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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

**Austria**

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## **I. Methodology and consultation process<sup>1</sup>**

1. The 2nd National Report of Austria, as presented in following and prepared for the Universal Periodic Review (UPR) of the United Nations Human Rights Council (HRC), was drafted in accordance with the General Guidelines adopted by the HRC for the second cycle of the UPR process<sup>2</sup>. Chapter I corresponds to Paragraph A of the Guidelines (Methodology and Consultation Process); Chapter II corresponding to Paragraph B points out new developments relating to the legal and institutional framework; Chapter III describes the protection and promotion of individual human rights in Austria, measures taken since the last review as well as progress achieved and future challenges (Paragraphs C, D, E). In conclusion, Chapter IV corresponds to Paragraph F in describing the national priorities. The reference framework for this report is the Universal Declaration of Human Rights and the rights and fundamental freedoms enshrined therein.

2. The report focuses on the recommendations accepted by Austria during its 1st UPR in 2011. It describes new legislative developments and accompanying measures, new policies, projects and initiatives. It was decided not to include again a general description of the human rights situation in Austria, as presented in the 1<sup>st</sup> report<sup>3</sup>. The general remarks on the normative and institutional framework contained in the 1st report as well as the general orientation of Austrian human rights policies continue to be valid.

3. This report is the result of close consultations between the Federal Ministries and the Federal Provinces coordinated by the Federal Ministry for Europe, Integration and Foreign Affairs (BMEIA). It was prepared involving the human rights coordinators of the Federal Ministries as well as of the Federal Provinces. It underwent a transparent process of review by civil society, with opportunities to provide feedback on the presented draft of the national report.

4. In January 2015, a first draft of the report was sent to all Federal Ministries and to the Federal Provinces requesting their comments. The draft report, along with information on the UPR process, was published on the website of the BMEIA<sup>4</sup> with an invitation to all stakeholders to send in written comments to an email address specifically created for this purpose<sup>5</sup>. The draft report was also widely disseminated among civil society via e-mail, with an invitation to comment. The comments received were also published on the BMEIA website. The draft of the report was then edited once more to reflect these comments. The open dialogue with civil society concerning the UPR has been ongoing for several years, (see Chapter II.D.) and shall continue following the new review of Austria this November.

5. The national report was adopted by the Federal Government on 7 July 2015 and submitted to the Office of the UN High Commissioner for Human Rights in due time.

## **II. Legal and institutional framework – developments since the last review**

6. It goes without saying that the promotion and protection of human rights is a dynamic process that can never be considered to be fully concluded, due to constant new developments and permanently changing levels of awareness in society. Criticism from civil society is taken seriously by Austria and reviewed in regularly held internal meetings. Progress is easier to realize in some areas, in others the challenges are more complex and difficult to overcome, in part due to political reasons, but also due to a lack of resources directly resulting from budget restrictions, which have been in place in Austria for several years now.

## A. Human rights and constitutional legislation<sup>6</sup>

7. The normative and institutional framework for the protection of human rights in Austria is based on a strong constitutional and ordinary legislation, which has been further expanded upon during the review period. Detailed information on the basic legislative framework is available in Austria's 1<sup>st</sup> UPR report. The most important new legal developments related to human rights are:

### Constitutional legislation

8. A considerable improvement of the human rights protection system has been achieved with the comprehensive administrative reform, which entered into force on 1 January 2014. By introducing a two-tiered administrative jurisdiction<sup>7</sup>, legal protection against administrative acts has been made more accessible and clearer, allowing for a considerable reduction in length of proceedings and a better service for citizens. Administrative acts are now subject to review by independent courts, enabling individuals to better enforce their rights.

9. In ordinary jurisdiction, the introduction of the "request by a party for reviewing legal norms" provides an opportunity for individuals, under certain conditions, to request that the constitutionality (human rights conformity) of the legal provisions in question be reviewed by the Constitutional Court (VfGH).<sup>8</sup>

10. Moreover, the Federal Constitutional Act was amended, clarifying that alleged violations of human rights fall under the Austrian Ombudsman Board's monitoring mandate<sup>9</sup> (see below in II.C. for details).

### Measures in ordinary law

11. Creation of a specific criminal definition for torture in a new Section 312a of the Criminal Code in 2013<sup>10</sup>.

12. Aggravation of the criminal definition for hate speech (Section 283 Criminal Code) in 2012<sup>11</sup>, by which it is no longer required that such crime be qualified to endanger public safety, the infliction of hate speech on a wider audience constitutes sufficient reason. Furthermore the circle of protected persons was considerably enlarged. Another amendment was passed in 2014 and will enter into force in the second half of 2015. This will include inter alia that criminal liability shall no longer be dependent upon the qualification "to endanger public peace" and that the requirement of publicity shall be fulfilled by holding such speech in front of about 30 persons. A wider audience, as was previously required (about 150 persons), shall have an aggravating effect on the sentence.

