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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties to the Covenant,
concerning rights covered by articles 13-15, in accordance
with the third stage of the programme established by the
Economic and Social Council in its resolution 1988 (LX)

Addendum

AUSTRIA*

[4 April 1986]

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* The reference material received from the Austrian Government which is mentioned in the report is available for consultation in the files of the Secretariat.

ARTICLE 13: RIGHT TO EDUCATION

1. The right to education is guaranteed first and foremost in the fundamental rights defined in articles 17 and 18 of the 1867 State Fundamental Act which is part of the constitutional régime. Article 17 reads as follows:

"Knowledge and the teaching of knowledge are free.

"Every citizen who has established his ability so to do in the legally required manner is entitled to found educational and teaching establishments and to teach therein.

"Instruction at home is subject to no such restriction. Religious instruction in schools shall be provided by the church or the religious community concerned.

"The right to direct and supervise education and teaching as a whole shall be vested in the State."

2. Article 18 guarantees free choice of occupation and vocational training. It is worded as follows:

"Everyone has the right to choose his occupation and to train for it how and where he wishes."

3. With respect to admission to schools, article 14 (6) of the Federal Constitution of Austria provides that:

"Admission to public schools is open to all, in the circumstances established by law, without distinction on the basis of birth, sex, race, status, class, language or religion. The same applies, by analogy, to kindergartens, day nurseries and boarding schools."

4. The constitutional provisions governing the right to education also include article 2 of the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Paris on 20 March 1952, which provides that:

"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."

5. In the Austrian school system, a distinction is drawn between general schools and technical and vocational training schools. The objectives of education in Austria are defined in article 2 of the Education System Act as follows:

"The aim of education in Austria is to contribute to the development of young people through education and training based on moral, religious and social values in accordance with the concepts of 'beauty, truth and goodness' and adapted to the child's level of development and the studies pursued; to provide young people with the knowledge they need for everyday life and engagement in an occupation; and to equip them to shape their own personalities through the acquisition of personal culture.

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"The education system should enable young people to become active members of society and good citizens of the formally constituted Republic of Austria, physically and morally competent to discharge their future duties and responsibilities towards the State. Education must equip them to form personal judgements, to acquire social awareness and to open their minds to various conceptions of the world and different political ideas, while preparing them for participation in the economic and cultural life of Austria, Europe and the world as a whole and in the common activities of mankind in a spirit of freedom and peace."

6. School attendance is compulsory for all children who are permanent residents of Austria. Attendance begins on 1 September following the child's sixth birthday and lasts for nine academic years (until the child has attained 15 years of age). The school attendance requirement is met, as a general rule, by spending the first four academic years in an elementary school (lower primary school), and the fifth to eighth academic years in an upper primary school (Hauptschule), in a general secondary school or in the advanced cycle of the lower primary school. The ninth academic year is spent on the polytechnic course or in continued attendance at the new school at which attendance was begun in the fifth academic year.

7. As stated above, public schools are open to all. No school fees are charged in respect of attendance at such establishments. The compulsory general education facilities include the lower primary schools, the upper primary schools, special schools and the polytechnic course.

8. The function of the lower primary school is to provide pupils with a basic general education and to equip them for everyday life in society and for graduation to schools at a higher level. In general, the lower primary school comprises the first four academic years, that is, from 6 to 10 years of age. The upper primary school (Hauptschule) follows on from the fourth academic year of the lower primary school and is responsible, in a four-year teaching cycle, for providing pupils with a general basic education and for preparing them, in keeping with their interests, aspirations, attitudes and capabilities, for work and for the intermediate or secondary schools leading on to advanced studies. For pupils in the ninth year of compulsory education, the polytechnic course is designed to build on their general education so as to facilitate their integration into everyday life and the work environment and to assist them through appropriate vocational guidance.

