

Austria

ASYLUM

Parliament adopted a resolution in July to ensure fair asylum procedures fully respecting the rights and needs of vulnerable groups, including LGBTI people, calling for regular training and awareness raising for stakeholders, with civil society involvement. As of December, housing has not improved. Transfers have become more difficult as individuals must present a negative COVID-19 test, not older than four days and paid out of pocket.

BIAS-MOTIVATED SPEECH

In July, anti-LGBTI graffiti was painted on a St. Polten church.

In Vienna on 5 September, LGBTI advocates and allies held a rally in response to a demonstration against COVID-19 measures, during which anti-LGBT slogans were chanted and a rainbow flag was burnt. An investigation into incitement to hatred is ongoing.

BIAS-MOTIVATED VIOLENCE

Parliament adopted another resolution in July on gathering and disaggregating data on anti-LGBTI hate crimes and urged the government to introduce preventive measures, such as awareness raising.

BODILY INTEGRITY

In February, the UN Committee on the Rights of the Child reiterated its 2015 recommendation for Austria to ban the practice of medically unnecessary surgeries and other treatments on intersex children. In July, the European Commission against Racism and Intolerance (ECRI) made the same recommendation in its 6th periodic report on Austria.

The Ministry of European and International Affairs led the Vienna Declaration, signed by 33 countries, to protect intersex people's bodily autonomy. However, the government took no concrete steps towards banning the harmful practice of intersex medical interventions.

DATA COLLECTION

The Ministry of Interior launched a project to expand systematic hate crime data collection, to better implement international obligations, including Article 14 of the European Convention of Human Rights.

EDUCATION

24 schools in three states put up rainbow flags on their buildings during Pride month in June.

Regarding education on diversity of sex characteristics and gender identity, VIMÖ began implementing 40 training events across the country.

EQUALITY AND NON-DISCRIMINATION

The Green and Austrian People's Party (ÖVP) coalition presented its new government program in January. LGBTIQ organisations criticised the plan and the Green Party for compromising their priorities on LGBTIQ issues, failing to ban surgeries on intersex children, prohibit discrimination on grounds of SOGIESC, or provide redress to those convicted of sex crimes before the age of consent was lowered for LGB people in 2002.

In March, the Austrian Catholic Church established a fundamental rights charter, saying all church members must be treated equally, regardless of sexual orientation or gender.

FOREIGN POLICY

The city of Innsbruck announced that it would break its ties with its Polish sister city, Krakow, if Krakow declared itself as an "LGBT-free zone".

FREEDOM OF ASSEMBLY

Many Pride events were cancelled this year, due to the pandemic. Several other demonstrations were held with limited participation, including Rainbow Conwoy by HOSI, a bike event accompanied by placing rainbow flags on windows; the QueerDo! protest against the previous right-wing government; a Pride demonstration in Graz; and VIMÖ's intersex block at Salzburg Pride.

HEALTH

The hormone ambulance at the Vienna General Hospital, the only certified medical centre to serve trans people in East Austria, closed for two months due to the pandemic and has run with half capacity since. Intersex clients are also impacted.

A study on the pandemic's impact on access to trans healthcare found that in German speaking countries (Austria, Germany, Switzerland), almost half of the respondents feared the pandemic's impact on their access to hormones, surgeries (17%). 15% reported surgeries being cancelled. One in three respondents belonged to a risk group.

HUMAN RIGHTS DEFENDERS

Civil society struggled with the organisational burden of moving counseling online, and also worried that those without internet access would be excluded.

LEGAL GENDER RECOGNITION

After four years of legal battle, the Constitutional Court ruled in favor of Alex Jürgen in July, granting them the right to have a birth certificate with 'inter' as their gender marker. This is the first such birth certificate in Austria. In 2018, the Court ruled in Jürgen's case that gender markers must reflect an individual's own self-determined gender identity. In 2019, Jürgen was granted a passport with "X" for their gender, and a birth certificate with "divers". Jürgen requested the latter with the wording "inter", and will now have that on their birth certificate.

Local intersex advocates continued to fight for access to non-binary gender markers this year, which despite the 2018 ruling has not been ensured. In June, 64 NGOs demanded that Minister of Interior Karl Nehammer ensure introducing a self-determination based model.

In September, a new government decree established that six gender marker options will be available, 'female', 'male', 'inter', 'diverse', 'open', as well as the option to delete. Non-binary options however will only be available to intersex people, and with a medical diagnosis. The medical expert group 'VdG-Board' will no longer issue expert opinions, a sign of progress, but the continued medicalisation of intersex people has been harshly criticised by civil society. The self-determination model would have granted access to non-binary gender markers to both intersex and trans people. With the adoption of the decree, Austria missed taking this step.

In September, Vienna City Council member Jürgen Czernohorszky announced that the capital city will no longer require that trans people present a psychiatric diagnosis for legal gender recognition. A letter from a psychologist will still be needed.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

Having secured a win at Vienna's local elections in October, the Social Democratic Party (SPÖ) formed a coalition with New Austria and the Liberal Forum (NEOS) and presented their program on 17 November. The coalition committed to establishing a centre for young queer people, fund LGBTQI projects, conduct a large scale study on queer life in Vienna, introduce LGBTQI-checks for government offices, and found a queer museum. Regarding intersex rights, it calls for the federal government to "ban medically and surgically unnecessary interventions on intersex children". Furthermore, a 'Vienna Package for the Support of Equal Treatment of Intersex People' is planned, which will implement the decision of the Constitutional Court regarding the third gender entry at all levels

and in the entire Viennese administration. This package will also include the areas of language, forms and statistics and the needs-based support and counselling for intersex people.

Ahead of the elections, local LGBTQI organisation, HOSI held a panel discussion with representatives of five political parties, to learn more about their stance on LGBTQI rights.

SOCIAL SECURITY AND SOCIAL PROTECTION

Vienna's City Council announced that the first centre for LGBTQI youth will be opened soon. A previous study by the Council showed the rate of suicide to be four-to-six times higher among LGBTQI youth than other young people.



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