

Questionnaire:**1. Which judicial and non-judicial remedies are available in your Member State<sup>1</sup>:**

- a. In criminal, civil and administrative cases;**
- b. in cases of discrimination;**
- c. in the field of consumer legislation;**
- d. in the field of employment legislation;**
- e. in other fields, including as regards non-judicial remedies.**

**a. In criminal, civil and administrative cases****REMEDIES IN CRIMINAL CASES****Ordinary legal remedies**

- **Objection because of violation of rights** (Sec. 106 Code of Criminal Procedure, CCP; *Strafprozessordnung 1975*):

Any person claiming to have their personal rights violated in investigation proceedings by the prosecution authority may raise objections to the court if

- the exercise of a right under the CCP has been refused or
- an investigative or coercive measure has been directed or executed in violation of provisions under the CCP.

- **Complaints** (Sec. 87 CCP):

Complaints against court orders may be lodged with the court of appeal

- by the prosecution authority,
- by the accused insofar as his or her interests are directly affected,
- by any other person whose rights are directly denied by or
- by any other person for whom duties arise from the court order or
- by any person, who is affected by coercive measures.

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<sup>1</sup> Member States that have updated the relevant pages of the European e-Justice portal, may refer to the information available at European e-Justice Portal - Legal systems - EU and national (europa.eu).

Furthermore, a private party may lodge an appeal against a court order leading to the discontinuation of proceedings, unless provided otherwise by law.

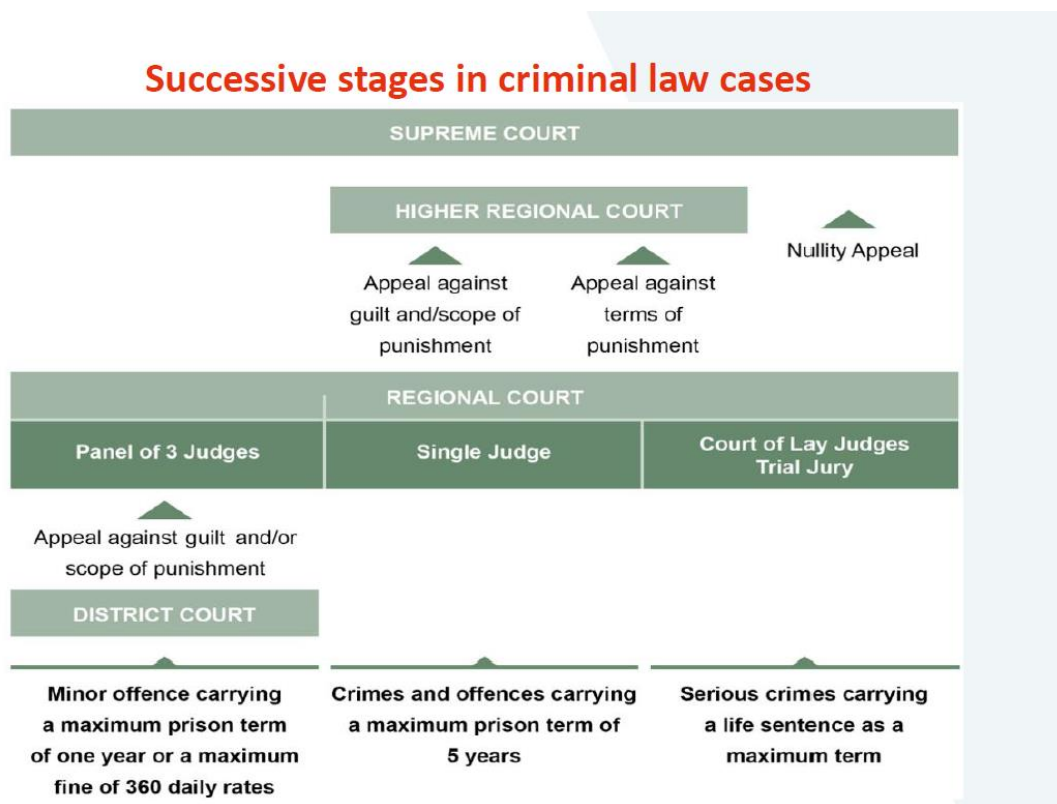
➤ **Appellate instruments against judgments** (Sec. 280 seq. CCP):

Depending on the deciding court

- **Appeal** (*Berufung*; goes to the Regional Court or the Higher Regional Court)
- **Appeal for nullity** (*Nichtigkeitsbeschwerde*; appellate instrument available against judgments of the Regional Court acting as a court of lay judges or trial jury, which is decided by the Supreme Court of Austria. If only the duration of the prison sentence or any ruling concerning private law claims are contested, the appeal is decided by the Higher Regional Court)

**Extraordinary legal remedies** (Sec. 352 seq. CCP)

- **Reconsideration of criminal proceedings** (*Wiederaufnahme des Strafverfahrens*)
- **Renewal of criminal proceedings** (*Erneuerung des Strafverfahrens*)
- **Restitutio in integrum** (*Wiedereinsetzung in den vorigen Stand*)



For further details please refer to the information provided by Austria in the European e-Justice Portal: [European e-Justice Portal - Defendants \(criminal proceedings\) \(europa.eu\)](#) .

## **REMEDIES IN CIVIL CASES**

### ***Before a judgment or decision becomes res judicata***

- **Appeal** (*Berufung*; legal remedy against a judgment, goes to the court of first instance and is decided by the court of second instance)
- **Appeal to the Supreme Court against the decision of the appellate court** (*Revision*; legal remedy against a judgment, goes to the court of first instance and is decided by the Supreme Court)
- **Appeal against an order or a decision (*Beschluss*) by a court (of first or second instance) acting in first instance** (*Rekurs*; legal remedy against a “Beschluss”, goes to the court of first instance and is decided by the court acting in second instance)
- **Appeal against an order or a decision (*Beschluss*) of a court of second instance on a “*Rekurs*”** (*Revisionsrekurs*; legal remedy against a “Beschluss”, goes to the court of first instance and is decided by the Supreme Court)

### ***After a judgment or decision has become res judicata***

- **Appeal for nullity** (*Nichtigkeitsklage*)
- **Renewal of civil proceedings** (*Wiederaufnahme*)

For further details please refer to the information provided by Austria in the European e-Justice Portal: [European e-Justice Portal - Civil cases \(europa.eu\)](#), in particular in this section: [European e-Justice Portal - Which country's court is responsible? \(europa.eu\)](#) .

## **REMEDIES IN ADMINISTRATIVE CASES**

Please refer to the information provided in the Austrian Input to the 2020 Rule of Law Report (answers to questions 40 and 41) and in the Austrian Input to the 2022 Rule of Law Report (answer to question 49) – available at [Rule of Law Report](#).

