

# Report on the rights of the child and inclusive social protection - Human Rights Council Resolution 49/20

## Contribution by Austria

1. **What social protection systems are in place for children in your country? Please provide examples of specific laws and regulations, measures, policies, and programmes directed at ensuring children's access to inclusive social protection.**

### National level

The Convention on the Rights of the Child (UN Convention on the Rights of the Child - CRC) is the central legal basis in Austria for the rights of children. Article 3 (1) of the CRC explicitly states that the best interest of the child must be taken into account in all administrative measures. In national law, the 2011 **Federal Constitutional Act on the Rights of Children**, Federal Law Gazette No. 2011/4, guarantees for all children in Austria constitutional protection of some selected children's rights such as the primary consideration of the best interests of the child in all measures of public and private institutions and the right of every child to an upbringing free of violence. Thus, constitutional law enshrines a number of key provisions of the United Nations Convention on the Rights of the Child. In addition, children's rights are protected through the **European Convention on Human Rights**, which also enjoys constitutional law status in Austria, and **Art. 24 of the European Union Charter of Fundamental Rights**, which applies when national authorities implement EU law. Thus, these rights are considered by legislators, executive authorities and, notably, the (Austrian) Constitutional Court. Referring to the aforementioned Federal Constitutional Act, e.g., the Constitutional Court has emphasised in recent fundamental decisions concerning social assistance benefits for families that the legislator must take into account the best interests of the child as a primary consideration in measures concerning children. Accordingly, every child is entitled to the protection and care necessary for his or her well-being, to the best possible development and fulfilment, and to the protection of his or her interests, also from the point of view of intergenerational justice.

The best interest of the child is taken into account in all steps of the asylum procedure - from arrival and application for asylum in Austria to the final decision on the right of residence. The fundamental rights to protection, care and participation enshrined in the Convention on the Rights of the Child are taken into account in this process through a series of national provisions and procedural guarantees. For example, 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 asylum authority in the presence of their parents or the respective legal representative, whereby minors are also to be interviewed if this is necessary to establish the facts essential to the decision (cf. § 19 para 5 Asylum Act).

Furthermore, there is the possibility of family reunification according to asylum law.

The Agreement between the Federal State and the Provinces on Basic Care (Grundversorgungsvereinbarung – Art. 15a B-VG; hereinafter referred to as “GVV”) constitutes the legal basis for reception and support for applicants of international protection in Austria.

Persons who are in need of assistance and protection (asylum seekers, persons having entitlement to asylum, displaced persons and other persons who may not be deported for legal or practical reasons) and can not provide for themselves (financially) and/or live with family/friends, are taken care of within the reception system.

With regard to the care of unaccompanied minors (UAM) and minors in general, it should be noted that increased vulnerability is always taken into account and adequate care is provided at federal care facilities. The highest consideration is always given to the best interests of the child. Regarding the accommodation of UAM the special provisions of Art. 7 GVV are in force. UAM are being allocated in special reception facilities for UAM according to their individual needs.

The following areas of the Austrian social protection system have a positive impact on children's access to inclusive protection:

- Social security system (Health, pension and unemployment insurance)
- Family benefits (e.g. family allowance - including the possibility of increased family allowance, childcare allowance, family time bonus, advance maintenance payments to ensure maintenance, subsidised kindergarten places, school travel allowances for children with disabilities)
- Means-tested benefits (e.g. basic benefit/ welfare benefit, long-term care benefit and home care benefit, benefits for families in distress, possible fee exemptions, therapy cost subsidies)

Entitlements under labour law and employee protection regulations (e.g. continued payment of wages/salaries during illness, nursing leave for parents caring for sick children, family hospice leave, care leave and part-time care leave)

Family support is largely provided through cash benefits, for example Family allowance, childcare allowance or maternity allowance. The money for this comes mainly from the Familienlastenausgleichsfonds (FLAF). These benefits are borne by the federal government.

In principle, children in Austria enjoy the same benefits from the general social protection system (social insurance) as adults. This applies in particular to health insurance and accident insurance. In accordance with the principle of solidarity, social insurance is funded by contributions from employees and employers providing its benefits by means of a pay-as-you-go system. In the case of children, this usually takes the form of a so-called co-insurance with an employed adult guardian. Moreover, in line with a broader understanding of social protection, the Austrian welfare state offers a comprehensive range of different cash and in-kind benefits via authorities at all levels (federal, provincial, municipal) within the scope of their respective responsibilities, which may differ in their characteristics (universal, means-tested, income-related) and seek to cushion different risk situations over the life course.

In addition to earned income through participation in the labour market, there are a large number of public benefits that directly or indirectly prevent or reduce poverty. As the socioeconomic

situation of children is usually strongly dependent on that of their guardians, many poverty-reducing benefits for adults also benefit their children.

Austria's social assistance scheme is set up for persons, who can no longer sustain themselves and their families and are not sufficiently supported by upstream systems (e.g. by social insurance benefits). This general poverty protection system does not address any specific target group. If the basic requirements for receiving the benefits are met (e.g. falling below a certain threshold, priority use of own income and assets), persons in need can benefit equally from social assistance - regardless of the reason for their distress.

The social assistance scheme is due twelve times a year. Since 2019 maximum benefit rates have been applicable under a new framework law on social assistance: In 2023, the maximum rate is around 1.054 euros for a single person or a single parent and around 1.475 euros for couples/month, but varies from region to region due to higher housing costs in certain provinces.