9. Particular mention should be made of the special schools. They are intended to offer physically or psychologically handicapped children with development conditions appropriate to the nature of their handicap; to provide them as far as possible with education at the lower primary, upper primary or polytechnic course level and to facilitate their integration into the work environment. Depending on the nature of the child's handicap, various kinds of special schools exist, intended, for example, for the physically handicapped, the visually handicapped, the blind or children suffering from dyslogia.

10. In the 1982/83 academic year, there were 5,189 compulsory general education schools in the 2,301 communes in Austria. Seven hundred and sixty-six thousand one hundred and twenty-eight pupils, including 367,299 girls, were taught by 65,596 teachers in 35,517 classes in compulsory general education schools.

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11. After having finished the lower primary school, a child can also meet educational requirements by attending a general secondary school where the education received is certified, at 18 years of age, by a school-leaving examination. The general secondary schools are intended to provide pupils with an extensive and intensive general education while preparing them for advanced studies. In Austria there are various types of general secondary schools such as, for example, the "Gymnasium" (standard high schools), which variously offers the classics or modern languages, and the "Realgymnasium" (modern high school), which also comprises different types. At the end of the secondary cycle of studies, there is a school-leaving examination (baccalaureate), taken after eight academic years, which is necessary for access to advanced education.

12. In the 1982/83 academic year, there were 305 general secondary schools in Austria. A total of 177,981 pupils, including 89,633 girls, were taught in 6,332 classes. The schools had a teaching staff of 15,870.

13. The system of technical and vocational training schools is intended to offer pupils who wish to engage in a particular occupation - often technical and artisanal - a specialized education at the same time as they work in their chosen field, in order to equip them with basic theoretical knowledge, further and complete their on-the-job training and broaden their general culture. The vocational training school thus operates parallel to the apprenticeship system and its courses cover the same period. Schools of this type include crafts, industrial, technical and industrial art schools, commercial and commercial secondary schools and similar institutions.

14. During the 1982/83 academic year, there were 282 compulsory technical and vocational schools in Austria with an enrolment of 187,702 pupils as well as 702 intermediate vocational training schools and 240 secondary vocational training schools with enrolments of 106,463 and 87,310 pupils respectively.

15. A statistical summary of general education schools, excluding special types, provides the following information for 1983/84: In 2,301 communes there were 3,421 lower primary schools, with 359,908 pupils, 1,095 upper primary schools, with 281,835 pupils, 188 autonomous polytechnic courses, with 31,393 pupils, and 354 special schools, with 25,973 pupils. In general secondary education (excluding special types), there were 292 schools, with a total enrolment of 149,663 pupils, including 73,932 girls. In the vocational sector, there were 224 compulsory vocational training schools in Austria, with a total of 183,859 pupils, including 60,151 girls; at the intermediate level of vocational education, 135 vocational training schools, with a total of 20,980 pupils (5,922 girls); 123 commercial schools, with 23,067 pupils (16,421 girls), without counting the various special types of intermediate technical and vocational education.

16. With regard to upper secondary vocational training schools, it should be pointed out that there are a total of 84 such establishments in Austria, with a student population of 37,145 (4,404 girls). Also included in this category of upper secondary vocational education are the 107 commercial secondary schools, with an enrolment of 36,291 pupils (22,140 girls).

17. Access to education is made easier not only by the fact that it is free, but also because pupils receive travel allowances and free textbooks. Such travel

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allowances, the details of which are governed by the Act on the Equalization of Family Expenses, are granted by the public authorities provided that the pupil is required to travel more than a certain distance to school. The Act also makes provision for the conclusion of private contracts with transport companies for the public authorities to meet the costs of transporting children to school. Moreover, under the Act on the Equalization of Family Expenses, the necessary textbooks are provided free of charge to pupils with a view to reducing the expenditure of parents on the education and training of their children.

18. In 1983 the sum of 3,232 million schillings was expended on school transport and free travel. The figure is expected to be about S 3,200 million in 1985. In 1983 the cost to the public treasury of free textbooks was approximately S 998 million, and in 1985 will increase to S 1,000 million.