### ***On asylum cases***

First it has to be mentioned that the Austrian legislation on asylum is fully in line with EU law and provides for an effective legal protection system.

The **Austrian Federal Office for Immigration and Asylum** (*Bundesamt für Fremdenwesen und Asyl* - BFA) is the authority responsible for first instance procedures relating to applications for asylum and certain other issues of foreign nationals as well as granting residence permits based on humanitarian grounds.

Against all decisions taken by the BFA there is an effective judicial remedy available. Appeals may be filed with the **Austrian Federal Administrative Court** (*Bundesverwaltungsgericht* - BVwG). As a general rule, appeals before the BVwG have suspensive effect. Even if exceptions are applicable, the Court always has the opportunity to grant suspensive effect, where it deems it necessary.

Furthermore, there is a second level of appeals. There is the possibility to file another appeal (so-called revision) against decisions of the BVwG with the **Austrian Supreme Administrative Court** (*Verwaltungsgerichtshof* - VfGH). In addition, there is also the right to appeal against decisions of the BVwG to the **Austrian Constitutional Court** (*Verfassungsgerichtshof* - VfGH) in case constitutionally protected rights may have been violated (including rights guaranteed by the European Convention on Human Rights).

### ***On security police interventions***

Concerning acts of the security police the following legal remedies are available:

- Pursuant to Art. 130 para. 1 subpara. 2 Federal Constitutional Act (*Bundes-Verfassungsgesetz* – B-VG) in conjunction with Sec. 88 para. 1 Security Police Act (*Sicherheitspolizeigesetz* – SPG) complaints can be filed with the administrative court (*Landesverwaltungsgericht*) against the exercise of direct administrative power and compulsion for its alleged unlawfulness.
- Pursuant to Art. 130 para. 2 subpara. 1 B-VG in conjunction with Sec. 88 para. 2 SPG complaints can be filed with the administrative court for the alleged unlawfulness of the conduct of an administrative authority in executing the law.
- Pursuant to Sec. 89 SPG complaints for an alleged violation of guidelines for intervention by an organ of the public security service can be filed with the administrative court.
- Pursuant to Sec. 90 SPG the data protection authority shall decide on complaints regarding violations of rights due to the processing of personal data in matters of security administration.

- Pursuant to Art. 139 para. 1 subpara. 3 B-VG the VfGH decides on the lawfulness of security police ordinances (*sicherheitspolizeiliche Verordnungen*) on application by a person who alleges to have been infringed in her rights by an ordinance that has become directly effective for this person without a judicial decision having been rendered.
- On the basis of the Act on the Duty to Provide Information (*Auskunftspflichtgesetz*) each person has the right to submit a written, oral or telephone request to the federal organs in matters relating to the respective area of responsibility.

#### b. in cases of discrimination

The **Equal Treatment Act** (for the private sector [*Gleichbehandlungsgesetz*]) covers provisions against direct or indirect **discrimination** on grounds of gender, especially by referring to marital and family status, ethnic origin, religion or belief (ideology), age (whether young or old) or sexual orientation **in employment and occupation** (in connection with the overall working environment). On the basis of gender, nobody may be discriminated against, directly or indirectly, in **access to and provision with goods and services that are available to the public, including housing**. In addition, ethnic origin must not be the reason for any direct or indirect discrimination in **other areas, such as social protection, including social security and health services, social benefits and education**.

In case of discrimination, the law provides for the following legal claims depending on the established discrimination:

- to put an end to the discriminatory circumstances or
- to compensate for the pecuniary damages suffered, and in both cases
- to compensate for the non-pecuniary damages (personal impairment) suffered

The claims must be asserted before a court.

The judicial procedure provides for a shift of the burden of proof. The alleged victim has to provide *prima facie* evidence of discrimination. The court can only dismiss the application if, after weighing all the circumstances, it is more likely than not that the evidence provided *prima facie* by the alleged discriminating person is true, i.e. that the discriminating person has succeeded in proving exoneration.

In addition, it is also possible to appeal to the **Equal Treatment Commission** (*Gleichbehandlungskommission*). The Equal Treatment Commission deals with all questions concerning discrimination and can, in particular, draw up expert opinions and assess individual

cases. However, civil courts have sole jurisdiction to decide on claims for damages and compensation. The Equal Treatment Commission and the civil court may be seised independently of each other. The procedure before the Equal Treatment Commission is free of charge and low-threshold and therefore easily accessible.

The principle of **gender-neutral and non-discriminatory job advertisement** (Sec. 23 Equal Treatment Act) is aimed at employers, private employment agencies and at the **Labour Market Service** (*Arbeitsmarktservice* – AMS), which is the public agency for free job placement service. In addition, for the advertised job the remuneration provided by collective agreement, law or other norms of the collective law must be specified. If there is the willingness to pay more than this amount of money it must be indicated. In sectors where there is no remuneration provided by collective agreement, law or other norms of the collective law, that remuneration must be specified as the basis for negotiating the pay agreement. Not included are persons in employment-like positions and employees in high leadership positions (e.g. CEO). In case of violation of this commandment administrative penalties are provided (Sec. 24 Equal Treatment Act).

The commandment of **non-discriminatory advertising of housing** (Sec. 36 Equal Treatment Act) is a complementary measure to the realization of the commandment of non-discriminatory access to and supply with goods and services that are available to the public, including housing (Sec. 30 seq. Equal Treatment Act). In accordance with the regulations concerning non-discriminatory job advertisement in violation of the commandment, penalties are provided.

As a measure to combat the **income gap between women and men**, the Equal Treatment Act provides for the obligation of companies with at least 150 employees to prepare a **company-related income analysis every two years**. The competent works council or - in companies without a works council - the individual employee has the right to information. The preparation and delivery of the income analysis is enforceable in court.

For an **overview of Austrian equality bodies** and the assistance they provide (e.g. in cases of discrimination relating to persons with disabilities), please refer to the information provided in the Austrian Input to the 2020 Rule of Law Report (answer to question 39) and in the Austrian Input to the 2022 Rule of Law Report (answer to question 49) – available at [Rule of Law Report](#).

### **c. in the field of consumer legislation**

Please refer to the information provided by Austria in the European e-Justice Portal: [European e-Justice Portals - Enforcement \(europa.eu\)](https://e-justice.europa.eu) .

#### d. in the field of employment legislation

##### ➤ **Entitlements under employment contract law**

Entitlements under employment contract law are regulated in a number of Acts. Individual employment law includes all legal provisions that regulate the legal relationship between employees and employers. These include, for example, the rights and duties laid down in an employment contract. There are laws that apply to all employees, such as the Holidays Act. However, there are also laws that refer to specific employment relationships or occupational groups.

