



Civic Space Report 2024

AUSTRIA

BÜNDNIS
FÜR GEMEINNÜTZIGKEIT





About the author

Bündnis für Gemeinnützigkeit is the umbrella organisation of non-profit (NPOs) and voluntary organisations in Austria. Its 100+ members range from small and local associations to large organisations such as the Austrian branches of Red Cross, Caritas, Amnesty International, WWF, Transparency International or Birdlife and include sector-specific umbrella organisations such as Sozialwirtschaft Österreich and arbeit plus (social and health) or Ökobüro and Umweltdachverband (environment). Together, they represent more than 3,000 organisations. Members cover all areas of civil society – from the environment to human rights and inclusion, from culture to social issues, education, and humanitarian aid. Since 2022, Bündnis für Gemeinnützigkeit has been the advocacy body for all non-profit and voluntary organisations in Austria. It promotes general civil society matters and offers easy-access consulting services to the whole Third Sector.

About this report

This analysis was published as part of the European Civic Forum's Civic Space Report 2024. The full report contains chapters written by its secretariat, by member organisations, or by partner organisations and individuals. Much of the content originally appeared as part of ECF's submission to the European Commission's Rule of Law consultation. Each chapter reflects the views and analysis of its respective author. For more information about the European Civic Forum, please visit www.civic-forum.eu

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Key trends

- 🔍 **Significant improvement for the regulatory environment for CSOs but civil dialogue mechanism and participation processes must be systematised.**
- 🔍 **Climate activists - in particular the group Letzte Generation - face legal and political pressure.**
- 🔍 **Independent journalism is at risk as more and more media outlets struggle financially.**

Summary

Civic space continues to be rated as 'Open' in Austria.¹ In its 2023 Rule of Law report the European Commission recommended that the government "Advance with the reform on access to official information taking into account the European standards on access to official documents."² In early 2024 the Austrian government took a first step and passed the *Freedom of Information Act*, however, monitoring the implementation of the *Freedom of Information Act* remains crucial.

In 2023, positive legal developments for the rule of law in Austria were reported. Some important laws to strengthen civil society, which had been negotiated between civil society representatives and the government for years, were finally passed. These include the comprehensive expansion of tax deductibility for donations to all non-profit organisations, a strengthening of voluntary involvement and respective initiatives, and the expansion of government subsidies as a response to rising energy costs. It must be noted that further progress in terms of systematic and structured participation

¹ Civicus Monitor (2023). *Austria*. Retrieved 29 February 2024 from: <https://monitor.civicus.org/country/austria/>

² European Commission (2023). *2023 Rule of Law Report*. Retrieved 29 February 2024 from: https://commission.europa.eu/document/download/8f5af879-8756-44af-9641-2c07310a2426_en?filename=46_1_52626_coun_chap_austria_en.pdf

processes for civil society, including civil dialogue between the sector and governing bodies is essential to ensure a resilient future. In addition, some civil society groups have experienced increased political pressure and primarily include informal organisations and activists promoting climate action.

Institutional, political and socio-economic landscape

2023 saw a continuation of the coalition between the centre-right People's Party (ÖVP) and The Green Party (*Die Grünen*), led by Chancellor Karl Nehammer (ÖVP) and Vice-Chancellor Werner Kogler (*Die Grünen*). The current government programme originated in early 2020 and outlines comprehensive plans in favour of civil society, including funding, participation, and other framework conditions.³ With new and ongoing crises and challenges – from COVID-19, wars in Europe and beyond to climate change and high inflation – the importance of civil society organisations (CSOs) has become even more evident.

A rather stable Austrian political landscape resulted in enhanced dialogue with stakeholders and some major legal improvements for the Third Sector. These include a reform of tax rules for non-profit organisations, subsidies to mitigate rising energy costs, the strengthening of voluntary organisations and a reform of the public service media. The Freedom of Information Act has finally borne fruit and was passed in early 2024. However, its implementation will have to be monitored closely.