13. Removal of Section 8 (2) Act Governing the Employment of Foreign Nationals in 2011, which required a company to release foreign employees first when redundancies are required<sup>12</sup>.

14. Creation of a special administrative penal provision in the Equal Treatment Act (GIBG) for discriminatory housing advertisement in 2011<sup>13</sup>.

15. New amendment of the GIBG in 2013<sup>14</sup>, determining that all areas covered by the EU Equal Treatment Directive for Self-Employed Persons are also covered by the GIBG; extension of statutory limitation for pressing charges on sexual harassment from one to three years and simplification of proceedings before the Equal Treatment Commission.

16. Amendment of Section III paragraph 1 (3) Introductory Act to the Administrative Procedure Acts (EGVG)<sup>15</sup> in 2012, in order to extend criminal culpability: now discrimination against anybody on the ground of race, colour, national or ethnic origin, religious denomination or disability, or prevention from accessing to any place or service

intended for use by the general public, constitutes a punishable offence. The justification previously used that discrimination is effected not “only” on the (e.g.) ground of racism can now no longer result in acquittal.

17. Amendment of the Security Police Act (SPG) in 2013<sup>16</sup>, according to which in case of danger for a minor a perpetrator can be barred from entering a child care institution, school or day-care facility visited by the child; introduction of an administrative penalty for disregarding a restraining order issued by a court for the protection against domestic violence.

18. Amendment of the Ethnic Groups Act<sup>17</sup> to permanently and comprehensively implement the judgements of the Constitutional Court relating to topographical names (corresponding bilingual road signs have already been put up). Identification of authorities and offices where the Croatian, Slovenian or Hungarian language may be used as official language in addition to German.

## **B. International obligations<sup>18</sup>**

19. The compliance of national law with Austria’s international obligations is continually monitored and required amendments are adopted, if necessary. Since 2012, the Constitutional Court (VfGH) also uses the EU Charter of Fundamental Rights (CFR) as a benchmark<sup>19</sup> when applying European Union law. Thereby the rights guaranteed in the CFR can not only be invoked as constitutional rights in individual complaints to the VfGH, but also form a benchmark in its proceedings on examining the general compatibility of legislation with constitutional law.

20. Since the last UPR, Austria has become signatory party to the following international human rights conventions:

- International Convention for the Protection of All Persons from Enforced Disappearance, Ratification on 7 June 2012<sup>20</sup>;
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), Ratification on 4 December 2012<sup>21</sup>;
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Ratification on 25 February 2011<sup>22</sup>;
- Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Ratification on 14 November 2013<sup>23</sup>.

21. Moreover, it is continually being reviewed whether Austria’s reservations and declarations on international human rights conventions are still necessary. In most cases these reservations have been declared with respect to the relationship of such conventions with the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). In June 2015, Austria withdrew its reservation on Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women. The withdrawal process for all reservations and declarations on the Convention on the Rights of the Child has also been initiated and submitted to Parliament for further action. The possible withdrawal of some reservations on the Convention relating to the Status of Refugees is currently being analysed.

22. Austria cooperates with all international and regional human rights protection mechanisms and has issued a standing invitation to all UN special rapporteurs to visit Austria. In April 2011, the Independent Expert of the HRC for cultural rights visited Austria for two weeks, during which she also travelled to several Federal Provinces. In

2015 the Independent Expert for human rights of older people of the HRC visited and reviewed Austria for 10 days.

23. On behalf of the Council of Europe, its HR-Commissioner Nils Muižnieks visited Austria in June 2012. In October 2014, Austria welcomed a delegation of the European Committee for Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CPT), as well as a delegation of the European Commission against Racism and Intolerance (ECRI) in November 2014.

24. Austria fulfils its obligation to periodically report to international human rights monitoring mechanisms. Preparation of and follow-up to the reports is mainly done by the group of human rights coordinators in the Federal Ministries and the Federal Provinces.

### **C. Human rights institutions<sup>24</sup>**

25. The Austrian courts, i.e. civil and criminal courts, administrative courts and the courts of public law are the most important actors in monitoring the implementation of human rights obligations. The Austrian Constitutional Court plays a key role as it monitors the compliance of legislation, regulations and administrative acts with constitutional standards and rescinds those acts if they infringe the Constitution. This also applies to human rights, set out in the Constitution, in particular the rights guaranteed by the ECHR and its additional protocols, which have constitutional status in Austria.

26. Furthermore, there are numerous - low-threshold - specialised bodies which enforce and monitor the protection of human rights. Examples of these are the Equal Treatment Commission and the Ombud for Equal Treatment, the commissioners for legal protection, the ombudsman boards for children and young people, the judicial ombudsman boards, patient ombudsmen and representatives of residents and the Austrian Monitoring Committee for the implementation of the UN Convention on the Rights of Persons with Disabilities.