Concerning the benefit levels for children, there are no requirements laid down by the federal government. Provinces are free to determine the levels for children. They amount up to 284,48 euros per child and month (e.g. Vienna; status as of January 2023). Supplements can also be granted for single parents, depending on the number of children (126,44 euros for the first child per month, 94,83 euros for the second child per month, 63,22 euros for the third child per month and 31,61 euros for each additional child per month).

Further information on the Austrian welfare state can be found here <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=663> and here [Sozialleistungen](#).

### **a) Family allowance**

In Austria, persons that are permanently or habitually resident in Austria, in respect of minor children (under additional conditions, for example, their participation in vocational training, also for children of full age) who belong to their household or for whose maintenance costs they are mainly responsible are entitled to family allowance. The monthly amount of family allowance varies according to the child's age. It increases with the sibling scale for each child if the family allowance is granted for two or more children. A monthly increase in family allowance is granted for severely disabled children. Children of full age may request to transfer the family allowance to their own account.

### **b) Child Care Allowance**

The child care allowance is a parental benefit granted to mothers and fathers who are also entitled to family allowance for the child in question (and receive it), share a common household and the same residence with the child, and have their centre of interests in Austria. Special rules apply to cross-border cases within the European Union. Non-Austrian nationals need to meet certain criteria under the right of settlement and residence.

Parents have the choice between two schemes: flexible flat-rate child care allowance and income-related Child care allowance:

**The flexible flat rate child care allowance** – a child care allowance account - can be taken flexibly within the duration of 365 and 851 days (12 to 28 months) from the birth of the child by one parent or 456 to 1063 days (15 to 35 months) for both parents. For the shortest variant (basic variant), child care allowance amounts to 35,85 Euro/day (2023), and for the longest, it is 15,38 Euro/day (2023). The amount thus depends on the duration period. For the basic variant, 20 percent (91 days) is allotted to the second parent, which is not transferable.

**The income-related child care allowance** is primarily designed to give better-earning parents – who wish to withdraw from the labour market for only a limited period of time – the opportunity to receive compensation for the earnings foregone during that period.

If both parents take turns in claiming the income-dependent child care allowance, it is granted for a maximum of 426 days from the birth of the child. If only one parent claims it, it is granted for only 365 days from the child's birth, and 61 days are thus not transferable and reserved for the second parent.

Income-related child care allowance amounts to 80 percent of the last income earned, max. 69,83 Euro per day (2023).

Additional earnings possibility – exemption limit: while on flat-rate child care allowance, a parent may additionally earn up to 60 percent of the income last earned or at least up to 18.000 Euro/year. Under the income-related allowance scheme, parents may only earn an additional 7.800 Euro/per calendar year.

**Partner Bonus:** if both parents claim child care allowance almost equally, 50:50 or at most 60:40, and each parent claims it for at least 124 days, the parents are entitled to a one-time payment of 500 Euro each after the maximum claim period.

**Family time Bonus:** working fathers who exclusively take care of their families directly after the birth of a child and are thereby off work without their income are entitled to the family time bonus amounting to 23,91 Euro/day (2023). This bonus, lasting at least 28 days and at most 31 days, must be taken within a specified period of 91 days from the child's birth.

### **c) Family Hardship Compensation**

The **Family Hardship Compensation** is for families or pregnant women in special emergencies so that they can be supported by temporary monetary transfers. The interim aid can be obtained under this title if the following requirements are met: The family allowance is received; an incident which could not be prevented and involved no fault of the applicant led to a financial emergency (for example, death, illness, disability, incapacity to work, accident, natural disaster); the family or expectant mother is unable to cope with the situation even if all statutory benefits and entitlements are used. It is not possible for the family to obtain support for ongoing living expenses, and there is no vested right to benefits from the Family Hardship Compensation Fund.

### **Regional level**

#### **Styria**

In Styria there are numerous legal provisions dedicated to the social protection of children: All benefits of the Styrian Child and Youth Welfare Act are included here. Youth Welfare Act, for children with disabilities the benefits of the Styrian Disabled Persons Act and, with regard to financial protection, the Styrian Social Support Act, the Styrian Housing Support Act or for

foreigners in need of help and protection and protection needy foreign children, the Styrian Basic Provision Act should be mentioned.

According to its legal mandate, the Styrian Children's and Youth Ombudsman's Office is obliged to work for the implementation of and compliance with children's rights in Styria. The guarantee of the child's right to the best possible development and fulfilment according to Art. 1 of the Federal Constitutional Law on the Rights of the Child is of central importance. In addition to national strategies and laws, the "European Guarantee for Children" should be emphasised. The aim is to prevent and combat social exclusion by ensuring effective access for children in need to a range of important services. These include:

- Free and quality early childhood care, education and upbringing,
- free education (including school-related activities and at least one healthy meal per school day),
- free health care,
- healthy nutrition,
- adequate housing.

Inclusive and truly universal access is essential to ensure equal opportunities for all children, especially those who experience social exclusion due to poverty or other disadvantages. It should be noted, however, that the European Children's Guarantee and the National Action Plans (NAPs) cover a period up to 2030 and are still in their early stages. Further examples in the sense of the right to protection from violence and to the best possible development, as well as inclusive protection, are the following:

- the introduction of a children's ombudsperson,
- the anchoring of violence protection concepts in child and youth welfare institutions,
- the expansion of specialised facilities for children and youths with massive psychological stress, traumatisation and disabilities.

