**Right to Education in Austria**

**Short assessment – Questionnaire of the Special Rapporteur on the right to education**

In Austria, all children of long-term residents are required to attend school. The so-called compulsory school education starts at the age of six years old and requires children to complete a minimum of nine school years.[[1]](#footnote-1) After the completion of compulsory education, children are required to pursue another form of higher education or training until the age of 18. A detailed overview of the school system in Austria and its different levels can be found here: <https://www.oesterreich.gv.at/en/themen/bildung_und_neue_medien/schule/Seite.110002.html>

All federal states provide for public schools which are free of fees. However, private schools where fees may apply exist. According to the OECD, more than 90% of children are enrolled for longer than the compulsory education requires (usually from 4 to 16 years).[[2]](#footnote-2)

In seven of the nine federal states of Austria, public universities exist. These are complemented by colleges for higher education and private universities.

Overall, the state provides for educational institutions covering all levels of education.

The legal basis for compulsory school education is laid down in national law:

* Sections 1, 2 and 3 of the Schulpflichtgesetz 1985
* Article 14 paragraph 7a of the Bundes-Verfassungsgesetz (Federal Constitution)
* Article 2 of Protocol No. 1 (of constitutional rank)

Discrimination and Inequality based on socio-economic status:

Many children, especially those children with a migratory background, face discrimination throughout their educational life.

Principles of non-discrimination and equality are enshrined in federal law (Equal Treatment Act or in German: Gleichbehandlungsgesetz). However, this act only guarantees full protection against discrimination in vocational schools only. Additionally, the Equal Treatment Act foresees only protection against discrimination on the basis of ethnicity and gender.[[3]](#footnote-3)

Experts are concerned about the fact that the education level of children highly correlates with the education level of their parents. According to the Chamber of Labour, “57 percent of children whose parents have a university degree also achieve a university degree in Austria. If the parents have a compulsory school leaving certificate at the most, only about 7 percent of the offspring succeed in obtaining an academic degree.”[[4]](#footnote-4) Similar to Germany, primary school – where all children attend - ends by the fourth school year. After that, children attend any secondary school that is – among others - divided into middle schools, general secondary schools, and vocational schools.

Furthermore, according to the annual report of an initiative focusing on non-discrimination in the educational system, a high number of children face discrimination during their time in school. Discrimination is mainly based on ethnicity- Children with a so-called migration background are more likely to be referred to a “Sonderschule” (segregated special schools). Experts criticise those for the lack of inclusivity and resources.[[5]](#footnote-5)

Inclusive schools/education:

Austria fails to implement an inclusive education model on all levels:

Children with disabilities are also more likely to attend special schools rather than primary and secondary schools, which has been subject to criticism for the past several years.

*“There have been hardly any changes here in the last five years, and the 2019 reform has further exacerbated the*

*segregation of children with disabilities.185 The Austrian educational system is structured according to the principle of integration; it does not feature inclusive education either in legislation or in practice.”[[6]](#footnote-6)*

Due to the ratification of the UN Convention on the Rights of Persons with Disabilities, Austria committed itself to implementing an inclusive education system at all levels and accepted the associated costs in principle. The Austrian Court of Audit concluded the following:

“This goal was to be achieved with the nationwide roll-out of the project "Inclusive Model Regions" by 2020. Although the UN Convention on the Rights of Persons with Disabilities, the National Action Plan on Disability and the Work Programme of the Austrian Federal Government 2013 - 2018 called for an inclusive education concept covering all levels, the Ministry limited itself only to compulsory general education schools and did not include vocational schools and higher general education schools. An inclusive strategy - covering all levels of education - was missing.”[[7]](#footnote-7)

Unaccompanied refugee minors:

Amendment regarding higher education/vocational education:

*“In Austria, compulsory education applies until the age of 15. Since August 2016, there has also been compulsory education until the age of 18. Accordingly, young people must attend either a secondary school or a company-based or an apprenticeship training program after completing compulsory schooling. The obligation to provide training for young people is also accompanied by the obligation for the federal government and the federal provinces to provide sufficient training places.*

