

## Austria 2025

### Information from: Austrian Ombudsman Board

## Independence, effectiveness and establishment of NHRIs

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### International accreditation status and SCA recommendations

The Austrian Ombudsman Board (hereinafter “AOB”) achieved its first-time A-status reaccreditation in [March 2022](#). On that occasion, the Sub-Committee on Accreditation (SCA) welcomed the amendments to the institution’s enabling laws and the Federal Constitutional Law in relation to recommendations made by the SCA during its 2011 review. In its recommendations, the SCA further noted that the current selection and appointment process for Board members is not sufficiently broad and transparent. Thus, the SCA recommended that a clear, transparent and participatory appointment and selection process is formalised in relevant legislation, regulations or binding administrative guidelines. The SCA also encouraged the institution to work towards greater pluralism in its Board membership and staff composition. In particular, it noted the gender imbalance in the composition of the Austrian Ombudsman Board members at the time of the assessment and the lack of sufficient formal provisions to ensure ethnic, geographic, religious, and minority representation. The SCA also encouraged the institution to formalise its working relationships with domestic civil society organisations and human rights defenders, including those working on the rights of vulnerable groups.

### Follow-up to international and European actors’ recommendations on NHRIs and relevant developments

In relation to the SCA’s recommendation that the AOB continues to enhance and formalize its working relationships and cooperation with civil society organisations and human rights defenders, including those working on the rights of vulnerable groups, the AOB has undertaken the following initiatives:

1. The initiative of the NGO Sounding Board continued in 2024 and will continue in 2025. The informal meetings between representatives of the AOB and NGOs are a way to coordinate their work and inform each other about new developments in the field. Apart from efforts to coordinate media work, the NGOs and the AOB tried to bundle individual cases. In case people complained with NGOs, the NGOs

encouraged them to submit a complaint to the AOB. The idea behind this approach was that NGOs usually do not handle individual complaints compared to the AOB. Additionally, if the AOB receives an increased number of complaints about a particular issue, it gains stronger leverage to highlight systemic problems in public administration.

Moreover, the NGO Sounding Board helped to prepare the NGO Forum. Together they agreed on a topic for the event. Members also had the opportunity to propose speakers and participants.

2. The topic of the [NGO Forum in 2024](#) was “The Rights of the Child”. Around 70 participants representing various NGOs and experts of the AOB collaborated during the one and a half day-event. Representatives of several Federal Ministries, the Länder and children themselves gave input for the working groups. These small working groups offered an opportunity for an exchange of experience about the following topics: child participation in environment protection, education and cultural inclusion, child poverty, health of children, and protection of children against violence. The discussions and suggestions in the working groups were summarized in minutes that are soon to be published in a public conference volume.  
The NGO Forum closed with a discussion with Members of Parliament (MPs).  
The interaction between NGOs and government representatives contributes to a rule of law culture. Due to their work on the ground, NGOs can report about the quality of the implementation of policies or the lack thereof. (See the article “[NGO forum 2024: “Fully implement children’s rights!”](#)”, available in German only).
3. In 2024, the kick-off event for the lecture series “One in five” as in previous years took place at the premises of the AOB. The Centre for Forensic Medicine at the Medical University of Vienna, the Austrian Women’s Shelters Association and the AOB launched this year’s interdisciplinary lecture series with a thematic focus on “Domestic Violence against Women” with an in-person event on 20th November 2024, which focussed on violence prevention in care homes, shared accommodation for persons with disabilities and shared accommodation for children and adolescents. Apart from violence prevention in these settings, experts from different fields also discussed what persons affected by violence as well as witnesses of violence can do in case of violence in these places (see the article “[Kick-off event: One in five – Domestic violence in a care home – Who can help?](#)”, available in German only).
4. Another initiative for female empowerment in cooperation with civil

society was launched by Ombudsperson Gaby Schwarz in 2024: an exchange for female journalists on the topic of online hate in cooperation with the network for women in media on 16th April 2024 (see the article "[Together against online hate and defamation](#)", available in German only).

5. In 2024, the AOB made an active effort to reach adolescents and teach about the AOB's mandate and the rule of law. The members of the AOB obtained a list of all education institutions for adolescents from the age of 14 and above from the Federal Ministry of Education. A letter was sent out to those institutions informing about the possibility for schools to visit the AOB. Since then, many school classes visited the AOB. The aim of this initiative is to increasingly reach the younger generation and raise awareness about maladministration and possible remedies.
6. Overall, the approachability of the AOB has again been confirmed in the 2024 APA/OGM Confidence Index, which asks a specific number of people whether they trust an institution or not. The balance resulted in an even higher score of plus 62 for the AOB, showing that the AOB is among the most trusted public institutions in Austria (see the article "[Further increase in confidence in the Austrian Ombudsman Board](#)", available in German only).

