

# 1. 2008 key figures

## 1.1. In contact with the people

People who would like to complain about public authorities or need information can easily contact the Austrian Ombudsman Board (AOB) in person, by phone or in writing at any time. Written correspondence with people seeking advice was particularly intensive in 2008: Around 7,900 letters arrived at Singerstrasse and nearly 6,300 persons sent e-mails. In total, the correspondence of the AOB with persons suspecting a case of maladministration amounted to a considerable 19,100 pieces of correspondence. Nearly 8,000 letters and e-mails were exchanged with authorities on a federal, provincial and municipal level.

**7,900 letters and 6,300 e-mails**

The consultation days held throughout Austria are becoming more and more popular. In 2008, within the framework of a total of 231 consultation days (2007: 198) more than 1,500 consultation sessions took place in all the Austrian *Bundesländer*. In order to guarantee the right to sound administration everywhere, the members of the AOB visited penal institutions, police detention centres and federal army bases. Daily contact with the public was also very intensive in other respects: 7,140 persons contacted AOB employees with their concerns in person or by phone via the toll-free service number (0800/223 223).

**231 consultation days**

### Daily contact with the people

- 231 consultation days with over 1,500 face-to-face meetings
- 7,900 letters received by AOB
- 6,300 persons contacted the AOB by e-mail
- 19,100 pieces of correspondence were necessary to assist complainants
- 7,140 persons reported their concerns in person or by phone to the information service
- 8,000 letters and e-mails have been sent to public authorities in order to follow up on complaints from citizens
- 175,000 persons obtained information at [www.volksanwaltschaft.gv.at](http://www.volksanwaltschaft.gv.at)
- An average of 320,000 persons watched the weekly TV show *Bürgeranwalt* which is produced in cooperation with the Austrian public broadcasting company ORF

The website [www.volksanwaltschaft.gv.at](http://www.volksanwaltschaft.gv.at) is becoming more and more important as a source of information. In 2008 nearly 175,000 persons informed themselves about AOB members and their specific areas of responsibility. Users from a total of 135 countries – mainly from Germany, Sweden, the United States and Switzerland – wanted to learn more about the Austrian Ombudsman Board. To meet this rising interest, AOB is currently working on a new version of its information portal.

**Information in the Internet**

Calling for efficient measures against consumer fraud on the Internet and demanding support for thalidomide victims by Austrian public authorities: the ORF TV show *Bürgeranwalt* continues to be a major platform for AOB issues. Each week particularly striking cases are presented to an average audience of 320,000 viewers. The programme has reached an average market share of 29% and is thus one of the most frequently viewed ORF programmes on Saturdays, including in households with cable and satellite reception.

***Bürgeranwalt* broadcast weekly by ORF**

## 1.2. Focus of work and investigations

14,640 persons contacted the AOB with their concerns in 2008. In 9,641 cases, people felt they had been poorly treated by public authorities or were provided with insufficient information. The AOB initiated more investigative proceedings in 2008 than ever. In 6,563 cases, i.e., 68.1% of all complaints about public authorities, the AOB initiated a detailed investigation. This percentage sharply increased in comparison to 2007 by 6.1%. 3,000 cases involved complaints that fell within the AOB's scope of responsibility, but from the beginning no maladministration could be determined. In these cases, the AOB provided additional information and legal advice.

**More investigative proceedings than ever**

Many people contact the AOB when they are worried that they will not be able to enforce their rights. Just over 5,000 cases in the reporting period concerned questions not related to the AOB's investigative duties – for example, problems under family law related to a divorce or disputes concerning custody arrangements. In these cases the AOB also provided assistance and informed and advised complainants. The AOB established contacts to the competent authorities and outlined potential solutions for the parties.

**Information and advice not related to AOB's investigative duties**

### Austrian Ombudsman Board cases and complaints in 2008

	2008
Enquiries by citizens	14,640
Complaints unrelated to AOB's investigative duties	5,004
Complaints about administration	9,641
thereof, initiated investigative proceedings	6,563
federal administration	4,158
provincial and municipal administration	2,410
No investigative proceedings, information provided to citizens	3,078

The investigative duties of the AOB on the federal level are diverse. The Board monitors the entire public administration, i.e., all public authorities, agencies and service offices charged with the implementation and enforcement of federal laws. In addition to the indirect and direct federal administration, it is also responsible for the administration of the private sector. When the AOB investigates suspected maladministration in the execution of federal laws, its investigative duties go far beyond the federal ministries, ranging from the Austrian social security institutions to Austro Control to the Public Employment Service Austria (AMS).