Claims under employment contract law must be asserted before a court. Also in the field of agricultural labour law, any agricultural worker can apply to the labour courts. The procedure in this regard is governed by the **Labour and Social Court Act** (*Arbeits- und Sozialgerichtsgesetz - ASGG*).

##### ➤ **Labour Constitution Act** (*Arbeitsverfassungsgesetz*)

The protection against dismissal provided by the Labour Constitution Act may be asserted by the works council or the employee before the court.

In addition, the Labour Constitution Act provides for administrative penalty provisions, e.g. against employers in case of violation of the obligation to impose the applicable collective agreement, violation of obligations in connection with the election of the works council or the exercise of the rights of the works council. If members of the works council violate business and trade secrets, they may also be subject to administrative penalties.

If a dispute arises between the works council and the employer on matters that can be regulated by an enforceable works agreement on the conclusion, amendment or termination of a works agreement, a **conciliation board** (*Schlichtungsstelle*) shall be established at the request of one of the parties to the dispute. The conciliation board shall mediate between the works council and the employer, make proposals for the settlement of the disputes and work towards an agreement between the disputing parties. If these efforts are unsuccessful, the conciliation board shall make a decision bindingly substituting the agreement between the works council and the employer.

In the case of disputes concerning the affiliation or amendment of a collective agreement, the **Federal Conciliation Office** (*Bundeseinigungsamt*) shall initiate conciliation negotiations at the request of one of the parties to the dispute. The aim of this mediation is to reach an agreement. Furthermore, with the consent of the parties to the dispute, arbitration by the Federal Conciliation Office is also possible.

➤ **Chamber of Labour Act** (*Arbeiterkammergesetz 1992*)

The Chamber of Labour Act regulates membership of the Chamber of Labour (*Arbeiterkammer*). In the case of disputes concerning Chamber membership, the Federal Minister of Labour and Economy shall, upon application of the person concerned or the Chamber of Labour, decide by administrative decision. This decision may be contested by administrative appeal.

The Chamber of Labour Act also regulates the election to the Chamber of Labour. In this context, the employer is subject to a number of information obligations. Administrative penalties may be imposed if these obligations are violated.

The Chamber of Labour offers its members free legal advice on labour and social law issues and in certain cases legal protection in labour and social court proceedings. If it refuses to do so, it shall decide on the matter by administrative decision at the request of the person concerned. This decision may be contested by administrative appeal.

➤ **Act on construction workers' annual leave and severance pay**

Employees in the construction sector receive benefits based on statutory annual leave entitlement or severance pay only from the **Construction Workers' Holiday and Severance Pay Fund** (*Bauarbeiter-Urlaubs- und Abfertigungskasse* - BUAK) and not from their employer in the individual case. Employees have a claim with the BUAK and not with their employers, the BUAK pays out benefits. Employers in turn remit supplements to the monthly wage to the BUAK, in this way contributing to funding for their employees' entitlements. Based on the monthly reports submitted by the employers, the BUAK calculates the supplements and issues a corresponding payment order to employers. Payment order and collection of the supplements are carried out in the administrative procedure.

If BUAK does not pay the employee his or her entitlements, he or she must take legal action against the BUAK before a civil court.



Within the framework of this system, the employer is subject to a number of reporting and information obligations. If the employer violates these, he or she may be subject to administrative penalties.

➤ **Health and Safety at Work Act** (*ArbeitnehmerInnenschutzgesetz*)

**Employment protection** consists of technical safety and occupational hygiene, and occupational safety and health. The Health and Safety at Work Act is the legal basis for occupational safety and health protection for employees in the private sector in Austria. It applies to the employment of all those who work as part of an employment relationship or training relationship and also covers agency workers.

Technical occupational health and safety primarily involves workplaces, work equipment and chemical and biological agents, health surveillance, ergonomic and proper work processes and workplaces, and safety and occupational health care provided by preventive services. In addition, there are regulations on the protection of expectant or nursing mothers as well as children and young workers and on working hours.

If a violation of a health and safety at work regulation is detected, the labour inspectorate shall advise the employer on the effective implementation of the health and safety at work regulations and request in writing to restore the condition in accordance with the legal provisions and official orders within a reasonable period of time (*Schriftliche Aufforderung, innerhalb einer angemessenen Frist den den Rechtsvorschriften und behördlichen Verfügungen entsprechenden Zustand herzustellen*). If the request is not complied with within the specified or extended period of time, the labour inspectorate shall report the matter to the competent administrative penal authority (cf. Sec. 9 para. 1 and para. 2 *Arbeitsinspektionsgesetz 1993 - ArbIG*). A complaint may also be filed without a prior request if the violation is serious (cf. Sec. 9 para. 3 *ArbIG*).

If regulations on occupational safety and health are not adhered to, this constitutes an administrative offence which can lead to administrative penal proceedings. A court case only takes place in special situations, e.g. after an accident at work. Administrative penal proceedings are carried out by the **district administrative authorities** (*Bezirksverwaltungsbehörde*). They are usually initiated because of charges brought by the labour inspectorate or other persons. The accused are normally either the employer(s) or their designated representatives. Employees can only be punished for certain offences, such as for not having used personal protective equipment in spite of having received information about this and having provenly been urged to do so in writing. In

general, employers are responsible under administrative penal law for the proper provision of preventive measures.

The level of the fines or other penalties depend primarily on the number or severity of the offences and whether there have already been several violations of the occupational safety and health regulation in question. If criminal proceedings in court are initiated, administrative penal proceedings must not be conducted against the same person.

There are various types of penalties, although **only fines are provided for in health and safety at work regulations**. The penalty rate depends on the administrative regulations (e.g. Sec. 130 *ArbeitnehmerInnenschutzgesetz* - ASchG). Together with the fine, a substitute confinement is also to be imposed in the event of uncollectibility. The substitute sanction must not exceed 2 weeks if the applicable administrative law does not provide for a prison sentence (Sec. 16 *Verwaltungsstrafgesetz 1991* - VStG).

In the field of **employment protection**, every employer has the opportunity to take action against penalties imposed by the administrative penal authorities at the provincial administrative courts (*Landesverwaltungsgerichte*):

An appeal against decisions (orders imposing penalties) of the competent administrative penal authority may be lodged with the provincial administrative court within four weeks (cf. Sec. 7 *Verwaltungsgerichtsverfahrensgesetz* - VwGVG). The appeal period begins to run on the day of notification of the order (if applicable, on the day of the oral pronouncement of the order). This appeal must be lodged with the administrative penal authority that issued the decision. An appeal against a judgment or decision of a provincial administrative court may be lodged with the Supreme Administrative Court within six weeks (cf. Sec. 25a *Verwaltungsgerichtshofgesetz 1985* - VwGG).