³ Bundeskanzleramt (2020). Aus Verantwortung für Österreich. Regierungsprogramm 2020-2040. Retrieved 3 January 2024, from <https://www.bundeskanzleramt.gv.at/bundeskanzleramt/die-bundesregierung/regierungsdokumente.html>

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This positive development goes hand in hand with an improved opinion of the political system among the Austrian public, the perception of being sufficiently represented, and with increased trust in institutions, as found in the *Demokratiemonitor 2023*. *Demokratiemonitor* is a representative nationwide survey that assesses the population's perception towards democracy in general and towards the political system in particular. While this data signals a positive turn, the overall figures remain comparably low: only 39 per cent of people think that the political system functions well and only 32 per cent trust the government. In addition, positive developments are only evident among the economic middle and upper thirds of the population. On the contrary, the approval towards institutions among people in the remaining third has further decreased, to the extent that authors of the survey speak of an increasingly radicalised and anti-democratic part of the population. The authors claim that trust in institutions decreases with the impression of not being represented. They observe that this impression is particularly common among people who experience low social status and less public acknowledgment as well as among those who lack financial resources.⁴ This radicalisation of certain parts of the population together with a lack of trust in democracy and political institutions is certainly one of the major current challenges to democracy in Austria.⁵

In 2023, rights and freedoms could largely be exercised without religious, gender, LGBTQIA+, or ethnic discrimination. However, combating structural and institutional racism continues to be crucial. As an example, ZARA - an Austrian NGO working on anti-racism in Austria - reports 1,479 notified cases of anti-racism in 2022. While the majority (68 %) occurred online, offences were also experienced in public space, (public) institutions, by the police, in media and political environments.⁶ Another NGO, *Dokustelle Austria*, documents discrimination against Muslims and reported 1,324 cases in 2022.⁷ Both organisations claim stagnating overall reported numbers but an increase in online cases. Both organisations urge for implementation of a national action plan against racism.

In addition, residence title and citizenship still impact the access to various rights, such as the right to vote, which depends on Austrian citizenship. For example, in Vienna, one third of residents have no right to vote in national elections. This includes non-Austrian EU citizens, who can only vote in

⁴ Demokratiemonitor (28 November 2023). *Demokratie in stürmischen Zeiten*. Retrieved 3 January 2024 from: https://www.demokratiemonitor.at/wp-content/uploads/2023/11/2023_SORA-Preseunterlage-DM-2023.pdf

⁵ Demokratiemonitor (28 November 2023). *Demokratie in stürmischen Zeiten*. Retrieved 3 January 2024 from: https://www.demokratiemonitor.at/wp-content/uploads/2023/11/2023_SORA-Preseunterlage-DM-2023.pdf

⁶ ZARA - Zivilcourage & Anti-Rassismus-Arbeit (2023). *Rassismus Report 2022*. Retrieved 29 February 2024 from: https://migrant-integration.ec.europa.eu/system/files/2023-07/ZARA-Rassismus_Report_2022.pdf

⁷ Dokustelle (2023). *Antimuslimischer Rassismus Report 2022*. Retrieved 29 February 2024 from: https://dokustelle.at/fileadmin/Dokuments/Reports/Report_2022/Dokustelle-Report-2022.pdf

certain local elections.⁸ Furthermore, asylum seekers and refugees are largely excluded from the labour market, increasingly lack adequate housing, and are often stigmatised in the public debate, which promotes societal polarisation.⁹

Civic freedoms: regulatory environment and implementation

In Austria, civil society organisations are of great importance to political, cultural and economic development, and they positively contribute to many people's lives. In comparison to other countries, the legal framework conditions are rather NPO-friendly, as civil rights and democracy are relatively well-developed.¹⁰ However, recent studies confirm that certain conditions for NPOs are largely dependent on the composition of the government and its stance towards civil society organisations.¹¹

Freedom of association

⁸ Stadt Wien (November 2023). 6. *Wiener Integrationsmonitor 2023*. Retrieved 3 January 2024, from: <https://www.wien.gv.at/spezial/integrationsmonitor/gleichstellung-and-partizipation/fehlendes-wahlrecht-und-demokratiedefizit/>

⁹ Amnesty International – Austria (20 June 2023). *Weltflüchtlingstag: Österreichische Regierung muss aufhören zu jammern und anfangen zu handeln*. Retrieved 3 January 2024 from: <https://www.amnesty.at/presse/weltfluechtlingstag-oesterreichische-regierung-muss-aufhoeren-zu-jammern-und-anfangen-zu-handeln/>

