



Selective Summary of the Individual Submission for the Universal Periodic Review of Austria, 2011

I Preface

1. This summary refers to the report from the officially registered association "Aktive Arbeitslose" which was compiled for the UNO-UPR of Austria at the beginning of 2011.
2. Explanation of abbreviations: BMS corresponds to the Austrian form of social welfare for employable and its administration, AMS to the administration of unemployment (insurance).

II/III/IV Summary , General and Political Situation, Recommendations and Claims

3. A highlight of special problems within unemployment or social welfare agencies are existence threatening (money cutting) sanctions which may be caused only by suspicion. State offences are hard to prosecute
4. Registered unemployed have no statutory representation for direct or indirect participation in legislation (contrary to pupils, students, employees, pensioners).
5. Judgements of highest courts are invalidated by legalizing the condemned drawbacks -- the reenactment of the law AIVG in 2007 is an example.
6. Austria has not ratified the Social Charta of the EU and the [Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by the Austrian state](#).
7. There is no embodiment of economical and social rights as subjective, and thus as suable, rights.
8. Sanctions shall not be executed before the end of regular preliminary proceedings and an issuing of an official letter. Sanctions shall not fall below the subsistence minimum.

V/VI Institutions, Compliance and Implementation of Human Rights

9. Retirement pension: If an official gets laid off his job all the rights to a pension get lost. The same accounts for people who resign for a better job at a private employer e.g. In the last years this system got changed for young officials but still is valid for elder ones who will retire within the next 25 years.
10. Retirement pension: Most of private and partially public employees get their pension within the so called system ASVG. If people leave the corresponding categories of employment before cumulating of 15 years of employment (including registered times of unemployment), then these lose their pension rights referring to ASVG.
11. AMS, BMS: Sanctions consist in suspension of benefit payments. Usually the extent of the cause is not checked, such that the commensurability gets usually not considered. Sanctions are executed before the end of preliminary proceedings and without an immediate right of appeal or hearings(!).
12. AMS, BMS: Sanctions (of benefits) are seldom communicated notwithstanding clear legal rules defining obligations of notification or proceedings.
13. BMS: Limitation periods are not defined for sanctions which enables arbitrary many sanctions.
14. AMS: In the case of sanctions the AMS rather often invokes the blocking of the so called e-card which you need for medical practices. Thus visits often have to be cancelled or delayed for a later date. Such blockings are reversible yet illegal since explicitly excluded by law.
15. AMS, BMS: Verification of fitness for work allow measures of work training ("Arbeitstraining") or work trials ("Arbeitserprobung") what seems indistinguishable from forced labour (Par. 9 AIVG) also transition workplaces ("Transitarbeitsplätze") and community work ("gemeinnützige Arbeit").
16. AMS: Data get principally stored without expiration.. Especially health data (also from family members) and data of behaviour or performance at job applications or course measures get stored by the AMS for potential use but without a concrete purpose.
17. AMS, BMS: Accompanying care is executed without control by judges though being an intrusion of privacy.

Vienna, January 24th, 2011