19. With regard to higher education, Austria has 12 universities and six higher schools of art. The law in Austria establishes the principle that everyone has the right to be admitted to a university provided that he or she has the necessary qualifications. In the vast majority of cases, aptitude is determined by the upper secondary school-leaving examination (baccalaureate). The "numerus clausus" system does not exist in Austrian universities.

20. In 1983/84 the total number of students enrolled in Austrian universities was 142,106, representing an unbroken upward trend over the past six years. The number of university entrants, for example, increased from 7,797 in the 1970/71 winter semester to 17,431 in the 1983/84 winter semester. During the same period, the number of national and foreign students rose from 51,276 to 136,490.

21. The number of female university students continues to increase. During the 1970/71 academic year 75 per cent of the student body were men, a figure which, by the academic year 1983/84, had fallen to 58 per cent. Over the same period, the percentage of women students rose from 25 per cent to 42 per cent, i.e., almost doubled. Overall, the number of female students increased almost fivefold, rising from 13,269 in 1970/71 to 59,539 in 1983/84.

22. The study incentive system is designed to provide financial assistance to students. Apart from student allowances and scholarships for gifted students, this provision also includes assistance to meet expenses which are unrelated to studies. The legal basis is the Promotion of Education Act. Student allowances are intended to assist low-income persons with good academic results, and an increasing number of students benefit from them. In the academic year 1980/81, for example, 14,073 students were granted allowances, and by 1982/83 the number had already increased to 16,427. The annual public expenditure under this head is approximately S 500 million. In addition, students with exceptionally good academic records may also be awarded scholarships for outstanding ability. Approximately S 50 million is spent each year on this type of scholarship.

23. Since 1976, assistance unrelated to studies has also been granted, particularly to students who, without sufficient financial assistance, would be forced to abandon their studies after a successful start. Student assistance is

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also granted as compensation for the free travel to which the student is no longer entitled. In 1983, the sum of S 5.5 million was allocated to such assistance.

24. On the subject of the right to education, mention must also be made of adult education institutions, foremost among which are the "Volkshochschulen" (popular higher education schools), which are institutions that offer courses and specialized programmes open to all. In the country as a whole, 24,632 courses, attended by 382,106 persons, were organized during 1982/83 by adult education institutions and the number of such courses is increasing. In the Vienna area, for example, 97,367 adult education course hours were provided in 1970/71, while by 1983/84 the total increased to 169,757. The subjects offered by adult education institutions are mainly languages, general culture courses and gymnastics classes.

25. Also providing adult education services are the institutions within the Austrian training facilities group, whose programmes attracted 3.9 million persons in 1982. In addition, there are numerous other adult education institutions, particularly those administered by the Confederation of Austrian Trade Unions, but also those run by the Chamber of Industry and Commerce and the Chamber of Workers.

26. Article 13, paragraph 3 of the International Covenant on Economic, Social and Cultural Rights requires States Parties "to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children's schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions".

27. With regard to the non-public schools, mention should be made of the Private Schools Act. The founding of private schools is guaranteed under article 17, paragraph 2, of the State Fundamental Act of 1867, referred to at the beginning of this report, on the condition, however, that the rules established by the law must be observed.

28. Under current Austrian laws and regulations, a person may fulfil his obligation to acquire a general education not only by attending school, whether public or private, but also by receiving an equivalent education, which means that the obligation to acquire an education is essentially an obligation to undergo instruction. There is no obligation whatsoever for parents to send their children to public schools in order for them to receive a proper education. Thus, article 11 of the Compulsory Education Act provides that a person may also fulfil his obligation to obtain a general education by attending a private school which does not have the right to set examinations or to award officially recognized diplomas ("Öffentlichkeitsrecht"), provided that its level is at least the equivalent of that provided by compulsory general education schools. Moreover, a person may also fulfil his obligation to obtain a general education by receiving instruction at home, provided, however, that it is the equivalent of the education provided in public schools.