¹⁰ More-Hollerweger, E., R. Simsa, G. Kainz, F. Neunteufl, R. Grasgruber-Kerl, and F. Wohlgemuth. 2014. *Civil Society Index – Rahmenbedingungen für die Zivilgesellschaft in Österreich*, pp 16. Wien: Kompetenzzentrum für Nonprofit Organisationen. Retrieved 3 January 2024, from: https://www.gemeinnuetzig.at/wp-content/uploads/2017/06/civil_society_index_ra_juni_2014.pdf

¹¹ Simsa, R. (2019). Civil Society Capture by Early Stage Autocrats in Well-Developed Democracies – The Case of Austria. *Nonprofit Policy Forum* 10(3). <https://doi.org/10.1515/npf-2019-0029>

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The Austrian constitution guarantees the right to freedom of association. Freedom of association applies to natural persons and legal entities. An association, club or society is recognised as such if it is made up of two or more people with the objective of achieving a common, non-material goal. The registered office of the association has to be located inland. According to the Associations Act, an association may not be profit-oriented, and the association funds may only be used in pursuit of the association's original purpose (Vereinsgesetz 2002 - VerG).¹²

If an association wants to acquire public-benefit status and associated tax benefits for the purpose of the federal tax code (Bundesabgabenordnung - BAO), it has to pursue a public-benefit purpose and its statutes have to ensure that the association funds will be used exclusively for equal or similar non-profit purposes in the event of dissolution of the legal entity. According to Austrian lawyers and CSO representatives, establishing associations or aligning to another legal form is unproblematic in Austria. The legal framework for the establishment of associations, foundations, and other kinds of non-profit or non-governmental organisations with social, political, cultural or other aims is neither obstructive or restrictive.¹³

A reform of the respective law that entered into force on 1 January 2024 has facilitated administration of the public-benefit status, by reducing the waiting period from three years to one, and simplified procedures of independent auditors to confirm eligibility. As a result, the procedure will be more accessible and attractive to smaller NPOs when applying for public-benefit status, with a positive impact on their financial viability.¹⁴

In order to ensure independence, a recommendation for further improvement is to transfer the responsibility for maintaining the register of associations from the Federal Ministry of Internal Affairs to the courts (where the commercial register is already kept).

¹² Bundesgesetz über Vereine (Vereinsgesetz 2002 – VerG), BGBl. I 66/2002 idF I 211/2021. Retrieved 3 January 2024, from:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20001917>

¹³ More-Hollerweger, E., R. Simsa, G. Kainz, F. Neunteufl, R. Grasgruber-Kerl, and F. Wohlgemuth. 2014. *Civil Society Index – Rahmenbedingungen für die Zivilgesellschaft in Österreich*, pp 30. Wien: Kompetenzzentrum für Nonprofit Organisationen. Retrieved 3 January 2024, from: https://www.gemeinnuetzig.at/wp-content/uploads/2017/06/civil_society_index_ra_juni_2014.pdf

¹⁴ Parlament Österreich (2023). *Gemeinnützigkeitsreformgesetz 2023 (299/ME)*. Retrieved 3 January 2024, from: <https://www.parlament.gv.at/gegenstand/XXVII/ME/299>

Freedom of peaceful assembly

In Austria, freedom of peaceful assembly is regulated by law in the “Versammlungsgesetz”¹⁵. In 2023, discussions regarding freedom of peaceful assembly primarily addressed climate group activities and pro-Palestine demonstrations.

As a result of the Hamas-Terror and the ongoing war in Gaza, demonstrations in solidarity with both Israeli and Palestinian people have taken place in several Austrian cities. While the authorities carried out individual assessments of each demonstration resulting in only a few demonstrations being banned, this gave rise to public argumentation.^{16 17}

However, earlier in the year, police used pepper spray to disband a meeting of climate protesters at the European Gas Conference¹⁸ and politicians posed threats of legal action against climate activists (see *Safe Space*).