**Investigative duties  
on federal level**

**Investigative proceedings handled by Federal Ministries in 2008** *(The substantive competencies are based on the division of responsibilities applicable since January 2009 pursuant to the Federal Ministries Act.)*

Area	Audited Public Authorities	2008
Social Affairs and Labour	Federal Ministry of Labour, Social Affairs and Consumer Protection, Pension Insurance Fund, Public Employment Service Austria	1 158
Justice	Federal Ministry of Justice, Justice Administration, Prison Regime	927
Internal Affairs	Federal Ministry of the Interior, Police, Federal Asylum Authority, etc.	503
Infrastructure and Transport	Federal Ministry for Transport, Innovation and Technology, Railways, Post Office, ASFINAG	415
Finances	Federal Ministry of Finance, Financial Administration	364
Business	Federal Ministry of Economy, Family and Youth	215
Agriculture and Forestry	Federal Ministry of Agriculture, Forestry, Environment and Water Management	144
Education, Art and Culture	Federal Ministry for Education, Arts and Culture	85
Family	Federal Ministry of Economy, Family and Youth	72
Science and Research	Federal Ministry of Science and Research	67
State Defence and Sports	Federal Ministry of Defence and Sports	64
Health Care	Federal Ministry of Health; Health and Accident Insurance	41
Foreign Service	Federal Ministry for European and International Affairs	39
Environment	Federal Ministry of Agriculture and Forestry, Environment and Water Management	35
Federal Chancellor's Office	Federal Chancellor's Office, Statistics Austria, Austrian State Archives, etc.	24
<b>Total</b>		<b>4153</b>

Problems with pension insurance, unfair treatment in the classification of nursing care allowances and complaints about unemployment benefits: A particularly large number of people turned to the AOB in order to complain about excessive bureaucracy and structural deficits in the administration. Social affairs are thus at the top of the list for investigative proceedings. In addition to the Federal Ministry of Labour and Social Affairs, the Austrian **Social affairs no.1**

social security institutions and the Public Employment Service Austria (AMS) are also responsible for this area.

People traditionally have a great interest in receiving information from the AOB about the judiciary. Even though independent court rulings is excluded from the AOB's investigative activity, many people feel the need to receive information about already applicable rulings. Complaints often concern the duration of court proceedings. Overall the number of investigative proceedings also increased sharply in the last two years from 760 (2006) to 927 (2008).

**Long-standing favourite: the judiciary**

The number of cases pertaining to internal affairs has also been continuously on the rise for years. The revision of the law relating to aliens in 2005 led to an increased number of complaints. This trend also continued in 2008 with a total of 503 investigative proceedings.

**Rising number of cases in internal affairs**

Complaints about the Federal Chancellor's Office, the Federal Ministry for European and International Affairs and the Federal Ministry of Agriculture, Forestry, Environment and Water Management were the exception in the reporting period. Despite this gratifyingly low number of cases, some of the investigative proceedings of these Ministries related to sensitive matters of great exemplary significance.

### 2008 complaints resolved concerning federal administration

	2008
Investigative proceedings completed without formal declaration of maladministration	3,798
Investigative proceedings completed with a formal declaration of maladministration	689
Investigative proceedings inadmissible: Information	1,206
Austrian Ombudsman Board not responsible	1,093
Complaint retracted	663
<b>Total of resolved complaints</b>	<b>7,449</b>

As a whole, 7,449 cases presented to the AOB in 2007 or 2008 could be resolved in the reporting period. In 689 investigative proceedings, a case of maladministration was formally determined. In 3,798 investigative proceedings, this was not the case and the AOB then informed the complainants of the legal situation and of possible solutions. Therefore the investigative proceedings resulted in a formal determination of mal-administration in 15.3% of the cases in 2008.

**15.3% of investigative proceedings resulted in formal case of maladministration**

## 2008 key figures

In 1,206 cases, though the complaints fell within the AOB's scope of responsibility, no maladministration was determined from the outset. These cases concerned above all additional information and legal information. 1,093 cases related to issues beyond the scope of AOB's investigative duties. Here, too, the AOB tried to provide assistance in the form of information and advice. It established contacts with the competent authorities and outlined potential solutions for the affected parties.