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29. With regard to the obligation to provide children with religious and moral education which conforms to the convictions of the parents, reference should first be made to article 2 of the Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, mentioned at the beginning of this report, which has constitutional status in Austria. More detailed rules are established by the Religious Education Act, which takes as its point of departure the principle that all pupils belonging to a church or a religious community recognized by the law must receive the religious education of their confession in compulsory general education schools. In the case of pupils under the age of 14, however, parents may advise the school in writing at the start of each school year that the pupil will not participate in religious instruction. Pupils aged 14 years and over may themselves make such a written declaration.

30. In conformity with article 13, paragraph 4, of the International Covenant on Economic, Social and Cultural Rights, article 17 of the State Fundamental Act lays down the constitutional rule that every national has the right to found establishments for instruction and education and to provide education therein provided that he or she possesses the qualifications required by the law.

ARTICLE 14: PRINCIPLE OF COMPULSORY EDUCATION FREE OF CHARGE FOR ALL

31. As can be seen from the remarks concerning article 13, in Austria education is compulsory and schooling is provided free of charge.

**ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE
BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION
OF THE INTERESTS OF AUTHORS**

32. The right of everyone to take part in cultural life is ensured in a wide variety of ways by the different provisions guaranteed by constitutional law. For example, article 12 of the State Fundamental Act of 1867, defining freedom of association, guarantees the formation of associations for cultural purposes, for example, musical, theatrical and choral associations, which totalled 8,339 in Austria in 1984. If gymnastics and sports associations are also included in this category, then there would have been 14,679 associations of this type in Austria in 1984.

33. Of fundamental importance to the exercise of the right to participate in cultural life is the right to express oneself freely by speech, writing, publishing or pictorial representation. The right to freedom of expression, which is guaranteed by constitutional law, and freedom of the press, which is guaranteed by the Constitution, must be regarded as basic conditions for the development of cultural life and as guarantees for each individual's participation in such cultural life. It should be mentioned that article 17 of the State Fundamental Act of 1867 guarantees freedom of science and its teaching and article 17 (a) freedom of art.

34. Austria has a multitude of cultural institutions. In the first place, mention should be made of the museums. In addition to the national museums of the Federal State, there are museums of the Federal provinces, municipal museums and others,

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some of which are privately owned. Among the national museums of the Federal State, mention should be made of the following institutions.

35. One of the most important collections of graphic works is the "Albertina", which had, in 1983, 92,099 visitors, including 4,306 students. Among the other museums devoted to the fine arts, mention should be made of the Museum of Art History and the Museum of Modern Art. In 1983 the Museum of Art History drew 563,801 persons, including 67,799 students. In addition to art museums, there are other types such as the Museum of Ethnography, the Museum of Popular Art and Traditions, the Technical Museum and others. In 1983 the total number of visitors to the national museums of the Federal State was 2,181,810. The Federal provinces (Länder) maintain provincial museums and other permanent exhibitions and museums. In 1983 all the Länder museums together received 2,454,459 visitors. A number of cities and communes, notably the city of Vienna, maintain municipal museums. The 70 municipal museums on record drew 1,027,478 visitors in 1983. There are also a number of private museums and galleries which in 1983 attracted 770,266 visitors.

36. With respect to theatres, there are Federal theatres in Vienna, provincial theatres in the Länder, city theatres and private theatres. During the 1983/84 season, 303 performances were offered by the National Opera of Vienna, 313 by the Popular Opera, 315 by the the National Theatre (Burgtheater) and 302 by the Akademietheater. In each of the Länder, there is a special provincial theatre, and several cities have a municipal theatre.