## **Vienna**

The Department for Social Welfare, Social and Public Health Law of the City of Vienna provides for persons who have no or a low income means-tested basic benefits ('Vienna basic benefit') with the aim of combating poverty and promoting social inclusion, which includes the aim to ensure children's access to inclusive social protection. Children and young people represent over a third of the recipients of Vienna basic benefits: In 2021 44.883 children and young people in Vienna are recipients of these benefits. That makes 36 % of all the recipients of Vienna basic benefits. Overall, in Vienna every seventh child lives in a household that receives Vienna basic benefits. The City of Vienna provides the highest standard rate for children in the country within the means-tested basic scheme ('Mindestsicherung') in Austria.

Furthermore, the Department for Social Welfare, Social and Public Health Law of the City of Vienna grants 'financial assistance for special circumstances' to secure housing and livelihood and cover energy bills: It provides financial assistance and counselling and support by social workers for people

in a crisis situation (risk of poverty or social exclusion), which they cannot overcome on their own with their own means. This includes families with children in need for help and support.

Moreover, in the face of rising energy prices, the City of Vienna has developed a well-targeted and comprehensive overall package of energy cost support ('Vienna's energy support measures'), which also contributes towards preventing and combating child poverty. In addition to Vienna's long existing energy bills support scheme - which offers social work services and financial help to Viennese citizens who cannot pay their electricity, gas, district heating bills - a number of further energy support measures have been implemented:

- Vienna Energy Cost Allowance & Single-Parent Supplement: Under the Vienna energy cost allowance scheme, a one-off payment of 200 euros was paid in 2022 to about 191,545 recipients of Vienna basic benefit, unemployment insurance benefits (emergency assistance, unemployment benefit) or housing benefit, amounting to a total support volume of about 38.3 million euros. Single parents were also given an additional support payment of 100 euros. Payments were made in an easy and uncomplicated way and recipients did not have to apply specifically for the support.
- The Vienna Energy Bonus: In order to directly support Viennese citizens in coping with increased energy cost, the City has introduced the Vienna Energy Bonus '22 amounting to 200 euros per household. Applications can be made online from 5 December 2022 until 31. March 2023. About 650,000 households in Vienna are eligible for this type of support.
- Vienna Energy Support Plus: The Energy Support Plus scheme was launched on 3 October 2022 to help people who struggle with paying their energy cost arrears or annual energy bills by granting them an amount of up to 500 euros which will be paid directly to the relevant energy suppliers. About 200,000 households in Vienna are eligible for this kind of support.

Concerning the city of Vienna there has been a **recent amendment to the Wiener Kindergartengesetz**<sup>1</sup> and the **Wiener Tagesbetreuungsgesetz**<sup>2</sup> by November 2022. These laws regulate the legal standards for early childcare providers in Vienna. It is now required that all of the communal and private kindergartens as well as the parent-organized daycare centers have an obligatory concept of how they provide and ensure child protection within their organizations **by the end of 2023**. In addition the adaptations of these laws demand that every early childcare provider has to assign at least one obligatory child protection agent. It will also be necessary that all the staff working in these institutions attend specific further education programs concerning child protection and children's rights. This is one important step to spread awareness concerning children's rights of profound support and protection upon professionals working in the field of ECEC.

All Viennese schools are obliged to develop a child protection concept, including a risk analysis, by June 31, 2023, with the involvement of students, teachers, parents/guardians and all other persons involved in school life. In order to support schools in the creation of their individual child protection concepts, the framework concept was presented at a conference of all Viennese school quality managers on December 15, 2022. This was forwarded to the regional heads and school quality

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<sup>1</sup> Wiener Kindergartengesetz: <https://www.ris.bka.gv.at/GeltendeFassung/LrW/20000263/WKGG%2c%20Fassung%20vom%202022.12.2022.pdf>

<sup>2</sup> Wiener Tagesbetreuungsgesetz: <https://www.ris.bka.gv.at/GeltendeFassung/LrW/20000265/WTBG%2c%20Fassung%20vom%202022.12.2022.pdf>

managers. Subsequently, it will be made available to all Viennese school managements and by the end of the school year at the latest, all schools are obliged to draw up a child protection concept, including a risk analysis, with the involvement of the pupils, teachers, parents/guardians and all other persons involved in school life. The framework concept includes, among other things, the development of a code of conduct, the discussion of situations with special physical contact as well as emotional situations and the shaping of relationships and contacts. It also states that students must never be asked to maintain secrecy. As part of the prevention work, a complaints management system must be established that enables students to report grievances anonymously and at a low threshold.

- In addition to the usual reporting chains, there is also a hotline for conflicts in the classroom, where callers can seek help directly, quickly and anonymously.
- On the website <https://gegen-gewalt-an-schulen.at>, students, teachers and parents find important information on rights and obligations and thus become better acquainted with the "school rulebook".

### **Lower Austria**

Depending on the number of children, families with social assistance (legal basis: NÖ Sozialhilfe-Ausführungsgesetz) receive a monthly cash benefit to support general living expenses.”