In addition, the labour inspectorate is obliged to notify to the public prosecutor's office a suspected criminal offence affecting its statutory sphere of activity (Sec. 78 para. 1 CCP). If the violation of a health and safety regulation is established that is directly related to a serious or fatal occupational accident, then there is a suspicion of negligent bodily injury or homicide (Sec. 88, 80 Criminal Code [*Strafgesetzbuch* - StGB]).

- **Wage and Social Dumping Control Act** (*Lohn- und Sozialdumping-Bekämpfungsgesetz* - LSD-BG)

The LSD-BG provides for effective control options as well as sanctions with regard to the underpayment of employees, regardless of whether they have their usual place of work in Austria or have been posted or assigned to Austria on a cross-border basis. If, for example, the **financial police** meets persons during a control who claim to be self-employed, they **will** nevertheless **check** whether **these persons are employees** if there are corresponding indications. If the financial police come to the conclusion that they are employees and that they are **underpaid**, they will **report** this **to** the competent **district administrative authority**, which will then carry out administrative **penal proceedings** on the basis of the report.

➤ **Unemployment insurance** (*Arbeitslosenversicherung*)

The Labour Market Service also decides on applications for unemployment insurance benefits. Its decisions are subject to review by the administrative courts.

**e. in other fields, including as regards non-judicial remedies**

**ON THE AUSTRIAN OMBUDSMAN BOARD (VOLKSANWALTSCHAFT)**

According to Article 148a B-VG, everybody can lodge a complaint with the Austrian Ombudsman Board (AOB; *Volksanwaltschaft*) against alleged maladministration by the Federation, including its activity as a holder of private rights, in particular for alleged violations of human rights, provided that they are affected by such maladministration and in so far as they do not or no longer have recourse to a legal remedy. All such complaints must be investigated by the AOB. The complainant shall be informed of the investigation's outcome and what action, if necessary, has been taken. The AOB is also entitled to investigate its suspicions of maladministration and in particular of violations of human rights *ex officio*.

Therefore, the AOB significantly contributes to the implementation of the right to good administration enshrined in Article 41 of the European Charter of Fundamental Rights.

While the AOB is not competent for monitoring courts, anyone can complain with the AOB for alleged delay of a court to hear a case, if being personally affected. According to Article 148c Federal Constitutional Act, the AOB may in a specific case at the occasion of a certain case request a deadline to speed up proceedings or prevent them becoming unreasonably long and suggest measures of supervisory control.

## **ON THE IMPLEMENTATION OF THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES**

Austria is committed to implement the OECD Guidelines for Multinational Enterprises and to set up a **National Contact Point** (NCP). OECD Guidelines are recommendations from governments to enterprises in the field of human rights, labour standards, environmental protection and disclosure. The NCPs are designed to enhance the awareness and effectiveness of the OECD Guidelines and contribute to the resolution of issues and questions that arise relating to the implementation of the Guidelines. Austria's National Contact Point (German acronym: öNKP, for ease of understanding henceforth called Austrian NCP) is based within the Federal Ministry for Labour and Economy (*Bundesministerium für Arbeit und Wirtschaft* - BMAW). The Austrian NCP's activities are supported by a Steering Committee composed of representatives of ministries, chambers, stakeholder groups and civil society.

If any complaint on alleged contraventions of the OECD Guidelines is filed with the Austrian NCP, it is processed in accordance with the Procedural Guidance included in the OECD Guidelines.

The NCP-managed mediation process provides a framework for the parties concerned to enter into a constructive dialogue with stakeholders and consequently creates the basis for long-term joint processes of change. The parties enjoy greater control over the process of reaching an agreement than in formal procedures where a third independent entity takes a final decision. In most cases consensual agreement is also a less time consuming and less expensive alternative to formal or legal actions.

The objective of any grievance procedure is to have an open and constructive dialogue between the parties in order to achieve a common and tenable solution, thus contributing to the effectiveness of the OECD Guidelines. NCPs are no judicial authority, and complaints – so-called specific instances – are no formal legal cases. By the same token, mediation procedures are not intended to result in sanctions for alleged contraventions in the past. Rather, they seek to address the issue and find a solution that is satisfactory to both sides and sustainable for the future. The results of such a procedure can have major consequences, e.g. for the reputation of an enterprise or for public procurement and funding systems.

Information on specific instances in accordance with the OECD Guidelines are published online on <https://www.bmaw.gv.at/Themen/International/OECD-Leitsaetze-multinationale-Unternehmen-OeNKP.html>. Furthermore, the Austrian NCP organises a variety of informational events in order to

inform stakeholders on specific instances. Specific instances can be brought to the Austrian NCP via e-mail. The process of a specific instance is very flexible and can be adapted to the needs of vulnerable and marginalised groups (e.g. place of meetings, protection of personal information, translations). The Austrian NCP also accepts cases from NGOs, Trade Unions and other supporters of potential victims.

**2. Does your Member State provide information on the available remedies, and the steps to be taken during a judicial process / when accessing non-judicial remedies:**

- a. To parties of criminal proceedings;**
- b. To parties of civil proceedings;**
- c. To parties of administrative proceedings;**
- d. Persons accessing non-judicial remedies.**

**Please provide more information, including examples of good practice you consider effective.**

Yes, especially court orders and judgments are accompanied by extensive instructions on how to appeal.

Furthermore, there are comprehensive information rights of the parties to criminal proceedings (see also at [European e-Justice Portal - Defendants \(criminal proceedings\) \(europa.eu\)](https://e-justice.europa.eu/defendants)).

The police provides many information sheets including, e.g., the information sheets for people in detention, for people who are being processed by the identification service, for people arrested under the CCP, VStG, the *Fremdenpolizeigesetz* (FPG) and the *BFA-Verfahrensgesetz*, for people in detention pending deportation or victims of crime. These forms are available in various languages.

You can also find relevant information on the website of the Federal Criminal Police Office (*Bundeskriminalamt*) on the topics of prevention and victim support. For the rights of victims of crime please refer to the information at [European e-Justice Portal - Victims' rights - by country \(europa.eu\)](https://e-justice.europa.eu/victims) .

**ON ASYLUM CASES**

All decisions of the Federal Office for Immigration and Asylum contain instructions on the right to appeal in a language that the applicant understands (in addition to the original German).

Furthermore, when taking a decision, the Federal Office has to inform the asylum seeker that a legal adviser will be provided to them free of charge *ex officio*. The **Federal Agency for Reception and Support Services** (*Bundesagentur für Betreuungs- und Unterstützungsleistungen - BBU*) is the responsible authority for providing *inter alia* legal assistance to asylum applicants (see below).