37. An important role in cultural life is also played by radio and television broadcasts. The number of radio listeners has grown constantly in recent years. While in 1951 65 per cent of households had radio receivers, that number reached 93 per cent in 1983. It can therefore be said that radio broadcasts can be received in virtually all households. The situation is similar with respect to television. In 1965, 31 per cent of households had a television set, a number that grew to 87 per cent in 1983. The number of radio broadcast relay stations went from 17 in 1945 to 572 in 1983, and television relay stations increased from 21 in 1960 to 864 in 1983. In 1983, 120,723 radio broadcasts were organized, of which 38,940 were devoted to music and 81,783 to the spoken word. As an example, it may be pointed out that 75 broadcasts were devoted to opera, 2,475 to symphony music, 1,006 to chamber music and 213 to contemporary music. On the radio, literature was the subject of 3,765 broadcasts, while 2,036 broadcasts were devoted to scientific subjects and 2,341 to folkloric culture.

38. With respect to the television sector, it should be mentioned that the Austrian Broadcasting Company (ORF) broadcasts on two channels, with 433,751 broadcast minutes in 1983, 258,095 minutes on the first channel and 175,655 on the second. The retransmission of live plays accounted for 4,221 minutes of scheduled programming time and that of televised plays for 15,264 minutes, while 12,269 minutes were devoted to music, 13,819 minutes to education and 21,917 minutes to culture.

39. The cinema also plays an important role in cultural life. Austria has 532 cinemas (date of census - December 1983), which were visited in 1983 by 17,928,799 persons.

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40. In Austria, there are a large number of scientific and specialized libraries, in addition to so-called popular libraries. The largest library is the Austrian National Library which has more than 2,400,160 printed works and offers a current choice of some 16,156 periodicals and newspapers (1983 figures). In 1983, 351,120 persons visited this library. Another large library is the Main Library of the University of Vienna which has 1,958,600 printed works and 3,974 current periodicals and newspapers. The specialized law library of the Law Faculty of the University of Vienna in 1983 had a printed works collection comprising more than 1 million books, as did also the library of the University of Graz and the library of the University of Innsbruck.

41. The provincial museums often have a provincial library attached, and there are also municipal libraries. Some public agencies and such bodies as the Chamber of Industry and Trade and the Chamber of Workers and Wage Earners also have large libraries. In all, Austria has some 80 scientific and specialized libraries.

42. The so-called popular libraries - in 1983, there were 853 library organizations, comprising 2,256 libraries - constitute a basic element in cultural life. The popular libraries have a total of more than 6,664,973 printed works. In 1983, 804,399 readers used the popular libraries. Over the past 20 years, the number of popular libraries has increased very rapidly.

43. Thus, in 1960 there were 211 library organizations, but by 1983 there were as many as 853. This means that the number of library organizations quadrupled over the period in question. The supply of books almost tripled, increasing from 2,601,876 works in 1960, to 6,664,937. Over the period from 1960 to 1983, the number of readers increased from 460,247 to 804,399, almost doubling. The number of books borrowed also doubled over the same period.

44. Moreover, every year a variety of cultural events are organized. These events range from such famous festivals as those at Salzburg and Bregenz, "Styrian Autumn" or "Carinthian Summer", to name only a few, to various exhibits in the provinces and activities sponsored by associations. The cultural infrastructure is thus remarkably well developed.

45. Particular mention should be made of the fact that Austria has concluded cultural agreements with a considerable number of States, providing for intensive cultural exchange programmes.

46. In 1983 the Federal State alone allocated direct subsidies in the amount of S 343,042,584 to education. The sum of S 1,298,982,739 was allocated in the form of direct subsidies to science and research, and the sum of S 449,803,371 to the arts. In 1983 direct investments in education accounted for 1.6 per cent of overall expenditures, science and research for 5.8 per cent, and the arts for 2.2 per cent.

47. The right of every individual to enjoy the benefits of scientific progress and its applications is guaranteed by freedom of research and instruction, freedom of information and opinion and freedom to acquire training. General knowledge of scientific progress can be acquired at existing educational and training institutions, which are open to all classes of society. The daily press, but more particularly the specialized journals in the various scientific fields provide

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continuous coverage of scientific developments for anyone interested. At a wide variety of presentations, congresses, symposia etc., not only are the latest research developments put before the general public, but their potential consequences are also discussed.

