, or justification of Nazi crimes, including the Holocaust.⁴
15. Defamation is considered a civil offence under the Media Act of 1981,⁵ as well as a criminal offence under the Austrian Penal Code,⁶ leading up to a prison sentence of maximum five years.

¹ See Article 13 of the Basic Law of 21 December 1867 on the General Rights of Nationals in the

Kingdoms and Länder represented in the Council of the Realm at:

https://www.ris.bka.gv.at/Dokumente/ErV/ERV_1867_142/ERV_1867_142.pdf

² See the European Convention on Human Rights at:

http://www.echr.coe.int/documents/convention_eng.pdf

³ See Article II of the Bundesgesetzblatt für die Republik Österreich, Nr. 59/1964 at:

https://www.ris.bka.gv.at/Dokumente/BgblPdf/1964_59_0/1964_59_0.pdf

⁴ See Article 3h in particular of the Verbotsgesetz 1947 at:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000207>

⁵ See the Media Act at: https://www.ris.bka.gv.at/Dokumente/ErV/ERV_1981_314/ERV_1981_314.pdf

⁶ See the Article 297 of the 1975 Austrian Penal Code (Strafgesetzbuch) at:

http://www.jusline.at/297_Verleumdung_StGB.html.

16. In 1987, Austria adopted the Duty to Grant Information Act, implementing the public's access to information.⁷

17. In February 2024, the Austrian parliament adopted the Amendment of the Federal Constitutional Act and Freedom of Information Act.⁸ It enshrines a proactive obligation of government bodies to proactively publish information and grants a legally enforceable access to information for the public.

Implementation of legislation

18. Established in 2001, the Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR) is a state institution responsible for regulating, developing and promoting Austria's media, telecommunications and postal services. RTR is made up of two specialist divisions with a total staff of 200. The Media Division and the Telecommunications and Postal Services Division are each headed by a separate managing director.

19. Under Article 131 of the Telecommunications Act 2003, nine members of the Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR) Supervisory Board are appointed by the Federal Ministry of Transport, Innovation and Technology.⁹

Safety of Journalists

20. Since 2006, when systematic monitoring began, UNESCO recorded no killing of journalists in Austria, on its Observatory of Killed Journalists.¹⁰

C. THE RIGHT TO SHARE IN SCIENTIFIC ADVANCEMENT AND ITS BENEFITS

21. Article 81c of the Austrian Constitution guarantees the right to academic freedom. It affirms that public universities are spaces for free scientific research, teaching, and artistic expression, and that they operate autonomously within the framework of the law. There is no reference to the right to share in scientific advancement and its benefits.

22. Austria has ratified the ICESCR, but it has not ratified its Optional Protocol.

⁷ See the Duty to Grant Information Act at:

https://www.ris.bka.gv.at/Dokumente/Erv/ERV_1987_287/ERV_1987_287.pdf

⁸

https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA_2024_I_5

⁹ https://www.rtr.at/rtr/wer_wir_sind/Organisation/Organisation.en.html

¹⁰ Accessed on 15 May 2025.

23. In its Third Cycle National Report (2020), Austria made no explicit reference to the right to share in scientific advancement and its benefits. However, several science-related initiatives were reported, including the promotion of STEM education with a focus on gender equality, and the development of evidence-based policies for disability rights and migrant integration. Science-related Recommendations included addressing the underrepresentation of women and girls in STEM fields (A/HRC/WG.6/37/AUT/2 [54]), concerns over the use of surveillance technology and facial recognition tools that could infringe on human rights (A/HRC/WG.6/37/AUT/3 [34]), and the potential discrimination embedded in algorithmic decision-making systems used in employment services (A/HRC/WG.6/37/AUT/3 [36]). No Recommendations were made in respect of the right to share in scientific advancement and its benefits or its inherent rights such as scientific freedom. Austria did not submit its national report on the implementation of the Recommendation on Science and Scientific Researchers for the first consultation covering the period from 2017 to 2021, nor has it yet done so for the second consultation from 2021 to 2025.

III. RECOMMENDATIONS

A. RIGHT TO EDUCATION

24. Austria should be encouraged to:

- i. Ratify the Convention against Discrimination in Education.
- ii. Enshrine the right to education within the Constitution.
- iii. Enshrine the right to education within the legislation.
- iv. Amend the legislation to ensure that the minimum age of marriage is 18 years old without exception.
- v. Ratify the Global Convention on the Recognition of Qualifications concerning Higher Education.
- vi. Continue efforts to ensure the right to inclusive education for refugees, national minorities and people with disabilities.
- vii. Continue efforts to ensure equal access to quality education for all.
- viii. Continue efforts to further promote human rights education.
- ix. Ensure regular reporting to UIS on education data.
- x. Continue to regularly submit comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Recommendation against discrimination in education.
- xi. Share with UNESCO any relevant information to update its country profile on UNESCO's [Observatory on the Right to Education](#) and [HerAtlas](#).

B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

25. The Government is recommended to decriminalize defamation and place it within civil defamation legislation that is in accordance with international standards.

C. RIGHT TO FREELY PARTICIPATE IN THE CULTURAL LIFE OF THE COMMUNITY (CULTURAL RIGHTS)

26. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Austria is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Austria is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from civil society as well as vulnerable groups (minorities, migrants, refugees, young people, indigenous peoples and persons with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. THE RIGHT TO SHARE IN SCIENTIFIC ADVANCEMENT AND ITS BENEFITS

27. Austria is invited to intensify its efforts to ensure the full and comprehensive implementation and monitoring of the Recommendation on Science and Scientific Researchers in accordance with the relevant decisions of UNESCO's Executive Board (216 EX/Decision 45 of May 2023). In that context, Austria is invited to engage with UNESCO's Program on the promotion of scientific freedom and the safety of scientists and support the related Call to Action in line with the Recommendation and decisions of UNESCO's General Conference (42 C/Resolution 26 of November 2023) and Executive Board (219 EX/Decision 30 of March 2024). The Call to Action underlines the need to protect science and scientific researchers, and to allow for a free and safe science ecosystem where there is trust in science and where scientific evidence informs decision making. UNESCO stands ready to support Austria in developing and nurturing its science ecosystem, and protecting its scientific researchers, including through the incorporation of appropriate legal and administrative measures in line with international law. Austria is invited to collaborate directly with UNESCO, through its Secretariat and specialised Sectors, for that purpose.
28. Against this background, Austria is invited to consider the following:
- i. Submit a national report to the 2nd consultation on the implementation of the Recommendation on Science and Scientific Researchers in line with the Circular Letter by UNESCO's Director-General (CL/4448 of 28 November 2024) and the guidelines contained therein.
 - ii. Explore ways to strengthen the status of the right to share in scientific advancement and its benefits in its legal system, including in its

- Constitution and any other appropriate legal and policy frameworks.
- iii. When implementing measures to guarantee the right to freedom of opinion and expression, the right to information, and the right to education, include within those measures the freedoms indispensable for scientific research, and access to scientific education at all levels.
 - iv. Expand input on issues covered by UNESCO's Recommendation in its national report to the UPR – particularly providing information about the implementation of the right to science and scientific freedom, including the latter in its report addressing more broadly freedom of opinion and expression. This will allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations.
 - v. Ratify the Optional Protocol to the ICESCR.