



# AUSTRIA

## BIAS-MOTIVATED SPEECH

The legislative package against online hate speech entered into force on 1 January. The new laws speed up the process of removing hateful content, provide more financial and structural protection for victims, increase penalties for hate speech, and introduce fines for online platforms that do not comply with the rules. For instance, one single post or posts targeting an individual, based on their actual or perceived identity, instead of an entire group, will now amount to hate speech.

## BIAS-MOTIVATED VIOLENCE

An increased number of hate crimes took place this year. The NGO SoHo collected those between January – July 2021. For instance, a group of young people were assaulted in Vorarlberg, and the victims were hospitalised with serious injuries. Rainbow flags and other symbols were vandalised.

## BODILY INTEGRITY

In January, Austria took part in its third Universal Periodic Review, where it received and accepted recommendations to ban medically unnecessary surgeries and other treatments against intersex children. On 9 June, the parliament unanimously adopted a resolution on the protection of intersex children from non-consensual and medically unnecessary treatments. With this important move, Austria is heading toward implementing previous recommendations from the UN Committee on the Rights of the Child (2020 and 2015) and ECRI (2020). Intersex activists in Austria have been advocating for the ban since 2013.

## DATA COLLECTION

The Ministry of Interior started recording data on hate crimes in 2020. Between November 2020 and April 2021, 97 hate crimes were recorded that were committed on the ground of sexual orientation. Transphobic hate crimes are registered under ‘gender’ or wrongly under ‘sexual orientation’.

## EDUCATION

Almost 50 schools in Vienna put up rainbow flags on their buildings during Pride month in June. The action was joined by the Minister of Health in person.

Regarding education on diversity of sex characteristics and gender identity, VIMÖ held more than 60 training events across the country.

## EQUALITY AND NON-DISCRIMINATION

In June, the Minister of Justice Alma Zadić publicly apologised to victims of criminal persecution in the second Republic and called on the parliament to do the same, which was welcomed by civil society. Prior to 1971, when Austria decriminalised same-sex relations, those persecuted could be sentenced to two-to-five years in prison. The parliament has yet to issue an apology, overturn convictions, and pay compensation.

The Ombudsperson’s Office published a guide on gender-sensitive language in June, which was welcomed by civil society.

The Social Democratic Party (SPÖ) announced at this year’s party conference that the SPÖ is committed to trans-inclusive feminism.

In July, the Linz municipal council announced a program consisting of six measures to promote and protect the rights of LGBTIQ people.

In October, Austria delivered a joint statement on the human rights of intersex persons at the UN Human Rights Council, calling for concrete measures to combat harmful practices violence and discrimination based on sex characteristics.

## FREEDOM OF ASSEMBLY

Pride events were again held in person, after last year’s cancellations due to the COVID-19 pandemic. The 25th Vienna Pride took place on 19 June and brought together tens of thousands, a month after the lockdown ended. The events commemorated the 50th anniversary of Austria decriminalising of same-sex relations. Other Pride events were also held across the country, including in Linz, Graz, at the Forum Alpbach in Vorarlberg.

## HEALTH

Austria announced a blood shortage this year and launched a campaign to encourage donations. Civil society criticised the move and called for the abolishment of the restrictions that prevent men who have sex with



men to donate blood. The Red Cross in Austria has firmly stood against changing the regulations.

### **HUMAN RIGHTS DEFENDERS**

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

### **LEGAL GENDER RECOGNITION**

50 civil society organisations appealed to the government on this year's IDAHOBIT (17 May), calling for legal gender recognition that is free and based solely on self-determination, and provides for access to alternative gender marker options without a diagnosis.

### **PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE**

Initiated by TransX, 12 Christian churches raised trans flags and held a prayer on the occasion of Transgender Day of Remembrance in November.



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