In 2020, the government announced the establishment of an independent body to investigate allegations of abuse against police.¹⁹ Although introduced in early 2023, the matter is still criticised by NGOs and needs further improvements. Major criticism concerns the independence of the body. As the body is located at the Federal Bureau of Anti-Corruption in the Interior Ministry, institutional, hierarchical and practical independence - as required by the ECtHR and other international institutions - cannot be guaranteed.²⁰

¹⁵ Versammlungsgesetz 1953, BGBl. 98/1953 idF BGBl. I 63/2017. Retrieved 3 January 2024, from: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000249>

¹⁶ Pflügl, J. (9 October 2023). Polizei sah keinen Spielraum für Untersagung der Palästina-Demos. *DerStandard*. Retrieved 3 January 2024, from: <https://www.derstandard.at/story/3000000190324/polizei-sah-keinen-spielraum-fuer-untersagung-der-palaestina-demos>

¹⁷ APA, sino, red (12 October 2023). Mehr als 300 Anzeigen bei untersagter Pro-Palästina-Demo in Wien. *DerStandard*. Retrieved 3 Januar 2024, from: <https://www.derstandard.at/story/3000000190812/mehr-als-300-anzeigen-bei-untersagter-pro-palaestina-demo-in-wien>

¹⁸ Elton, C. (28 March 2023). *Vienna protests: 143 protestors detained at demonstration against European Gas Conference*, Euronews. Retrieved 3 January 2024, from: <https://www.euronews.com/green/2023/03/28/vienna-protests-143-protestors-detained-at-demonstration-against-european-gas-conference>

¹⁹ APA (4 January 2023). Versprochene unabhängige Beschwerdestelle zu Polizeigewalt bleibt ausständig. *DerStandard*. Retrieved 3 January 2024, from: <https://www.derstandard.at/story/2000142305993/versprochene-unabhaengige-beschwerdestelle-zu-polizeigewalt-bleibt-ausstaendig>

²⁰ Amnesty International - Austria (15 June 2023). *Polizeigewalt: Ermittlungsstelle im Ministerrat*. Retrieved 3 January 2023, from: <https://www.amnesty.at/news-events/polizeigewalt-ermittlungsstelle-im-ministerrat-einige-verbesserungen-im-geaenderten-gesetz-doch-unabhaengigkeit-weiterhin-nicht-sichergestellt/>

Freedom of expression

Freedom of expression is guaranteed in the European Convention on Human Rights, which was elevated to constitutional status in Austria in 1964.²¹ Furthermore, the Media Law of 1981 provides the basis for free media in Austria.²² However, media ownership remains highly concentrated and intertwined with Austrian politics. These strong links became apparent once again due to political scandals in 2019.

In comparison to many other European countries, the public-service broadcasting (ORF) enjoys a high market share.²³ A law concerning the ORF was amended in 2023 with major changes in terms of the organisations' income strategy. The new structure ensures long-term financing of the ORF - a first step towards financial independence from the government's funding.²⁴ In general, concerns about the ORF's independence remain. After the law was passed by the parliament, the Austrian Constitutional Court found that parts of the law were unconstitutional, in particular, the composition of the ORF's governance bodies.²⁵ The change of law is due in March 2025.²⁶ It is of utmost importance that the changes are implemented as soon as possible in order to ensure independence and the long-term financial stability of the ORF.

Changing consumer habits and a lack of trust in established media outlets are currently challenging the media sector.²⁷ Rising costs due to high inflation in 2023, decreasing ad revenues and artificial intelligence prominence into the media's daily business, are further aspects that place established

²¹ Konvention zum Schutze der Menschenrechte und Grundfreiheiten, BGBl. 210/1958 idF III 171/2023. Retrieved 3 January 2024, from:

<https://www.ris.bka.gv.at/NormDokument.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000308&Artikel=10&Paragraf=&Anlage=&Uebergangsrecht=>

²² Bundesgesetz vom 12. Juni 1981 über die Presse und andere publizistische Medien (Mediengesetz – MedienG), BGBl. 314/1981 idF128/2023. Retrieved 3 January 2024, from:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000719>

²³ Trappel, F. (2023). Medien und Politik – ein Geben und Nehmen, in K. Praprotnik & F. Perlot (eds.), *Das Politische System Österreichs* (129-153). Wien: Böhlau Verlag.