27. Moreover, the Austrian Ombudsman Board (AOB) examines – easily accessible for everyone and free of charge - possible maladministration within the public administration, in particular in connection with alleged violations of human rights. The AOB is the Austrian national human rights institution. Its competences were widely expanded on 1 July 2012, extending its mandate to the preventive monitoring of public and private institutions, wherever deprivation of personal liberty occurs or might occur. Functioning as the national prevention mechanism, as prescribed by the Optional Protocol of the UN Convention against Torture (CAT), the AOB is reviewing places of detention and deprivation of liberty together with six - independent – regional commissions appointed by the AOB, and by doing so is monitoring the work of the executive bodies. This covers not only prisons and police stations, but also military barracks, psychiatric institutions, old people's and nursing homes, crisis centres and flat-sharing communities for juveniles. A total of 4,000 public and private institutions are being monitored on a regular basis. In addition, the AOB is authorised to monitor the conduct of law-enforcement bodies when executing coercive measures (e.g. police operations during demonstrations).

28. The AOB is supported in its work by the Human Rights Advisory Council, which advises on the definition of areas to focus on during the monitoring proceedings, on the communication of findings and on the development of recommendations. The Council consists half-and-half of representatives of Federal Ministries, offices of Provincial Governments and of NGOs. Until 2012, the Human Rights Council reported to the Federal Ministry of the Interior (BMI), following the reform it was transferred to the AOB with an expanded group of participants.

29. Moreover, the AOB serves as an independent monitoring body pursuant to Article 16 (3) of the UN Convention on the Rights of Persons with Disabilities and monitors institutions and programmes for persons with disabilities, in order to prevent any form of exploitation, violence or abuse. The independent commissions appointed for this purpose conduct control visits in special establishments for persons with disabilities.

30. Following the observations made in the course of visits, monitoring proceedings can be initiated with the main goal to address underlying structural problems in the system.

31. Furthermore, the reform of the mandate of the AOB enabled the AOB to report to Parliament on individual observations it made during its monitoring activities, in addition to the traditional activity report being sent to Parliament annually.

32. Criticism arose on the appointment procedures for members of the Ombudsman Board: the three members are nominated by the three largest political parties represented in Parliament and are elected by Parliament according to majority vote. However, this appointment procedure guarantees the necessary democratic legitimacy essential for a parliamentary democracy (much like the appointment of judges by the Federal President or the Minister of Justice). The three members of the AOB exercise their function in full independence, during their six-year term they cannot be deprived of their office, nor removed or dismissed. With the addition of the OPCAT competencies to the mandate of the AOB, comprising close cooperation with human rights experts from the independent monitoring commissions and the Human Rights Advisory Council, a constant dialogue and exchange of experience with civil society is guaranteed.

33. In the Province of Vorarlberg the competences pursuant to OPCAT and the UN Convention on the Rights of Persons with Disabilities were entrusted to the Independent Regional Ombudsperson of Vorarlberg.

#### **D. Role of civil society<sup>25</sup>**

34. Since the last review and by implementing the UPR recommendations, the dialogue with representatives of civil society has continued and intensified. Since 2011, a so-called UPR steering group (see Chapter I) is meeting on a regular basis in order to evaluate the implementation of recommendations, to prepare joint events and to assist at thematic dialogues between representatives of civil society and the Federal Ministries. Even if substantive progress is being achieved at various speeds depending on the subjects under discussion and differences of opinion concerning the implementation of the recommendations exist, these dialogues have contributed considerably to building confidence and a positive culture of communication between the Government and civil society. Concerning involvement of civil society in designing the NAP Human Rights see Chapter IV.A.

35. In general terms the expert knowledge of representatives from thematically specialised NGOs is much appreciated and drawn upon by the Government as much as possible when developing and implementing specific policy measures and initiatives.

### **III. Protection and promotion of human rights in Austria – measures taken since the last review, progress and challenges**

36. Austria actively supports the principles of human rights being universal, indivisible and interdependent, which was confirmed at the 1993 Vienna World Conference on Human Rights. Austria has made a clear commitment to comprehensively respect human rights on the national and international level. The Universal Declaration of Human Rights (UDHR)

and the rights contained therein describe the framework of those legal principles which Austria has pledged to respect and which guide it in its efforts to protect and promote human rights.

## **A. Equal treatment, non-discrimination**

37. The obligation to respect human rights and the general prohibition of discrimination take a central role in the Austrian human rights catalogue (Federal Constitution) and have been furthermore complemented and substantiated in several Federal and Provincial acts of law.

### **1. Children<sup>26</sup>**

38. Austria wishes to ensure the best chances for children and recognises the right of children and juveniles to live a self-determined life, to grow up in freedom and under the best possible conditions, and to have a right to special protection.