*Despite sharp criticism from education experts and numerous appeals to the government and the responsible ministries, young people who are not only temporarily in Austria were exempted from this regulation. This includes many unaccompanied minor asylum seekers between the ages of 15 and 18.”[[8]](#footnote-8)*

1. Oesterreich.gv.at, *Compulsory School Education*, <https://www.oesterreich.gv.at/en/themen/bildung_und_neue_medien/schule/Seite.110002.html> [last access 11.01.2022]. [↑](#footnote-ref-1)
2. OECD, 2022, *Education at a Glance 2022*, p. 3<https://gpseducation.oecd.org/Content/EAGCountryNotes/EAG2022_Austria.pdf> [last access 11.01.2022] [↑](#footnote-ref-2)
3. Initiative für ein diskriminierungsfreies Bildungswesen*, Diskriminierung im österreichischen Bildungswesen, Bericht 2021*, p. 71, <http://diskriminierungsfrei.at/wp-content/uploads/2022/06/IDB_Jahresbericht-2021.pdf> [last access 11.01.2022] [↑](#footnote-ref-3)
4. More information can be found here: Arbeiterkammer, *Bildungsgerechtigkeit in Zahlen*, <https://www.arbeiterkammer.at/interessenvertretung/arbeitundsoziales/bildung/AK-Chancen-Index/Bildungsgerechtigkeit_in_Zahlen.html#:~:text=Bildung%20wird%20in%20%C3%96sterreich%20%E2%80%9Evererbt%E2%80%9C,-Fehlt%20Kindern%20und&text=57%20Prozent%20der%20Kinder%2C%20deren,einen%20akademischen%20Abschluss%20zu%20erreichen>. [last access 11.01.2022] [↑](#footnote-ref-4)
5. Initiative für ein diskriminierungsfreies Bildungswesen*, Diskriminierung im österreichischen Bildungswesen, Bericht 2021*, p. 40 - 44 <http://diskriminierungsfrei.at/wp-content/uploads/2022/06/IDB_Jahresbericht-2021.pdf> [last access 11.01.2022] [↑](#footnote-ref-5)
6. Soziale Rechte Forum, Vorläufiger Parallelbericht zur 6. Staatenprüfung der Republik Österreich zum Internationalen Pakt über wirtschaftliche, soziale und kulturelle Rechte (WSK-Pakt) [Shadowreport], 2020, <https://fianat-live-7318544636224c40bb0b0af5b09-745b6a8.divio-media.net/filer_public/48/3c/483ce259-7582-4364-b4d0-3d41d6c1bdfa/soziale_rechte_forum_-_vorlaufiger_parallelbericht_2020_zur_6_staatenprufung_der_republik_osterreich_zum_wsk_pakt.pdf> [last access 11.01.2022] [↑](#footnote-ref-6)
7. Österreichischer Rechnungshof, Bericht des Rechnungshofes Inklusiver Unterricht: Was leistet Österreichs Schulsystem?, 2019, p. 10, [https://www.rechnungshof.gv.at/rh/home/home/Inklusiver\_Unterricht.pdf](https://www.google.com/url?sa=i&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=0CAMQw7AJahcKEwj4mJWL-sH8AhUAAAAAHQAAAAAQAw&url=https%3A%2F%2Fwww.rechnungshof.gv.at%2Frh%2Fhome%2Fhome%2FInklusiver_Unterricht.pdf&psig=AOvVaw3UK8UPyeloDeqGyBdHfloM&ust=1673610229262002) [last access 11.01.2022] [↑](#footnote-ref-7)
8. Please view: Ausbildungspflichtgesetz: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20009604> and SO Mitmensch, https://www.sosmitmensch.at/dl/NlNmJKJKllmJqx4KJK/SOS\_Mitmensch\_Bildungszugang\_Asylsuchende\_Juni2017\_.pdf [last access 11.01.2022] [↑](#footnote-ref-8)