²⁴ Bundesgesetz über den Österreichischen Rundfunk (ORF-Gesetz, ORF-G). BGBl. 379/1984 idF 116/2023. Retrieved 3 January 2024, from:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000785>

²⁵ Wallnöfer, Isabell (10. October 2023). Der VfGH hebt das ORF-Gesetz auf. *Die Presse*. Retrieved 3 January 2024 from: <https://www.diepresse.com/17729627/der-vfgh-hebt-das-orf-gesetz-auf-was-fuer-eine-blamage>

²⁶ Verfassungsgerichtshof Österreich (10. October 2023). VfGH: Teile der Bestellung und Zusammensetzung von ORF- Stiftungs- und Publikumsrat sind verfassungswidrig. Retrieved 3 January 2023, from:

https://www.vfgh.gv.at/medien/ORF_Gesetz_Gremien.php

²⁷ Trappel, F. (2023). Medien und Politik – ein Geben und Nehmen, in K. Praprotnik & F. Perlot (eds.), *Das Politische System Österreichs* (129-153). Wien: Böhlau Verlag.

media outlets under pressure and result in austerity measures such as staff cuts.²⁸ With less money and staff, established media face challenges to obtain quality content and even struggle for existence. A loss of quality media would further increase media concentration and eventually impair freedom of expression.

In addition, the spread of fake news is a critical challenge to freedom of expression in Austria and beyond, particularly in the context of the upcoming elections in Austria and the EU.²⁹

Safe space

In 2023, non-profit organisations and civil society in general were able to act independently and enjoy comprehensive freedoms and frameworks to do so. However, some incidents confirm that even in an NPO-friendly environment, it is important to closely watch developments and identify grievances. Regarding safe space, the cases of human rights as well as climate activists facing legal threats and other hostilities remain a concern.

As an example of a Strategic Lawsuit Against Public Participation (SLAPP) a complaint was brought by the international organisation *International Centre for Migration Policy Development (ICMPD)* against the human rights organisation *SOS Balkanroute* and its founder, Petar Rosandić. ICMPD accused the NGO of damaging the Centre's reputation after the organisation criticised a newly constructed building within the existing Lipa Camp, a temporary reception centre camp in Bosnia and

²⁸ Fidler, F. (20 September 2023). Österreichs Medien vor heftigen Herbststürmen. *DerStandard*. Retrieved 3 January 2024, from: <https://www.derstandard.at/story/3000000187597/oesterreichs-medien-vor-heftigen-herbststuermen>

²⁹ APA (5 November 2023). EU vor Wahl besser gerüstet gegen Desinformation im Netz, Risiko bleibt. *Der Standard*. Retrieved 3 January 2023, from: <https://www.derstandard.at/story/3000000193797/eu-vor-wahl-besser-geruestet-gegen-desinformation-im-netz-risiko-bleibt>

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Herzegovina, which is expected to function as a “deportation centre”.³⁰ On 18 July 2023, the Vienna Commercial Court dismissed the lawsuit.³¹

Examples of climate activists facing hostilities include a demonstration against the European Gas Conference and activities of the climate group Letzte Generation Österreich (Last Generation Austria):

In March 2023, police detained 143 people during a demonstration organised in Vienna against the European Gas Conference. The police used pepper spray to disperse the protesters³².

Members of the climate group *Letzte Generation Österreich* (Last Generation Austria) faced detentions and legal threats due to some actions of civil disobedience: One example is German activist Anja Windl who took part in “sticking” climate protests by glueing herself to roads to block traffic. Besides detentions she is the subject of legal proceedings that could see her deported from Austria.³³ Throughout the year, activists from the group continued a campaign of roadblock protests in Vienna and on other major routes.³⁴ Some parties suggested increasing the penalties and punishments for climate activists.³⁵ Investigations towards Letzte Generation with the claim of being a criminal

³⁰ FronLine Defenders (18 July 2023), Austria: SOS Balkanroute and its chairman Petar Rosandić are facing a SLAPP case. Retrieved 29 February 2024 from: <https://www.frontlinedefenders.org/en/austria-sos-balkanroute-and-its-chairman-petar-rosandic-are-facing-a-slapp-case>