39. Austria has ratified the Convention on the Rights of the Child<sup>27</sup> (CRC) and its first two Additional Protocols<sup>28</sup>. Before Austria will take a decision on ratifying the 3<sup>rd</sup> Additional Protocol, it is observing the progress and development of the practical work of the Committee on the Rights of the Child. The ongoing process of the withdrawal of all Austrian reservations and declarations on the CRC, substantially influenced by two scientific studies on the CRC and its implementation in Austria, will lead to a uniform application of the Convention in Austria and reflects a long-standing recommendation by the UN Committee on the Rights of the Child.

40. In order to further strengthen children's rights, the Federal Constitutional Act on the Rights of the Child was adopted in 2011.<sup>29</sup> It contains constitutionally guaranteed children rights, which are enforceable before a court.<sup>30</sup> At the heart of these rights lies the right of children to receive protection and care, always following the "best interests of the child". Furthermore, special emphasis is given to respecting the wishes of the child, prohibiting child labour, protecting children from all forms of violence and from exploitation or (sexual) abuse and to the rights of children with disabilities.

41. In the area of sexual criminal law, the amended code of criminal procedure, which entered into force in 2014, enforces mandatory psycho-social support for potential victims of sexual abuse under the age of 14. Moreover, a special "criminal record certificate for children and youth welfare services" was created, to ensure that any records of convictions for sexual assaults are taken into account when assessing the aptitude of a person for any professional or voluntary activity involving the supervision, support, care or education of minors.

42. The 2013 amendment of the Security Police Act resulted in considerable improvements of the protection of minors from domestic violence. It contains an expansion of the area of denial of access to schools, etc. including surroundings. In addition, executive bodies are obliged to immediately inform the corresponding centre for protection against violence about any denial of access enforced upon a perpetrator, which in turn shall contact the endangered persons and offer them support.

43. There are quality standards for the sensitive handling of (suspected) cases of violence, such as recommending "accompanied visits" between parents, children and authorities. Such standards form basis of a government-funded "training curriculum for visiting personnel" and a training course based on such curriculum, which has been conducted twice so far. It is aimed at creating awareness for the potential "danger to the well-being of the child" and at encouraging personnel to pay more attention to relevant behaviour patterns.

44. The amended Parenting and Naming Act, which entered into force on 1 February 2013, contains a substantiated description of the “priority for the well-being of the child”, which mainly covers the right of the child for care, security and protection of its physical and mental integrity, for consideration of its views and for regular contact with both parents and other important persons of reference in its life. At the same time, legally binding counselling on the specific rights and needs of their under-age children for parents prior to any consensual divorce was introduced.

#### *Child-rights monitoring process*

45. As a result of the 3<sup>rd</sup>/4<sup>th</sup> Austrian review under the CRC, a Monitoring Board for the Rights of the Child was established at the Federal Ministry for Family and Youth (BMFJ), consisting of representatives of all relevant stakeholders, and acting as an independent advisory body and permanent coordination mechanism. Its tasks are based on the 73 recommendations received by the Committee on the Rights of the Child.

## **2. Women and gender equality<sup>31</sup>**

### *Gender equality*

46. The National Action Plan (NAP) for Gender Equality in the Employment Market for the years 2010 to 2013 led to the development of a comprehensive package of initiatives and 55 concrete policy measures. So far, 90% of the measures have been fully or partially implemented. Since 2011, companies with more than a certain number of employees are obligated to submit income reports. The legal requirement to quote minimum wages in job advertisements improves income transparency. In August 2013, this rule was expanded to include business sectors without collective agreements on minimum wages. Legal provisions concerning income transparency are currently under evaluation. The online salary calculator<sup>32</sup> offers easy access to information on average salaries in a business sector or region. From its introduction in January 2011 until the end of 2014, 1,083 fathers made use of the “Daddy Month”, a paternity leave model, available to public service employees. A women’s quota for supervisory-board members in state-affiliated corporations was introduced with a target quota of 35 % of the members appointed by the Federal Government to be women by 2018. By early March of 2015, this quota was already at 37%. The target quota for women being employed in Federal public civil service, which is being stipulated by law, was increased from 45% to 50%. With the decision to renew the existing NAP for the new Government period (2013 to 2018) a strong political will to achieve gender equality in the employment market was reaffirmed. Future emphasis will be given to part-time employment models. In addition a new online platform “My Technology” was presented on 10 April 2015 facilitating access to projects and funding opportunities in order to create interest of women and girls for technology.

47. In 2014 the agreement between the Federal Government and the Federal Provinces on increasing the offer for kindergarten places was extended until 2017, and subsidies by the Federal Government were increased to 100 million Euros. Another 100 million Euros were made available by the Federal Government for 2015 and 52.5 million Euros for 2016 and 2017 respectively.