With regard to the SCA's recommendation on pluralism and diversity of the members of the Austrian Ombudsman Board (hereinafter "AOB"), the AOB notes that the AOB has always had a high percentage of female staff members (currently nearly 70 percent of the AOB's staff members are women). However, as opposed to the time of the latest re-accreditation of the AOB – two out of three Ombudspersons of the AOB are presently women. In addition, out of the current three Chiefs of cabinet of the Ombudspersons, two are women (see the [AOB's organigram](#), only available in German).

## Regulatory framework

The Austrian Ombudsman Board has been identified as one of the Fundamental Rights bodies under Article 77(2) of the EU AI Act (see [Digital Austria's website on Article 77 AI Act](#), only available in German). However, the regulatory framework of the AOB has not been changed as this article of the AI Act strengthens already existing supervisory and regulatory powers of authorities or public bodies for fundamental rights.

## NHRI enabling and safe space

The Austrian Ombudsman Board notes that the relevant state authorities have

good awareness of its mandate, independence and role. In addition, it also notes that it has adequate access to information and to policy makers, and according to [Chapter 1 § 1 \(2\) item 4 Ombudsman Act 1982](#) may comment on any proposed draft legislation or ordinance.

The Austrian Ombudsman Board also notes that it has adequate resources to carry out the full breath of its mandate. The AOB has sufficient personnel and financial resources to carry out its tasks. Its financial autonomy underlines its independence. In line with [Art. 148d \(2\) of the Austrian Federal Constitutional Law \(B-VG\)](#), the AOB discusses its own budget in the relevant committee and then in the plenary session of the National Council. Subsequently, the AOB's independence is ensured through direct discussions with the members of parliament (MPs).

As regards the timely and reasoned responses to NHRI recommendations, the Austrian Ombudsman Board notes that according to [Art. 148c of the B-VG](#), in conjunction with [Art. 6 of the Ombudsman Act](#), the responsible federal, regional, or local authorities are obligated to comply with recommendations on measures to be taken in or by reason of a particular case addressed to them by the AOB. They shall do so within a term of eight weeks and inform the AOB accordingly or give the reasons in writing why the recommendation has not been complied with.

While recommendations and suggestions are always communicated to the relevant authorities, all general recommendations including the reactions of the concerned governmental department are also found in the [annual reports of the AOB](#). Specific recommendations that derive from individual cases and subsequent actions of the AOB and the concerned authority are frequently uploaded on the [AOB website](#). Therefore, the public can easily access all recommendations including government reactions. The availability of recommendations and consecutive activities creates transparency in the tracking process of recommendations.

Ordinarily, the recommendations and suggestions are followed up and implemented by the authorities. The appreciation and trust in the AOB of the MPs as well as the federal and local authorities contribute to a high implementation rate of recommendations. Moreover, the weekly TV show "Bürgeranwalt" (People's Advocate) assists in the implementation of recommendations as the public display of grievances may increase the willingness to rectify them.

As regards the functional immunity of the leadership and staff of the Austrian Ombudsman Board, according to [Art. 148a \(6\) of the B-VG](#), the AOB is an independent organ. The three Ombudsmen are elected by the National Council (Parliament) to represent the AOB independently and impartially. Each Ombudsman has a fixed tenure of six years that cannot be revoked by the

parliament ([Art. 148g \(1\) B-VG](#)).

The members of the AOB enjoy almost absolute independence and cannot be dismissed. This does not apply in cases of constitutional responsibility ([Article 142 B-VG](#)) or in the case of accountability according to the Austrian Criminal Code. Only if a member of the AOB is found guilty of a criminal offence and sentenced to imprisonment, provided that, the (conditional) sentence imposed exceeds one year, the non-conditional sentence exceeds six months, or the conviction was exclusively for the offense of abuse of authority ([§ 212, Austrian Criminal Code](#)), the incumbent can be dismissed ([§ 27, Austrian Criminal Code](#)).

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### Information from: Austrian Ombudsman Board

## Human rights defenders and civil society space

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### Activities of NHRIs to support civil society space and Human Rights Defenders

The Austrian Ombudsman Board continues to enhance and support the civil society and Human Rights Defenders through several initiatives. For more information on the initiatives, please see the section on “Follow-up to international and European actors’ recommendations on NHRIs and relevant developments”.

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### Information from: Austrian Ombudsman Board

## Functioning of justice systems

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Based on the human rights monitoring and reporting, the Austrian Ombudsman Board notes that there are significant challenges affecting access to justice and/or effective judicial protection in in the area of delays in court proceedings. Over the years, the AOB has received many complaints about delays in court proceedings at the Federal Administrative Court, in particular in asylum appeal proceedings. Between January and December 2024, the AOB identified maladministration in 25 cases due to delays in appeal proceedings of asylum seekers (see the [list of cases of maladministration and respective AOB](#)

[recommendations in 2024](#), last updated on 7th January 2025, available in German only).

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