³¹ Frontline Defenders (21 July 2023). *Lawsuit against the human rights organisation SOS Balkanroute and its founder Petar Rosandić dismissed*. Retrieved 3 January 2024, from: <https://www.frontlinedefenders.org/en/lawsuit-against-the-human-rights-organisation-sos-balkanroute-dismissed>

³² Elton, C. (28 March 2023). Vienna protests: 143 protestors detained at demonstration against European Gas Conference, Euronews. Retrieved 3 January 2024, from: <https://www.euronews.com/green/2023/03/28/vienna-protests-143-protestors-detained-at-demonstration-against-european-gas-conference>

³³ Euronews (20 April 2023), Austria's 'Climate Shakira' has come up with a novel way to try and escape deportation, , <https://www.euronews.com/green/2023/04/20/meet-the-climate-shakira-who-could-be-deported-from-austria>

³⁴ Der Standard (24 November 2023), Landesgericht Wien weist Untersuchungshaft für Klimaaktivistin Anja Windl ab. Retrieved 29 February 2024 from: <https://www.derstandard.at/story/3000000196754/landesgericht-wien-prueft-untersuchungshaft-fuer-klimaaktivistin-anja-windl>

³⁵ ORF (11 August 2023), ÖVP-Vorschlag sieht Strafe für Klimaaktivisten vor, <https://orf.at/stories/3327189/>

association started in late 2023.³⁶ More than 300 legal procedures against Letzte Generation were reported in 2023.³⁷

Funding for civil society

Figures from 2020 show that the Third Sector comprises around 130,500 organisations and employs six per cent of all working Austrians over 14 years old and contributes three per cent of the GDP. Figures suggest a trend for a growing sector.³⁸

The public sector plays a decisive role in the financing of CSOs. Slightly more than half of the income of organisations, with at least one employee, comes from performance-related payments from the public sector, another 16.5 percent comes from other public funding. There have been no major changes in the financing structure since these last numbers were published in 2013.³⁹

In some areas of NGOS activities the high ratio of governmental funding together with a low systematic approach of political participation of civil society (see section on the right to participation) confirms the risk of dependence on the good-will of governing parties on local, regional or national level.

Donations are another important source of income for civil society organisations. Recently, Fundraising Verband Austria – the umbrella organisation for all organisations receiving donations in Austria – reported a record in donations and the largest increase in the history of Austria: In 2022,

³⁶ APA (4 December 2023), Ermittlungen gegen Letzte Generation wegen Bildung einer kriminellen Vereinigung. Der Standard. Retrieved 29 February 2024 from:

<https://www.derstandard.at/story/3000000198058/ermittlungen-gegen-letzte-generation-wegen-krimineller-vereinigung>

³⁷ Angerer, S. (2024), Tausende Strafen über Aktivisten der “Letzten Generation” verhängt. Kurier. Retrieved 29 February 2024 from: <https://kurier.at/chronik/oesterreich/2500-strafen-ueber-aktivisten-der-letzten-generation-verhaengt/402777961>

³⁸ Pennerstorfer, A., and Schneider, U. (2022). Der Nonprofit-Sektor in Österreich, in R. Simsa, M. Meyer, & C. Badelt (eds.), *Handbuch der Nonprofit-Organisationen. Strukturen und Management* (55-72). Stuttgart: Schäffer-Poeschel Verlag.

³⁹ Ibid

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Austrians donated €1.1 billion. Reasons can be found primarily in a huge wave of solidarity with Ukraine.⁴⁰

Good communication and exchange with the current government has led to major improvements for civil society organisations regarding financial viability in 2023, most importantly:

- 🔍 Amendments to tax law: As of 1 January 2024, all donations to non-profit organisations can be deducted from tax. Previously, the law excluded major fields of action like human rights, animal protection, education, sports or culture. This is seen as a huge success for the sector, as NPOs had advocated for the amendment of the law for decades.
- 🔍 Simplification of administrative process to achieve public-benefit status and associated tax benefits.
- 🔍 Subsidies to address rising energy costs: In previous years, the government provided financial subsidies regarding the energy crisis to a wide range of people and companies. However, it failed to reach most civil society organisations. In 2023, a new law that includes all non-profit organisations was passed and implementation is in process.
- 🔍 Amendment of the voluntary law: Strengthening of voluntary involvement of citizens and respective organisations in acknowledging their contributions financially and publicly and in determining long-term subsidies by law.⁴¹