### *Violence against women*

48. Creating efficient measures to raise awareness of, to prevent and to protect victims from all forms of violence in domestic and close social environment, in particular violence against women and children, has been and still is a central concern of the Federal Government.



49. As an expression of this concern, a National Action Plan on the Protection of Women against Violence (2014-2016) was adopted by the Government on 26 August 2014. Thereby Austria is implementing some key obligations contained in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence as well as measures foreseen in the current Government Programme 2013-2018. It foresees the political coordination of policy measures on the prevention of violence, the protection and support of victims, new initiatives concerning investigation, criminal prosecution and procedural law, as well as measures for European and international cooperation. An implementation report for the period 2014 until 2016 will be prepared in 2017.

50. An “emergency accommodation”, aimed at protecting women threatened by or subjected to forced marriage, was established in 2013. It offers accommodation and security measures in crisis situations as well as professional counselling, respecting socio-cultural diversity.

51. Already existing measures for the protection against domestic violence (such as the possibility of applying for a temporary injunction or a restraining order, preventing the return of a violent perpetrator to his home environment, or prosecution by law for “stalking and for crimes against sexual self-determination and integrity”) are being improved continuously. The central database concerning cases of violence, which was established in early 2012, provides nation-wide background information to law enforcement authorities about potential perpetrators.

52. In order for these legal provisions to be applied effectively, all efforts are being made to continuously raise awareness and knowledge on domestic violence and human trafficking. This is being done for example through trainings and awareness-raising measures for law enforcement organs, for judges and public prosecutors, creating special competences within the public prosecutors and provide for structural improvements for Intervention Centres against Domestic Violence resp. Violence Protection Centres by increasing their budgets by 2.4% in 2013 and by 5.5% in 2014.

53. Obligatory training-courses on domestic violence are being organised in cooperation with victim-protection facilities during the training period of future judges. Moreover, the Judges’ and Public Prosecutors’ Service Act contains mandatory additional services of minimum 14 days at a victim-protection or social welfare facility during the judiciary training period.

54. A Working Group on Restorative Justice and Work with Offenders, comprising of various specialised NGOs, facilitates contacts between representatives of victim-protection facilities, violence counselling centres for men and probationary services from all Federal Provinces. It has been receiving financial support from the Government since 2013. It is currently working on an information-sheet for the judiciary and for other assigning bodies and on appropriate standards for Victim Protection Oriented Perpetrator Programmes.

55. Further awareness-raising measures include the reprinting of the brochure “Women have Rights”, the development of a specific App which lists special counselling facilities and provides direct access to the police emergency number and to the women’s’ helpline, and the campaign “Living FREE of Violence”. As part of this campaign, chief medical staff in hospitals is being advised on the implementation of violence protection measures, along with the creation of a handbook on the handling of cases of domestic violence for hospital personnel.

### **3. Senior citizens**

56. The primary objective of Austrian policies concerning older persons is to create a more differentiated, more positive picture of senior persons in society.

57. Already in 1998 the Federal Senior Citizen Advisory Council was established as a national legal representative body. The many existing senior person's organisations and associations provide counselling, information and support and are being financially supported. This is being secured through the Federal Senior Citizen Act. The Federal Plan for Senior Citizens adopted in 2012 includes measures in areas of social and political participation, the employment market, educational opportunities, economic situation, nursing care, violence against senior persons and age discrimination.

58. One priority for the future will be the prevention of violence against senior persons. A series of folders "How to recognise violence" shall be issued, which for example informs about subtle forms violence in cases of dementia or involving senior persons in retirement homes. Furthermore a roadmap for preventing violence in care facilities shall be developed. The "Counselling Telephone", a nation-wide hotline and contact point for violence against senior persons will be expanded and linked with regional authorities. A study was commissioned for the purpose of understanding the (psycho-) social issues that may arise when applying legal provisions in cases of violence against senior persons.

59. With the aim of further improving the conditions in retirement and nursing homes, a "National Quality Certificate for Retirement and Nursing Homes in Austria" was developed in cooperation with all Federal Provinces and enshrined in the Federal Senior Citizens Act in 2013.

60. The Independent Expert for Human Rights of Older Persons of the HRC visited Austria in 2015 (see Chapter II.B.).

#### **4. Persons with disabilities<sup>33</sup>**

61. In light of the facts that disability rights affect many areas of life and also various fields of competencies within the federal government and the provinces and that their consistent application requires significant financial resources, a comprehensive implementation of international standards poses great challenges to Austria. Austria nevertheless recognises its international obligations and acknowledges the continuing difficulties for persons with disabilities to fully enjoy their human rights and fundamental freedoms in Austria, as it is the case in most other countries in the world. Austria has undertaken to pursue comprehensive equality policies for persons with disabilities and has achieved steady improvements in this matter over the last few years. Austria will continue along this path in a constant dialogue with civil society.