### **ON THE AUSTRIAN INTEGRATION FUND (ÖSTERREICHISCHER INTEGRATIONSFONDS)**

The Austrian Integration Fund offers legal orientation talks and support for all women in Austria on legal issues relating to marriage, end of relationship (separation), divorce and its legal consequences, custody of children, maintenance and alimony. The talks take place in an individual setting with a lawyer, including interpretation, at the so-called ÖIF Women's Centers (*Frauenzentrum*); they are anonymous and free of charge. Information on judicial and other extrajudicial contact points for women is also available.

### **ON ADMINISTRATIVE PROCEEDINGS IN THE FIELD OF EMPLOYEE PROTECTION**

In the field of employee protection, instructions on legal remedies must be included in every administrative penalty order.

### **3. Does your Member State use digital tools to facilitate access to justice?**

- a. Yes**
- b. No**

**If yes, please provide more information on the tools available and your experience on their relevance. Please provide examples of good practice you consider effective.**

**JustizOnline** ([justizonline.gv.at](https://justizonline.gv.at)) has been the digital public service platform of the independent Austrian courts and public prosecution offices since November 2020, which provides digital access to judicial proceedings. Its goal is to enhance trust in the judiciary, eliminate existing barriers and ensure easy access to justice for the public. Each citizen will be able to interact with the judiciary in a simple, digital way and submit personal judicial matters quickly and in an unbureaucratic way.

The services offered include selected online court procedures, 24 hours a day and without local restrictions, from any desktop or smartphone. JustizOnline extends the independent courts and public prosecution offices' services to include cutting-edge, free-of-charge and transparent digital

services. The highest security and accessibility standards are guaranteed. Objectives were, among others:

- Creation of a digital access channel to judicial proceedings on a citizen platform,
- Location and time-independent inspection of files and information on the state of the proceedings,
- Overview of defined trial dates with immediate active information in case of any delays, cancellations, etc. and
- Modern and mobile useable publication platform with the possibility to register creditors in bankruptcy proceedings.

For further details please refer to the information provided by Austria in the European e-Justice Portal: [European e-Justice Portal - Online processing of cases and e-communication with courts \(europa.eu\)](https://e-justice.europa.eu) .

In the field of employment law, the [Posting of workers platform](#) is a special website which provides companies and their employees with information concerning the posting and hiring-out of workers to Austria. Here you can find information on the minimum wage requirements and employment regulations and concerning the steps required to ensure compliance with these laws. The information on this platform is provided in the main languages of the workers and employers concerned.

**4. Which of the following measures are available in your Member State to remove language/ cultural/ physical/ financial/ other barriers for people accessing remedies:**

- a. Interpretation and translation services;**
- b. Measures to facilitate access by persons with disabilities, such as measures relating to accessibility of court houses and other resources for people with disabilities;**
- c. Legal aid;**
- d. Arrangements to refer vulnerable victims, such as victims of domestic or gender-based violence, to support services;**
- e. Fast-track proceedings available for certain vulnerable parties, such as in cases involving sexual violence or children;**
- f. Other measures.**

**Please provide more information on the measures available and your experience on their relevance. For instance, please provide examples of good practice you consider effective.**

## a. Interpretation and translation services

### ON POLICE INTERVENTIONS

Interpretation and translation services will be provided, if necessary, for interrogations and interviews carried out by the criminal police within the criminal justice system.

### ON CRIMINAL PROCEEDINGS

#### **Interpretation Assistance pursuant to Sec. 56 CCP:**

An *accused* who does not speak or cannot understand the language in which the proceedings are conducted, has the right to receive interpretation assistance. Moreover, insofar as this is necessary to preserve the rights of the defence and to ensure a fair trial, the accused has the right to obtain written translations of essential documents, which are to be provided within reasonable time.

Interpretation assistance is to be provided orally and, in particular, for the hearing of evidence where the accused is present, for court hearings and, upon request, also for contacts between the accused and his or her defence counsel if such contact is directly related to the hearing of evidence, court hearings, the use of legal remedies or any other motion.

This right is also granted to *victims*.

## b. Measures to facilitate access by persons with disabilities, such as measures relating to accessibility of court houses and other resources for people with disabilities

Court buildings are (with a few exceptions) barrier-free and therefore physically easily accessible to elderly people and persons with disabilities. Accordingly, to ensure barrier-free physical access to courthouses, the internal guidelines stipulate that at least the entrance to the courthouse, the central information and service point of the courthouse, a courtroom and a toilet must be designed in such a way that they can be reached without barriers. Those few court locations that do not yet meet these requirements are currently or will soon be adapted. Only some courts cannot be adapted accordingly due to legal obstacles (requirements under monument protection law [*Denkmalschutz*]).



The Federal Ministry of the Interior endeavors to make its website consistent with the *Web-Zugänglichkeits-Gesetz* implementing Directive (EU) 2016/2102 of the European Parliament and Council of October 26, 2016 on barrier-free access to the websites and mobile applications of public bodies. You can also find information on the accessibility of police stations on the website [www.polizei.gv.at](http://www.polizei.gv.at).

### c. Legal aid

#### **ON ASYLUM CASES**

In 2019 the Act establishing the Federal Agency for Reception and Support Services (*BBU-Errichtungsgesetz* – BBU-G) was enacted. Since 1 January 2021, the BBU provides legal counselling services free of charge as well as free legal representation before the Federal Administrative Court.

The BBU offers legal advice and legal representation in the following proceedings:

- application for international protection (recognition and withdrawal procedures)
- measures terminating the stay (decision to return, ban on entry, expulsion and ban on residence)
- detention pending deportation

In every procedure on international protection, an interpreter for a language understood by the asylum seeker is provided. Transcripts of interviews by the BFA or court proceedings are translated and the essential parts of the decision, the result of the procedure (decision or judgment) and the possibility of legal remedy (appeal) are written in a language that the applicant can understand.

If an asylum seeker claims persecution (Article 1, Section A, line 2 of the Geneva Refugee Convention) because of interference with their sexual self-determination, they shall be interviewed by an official of the same sex, unless they request otherwise. The asylum seeker must explicitly be informed of this right.

#### **LEGAL AID IN CRIMINAL PROCEEDINGS**

The right to be provided with a legal aid counsel is regulated in Sec. 61 para. 2 CCP. The legal aid counsel (Sec. 61 para. 2 and 4 CCP) and the corresponding ex officio defence counsel (Sec. 61 para. 3

CCP) have a double objective: On the one hand, also indigent defendants shall receive legal aid and, on the other hand, affluent defendants shall not be able to “circumvent” the statutory obligation to name a defence counsel. This provision also applies to defendants who are financially indigent but do not apply for the assistance of a defence lawyer despite the obligation to have a defence lawyer (and are not in need of protection within the meaning of Sec. 61 para. 2 CCP, in which case the defence lawyer could be appointed *ex officio*).