Civil dialogue and the right to participation

⁴⁰ Fundraising Verband Austria (2023). *2023 Spendenbericht*. Retrieved 3 January 2023, from:

https://www.fundraising.at/wp-content/uploads/2023/12/FVA_Spendenbericht_2023_FINAL.pdf

⁴¹ Parlament Österreich (14 June 2023). *Freiwilligengesetz, Änderung (2085 d.B.)*. Retrieved 3 January 2024, from:

<https://www.parlament.gv.at/gegenstand/XXVII/I/2085>

A study by the Vienna University of Economics and Business finds that “CSOs in Austria are deeply involved in political decision-making. CSOs have engaged in dialogue and negotiations with the government in many areas and have often been involved in legislative processes. Further, they provide social services and in return, they receive large shares of their funding from public sources. The public sector thus plays an important role for CSOs, influencing their organisational and financial structures. CSOs are particularly active in social services, health care and education. Furthermore, federalism and self-governance of the nine federal provinces are reflected in civil society and there are both strong local and umbrella organisations at the federal level.”⁴²

Nevertheless, a civil dialogue framework or civil dialogue legislation is lacking but needed to regulate and guide the involvement of civil society in policy-making. As a result, civil dialogue and most participation processes are not systematic but strongly vary depending on the culture and openness of the respective departments in ministries in charge. This creates a high risk of exclusion and financial shortcuts once the political landscape changes toward a less NPO-friendly environment, as was the case in the period of the Freedom Party (FPÖ) – People’s Party coalition until 2019.⁴³

On the contrary, cooperation between decision-makers and NPOs experienced a peak in 2023. For the first time in history, the Austrian government invited representatives of Austrian non-profit and voluntary organisations to discuss framework conditions and necessary legislative changes for the sector during an official government summit. On 3 May 2023, promising talks were held between leaders of the Austrian government and representatives of civil society. Both representatives of the government and representatives of the non-profit and voluntary sector appreciated each other’s willingness to jointly strengthen civil society in Austria and to contribute to a better life for all. The first results include above mentioned improvements concerning tax, subsidies, and voluntary services.

During the current period of governance, certain initiatives were launched to increase participation and dialogue with various stakeholders. One of the most prominent ones was the Climate Assembly (citizen assembly). From January to June 2022, 100 randomly selected citizens from all regions of Austria and from all parts of society formed the Climate Assembly to discuss actions needed for a climate-friendly future. They developed 93 proposals to actively shape the country’s climate future together with experts.⁴⁴ In 2023, critics claimed that although many proposals were developed, only

⁴² Simsa, R., Mayer, F., Muckenhuber, S., & Schweinschwaller, T. (2021). Framework Conditions of Austria's Civil Society. *Opuscula* 153. Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft. <https://www.ssoar.info/ssoar/handle/document/73928>

⁴³ Simsa, R. (2019). Civil Society Capture by Early Stage Autocrats in Well-Developed Democracies – The Case of Austria. *Nonprofit Policy Forum*. <https://doi.org/10.1515/npf-2019-0029>

⁴⁴ Klimarat (2022). Retrieved 3 January 2024, from: <https://klimarat.org/>

a few have been implemented so far.⁴⁵ This goes in line with overall complaints about a rather slow implementation of measures to combat climate change in Austria.⁴⁶

The national elections coming up in 2024 may affect the dialogue and right to participation.