Services in the context of assistance for people with disabilities:

Within the framework of social assistance, children with disabilities receive support in the context of early support, upbringing and schooling. Furthermore, Lower Austria bears the costs for vocational training and, in special cases, the costs for accommodation and care in a facility for children and young people with disabilities who are a massive threat to others or to self-harm.

In the school sector, subsidies are paid for nursing assistants and special supervisors in the basal area. Travel allowances are also paid.

The legal basis for the benefits is the Lower Austrian Social Welfare Act 2000 – NÖ Sozialhilfegesetz 2000 (NÖ SHG).

For further information, we refer to the social report of Lower Austria: [https://www.noel.gv.at/noe/Sozialhilfe/NOe\\_Sozialberichte.html](https://www.noel.gv.at/noe/Sozialhilfe/NOe_Sozialberichte.html).

- 2. What are the main gaps and challenges to children’s enjoyment of social protection in law, policy, and practice in your country and the impacts on children’s rights? Please provide any relevant statistical or disaggregated data based on age, gender, disability, ethnicity, religion, sexual orientation and gender identity, migration status, or other categories. Please consider the specific situation of marginalized children and those in vulnerable situations in your response.**

## National level

Generally, every child in Austria has effective access to benefits of the social protection system or to benefits of the welfare state in the broader sense as described above, especially if monetary transfers are involved. The picture is somewhat different for the provision of benefits in kind or services. Evidence shows that vulnerable children, i.e. children at risk of poverty and social exclusion (especially children with disabilities, children with a migration background, children living in households with a precarious socioeconomic situation, etc.), still have far fewer opportunities to participate in many areas that are important for a successful upbringing (e.g. health, education, housing, etc.). This is mostly due to a lack of nationwide provision of certain services, insufficient evidence about actual challenges and needs, or the lack of a general access to certain services that is not always free of charge.

Austria therefore welcomes the recently adopted European Child Guarantee, which provides for the effective or free provision of key services for children in the areas of health, education and housing by 2030 and which will thus also make an important contribution to the fulfilment of child rights as stipulated in the corresponding UN Convention. As part of the ongoing process of drawing up the National Action Plan for the implementation of the European Child Guarantee in Austria, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection held a multi-stakeholder dialogue with the support of UNICEF Austria helping to identify challenges and obstacles in the provision of relevant services to vulnerable children and their families (see conference report: <https://www.sozialministerium.at/dam/jcr:30c3948c-fa9d-4cd8-9373-567949dcdcec/Tagungsbericht%20zum%20Multi-Stakeholder-Dialog%20zur%20EU-Kindergarantie,%2013.12.2021.pdf>).

For more information on the situation of children in need in Austria, see chapter 5 of the study: [https://www.sozialministerium.at/dam/jcr:6ec5ef97-7e1d-4282-b00a-9423cdf7b63/Kennzahlen%20zu%20Lebensbedingungen\\_2020.pdf](https://www.sozialministerium.at/dam/jcr:6ec5ef97-7e1d-4282-b00a-9423cdf7b63/Kennzahlen%20zu%20Lebensbedingungen_2020.pdf)

In order to better identify vulnerable households and thus provide adequate social benefits for children and families in the long run it is important to be able to estimate the actual child costs. Therefore, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection recently commissioned a study on child costs followed by a comparative analysis with regard to transfer benefits in place: [Kinderkosten und finanzielle Unterstützungsleistungen für Familien in Österreich \(sozialministerium.at\)](https://www.sozialministerium.at/dam/jcr:6ec5ef97-7e1d-4282-b00a-9423cdf7b63/Kinderkosten_und_finanzielle_Unterstuetzungsleistungen_fuer_Familien_in_Oesterreich.pdf).

Challenges/gaps lie within the necessary differentiation between custody and basic care services, respectively legal advice in proceedings.

In Austria, custody is primarily entrusted to the parents. In addition, grandparents, foster parents or other suitable persons (relatives, other close persons or particularly suitable persons) may be entrusted with custody. If no other suitable persons can be found, the court shall transfer custody to the child and youth welfare support (Kinder- und Jugendhilfeträger – KJHT).



The basic care services are intended to cover existential needs (e.g. accommodation, food), while the services of the KJHT primarily serve physical and psychological development. Custody includes care and education, asset management and legal representation, i.e. the services go beyond those of the basic care services. Legal representation by legal counsellors only refers to representation in the asylum procedure. Therefore, there is no assumption of custody within the framework of basic care or legal counselling and legal representation. However, there is a close coordination and cooperation with the locally responsible KJHT, especially with regard to the admission of UAM to federal reception facilities.

The reception system in Austria follows the principle of shared responsibilities, which means that tasks are shared between the federal state and the federal provinces. On federal state level, the Federal Agency for Reception and Support Services (BBU GmbH) is responsible for providing material reception conditions to UAM during the admission procedure. After UAM are being admitted to the asylum procedure, they are in principle transferred to reception facilities run by the federal provinces. The organisation of provincial reception facilities is not within the competence of either the Federal Ministry of the Interior nor the BBU GmbH.

As of 5 January 2023 there were 27.921 persons under 18 years (26.045 in the provinces and 1.876 in federal care) thereof 1.900 UAM (993 in the provinces and 907 in federal care) in the in reception facilities.