A **stand-by defence counsel service** for detained defendants was established by law on 1 January 2017 for the purpose of an efficient implementation of the right of detained defendants to establish contact with the defence counsel and to have a counsel present during their interrogation (Sec. 59 para. 4 CCP). A defendant who has been arrested or brought in for immediate questioning does not have to bear the costs for the involvement of a defence attorney on standby for a criminal investigation if he/she is lacking sufficient financial means and is in need of protection. Moreover, an explicit right of the defence counsel to participate in the interrogation of the defendant concerning the conditions to impose pre-trial detention by the court has been introduced (Sec. 174 para. 1 CCP). The participation of a defence attorney from the stand-by legal service in the interrogation on the prerequisites of pre-trial detention is always free of charge for a defendant who lacks financial resources.

The accused must be represented by defence counsel in some cases (indispensable defence). One of these cases is in appellate proceedings following the filing of an appeal for nullity, an appeal against a verdict by a court of lay judges or a court of jurors (Sec. 61 para. 1 subpara. 6 CCP).

If the accused is not able to meet the full costs for the defence without causing a detriment to his or her maintenance of a simple livelihood and for the accused’s family in his or her care, upon request by the accused, the court has to make an order that a defence counsel is assigned to the accused. This includes that the costs for such counsel need not be (fully) borne (Sec. 393 para. 1a CCP) by the accused, if and insofar as this is necessary in the interest of justice, especially in the interest of an appropriate defence (legal aid defence counsel for the proceedings). Assignment of defence counsel of this type is, in any event, required i.a. for appellate proceedings following the filing for appeal (Sec. 61 para. 2 subpara. 3 CCP).

The **Austrian Federal Bar Association** (*Österreichischer Rechtsanwaltskammertag*) operates a nationwide free stand-by service telephone number, which is accessible 24/7 and allows for immediate contact with a defence counsel. The first telephone consultation with a defence attorney

is free of charge. The use of defence services within the framework of the stand-by service is generally subject to a charge.

### **LEGAL AID IN CIVIL CASES**

Legal aid in civil cases is regulated in Sec. 63 - 73 of the Code of Civil Procedure (*Zivilprozessordnung* – ZPO). The objective of such aid is to enable all defendants to pursue their claims or to defend their rights before a civil court, irrespective of their individual financial situation. The expenses associated with conducting litigations should not constitute an obstacle when enforcing claims or when defending against accusations, even if a person lacks sufficient financial means. Thus, the option of being provided with legal aid shall remove differences resulting from personal economic situations, shall implement both the principle of equality but also the right to free and unimpeded access to court for all parties pursuant to Art. 6 para. 1 of the European Convention on Human Rights (ECHR). Legal aid shall be provided by the court to parties if otherwise the participation in proceedings would lead to difficulties in meeting their livelihood.

Furthermore, there are fee reductions in the area of guardianship proceedings and digital file copying. In 2021, court fees for remedies in insolvency proceedings were reduced from EUR 948 to EUR 350. In addition, children seeking enforcement of their maintenance claims are exempt from court fees.

For further details please refer to the information provided by Austria in the European e-Justice Portal: [https://e-justice.europa.eu/37129/DE/legal\\_aid?AUSTRIA&member=1](https://e-justice.europa.eu/37129/DE/legal_aid?AUSTRIA&member=1).

### **IN THE FIELD OF EMPLOYMENT**

The Ombud of Equal Treatment is responsible for providing counselling and support services to persons feeling discriminated against within the scope of the Equal Treatment Act. All consultation is free and completely confidential.

The workers' interest groups (Chambers of Labour, Austrian Trade Union Federation [*Österreichischer Gewerkschaftsbund* – ÖGB]) offer their members free legal advice on labour and social law. In agricultural labour law the Chamber of Agricultural Workers and trade unions are allowed to support the workers.

In addition, the Chamber of Labour offers its members, in certain cases, free legal protection in labour and social court proceedings. If it refuses to do so, it shall issue an administrative decision at the request of the person concerned. This decision may be contested by administrative appeal.

**d. Arrangements to refer vulnerable victims, such as victims of domestic or gender-based violence, to support services**

An automatic data transfer, which enables victim protection institutions to proactively contact victims for their protection, is provided for in Sec. 25 para. 3 Security Police Act (*Sicherheitspolizeigesetz - SPG*) in conjunction with Sec. 38a para. 4 SPG and Sec. 56 para. 1 subpara. 3 SPG for people who are threatened with violence including persistent stalking (Sec. 107a CCP). This automatic data transfer, the so-called „referral mechanism“, lies within the responsibility of the Federal Ministry of the Interior.

In the case of entry and approach bans (*Betretungs- und Annäherungsverbote*) according to the provisions of Sec. 38a SPG the police will promptly send the locally responsible violence protection center the form "Documentation according to Sec. 38a SPG". The notified violence protection center proactively contacts the person at risk immediately, at the latest after two working days.

If the Violence Protection Center cannot establish contact (by telephone, letter, or in person), then, based on the professional assessment of the Violence Protection Center supervisor, the responsible police station should be contacted. The same procedure applies to lawsuits under Sec. 107c StGB, persistent persecution (Sec. 56 para. 1 subpara. 3 SPG) since July 2021. If persistent stalking is suspected, the police must transmit the necessary data to the violence protection centers so that the victims can be cared for by the violence protection centers.

Moreover, pursuant to Sec. 10 para. 1 CCP, the criminal police, the public prosecutor's office and the court are obliged to inform (all) victims of their essential rights in the proceedings, of compensation and (court) assistance options. This right to information is centrally regulated in Sec. 70 CCP and provides that as soon as preliminary proceedings are conducted, victims must be informed by the criminal police or the public prosecutor's office about the subject matter of the proceedings as well as about their essential rights, the possibility as well as the prerequisites of psychosocial and/or legal court assistance and, if applicable, also about the rights of particularly vulnerable victims. This information shall be given in a language that the victim understands and in an understandable manner, taking into account their particular personal needs.

For further details on victims' rights please refer to the information provided by Austria in the European e-Justice Portal: [https://e-justice.europa.eu/171/DE/victims\\_rights\\_by\\_country?AUSTRIA&member=1](https://e-justice.europa.eu/171/DE/victims_rights_by_country?AUSTRIA&member=1).

#### **e. Fast-track proceedings available for certain vulnerable parties, such as in cases involving sexual violence or children**

Such an instrument is not available in Austrian criminal proceedings. However, since the duration of criminal proceedings also entails an increased burden on all parties to the proceedings (especially with regard to the outcome of the proceedings), the question of the necessary acceleration of criminal proceedings (in particular in matters of detention) is a guiding principle of criminal proceedings (Sec. 9 CCP) - in addition to the principle of truth-seeking (Sec. 3 CCP). Of course, the duration of the proceedings always depends on the circumstances of the individual case, but in this context, it should be noted that there is a constitutional obligation on the state, derived from Art. 6 para. 1 ECHR, to organise its court system in a manner which allows termination of proceedings within a reasonable time. Furthermore, according to Sec. 232 para. 2 CCP the presiding judge has the duty to promote the investigation of the truth and has to ensure that debates that would prolong the main trail without any use are avoided.

