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Austria's vaccine mandate is no example to follow

Inconsistent, toothless, politically toxic. Why Austria's new mandatory vaccination law is not a model for other European countries to follow

'Mandatory-ish vaccination', instead of 'vaccine mandate'. 'A half-baked solution'. 'Typically Austrian'. The Viennese press is unanimous in its verdict on the Austrian mandatory vaccination law, passed by parliament with a solid majority on 20 January. The law is unsuited as a model for other European countries. On the contrary, it should act as a warning signal on how not to go about things.

First of all: What exactly applies in Austria? Vaccination becomes mandatory for everyone aged 18 and over. The original idea of introducing it from age 14 upwards was dropped. Pregnant women are exempted, as are those who recovered from Covid-19 for up to six months after testing positive. Public health officials and epidemic doctors may issue exemptions where health reasons exist for doing so.

The vaccine mandate is to be controlled by the police, but only after a transitional phase lasting until 15 March. After that, penalties will apply: €600 if you're caught unvaccinated for the first time, up to a maximum of €3,600 a year. These are administrative penalties, but — contrary to usual practice— an unvaccinated person may not opt for a prison sentence in lieu. The government clearly didn't want to create any martyrs.

The bottom line is that Austria has a vaccination law that can be controlled only randomly, if at all.

What's clear is that the police will not be able to monitor compliance with the vaccine mandate. Punishing all unvaccinated people at the push of a button will not be possible until April at the earliest. A national vaccination register does indeed exist in Austria, but the republic's data centres are not able to check the data against the population register that soon. The sending of automated penal orders is also only planned in the event of 'epidemiological necessity'. The law

is time-limited until the end of 2024, but can be repealed at any time by the health minister.

Why a vaccine mandate is unnecessary

The bottom line is that Austria has a vaccination law that can be controlled only randomly, if at all. Anyone who can afford it can buy their way out. It's more of a threat than a duty, and it's questionable whether it makes sense anyway.

Public health expert Gerald Gartlehner, who is omnipresent in the Austrian media, argued in vain that Omicron had reshuffled the cards and that compulsory vaccination merited a pause for thought. Epidemiologist Hans-Peter Hutter also advocated taking more time and not overdoing the mandate. The executive warned that vaccination checks would further aggravate the already tense atmosphere in the country and destroy police officers' painstakingly created image as friends and helpers.

At the same time, lawyers warned against overburdening the administration. Unions successfully insisted that the rule at workplaces continues to be 3G (vaccinated, recovered, or tested). I'm allowed to go to work unvaccinated but tested; if I run into a police check on the street, however, do I have a problem? Legal philosophers — and not only they — criticised what all this would do to people's understanding of the law and their trust in the state.

For the government, however, the appeals of experts to wait rather with the vaccine mandate, because it's too late anyway for the Omicron wave and because the huge encroachment on fundamental rights is not justifiable considering the milder Omicron variant, were water off a duck's back. Unlike in Germany, for instance, it did not delegate the drafting of the law to parliament, but hurried to present a government proposal. On 10 January, the assessment ended, with a record number of 106,266 comments received. On 16 January, the coalition presented its slightly modified bill. Four days later, the decision was already on the parliamentary agenda.

Why so hasty?

The Austrian vaccine mandate came into being in a situation of domestic political distress – and as a good example of how pandemic decisions should never be driven by party interests. The ruling party ÖVP lost its superstar Sebastian Kurz last November. Just then, the number of

infections shot up once again.

Why didn't the government decide to cunningly lure people into vaccination instead of punishing them half-heartedly?

Subsequently, Kurz's short-term successor Alexander Schallenberg came under increasing pressure from state governors to counteract this with a lockdown. In a night-time crisis meeting in Pertisau on the Tyrolean Achensee — Covid-19 and Tyrol have a toxic tradition in Austria — Schallenberg gave in. Lockdown yes, but then a signal needed also to be given to all those good citizens who had got themselves vaccinated and were now rightly annoyed at having to accept restrictions again. And voilà, the vaccine mandate was born.

A short time later, Schallenberg was history as chancellor, but his successor, Nehammer, lacked the courage to backtrack. With the ÖVP having forced three chancellors on Austria in three months, continuity was needed, at least when it comes to vaccination.

At the same time as the law was passed, the government, together with the SPÖ, the largest opposition party, presented an 'incentive and rewards package' in parliament. Austria is now getting a vaccination lottery in parallel to the vaccine mandate. Anyone who has been vaccinated can participate, even those who have been vaccinated for a long time. The prize is €500 in vouchers. Every tenth entry wins. Municipalities that encourage more than 80 per cent of their population to be vaccinated are rewarded by the federal government. A municipality with 3,000 inhabitants, of whom 80 per cent are vaccinated, gets €30,000, with 85 per cent €60,000 euros, and 90 per cent €120,000.

Why didn't the government decide to cleverly lure people into vaccination instead of punishing them half-heartedly? How much 'Rumgewuschtel' — as they like to say in Austria, when something is completely screwed up — would they have saved themselves with the Vaccination Act? 'Austria is a small world in which the big one does its rehearsals,' is a popular quote from the German playwright Friedrich Hebbel. Clearly, the rehearsal for a meaningful vaccination law in Austria has failed. The carrot beats the stick.



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