The Top 5 nations in case of persons under 18 years were Ukraine, Syria, Afghanistan, Iraq and the Russian Federation. The Top 5 nations among UAM were Syria, Afghanistan, Ukraine, Somalia and Iraq.

## **Regional level**

### **Styria**

Currently, the **shortage of qualified staff** is the greatest challenge in the context of social protection for children. If not enough appropriately qualified staff is available, the preventive services and the services to support education as well as full education within the framework of child and youth welfare and also the various services of disability assistance to which children are entitled within the framework of the Styrian Disability Act cannot continue to be provided in the necessary high quality. As the reduction of poverty among children is a cross-sectional task that involves all political policy areas, in addition to the existential protection of all children, the opportunities for participation opportunities must be ensured with measures such as the promotion of the pedagogical competence of parents (parental education) and the expansion of the care and education infrastructure (free afternoon care, kindergarten places for under-threes, etc.), or the employment of parents must be promoted. After all, work is the most effective means against poverty. The Ministry of Social Affairs will take appropriate measures within the framework of the employment and qualification programme.

Reference is also made to the Family Report of the Province of Styria of May 2022, which states that the extent of labour force participation is also an important factor for the risk of poverty. Precarious employment or long-lasting unemployment are often the triggers of insufficient financial resources in families. Living with limited financial resources can have long-lasting consequences for families; poverty and social exclusion inhibit the development opportunities of children and young people in

particular. Women with children face significant disadvantages in labour market participation, career prospects, fulltime employment, etc. As a result of low earned income and incomplete insurance histories, there is often also the threat of resulting old-age poverty. Both households with several children and single-parent households have an above-average risk of poverty in Austria. The at-risk-of-poverty rate in families with several children (three children and more) was recently 30%, in single-parent households 31%; the average for the population was 13%. Particularly in the case of early parenthood, there is often a drop-out or restrictions in education or employment, which in sum leads to increased insecurity in life management and thus to less individual well-being. One of the aims of family policy measures is therefore to support socially disadvantaged families. From an Austrian perspective, the issue of equal opportunities must be critically scrutinised, as in a federal system with mixed competences, different support systems are repeatedly applied - uniform and high standards must be strived for at all costs.

## Vienna

The Federal Constitutional Law on the Rights of Children (Bundesverfassungsgesetz über die Rechte von Kindern), enacted in 2011, is a big improvement for children's rights in Austria. But there are many aspects of law, policy and practice where this constitutional law is still not taken into account properly. Some laws and regulations need to be adapted in order to comply with the Federal Constitutional Law, be it regarding child protection, the priority of the best interests of the child, intergenerational justice (see art. 1), be it regarding the participation and consideration of the opinion of children and young people (see art. 4) or the rights of children with disabilities (see art. 6).

The National Action Plan for the implementation of the Child Guarantee is a very important step towards the protection of children of particularly vulnerable groups. Efforts to take this step should be greatly intensified. The implementation of the EU Child Guarantee should be understood as part of the state's duty of care and protection for children and adolescents according to Art. 1 of the Federal Constitutional Law on the Rights of Children. This constitutional obligation, which is related to the principle of the priority of the best interests of the child, holds that the state must take appropriate measures to ensure the best interests of the child, taking into account those children and adolescents who are in particularly urgent need of this support.

Poverty:

As the **poverty rate among its population is the highest in Vienna<sup>3</sup>** compared to the rest of Austria, awareness campaigns are launched to show that **child poverty is a major issue affecting children's social protection** and children's rights. The **Volkshilfe<sup>4</sup>** and the **Kinderfreunde<sup>5</sup>** are the stakeholders spreading awareness and creating campaigns against child poverty. Exemplary measures taken by the City of Vienna to combat child poverty are listed in the answer to question 1.

Children with disabilities:

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<sup>3</sup> Statistik Austria:

[https://www.statistik.at/fileadmin/pages/338/Tabellenband\\_EUSILC\\_2021.pdf](https://www.statistik.at/fileadmin/pages/338/Tabellenband_EUSILC_2021.pdf)

<sup>4</sup> Armut & Kinderarmut:

<https://www.volkshilfe.at/was-wir-tun/positionen-projekte/armut-und-kinderarmut/>

<sup>5</sup> Kinderarmut in der Elementarbildung:

<https://kinderfreunde.at/news/oesterreich/kinderarmut-in-der-elementarbildung>

Children with disabilities are especially vulnerable and several existing national laws and international conventions regarding this group are not being followed. This results in discrimination in many areas of these children's lives and a severe lack of participation in society.

Protection and support:

There is no Austria-wide uniform child and youth protection law. Specific practical support offers are designed differently in each federal province (*Bundesland*) of Austria; some are easier, some more difficult to access for families, children and young people.

The administrative procedure for obtaining a benefit sometimes take several months, so families may face a wait until they get their benefits (e.g. family allowance, childcare allowance, basic benefits)

The Vienna Child and Youth Welfare Service offers a wide range of information, counselling, advice and support for children, young people and families. It supports families in finding appropriate solutions for their problems.