62. Furthermore, currently strong efforts are being made to amend the guardianship law, involving self-representatives and other NGOs. Since May 2014 the project "Support to Self-Determination" is being implemented as part of this reform process, where interest groups of guardians along with affected persons are looking for alternatives to guardianship.

63. The Convention on the Rights of Persons with Disabilities is being implemented on the Federal level through the 2012 National Action Plan on Disability. This plan is also part of the current Government Programme. The NAP on Disability with its 250 measures, covering all aspects of life, shall be the guideline of the Austrian policy concerning persons with disabilities until 2020.

64. The NAP on Disability aims at enabling persons with disabilities to fully participate in society. A steering group was established in October 2012 in order to monitor the implementation of the NAP, comprising representatives of all Federal Ministries, all Provinces, interest groups, the scientific community, the Austrian Monitoring Committee and other disability organisations, and the Federal disability ombudsperson.

65. Following the review of its national report of 2013, Austria received numerous recommendations of the UN Committee on the Rights of Persons with Disabilities, which are to be implemented until its next review in 2018.

#### **5. Ethnic groups, national minorities<sup>34</sup>**

66. By amending the Ethnic Group Act<sup>35</sup>, the scope of the application of the provisions on topographic names and official languages was extended and enshrined in constitutional provisions. The new regulations were welcomed by the vast majority of the Slovenian ethnic group, and the Ethnic Group Advisory Council for the Slovenian ethnic group has confirmed that the intercultural climate in Carinthia has been considerably improved since then.

67. The issue of the Slovenian music school/*glasbena šola* in the Province of Carinthia has been resolved since the last review, as it was integrated into the Carinthian music school system on a new legal and financial basis.

68. Concerning measures designed to improve the situation of the Roma minority in Austria, reference can be made to the implementation of the EU Framework for National Roma Integration Strategies. Until 2020 comprehensive measures in the field of education, employment, health and housing shall be continuously implemented. A national Roma contact point has been established at the Federal Chancellery, creating a dialogue platform between representatives of the Roma community and the authorities to monitor the implementation of the National Strategy.

69. A successful awareness - raising measure for the general public is the exhibition “Romane Thana – Sites of Roma and Sinti” in the Vienna Museum. During this exhibition, members of the Roma community themselves participated to counter common stereotypes. In the area of education free scholarships for adult education centres in Vienna exist for Roma students. In 2000 the Roma organisation “Romano-Centro” began a – multi-lingual – Roma school-assistance and mediation programme in order to improve communication between schools and parents. In the area of employment, Austria provides 1 million euros from the European Social Fund annually in order to support employment market measures specifically aimed at Roma. The initiative THARA subsidised by Federal Government funds, has been supporting the interests of the Roma in the Austrian employment market since 2005. The counselling centre for Roma by the local Roma organisation of the city of Oberwart should also be mentioned in this list of concrete activities.

#### **6. Migrants, refugees, persons entitled to Asylum<sup>36</sup>**

70. Migration and asylum policies in Austria are based on international human rights standards. New developments stemming from national jurisdiction as well as criticism enshrined in recommendations of international monitoring bodies and courts are being continually reviewed and addressed and are, as much as possible, integrated in the Austrian legislation and the law enforcement system. Austrian authorities are aware of the criticism raised by numerous NGOs concerning the situation of asylum seekers and migrants in the country and always seek to maintain an open dialogue with representatives of civil society, especially on this very sensitive subject being in the focus of public attention.

71. Within the asylum proceedings, applications for asylum are assessed on an individual basis, taking into account the principle of non-refoulement and the protection of private and family life of the persons concerned. As of January 1, 2014, the Federal Office for Immigration and Asylum serves as first instance whereas the Federal Administrative Courts guarantee an independent juridical review of every decision taken by public authorities. Decisions of this second instance courts can be reviewed by the Supreme Administrative Court and by the Constitutional Court.

72. The new regulations concerning legal counsel are another important aspect in this regard. Asylum seekers now have a right to free legal counselling during almost all stages of the asylum process. Some NGOs furthermore suggest that this “objective” legal counselling should be replaced by a full representation by a lawyer and ask for further improvements for minors, e.g. concerning problems of legal representation and determination of age.

73. Austrian authorities are well aware of the legal and humanitarian problems arising from the detention of persons awaiting deportation. Through the successfully achieved reorganisation of the system of pre-removal detention, such persons now are being held separately from criminal prisoners, exclusively in special detention facilities, applying an “open door regime”. The option of less intrusive measures, such as accommodation in specific quarters, periodic reporting to police stations, and depositing adequate financial security with the authorities, is also available. For minors above the age of 14 these less intrusive measures have to be applied as a primary obligation.