Civil society resilience

Since the establishment of *Bündnis für Gemeinnützigkeit* – the umbrella organisation of non-profit and voluntary organisations in Austria – in 2022, civil society organisations, for the first time, speak with one voice. Its umbrella consists of more than 100 members ranging from small and local associations to large organisations like the Austrian branches of *Red Cross*, *Caritas*, *Amnesty International*, *WWF*, *Transparency International* or *Birdlife* and include sector-specific umbrella organisations such as *Sozialwirtschaft Österreich* and *arbeit plus* (social and health) or *Ökobüro* and *Umweltdachverband* (environment). Together they represent more than 3,000 Austrian civil society organisations. Members cover all areas – from the environment to human rights and inclusion, from culture to social issues, education and humanitarian aid. *Bündnis für Gemeinnützigkeit* is an advocacy body that promotes general civil society matters and offers easy-access consulting services to the entire Third Sector.

In comparison to media⁴⁷ and politicians⁴⁸, NPOs enjoy a very high level of public trust with organisations providing medical services enjoying the highest levels of trust while climate activists are on the very bottom of the trust scale.⁴⁹

⁴⁵ Prager, A. (5 June 2023). Der Klimarat hat 93 Empfehlungen formuliert, umgesetzt ist bisher wenig. *DerStandard*. Retrieved 3 January 2024, from: <https://www.derstandard.at/story/3000000172694/93-empfehlungen-des-klimar>

⁴⁶ APA (16 September 2023). Klimaschutzgesetz bald 1000 Tag in Verzug. *Die Presse*. Retrieved 3 January 2024, from: <https://www.diepresse.com/16554384/klimaschutzgesetz-bald-1000-tage-in-verzug>

⁴⁷ Klotz, J. (12 June 2023). *OGM/APA-Vertrauensindex Branchen Juni 2023*. Retrieved 3 January 2024, from: <https://www.ogm.at/2023/06/12/ogm-apa-vertrauensindex-branchen-juni-2023/>

⁴⁸ OGM/Bachmayer (7 December 2023). *OGM APA-Vertrauensindex PolitikerInnen Dezember 2023*. Retrieved 3 January 2024, from: <https://www.ogm.at/2023/12/07/ogm-apa-vertrauensindex-politikerinnen-dezember-2023/>

⁴⁹ OGM/Bachmayer (14 December 2023). *OGM/APA-Vertrauensindex NGOs*. Retrieved 3 January 2024, from: <https://www.ogm.at/2023/12/17/ogm-apa-vertrauensindex-ngos/>

The establishment of Bündnis für Gemeinnützigkeit contributed to civil society's resilience. It is a major development to identify and aggregate the most pressing issues for civil society and to put it at the top of the government's agenda. As a result, the cooperation and networking within the Austrian civic sector increased in 2023.

Recommendations

Targeted recommendation:

🔍 Prioritise establishing and systematising structured civil dialogue to ensure open, inclusive, ongoing and transparent participation of civil society at all stages of the policy and decision-making processes

- 🔍 **Ensure the efficient and consistent implementation of the Freedom of Information Act and thorough monitoring thereof.**
- 🔍 **Amend the ORF-law in accordance with the ruling of the Austrian Court of Constitution to ensure independence of the Austrian public service broadcasting. In addition, take measures to secure a diverse and sustainable media landscape.**
- 🔍 **Refrain from harassing climate activists through legal and other means.**



About European Civic Forum

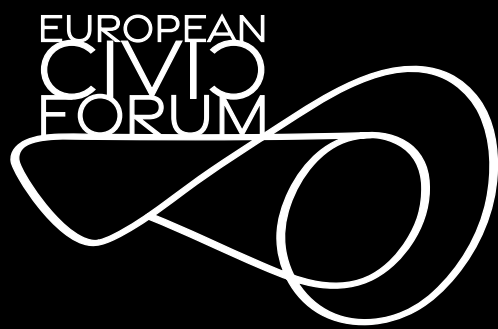
European Civic Forum (ECF) is a pan-European network of more than 100 associations and NGOs across 30 European countries,

Founded in 2005 by our member organisations, we have spent nearly two decades working to protect civic space, enable civic participation and build civil dialogue for more equality, solidarity and democracy in Europe.



About Civic Space Watch

Civic Space Watch collects findings and analyses from actors in Europe on the conditions for civil society to operate, capturing national and trans-European trends in civic space. Through ongoing monitoring of social media and regular contact and interviews with a strong network of members and partners on the ground, we strive to provide easy access to resources and improve information sharing within civil society across Europe.



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