Tasks:

- Counselling and advice for pregnant women, families, children and young people
- Advice, support and social services (programme for first-time parents - *Eltern-Fit-Programm*), parent counselling, support groups for families, holidays for children and families, funding of meal fees for children attending childcare facilities in Vienna, support for families with handicapped children, etc.)
- Assessing cases of child endangerment, protection of children in crisis situations, placement in crisis centres or crisis foster families
- Initiating support measures for children and young people in the framework of parenting support (*Unterstützung der Erziehung*) such as mobile work with families, family coaching, video-based intensive family training (FIT), Familienhilfe Plus, etc.)
- Out-of-home care (*Volle Erziehung*) of children and young people staying with foster parents or in children's residential care homes
- Support in case of problems with paternity and maintenance payments (child support), securing maintenance payments for children, legal representation of unaccompanied refugee minors
- Counselling and support for foster parents, training and further training of foster parents, adoptions
- The Department of Psychological Service and Inclusion offers special advice and counselling for families with disabled children

Integration and Diversity:

The Vienna Integration and Diversity Monitor provides an insight into 8 topics and areas of life relevant to integration and diversity. An English-language summary can be accessed [here](#). A particular challenge is that Austria's restrictive naturalisation law – together with the fact that voting rights are tied to citizenship – creates a massive democratic deficit (see page 6 Integration & Diversity Monitor). In addition, full enjoyment of social benefits is often dependent on citizenship. Relevant

information in relation to the Vienna basic benefit is available in the German long version of the Vienna Integration and Diversity Monitor (pages 122 and 123 available [here](#)).

Another very important aspect, that is risking children's rights and their social protection, is their inability to participate fully in education and in the social community of the kindergarten due to a lack of German language skills. Vienna is characterized through its very heterogeneous community on the one hand. On the other hand, the Austrian educational system is pretty much monolingual shaped. **Without profound German skills, children in Vienna are threatened of facing social exclusion from a very early age.**

Lack of early care professionals:

In Vienna, there is a **lack of early care professionals**. This is a severe threat to the rights of children with disabilities as it is very hard to provide inclusive structures in the kindergartens. More well trained experts in the field of early (inclusive) education are needed.

### **3. What are the good practices initiated by the Government to ensure that social protection benefits the rights of children in your country?**

#### **National level**

In addition to social protection provisions in the narrower sense, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection implements a number of measures contributing to a dignified upbringing of children. These include, for example, the program of early child interventions ("Frühe Hilfen"). The main objective of the Austrian model is to reach and support families in need (due to stressful living conditions or circumstances) during pregnancy or in the first three years of a child. It follows a multi-professional as well as multi-sectoral approach (investing in networking with services from the health and social sector) to support families in raising healthy children: [Frühe Hilfen Österreich - Unterstützung für Familien - English Information \(fruehehilfen.at\)](#)

The project "Schulstartklar" is funded by the European Social Fund Plus (ESF+) with EUR 18.6 million (90% ESF+, 10% national co-financing) and additional national funds (program period: 2022-2028). It is supporting the objective of addressing material deprivation through basic material assistance to the most deprived persons, including children. The project targets all pupils, who receive Means-tested Minimum Income or Social Assistance in Austria and is helping families at the start of a new school year. The beneficiaries have the possibility to pick up a voucher for school supplies valid at all Libro/Pagro Diskont stores at about 70 collection points of Volkshilfe Solidarität and its partners. In 2022, 43.330 vouchers were picked up (which amounts to 90% of 48,000 beneficiaries) and around 98 % were redeemed with a total value of EUR 3,269,474: [Erfolgreicher Start für „Schulstartklar!“ und „Schulstart Plus“ \(sozialministerium.at\)](#)

The Federal Agency for Reception and Support Services (BBU GmbH) is responsible for the implementation of basic care on federal level, for counselling and support to foreigners in need of assistance and protection in Austria. The BBU GmbH is constantly working to ensure that adequate

measures on child protection within the federal reception system are upheld. In the Federal Provinces, the respective Provincial Basic Care authorities are responsible, with NGOs and humanitarian organisations also involved in the care.

Within the federal reception, qualified staff ensures adequate care for separated children from day one. Psychological and psychosocial care and counselling are also provided at the earliest possible stage. Furthermore, the accommodated persons are offered a comprehensive range of care services. The care services include a day structure tailored to the needs of children and adolescents with a fixed daily routine. These day-structuring measures include extended social care 24/7, extended leisure program, school classes/courses within the facilities, etc. Caregivers serve as a comprehensive point of contact.

As mentioned above, UAM are being allocated in special reception facilities for UAM according to their individual needs.

## **Regional level**

### **Vienna**

The city offers **free access to its communal kindergartens** for every child in Vienna. Private kindergartens are financially supported by the city so the costs for attending are reduced for all families<sup>6</sup>. This is one important measure in ensuring access **to inclusive social protection as it prevents children from social exclusion at a young age** and gives every child equal chances concerning their early education. Concerning the participation of children from 0-3 years Vienna surpasses the aims given by the Barcelona targets from **33% as in total 50, 76% of all children from 0-3 years** living in Vienna attend some kind of ECEC program. For the age group of 3-6 years olds the attendance rate of children in institutions of ECEC is **102, 32%** while the Barcelona target is given with 90%. In numbers by January 1<sup>st</sup> in 2022 a total of **80.946 children** (69, 76%) took part in ECEC in Vienna.

The municipal department responsible for the operation of the municipal kindergartens is MA 10: Stadt Wien - Kindergärten. The Stadt Wien – Kindergärten also provide further German language training in communal and private kindergartens of the city by employing certain **Sprachförderkräfte** as **professionals supporting children in strengthen their German language skills**<sup>7</sup>.

