Existence of a National Youth Law

There is not just a single youth law in Austria, but several laws for different youth-related topics. Furthermore, a Youth Strategy (Jugendstrategie [1]) is in place.

Laws relating to children and young people

The most important regulations of the legal system are a system of protective provisions and rights of co- and self-determination graded by age. The protection of minors is of particular significance in this regard.

Youth protection acts

Protection of minors

The laws for the protection of minors is there to beware young people from difficult situations. In practice, this includes age-specific regulations relating to the access to certain places, hitch-hiking, theatre, cinema and pub visits, the use of arcade/ gambling machines and the consumption of alcohol and cigarettes.

The Federal States are responsible for the specific age-related grading system. The territorial principle applies, according to which young people are subject to the regulations of the Federal State they are currently in.

As of January 2019, the youth (protection) laws are harmonised, but there are still 9 different laws, one for each Federal State. The Austrian Youth Information centres provide an overview [2] of these regulations on the Website of the Austrian youth portal (Österreichisches Jugendportal [3]).

Young people come of age upon reaching the age of 18, which means that the laws on the protection
of minors then no longer apply.

**Further age-related regulations**

On reaching the age of 6, children have the obligation to attend school for nine years.

From the age of 10, a guardianship court must hear the children in matters of custody, care and education, such as in divorce cases. From the age of 14, young people have limited legal competence and the right of sexual self-determination. They have the right to choose their religion and to be a part of the decision-making process regarding vocational and school education.

Young people of that age are subject to criminal responsibility. Young people are allowed to enter full-time employment from the age of 15. They are allowed to vote from the age of 16 on. All citizens who have reached the age of 18 by the day of the election have the right to be elected. From the age of 18, young people are of age, which is when they gain the full capacity to act and full legal competence. The right to be elected as Federal President is dependent on the right to vote in the National Council and on having reached the age of 35 on the day of the election.

**Scope and contents**

**Federal laws:**

- The **Federal Youth Promotion Act** (Bundes-Jugendförderungsgesetz [4]) is in force since 2000 and was last modified in 2018.

  The objective of this Federal Act is the promotion of measures of extracurricular youth education and youth work, for the purpose of furthering the development of the mental, psychic, physical, social, political, religious and ethical competencies of children and young people.

  **Quality assurance** (Qualitätssicherung [5])

  The federal youth organisations applying for basic promotion are obligated to conduct continuous quality assurance.

  **Quality assurance for applicants of basic promotion**

  The Federal Youth Promotion Act (Bundes-Jugendförderungsgesetz [4]) envisages providing basic promotion only to youth organisations that, among other terms, conduct a continuous quality assurance according to § 6 para. 1 Z 6 of the federal youth promotions act and § 13 para. 4 respectively of the federal youth promotions act’s guidelines. With regards to that and the general meaningfulness and necessity of quality assurance of official youth work organisations, within the last years, a number of measures and activities have been undertaken. All of them with the aim to find options, ways of action, methods, locations, etc..

  **Self-evaluation**

  The central message of these co-operation projects is the recommendation of self-evaluation as the mode of action.

  The former Ministry for Social Security, Generations and Consumer Protection and the department of research and education of the Catholic youth Austria published the manual self-evaluation – suggestions and measures for quality assurance within official youth work
organisations (Selbstevaluation – Anregungen und Maßnahmen zur Qualitätssicherung in der verbandlichen Jugendarbeit). This document provides a summary of the theoretical fundamentals of self-evaluation. Furthermore, it contains practical suggestions and a code of practice for self-evaluation and a number of examples of working tools.

**Form for the proof of conduction of continuous quality assurance**

Applicants, according to § 13 para. 4 of the federal youth promotions act’s guidelines, need to fill out this form and hand it in, together with their application for basic promotion.

- The **Federal Youth Representation Act** ([Bundes-Jugendvertretungsgesetz](#)) is in force since 2000 and was last modified in 2001.

The measures provided in this Act are to ensure the representation of young peoples’ concerns before the political decision-makers on a federal level.

**Austrian National Youth Council** ([Bundes Jugend Vertretung](#), BJV)

The Austrian National Youth Council is the statutory representative body for young people in Austria. The 54 member organisations range from those based on political parties and churches to representatives of open youth work and ethnic groups and minorities and also include the provincial youth advisory committees. This diversity guarantees that the interests of young people are represented on a very broad basis.

The Austrian National Youth Council is, as the legal representative of Austrian young people, empowered to have a say in all important political decisions. It was established when the Federal Youth Representation Act came into effect on 1st January 2001 and has the same status as the other legal representational groups such as those of employees, traders, farmers or senior citizens.

**Tasks and goals:**

- The BJV is a lobby for young people and promotes greater involvement of young people in political decision-making processes.
- The BJV brings “young”, up to date and important topics to public attention and carries out campaigns and projects to these topics.
- The BJV represents youth policy-related interests vis-à-vis the National Council, the government and the public.
- The BJV enables the exchange of information and information flow between member organizations.
- It represents the interests of Austria’s youth on the European and International level.
- It gives its views on draft laws and regulations.
- It publishes informational material for young people.
- It organises further training courses for functionaries of its member organisations.

- The **Juvenile Court Act** ([Jugendgerichtsgesetz](#)) is in force since 1988 and was last modified in 2019.

The Juvenile Court Act regulates the formal criminal law relating to young offenders.

On 25 September 2019 the Austrian Parliament passed the 3rd Protection Against Violence Act ([drittes Gewaltschutzgesetz](#)). Among other things, it is now possible again to impose life
• The Child and Youth Employment Act (*Kinder und Jugendlichen Beschäftigungsgesetz* [11]) is in force since 1987 and was last modified in 2018.

  This act implicates, that children up to the end of age 15 or to the end of their compulsory education are not allowed to work, not even in course of an apprenticeship.

  For young people up to the end of age 18 rules for working hours and off-times exist.

• The Youth Education Assurance Act (*Jugendausbildungs-Sicherungsgesetz* [12]) was in force from 1998 to 2011 and was last modified in 2008.

  This act regulated additional offers of apprenticeships in terms of a safety net for young people seeking an apprenticeship training position after graduating from compulsory education.

• The Federal Child and Welfare Act 2013 (*Bundes-Kinder- und Jugendhilfegesetz 2013* [13]) is in force since 2013 and was last modified in 2018.

  Due to the Austrian constitution legal regulations for child protection and welfare are set up by the federal government (guidelines) as well as by the provinces (implementing law). In 2013 the Federal Child and Youth Support Act was adopted, which sets up new guidelines for child protection and welfare. If any child is in need of care and protection and is unlikely to receive it at home local Youth Services (*Jugendamt*) has a duty to ensure they receive appropriate care and may place the child in care by way of a voluntary care agreement with the parent(s)/guardian(s) or through a court order.

**Revisions/updates**

Revisions and updates are to be found at **Scope and contents** for each law respectively