**Advice and information in 2008**

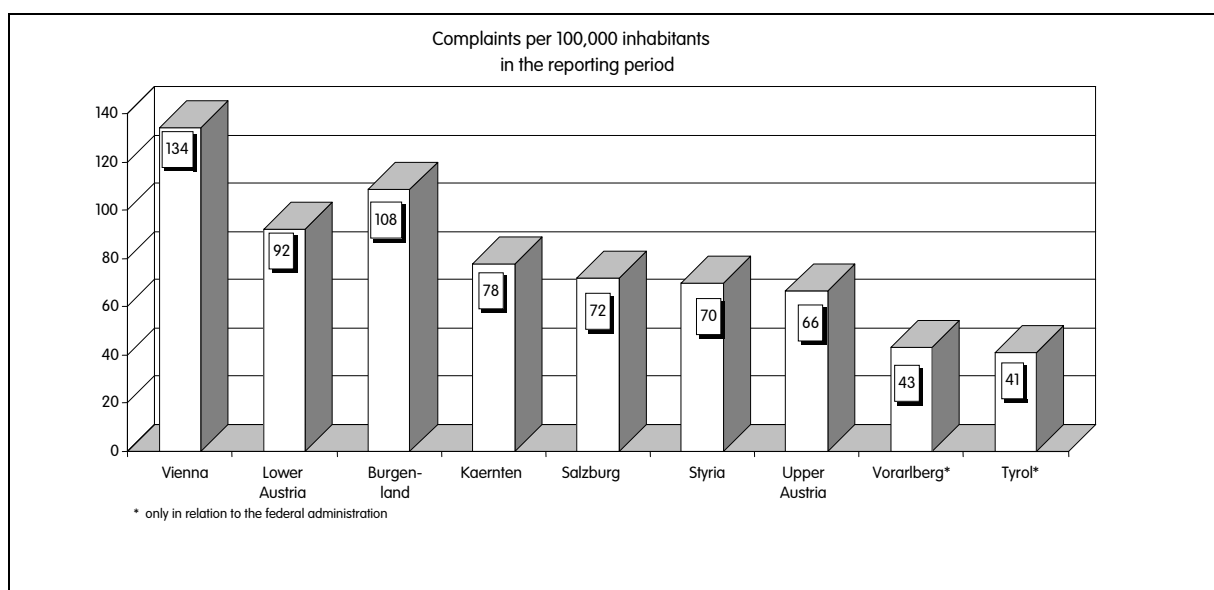
When the AOB concretely suspects a case of maladministration, it can initiative steps itself as the Federal Constitution provides the possibility of *ex-officio* review proceedings. In comparison to previous years the AOB made more use of this right in 2008, initiating 71 *ex-officio* review proceedings (2007: 61). *Ex-officio* review proceedings related to the granting of visas by public authorities representing Austria abroad and the performance of youth welfare authorities.

**71 *ex-officio* review proceedings**

As in previous years, there was an East-West divide with respect to complaints in 2008. For every 100,000 inhabitants, an average of 134 Vienna residents and 108 Burgenland residents came to the AOB with their concerns. In Salzburg, in contrast, there were only 72 persons and in Styria only 70. As the provincial parliaments of Tyrol and Vorarlberg appoint regional Ombudsmen, in these *Bundesländer* the AOB handles only complaints about the federal administration.

**East-West divide regarding complaints**

A clear trend emerges when one compares the number of cases in 2008 per *Bundesland* with those in 2007. In 8 of 9 *Bundesländer*, the number of complaints per 100,000 persons increased, the only exception being Vorarlberg. Particularly notable was the increase in Burgenland and Tyrol.



### 1.3. Recommendations to the legislator

From the loss of family aid to potential difficulties in the granting of visas to problems with fiscal authorities: Unlike almost any other institution in Austria, through its daily work the AOB gains an overview of how laws affect the daily lives of people. AOB members often detect structural problems based on specific cases, for example when a law has been unclearly drafted or has a discriminating effect. A total of 38 times the AOB therefore recommended legislative changes to individual federal ministries in 2008. The AOB has been urgently seeking the implementation of some requests now for years, while others were made for the first time in the 2008 annual report.

**38 proposed  
legislative  
amendments**

In 2008 the AOB also contributed its experience from investigative proceedings and issued 15 opinions on planned federal and provincial laws. A focus was its participation in discussions on the planned initiatives of legislators in the areas of the judiciary and internal affairs. AOB members provided comments on the planned second Protection against Violence Act as well as regarding changes in the Security Police Act and the Asylum Act. But the Board also commented on specific government projects in the field of education, e.g., on the drafting of a proposed act amending the University Act.

**Commen-  
taries on draft  
legislation**