As the city of Vienna aims to offer every child the opportunity to attend a communal kindergarten, there are certain offers for children with disabilities. To **provide inclusive settings in ECEC** one measure taken by the city is to reduce the number of children in a regular kindergarten's group to make it possible that also children with disabilities attend. If this is not an option, the city aims to provide the best structures for every child by running also kindergartens with a focus on early special education.

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<sup>6</sup> **Beitragsfreier Kindergarten:**

<https://www.wien.gv.at/bildung/kindergarten/foerderungen-eltern/beitragsfreier-kindergarten.html#:~:text=Der%20Besuch%20in%20st%C3%A4dtischen%20und,Stadt%20Wien%20den%20Elternbeitrag%20f%C3%B6rdert>

<sup>7</sup> **Unterstützungsangebote zur Sprachförderung:**

<https://www.wien.gv.at/bildung/kindergarten/sprachfoerderung/unterstuetzung.html>

The city also **pays for the meals or offers meals at a very low cost for children from a weak economic background** in the kindergartens<sup>8</sup>. This is **certainly one main measure to alleviate the consequences of child poverty in Vienna**. The aim of the city is not only to make sure that every child gets full access to food at the kindergarten, the Stadt Wien – Kindergärten also want **the menu offered to the children being balanced, healthy and made of mostly biological ingredients**<sup>9</sup>. Maintaining and ensuring children's social protection means to take care for their physical and mental wellbeing as well. There is a cooperation from the Wiener Gesundheitsförderung with the city of Vienna named **"Netzwerk Gesund im Wiener Kindergarten (WIG)"**<sup>10</sup>. It connects communal and private early childcare providers in developing and maintaining projects to **ensure young children's physical and mental health**.

- 4. Are there examples of how measures and responses to alleviate poverty through social protection systems in emergency situations or, for example, in response to the COVID-19 pandemic, have positively affected children's rights, particularly to social security?**

### **National level**

**Corona Family Hardship Fund:** Support for families affected by unemployment, short-time work, or drawing on the hardship fund (self-employed) as a result of the pandemic (applications from April 2020 until June 2021). The benefit amount was calculated in relation to the financial loss for each family for a maximum of three months. About 101.300 families could be supported with an average benefit amount of 1300 Euro (total: 132.079 Mio Euro).

**Family Crisis Fund:** Support for families who were already receiving unemployment benefits or emergency unemployment assistance for children in families receiving social assistance or minimum income support. It was a one-off payment of 100 Euro for each child in the affected families. 4 von 4

The measures were established to support affected families through the effects of the first period of the Corona Pandemic (e.g., lockdowns). As the situation in Austria is stable again, the Corona Family Hardship Fund and the Family Crisis Fund have already ended.

In order to counteract the significant impact of the pandemic on low-income households, the federal government provided financial support to parents with children receiving social assistance benefits. In 2020 and 2021 benefits of up to 400 Euros were paid to children in households receiving social assistance ("child benefits"). In addition, an energy allowance of up to 100 Euros per household receiving social assistance was paid out to help families to cope with the rising energy costs. A single parent of two children, who was dependent on social assistance in this period, could thus receive an amount of 900 Euros.

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<sup>8</sup> **Befreiung von den Essenskosten in den Kinderbetreuungseinrichtungen:**

<https://www.wien.gv.at/amtshelfer/gesellschaft-soziales/magelf/finanzielles/essensbeitrag.html>

<sup>9</sup> **Gesunde Ernährung in städtischen Kindergärten:**

<https://www.wien.gv.at/bildung/kindergarten/staedtisches-angebot/paedagogik/gesunde-ernaehrung.html#:~:text=Fr%C3%BChst%C3%BCck%2C%20Mittagessen%20und%20Nachmittagsjause%20sind.f%C3%BCr%20die%20Kinder%20jederzeit%20zug%C3%A4nglich>

<sup>10</sup> **Netzwerk Gesund im Wiener Kindergarten (WIG):**

<https://www.wig.or.at/programme/gesunde-kinder/netzwerk-gesund-im-wiener-kindergarten>

Furthermore, in the first half of 2022, particularly affected groups of people received a cost-of-living adjustment of 300 Euros. Recipients of unemployment benefits and unemployment assistance, recipients of compensatory allowances and study grants as well as households receiving social assistance benefits (with or without kids) benefited from this measure. In order to support these groups of people in view of the rising inflation rates, a further cost-of-living adjustment of 300 Euros was paid out in September 2022. In contrast to the previous one-off payment, this one-off payment for social assistance recipients was paid out to all adult benefit recipients and also to minors of age with their own household.

Due to the current COVID 19 crisis and the cost-of-living crisis, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection has launched the "WOHNSCHIRM" program. Until 2026, households with housing problems, at risk of eviction or in arrears with energy costs can be supported in order to secure their housing or energy supply. 40% of the beneficiaries are proven to be children: [Wohnschirm: Hilfe bei Mietrückstände in Österreich \(sozialministerium.at\)](https://sozialministerium.at/wohnschirm)

Among many other COVID19-related benefits, the federal government has set up a series of tailor-made emergency support measures in the form of direct grants, particularly to children in vulnerable households (households receiving minimum income benefits), in order to provide the best possible protection for vulnerable children.