(Concerning the **best interest of the child** see the answer to question 6 below.)

**5. Which measures has your Member State taken to ensure the justice system's responsiveness to the needs of vulnerable and marginalised groups? Please provide examples of good practice you consider effective.**

#### **PROCESS SUPPORT**

Sec. 73b CPC extends the criminal law service of psychosocial process support (Sec. 66 para. 2 CCP) for victims to civil law proceedings. Upon request, they shall be granted psychosocial process support as required to safeguard their procedural rights taking into account their personal dismay to the largest extent. Psychosocial process support includes the preparation of the person affected for the proceedings and for related emotional strains as well as support during procedural interviews and hearings. A criminal conviction is not a precondition for process support in civil law proceedings. The psychosocial process supporter is comparable to a person of trust (Sec. 174

CPC).The costs for the psychosocial support is borne by the State (preliminarily up to EUR 1,000, in the case of granted legal aid up to EUR 1,400).

### **ON ASYLUM CASES**

There are numerous trainings and further specialised courses at the BFA regarding “vulnerable groups” in close cooperation with internal and external experts. Regarding the sensitive handling of vulnerable groups, there are concrete training measures and tools for the staff of the BFA.

In cooperation with the UNHCR and the Centre for Translation Studies at the University of Vienna a modular training course for lay interpreters was developed which also includes a module on "Interpreting for the Vulnerable".

**6. Does your Member State have in place arrangements to facilitate access to justice by children? Please provide examples of good practice you consider effective.**

### **FAMILY AND YOUTH COURT SERVICE (FAMILIEN- UND JUGENDGERICHTSHILFE - FJGH)**

The FJGH is an organisation to support courts in guardianship proceedings and criminal cases involving adolescents and young adults (up to 21 years of age). The wellbeing of children involved is the focus in all their work.

In guardianship proceedings, the organisation works with families involved in order to find solutions that can be accepted by all parties involved. If this is not possible, it supports the court in finding a ruling.

In criminal cases against adolescents and young adults, the FJGH provides individual assessments, helps the judge to decide if pre-trial-detention is necessary and participates in the meetings of the social network of the juvenile perpetrator.

The employees of the FJGH have a background of psychology, pedagogy and/or social work; they must complete an initial training curriculum and receive ongoing training as long as they stay with the organisation.

### **LEGAL AID FOR CHILDREN**

Some international instruments, which Austria is a party to, contain particular provisions for granting legal aid to children (and young person until the age of 21) abandoning the means test, e.g. 2007 Hague Maintenance Convention and 2009 Maintenance Regulation. These are implemented in practice.

### **CHILD ADVOCATE (KINDERBEISTAND)**

In guardianship proceedings the court may appoint a child advocate (*Kinderbeistand*) as a suitable means of enabling children to participate in judicial proceedings without placing too much of a burden on them and also satisfying their need for information. The child advocate is the "spokesperson" of the child in the proceedings, but also acts as a "translator" by explaining the subject matter of the proceedings to the child. The aim is, *inter alia*, to reduce loyalty conflicts for the child and to facilitate a child-friendly participation in the proceedings.

### **CRIMINAL LAW PROCEEDINGS**

Specially trained police officers are deployed when children are interviewed/interrogated in order to be able to ensure the best interest of the child.

In Austrian criminal proceedings, there are several rights and measures that facilitate access to justice and protection for child victims in criminal proceedings:

- Appointment of a curator (special representative) for the minor victim if a legal representative of the minor victim is suspected of having committed the criminal offence or if there is otherwise the risk of a conflict of interests between the minor victim and his legal representative, or if no legal representative can assist the minor victim in criminal proceedings (Sec. 66a para. 3 CCP).
- Information on the escape and recapture as well as the first unmonitored release from the institution or on a pending or an actual release of the prisoner including any instructions given to him or her in order to protect the victim (Sec. 106 para. 4, Sec. 149 para. 5 of the Prison Act).
- Right to be immediately informed *ex officio* of the release or escape of the accused person from custody and provisional custody (Sec. 172 para. 4, Sec. 177 para. 5, Sec. 181a CCP).
- Psychosocial and legal court assistance free of charge, if this is necessary to preserve the rights of the victim, taking into account their personal concerns (Sec. 66b para. 1 CCP). Some victims are afforded this assistance in any case (victims whose sexual integrity might have been

violated and who are under the age of 14). Psycho-social court assistance includes the preparation of the person concerned for the proceedings and for the emotional strain associated with the proceedings as well as accompanying the person to interviews during investigation proceedings and the main proceedings; legal court assistance includes legal advice and representation by an attorney (Sec. 66b para. 2 CCP). The Federal Ministry of Justice is authorized to delegate contractually provision of assistance to victims during criminal proceedings to suitably experienced institutions and has to finance the provision of psycho-social and legal assistance by these institutions. Many of these institutions, such as child protection centres, violence prevention centres and intervention centres, are specialised in working with children.

- There are provisions for an adversarial interview of a witness in a manner that avoids secondary victimisation and the direct contact of the witness and the defendant. The participation of other participants may be substituted by the use of technical means of audio and visual transmission. Moreover, in some specific cases it is possible to appoint an expert to conduct the interview (Sec. 165 and Sec. 250 CCP).
- If an adversary interview has taken place, the witness is released from the obligation to further testify and the protocol of the adversary interview can be read in the main trial phase (Sec. 252 para. 1 subpara. 2a CCP).
- Protection of the identity of the witness (Sec. 10 para. 3, Sec. 161 para. 1, Sec. 162 CCP).
- Protection of the victim's privacy (Sec. 228 para. 4 CCP – TV and radio recording, taking pictures or filming of the trial are inadmissible; Sec. 7a para. 1 subpara. 1 of the Law on Media).
- Provide for the possibility for a witness to be interviewed at home or at another place (e.g. in cases of ill health, frailty, reasonable circumstances - Sec. 160 para. 1 CCP and Sec. 247a CCP).
- Victims under the age of 18 years are particularly vulnerable in any event and have the following special rights in addition to the general victims' rights, namely:
  - to be interviewed during the investigation proceedings by a person of the same sex if the victim so wishes and if possible;
  - upon request to interpretation by a person of the same sex during the interview of the victim in the preliminary proceedings and in the main hearing, if possible;
  - to refuse the answer to specific questions as far as they go into detail of the criminal act and the victim considers the answer unbearable, or which concern circumstances of the victim's intimately personal area of life;
  - upon request to exclude the public from the main trial (Sec. 229 CCP);
  - to be interviewed in the presence of a person of his or her trust (Sec. 160 para. 2 CCP);
  - to be notified of their special rights prior to their initial interview (Sec. 70 para. 1 CCP).