74. For unaccompanied minors (UM) a special support system tailored to their needs has been created. As a matter of principle, UM are taken care of in youth hostels managed by youth welfare agencies, detention can only be applied as a means of last resort. Pre-removal detention cannot be imposed on minors under the age of 14, for minors between the age of 14 to 16 only if accommodation and caregiving in accordance with their age can be guaranteed in the detention facility and if the application of less intrusive measures are not sufficient in their specific cases. In view of the current large numbers of UM arriving from crisis areas, particularly from Syria and Iraq, the available capacities are fully utilised. Under these circumstances it is also necessary to use short-term solutions. However, greatest efforts are being made to strengthen and expand the capacities available.

75. The “Guidebook for the identification and handling of potential victims of child trafficking”, prepared in the framework of the task force on human trafficking (NRM National Referral Mechanism) (see Chapter B.2) will also be applied more thoroughly during the asylum-proceedings.

76. There have been several important new developments since the last UPR concerning the integration of immigrants and their participation in political, cultural and economic life. Since 2010 the NAP on Integration (see Chapter IV.C.) has served as a basis for continuous improvements. In 2014 alone, more than fifty different projects were implemented and funded nation-wide. The project “intercultural mentoring” brings students with multi-cultural background regularly together with pupils with migration background during their studies in schools in Vienna. Special “integration ambassadors”, well-known and successful Austrian personalities with migration background visit schools to provide positive examples of successful integration, spark motivation in young persons and counteract prejudices.

77. With regard to the integration of immigrants in the labour market, the same instruments are available to anyone regardless of the background, provided the necessary requirements are fulfilled. In 2012, a report was sent to ILO on measures taken by the Austrian Public Employment Service (AMS) for persons with migration backgrounds (mentoring for immigrants, German language classes for professional training, multi-lingual information, raising awareness of companies for diversity management). The awareness for this subject matter among staff members and managing personnel in the AMS has been raised in training programs. The number of staff with knowledge of at least one of the most important languages (Serbian/Croatian/Bosnian, Turkish, Polish, Romanian, and Hungarian) has increased by a third within one year.

78. For further details on integration work in Austria, which is without doubt one of the national priorities, see Chapter IV.C.

## **7. Sexual orientation<sup>37</sup>**

79. An important step for equal treatment of same-sex relationships has been made with the adoption of the Registered Partnership Act<sup>38</sup>. Subsequent to the judgement of the ECHR of February 19, 2013<sup>39</sup>, the adoption law was amended in 2013 in order to allow a so-called stepchild adoption for same-sex couples. Due to a judgement by the Constitutional Court of December 10, 2013<sup>40</sup>, the laws for medically assisted reproduction were amended, so that the use of sperm-donation will also be possible for registered same-sex partners. Subsequently, the legal provision which prohibited joint adoption of a child by registered partners was rescinded through a judgement of the Constitutional Court of December 11, 2014<sup>41</sup>. Implementation of this judgement is currently ongoing. Representatives of civil society also demand that all persons have access to all legal partnership models.

## **8. Fight against racism, discrimination, xenophobia and intolerance<sup>42</sup>**

80. There is consensus in Austria that special attention must be given to the fight against racism, discrimination and xenophobia. The Government is aware of the fact that racist prejudices, attitudes and acts still exist in parts of society and that sustainable and differentiated policies are necessary in order to counteract this phenomena in the long term.

81. In Austria good legal tools exist, which enable security authorities and courts to combat right-wing extremist, xenophobic, anti-Semitic and racist acts. NGOs criticise though the inadequate implementation of existing laws in practice. Austrian authorities take this criticism and their recommendations seriously and try to address them, in particular by increasing the training and awareness-raising within public administrative authorities.

82. In accordance with the Government Programme, a comprehensive evaluation of the Austrian equal treatment legislation, including the tools for enforcing said legislation, is currently being performed. Harmonising the protection level against all acts of discrimination has been intensely debated for some time, but no decision has been taken yet. Until a political agreement on a comprehensive reform of the anti-discriminatory legislation can be achieved, the existing individual laws are being continually developed.

83. The amended hate speech provision pursuant to Section 283 Criminal Code has already been described in Chapter II.A. The special aggravating ground pursuant to Section 33 (5) Criminal Code (perpetration of a crime based on racist or xenophobic motivations) constitutes another important measure. In all of these cases, an obligation to report to the Federal Ministry of Justice (BMJ) was ordained, which documents indictments, diversions and judgements in criminal matters pursuant to Section 283 Criminal Code.

84. As the knowledge about existing legal options to combat discriminatory acts is important, the Ombud for Equal Treatment strives for an active public relation work. There are multi-lingual folders, annual reports and an easily accessible home page. Various Federal Ministries provide information on subject matters within their scope of responsibility. In February 2015, the Ministry of Europa, Integration and Foreign Affairs established a telephone hotline to address discrimination and intolerance, where citizens subjected to discrimination can obtain information on the existing relevant complaint bodies and legal options they have.