Due to the COVID-19 pandemic, 14 projects to combat poverty among children and young people were funded in 2021 and 2022 to the tune of around 16 million. The areas addressed were emergency aid, psychosocial health, education support, leisure activities and mentoring programs. Five of these projects will be extended into 2023. Impact measurement will be conducted through a post-completion evaluation of the projects in 2023: [Sonderrichtlinie COVID-19-Armutsbekämpfung \(sozialministerium.at\)](https://sozialministerium.at/sonderrichtlinie-covid-19-armutsbekämpfung)

In the course of the current cost-of-living crisis, the federal government has so far adopted three relief packages against inflation since spring 2022, which benefit children in particular. In this context, not only direct grants are provided to children, but also a valorisation of existing social benefits has been launched addressing also child-related benefits: [Gesamtübersicht über alle Entlastungspakete \(oesterreich.gv.at\)](https://oesterreich.gv.at/gesamtübersicht-über-alle-entlastungspakete)

As a positive example, the implementation of the child protection concept of the BBU GmbH should be highlighted. This concept has been developed since 2021 based on the UNICEF Minimum Standards. As part of the development and implementation, child protection officers were also nominated for all federal care facilities in which children and adolescents are accommodated. The prevention of departures among underage asylum seekers for instance, is a focus of the BBU child protection concept.

## **Regional level**

### **Styria**

In this context, the Styrian Ombudsman Board for Children and Youths would like to point out one of the most important principles of children's rights: the priority of the best interests of the child.

This state obligation is anchored in the Austrian Federal Constitution and states that all measures affecting children and adolescents, regardless of whether they are private or public, must always serve the best interests of the children and adolescents concerned. In this context, poverty prevention is clearly an undisputed component of the duty to protect and care in the sense of the priority of the best interests of the child. The Styrian Ombudsman Board for Children and Youths focuses on the following recommendations and topics from a child rights perspective:

- Expansion of preventive assistance and support measures for families,
- Provision of adequate, free and high-quality childcare in the area of conflict between work and family,
- Expansion and financing of therapeutic crisis management places, outpatient and inpatient offers for psychological, psychotherapeutic and psychiatric treatment and care for children and adolescents.
- Consideration of children's needs also in housing and settlement construction (i.e. children's playgrounds, kindergartens, schools, etc.) Consideration of the connection between poverty risk of families and equal opportunities in the context of housing policy.

## **Vienna**

Early childcare:

The Stadt Wien – Kindergärten is currently cooperating with the Gesundheit Österreich GmbH and the Kinderbüro in Graz, which are conducting a research project entitled: **“PCR-Pan – Participation of Children concerning children’s rights during pandemics”<sup>11</sup>**. The project will be completed in **January of 2024**.

School-system:

There are several types of support for Viennese pupils:

- School allowance: students of a middle or higher school from the 10th grade onwards.
- Home and travel allowance: pupils of a polytechnic school, a middle school or a high school from the 9th grade onwards
- Special school allowance: students of a secondary school for employed persons
- Pupil support for participation in school events: Pupils at AHS and BMHS
- Childcare and accommodation allowance: pupils at AHS with all-day schooling as well as dormitories for pupils
- Reduction of parental contributions for children in practice kindergartens: children in practice kindergartens

## **5. How can States deliver more effectively to ensure the effective implementation of universal social protection for children, including through international cooperation?**

### **National level**

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<sup>11</sup> PCR-Pan:  
[https://goeg.at/PCR\\_Pan](https://goeg.at/PCR_Pan)



This is precisely where the European Child Guarantee or the Child Opportunities Programme and the National Action Plan (NAP) come into play. The programme's intrinsic themes of combating poverty and discrimination are not acts of "good will", but a central component of a state commitment. These obligations must be implemented by the states as soon as possible in order to create or guarantee uniform standards. From the point of view of children's rights, the Styrian Ombud for Children and Youths would like to add the following important points to the national action plan (which has neither been published nor implemented to date!) on the European Child Guarantee in order to put an end to child poverty in Austria:

- A nationwide data collection and analysis on the topics of health, education, housing and inclusion,
- the nationwide roll-out of health teams at educational institutions from kindergarten to the end of formal education,
- ensuring and funding nationwide monitoring (qualitative and quantitative) of the development of the national child guarantee and
- ensuring the participatory involvement of children

The effective provision of appropriate social protection systems and other social security systems requires an underlying evidence and robust data on corresponding social risk situations and needs, which must be continuously improved. Based on this, innovative, up-to-date and sustainable programs are to be developed. Thereby, an active and participatory process that is as broadly based as possible, especially by involving children themselves, creates not only a sound and well-informed drafting of activities, but also ensures a common understanding of challenges and their solutions. At this point, of course, international cooperation can play a key role as it can facilitate knowledge transfer and the exchange of good practices both from the programmatic and procedural point of view.

In the current government programme 2020-2024, the Federal Ministry of the Interior fully supports the rapid custody of UAM by the child and youth welfare services and the consideration of the best interests of the child in the asylum procedure, as well as special attention to UMA in the asylum procedure. Specifically, there are plans for a potential operational implementation of custody from day one for UAM, who have filed an application for international protection or are not entitled to stay in the country. The responsibility for the implementation of these measures however, lies with the Federal Ministry of Justice.