Since 1997, child-friendly interview rooms have been set up in all the courts in which criminal proceedings are carried out.

The Federal Act with which measures are taken to combat hate on the internet (*Hass-im-Netz-Bekämpfungsgesetz*) entered into force on 1 January 2021 and further extended the psycho-social and legal court assistance also to minor witnesses of domestic violence.

Please refer also to the information provided by Austria in the European e-Justice Portal: [https://e-justice.europa.eu/35998/DE/rights\\_of\\_minors\\_in\\_court\\_proceedings?AUSTRIA&member=1](https://e-justice.europa.eu/35998/DE/rights_of_minors_in_court_proceedings?AUSTRIA&member=1).

### **ON ASYLUM CASES**

In general, it must be underlined that the best interest of the child is taken into account in all steps of the international protection procedure – from arrival and application for asylum in Austria to the final decision on asylum. The fundamental rights to protection, care and participation anchored in the Convention on the Rights of the Child are implemented through a number of domestic provisions and procedural guarantees.

Unaccompanied minors are provided with a legal representative to safeguard their rights in the asylum procedure as soon as they apply for asylum. It also follows from the principle of the best interest of the child that children may only be interviewed by the BFA in the presence of their parent/legal guardian or a provided legal representative. Minors are also to be interviewed if this is necessary to establish the facts essential to the decision and does not violate their best interest (i.e., re-traumatisation etc.).

In general, asylum procedures regarding minors are assigned to appropriately trained employees of the Federal Office for Immigration and Asylum (BFA). In accordance with the Convention on the Rights of the Child and the Austrian Federal Constitutional Act on the Rights of Children, the best interest of the child must always be a primary consideration. Thus, when interviewing a minor, questions are to be adapted to a child- or youth-friendly manner or to the mental development of the minor.

When implementing the corresponding trainings for the BFA, external experts from the Federal Administrative Court, UNHCR and the European Union Agency for Asylum (EUAA) as well as from

the psychological, medical and legal fields are consulted in addition to internal experts, thus ensuring a high standard of trainings offered.

Special provisions are in place regarding unaccompanied minors. As they are considered more vulnerable, unaccompanied minors are generally accommodated in special reception centers (mostly separate from adult applicants) as part of the registration procedure. Special consideration is given to providing them with the best possible care, taking into account the best interests of the child (increased level of care, providing structure during the day, etc.).

During the admission procedure, unaccompanied minors are represented before the relevant authorities by legal advisers from the Federal Agency for Reception and Support Services (BBU), starting with their arrival (see above). If their application is admissible, they will be represented by the relevant child and youth welfare service of the province where they are staying.

**7. Does the justice system provide the possibility for stakeholders to bring cases on behalf or in support of victims? If yes, in which areas of law is this possible? Please provide examples of good practice you consider effective.**

#### **IN THE FIELD OF CRIMINAL LAW**

Certain groups of victims or witnesses may be granted legal support for the proceedings free of charge, if this is necessary to preserve their rights, taking into account their personal concerns. Legal support for the proceedings includes legal advice and representation by an attorney. The parties to the proceedings are also free to be represented by a person authorised to practise as a lawyer, a recognised victim protection institution or another suitable person. However, the parties to criminal proceedings are clearly defined in the Code of Criminal Procedure. They have certain procedural rights depending on their status (e.g. accused, victim) which also includes the right to be represented or to receive psycho-social or legal support in proceedings. From the Austrian point of view, these rights should not be extended to persons, who do not have a formal victim status in criminal proceedings, as otherwise the provisions would be too far-reaching and unmanageable.

#### **IN THE FIELD OF EMPLOYMENT LAW**

In the case of an alleged infringement of equal treatment, the Ombud of Equal Treatment has the right to request a statement from the employer or any other responsible person. The Ombud may

also obtain information from the employer, the works council or the employees of the enterprise concerned or other representatives or other persons who are able to provide information. The respective persons have a duty to provide the Ombud with the information it requires to perform its tasks. The Ombud is also available to facilitate friendly settlements negotiations in cases where discrimination has been established.

The Ombud may file cases with the Equal Treatment Commission on behalf of persons alleging discrimination. He or she is entitled to participate in the meetings of the Equal Treatment Commission and represent persons exposed to discrimination. The Ombud can be instructed by the Equal Treatment Commission to conduct further investigative activities within the proceedings of a case.

Sec. 62 of the Equal Treatment Act provides for the possibility of intervening in court proceedings. According to the provisions of the Code of Civil Procedure, an intervening party is someone who has a legal interest in the proceedings and who, without being a party to the proceedings, participates in a legal dispute pending between other persons in order to support a party. This possibility of participation is in principle open to everyone, but has been modified with regard to the Litigation Association for the Enforcement of the Rights of Victims of Discrimination (*Klagsverband zur Durchsetzung der Rechte von Diskriminierungsopfern – Klagsverband*). The *Klagsverband* is an association of various NGOs specialising in discrimination. Therefore, the *Klagsverband* does not have to demonstrate its legal interest, but is rather assumed to have one and can participate in the proceedings as a support if the complaining party (or discriminated person) so wishes. Membership in the *Klagsverband* is not a prerequisite for exercising a subsidiary intervention, so that any other NGO can also use this form of legal support for victims of discrimination.

Sec. 26 of the Code of Civil Procedure allows the parties to have procedural acts carried out by authorised representatives, as long as there is no obligation to be represented by a lawyer in the proceedings. These acts of representation can also be carried out by NGOs.

Sec. 40 para. 2 and 4 of the Labour and Social Court Act provides for the possibility of representation by a "suitable person" in first instance proceedings. This person can of course also be a representative of an NGO.

## **8. Which challenges or points of development have been identified in your Member State regarding effective legal protection?**

At the moment, providing adequate procedures for collective redress is – despite the existence of already established solutions in Austria – the main challenge regarding effective legal protection; implementing Directive (EU) 2020/1828 on representative actions for the protection of the collective interests of consumers is the focus in the near future.

**9. Is there any significant, recent case-law from your Member State on ensuring effective legal protection, which you would like to mention?**

Many people avail themselves of the legal remedies provided in the CPC and CCP every day. This by itself shows that the objective and subjective need for legal protection of the appellants is comprehensively met every day, and consequently that the legal protection system works well. Specifically, important court decisions are also published online (<https://www.ris.bka.gv.at/>).

**10. Are there any significant, recent decisions by equality bodies or other non-judicial remedies on ensuring effective legal protection, which you would like to mention.**

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