48. In 1981 an act on the organization of research was promulgated. Its guiding principles were freedom of science and scientific instruction; diversity of scientific opinions and methods; the importance of science and research to society; co-operation between research in the university and outside the university; co-operation between the Federal State, the provinces (Länder) and the communes and other public entities; international co-operation; and the allocation of adequate funds for research and science. The aims of the advancement of science and research are stated in this Act as follows: in addition to the broadening and deepening of scientific knowledge, the advancement of science shall contribute to the responsible solution of social, economic, cultural and scientific problems, particularly with a view to guaranteeing and improving the general quality of life and economic development; it shall also ensure the rapid dissemination and application of the fruits of science and research and shall serve as an encouragement to the new generation of scientists. "The Austrian Council for Science and Research" has been established as a consultative body on research policy. Its task is to propose the main policy lines for research and to formulate suggestions for international co-operation.

49. As early as 1967, an act was adopted, setting up a Fund for the Advancement of Scientific Research. The purpose of the Fund is not only to lend financial support to research projects but also to make the public aware of the importance of scientific research and its advancement. There is also a Fund for the Advancement of Research for Industry and Trade, which has the same objectives. Allocations are made to both Funds from the annual Federal budget, and both received contributions from other organizations or from individuals. In the 1985 Federal budget, S 223 million were earmarked for the Fund for the Advancement of Scientific Research and S 359.4 million for the Fund for the Advancement of Research for Industry and Trade. Between 1975 and 1985 the total amount allocated to both Funds rose from S 338 million to S 582 million.

50. A programme for the advancement of science and research during the period 1984-1987 focuses on 12 major points in the area of technology. Scientific and technical bilateral agreements have been signed with a number of foreign States with a view to international co-operation in science and research. Mention should also be made of Austria's participation in international scientific programmes, for example, its membership in the European Space Agency or its co-operation within the framework of the International Atomic Energy Agency and the Organisation for Economic Co-operation and Development.

51. With regard to the diffusion of scientific knowledge, suffice it to say that in 1983 2,036 radio broadcasts and 7.2 per cent of television air time were devoted to the fields of science and education. In 1983 Austrian publications included 788 works on the natural sciences, 213 works on medicine and 868 works in the fields of technology and industry - to mention only a few information sectors. During the same period (1983), 101 technical and chemical journals, 62 medical journals and 35 mathematical and other scientific journals were available to the public.

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52. The protection of the moral and material interests of authors of scientific, literary or artistic works is guaranteed by the Literary, Artistic and Scientific Property Act.

53. Literary works and also scientific, artistic, and even cinematographic works are afforded the same protection under this Act. The author has exclusive rights to use of the work. These rights include the right of reproduction and distribution, including dissemination by means of radio and television, readings, lectures and public dramatic productions. The author has the right to permit another person to use his works in part or in full, but he enjoys protection against any changes made in the work itself without his consent.

54. Special societies have been formed for the protection of authors. Their purpose is to ensure that authors are duly compensated for use of their works. Copyright is hereditary and expires 70 years after the author's death in the case of literary and musical works and the plastic arts. In the case of cinematographic works, the copyright expires 50 years after the date of release.

55. Austria has also ratified the Universal Copyright Convention and is a party to the Berne Convention for the Protection of Literary and Artistic Works. In addition to these multilateral conventions, Austria has also signed bilateral agreements with some States.

56. The protection of intellectual property is also guaranteed by the Patents Act. Patents are granted for new inventions which represent technological progress and have commercial applications. Under the patent, only the patent holder is authorized to mass-produce the invention and to market, sell and utilize it. The utilization of patented inventions by third parties is authorized if a licence has been issued by the patent holder.

57. Austria is also a party to the International Convention for the Protection of Industrial Property.
