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# AUSTRIA

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## Republic of Austria

**Population:** 8.1 million (1.6 million under 18)  
**Government armed forces:** 34,600 (estimate)  
**Compulsory recruitment age:** 18  
**Voluntary recruitment age:** 17  
**Voting age:** 18

**Optional Protocol:** ratified 1 February 2002  
**Other treaties ratified** (see glossary):  
CRC, GC AP I and II, ICC, ILO 138, ILO 182

***Under-18s were possibly serving in the armed forces, as voluntary recruitment was allowed for 17 year olds. Legislation ruled out participation of under-18s in hostilities.***

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## Context

Allegations of police ill-treatment and excessive use of force continued throughout the period under review. Parliament adopted a controversial asylum law in October 2003 which was heavily criticized by refugee and human rights organizations.<sup>1</sup>

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## Government

### National recruitment legislation and practice

The constitution states that “Every male Austrian national is liable for military service. Conscientious objectors who refuse the fulfilment of compulsory military service and are exonerated therefrom must perform an alternative service. The details are settled by law” (Article 9a).<sup>2</sup>

The legal basis for conscription, the 1990 Military Service Act (*Wehrgesetz*) states that all men between 17 and 50 are liable for military service, and that they may be called up only when they are 18 (Articles 15 and 16). The Act prohibits the compulsory recruitment of children for participation in armed hostilities. Military service may be undertaken early, at the age of 17, with parental approval.<sup>3</sup> Each year about ten recruits volunteer to perform military service early.<sup>4</sup> The period of service is eight months.<sup>5</sup> Women may apply to join at 17, but do not begin training until they are 18.<sup>6</sup>

Voluntary recruitment can commence from the age of 17 but under-18s may be recruited only with the approval of the child’s legal guardians and cannot participate directly in military action, under an amendment to the Military Service Act of 1 January 2001 (Article 65c).

In its second periodic report to the UN Committee on the Rights of the Child, Austria said that around 430 under-18s volunteered to join the armed forces each year. The report said “all areas of military training can also be completed before a child turns 18, and be used in operations without the risk of direct hostilities”.<sup>7</sup> Applicants to military schools for training as non-commissioned officers must be 18.<sup>8</sup>

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Constitution, Legal Information System of the Republic of Austria (RIS), [http://www.ris.bka.gv.at/info/bvg\\_eng.pdf](http://www.ris.bka.gv.at/info/bvg_eng.pdf).
- 3 1990 Military Service Act (*Wehrgesetz*) BGBl. Nr. 305/1990, with amendments, <http://zoom.mediaweb.at/material/wg.html>; Second periodic report of Austria to UN Committee on the Rights of the Child, UN Doc. CRC/C/83/Add.8, 8 July 2004, <http://www.ohchr.org>; Declaration made by Austria on ratification of the Optional Protocol, February 2002, <http://www.ohchr.org>.
- 4 Communication from Ministry of Defence, 8 May 2004.
- 5 Ministry of Defence, [http://www.bmlv.gv.at/rekrut/stellung\\_einberufung/index.shtml](http://www.bmlv.gv.at/rekrut/stellung_einberufung/index.shtml).
- 6 Ministry of Defence, <http://www.bmlv.gv.at/karriere/frauen/treffpunkt.shtml>.
- 7 Second periodic report to UN Committee on the Rights of the Child, op. cit.
- 8 Ministry of Defence, <http://www.bmlv.gv.at/karriere/unteroffizier/englisch/allgemein.shtml>.