85. In Austria a large number of anti-discrimination institutions exist covering different cases of discrimination. Representatives of civil society as well as international monitoring mechanisms have criticised this to be fragmented and the various contact points to be too complex. Moreover, the information would not be “low-threshold” enough to reach all parts of the population. Options for improvement are currently being discussed in the context of the current preparation of the NAP on Human Rights.

86. During the last UPR Austria received recommendations concerning the establishment of a comprehensive system of data collection on criminal acts motivated by racism. During the UPR process a working group already addressed this topic. In the context of a new project - “KrimStat.NEU”, efforts are being made to better harmonise criminal and judicial statistics.

87. The national security report issued every year jointly by the Ministry of Justice and of the Interior publishes the results of criminal proceedings with racist/xenophobic elements. This report is available on the homepage of the Austrian Parliament. All sentences, including those for racially motivated criminal acts are also published by Statistics Austria in the annual criminal court statistics.

88. Training measures are being developed on a continuous basis for judicial and police staff. During their four-year training period, all candidate judges and public prosecutors have to attend mandatory special courses on human rights and anti-discrimination, which are also subject of the judges' examination. A special fundamental rights module was developed by the Association of Austrian Judges and is held jointly with NGOs.

89. Police officers have to attend a seven-day module “Fundamental Rights” during their basic training. Commanding officers have two modules on human rights in their training and the mandatory advanced training also comprises of a human rights module. The Finance Ministry is offering its staff an opportunity to comprehensively address human rights questions in the context of the course “Intercultural Competencies in Dealings with Immigrants”.

90. When combating racism and intolerance, measures against discriminatory statements made by politicians and the media are of special importance. The “Organisation for Self-Regulation of the Austrian Press” – Austrian Press Council<sup>43</sup> was re-established in 2010. The Austrian Press Council regards itself as a self-regulative body for the press, based on the principle of voluntary participation and adheres to editorial quality standards and freedom of the press. In 2009 state-funding for this mechanism was put on a legal basis. The Austrian Press Council established a code of conduct for journalistic work, which is to be considered as a guideline for media employees, and aims to protect against outright disparagement and discrimination. This code of conduct serves as the basis for decisions taken by the senates of the Austrian Press Council as well as for court decisions on the matter.

91. Work is under way to reform the press subsidy system, with a view to better promote quality journalistic work, and to integrate online media into the subsidy system. Promoting quality journalism helps to fight against generalization and stereotyping in the media which can lead to hatred against specific groups. The journalist prize for integration, established in 2012, has been awarded to three journalists so far, who – through their differentiated reporting – contributed to a balanced integration and migration debate. Furthermore, incentives and support for people with migration backgrounds to choose the profession of journalism are continuously further developed and expanded by granting scholarships.

## **B. Right to life, prohibition of slavery, prohibition of torture**

### **1. Prevention of torture and other cruel, inhuman or degrading treatment or punishment, human rights in law enforcement<sup>44</sup>**

92. A specific criminal definition on “torture” was introduced in the Criminal Code (Section 312a), which entered into force on January 1, 2013. Based on the OP-CAT Implementation Act, the Austrian Ombudsman Board (AOB), along with the independent commissions appointed by it, was designated as the national prevention mechanism against

torture (see Chapter II.C.). Moreover, the Independent Provincial Ombudsman Board in the Province of Vorarlberg was entrusted with this task for that specific province. Reference should be made to the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance in 2012 (see Chapter II.B.).

93. Concerning the recommendations for an adequate investigation of allegations of any ill-treatment or racist misconduct by the police, reference is made to the Federal Bureau of Anti-Corruption (BAK). This is an organisational unit of the Ministry of the Interior, but operates outside the general directorate responsible for the police. There exists full transparency on any instructions given to this bureau. It has nationwide jurisdiction over the police as well as competences for the investigation on possible human rights violations defined as criminal offences. The BAK must immediately report any suspicion of criminal offence to public prosecutors and acts upon order by the court or the public prosecutor; moreover, a legal protection commission investigates accusations of inactivity against the BAK.

94. In Austria there does not exist an independent investigation body with comprehensive investigative competencies to examine allegations of ill-treatment, as demanded by NGOs. The existing system of independent courts and public prosecutors, the additional system of disciplinary law and the options to raise a complaint with the independent provincial administration courts offer the required legal protection.

95. Furthermore, accusations concerning the conduct of executive organs are subject to examination by the AOB in the framework of their general examination competence relating to abuse in administration. Yet during such examinations – contrary to adversarial proceedings – the AOB cannot summon witnesses, or interrogate accused under oath.

## **2. Fight against human trafficking<sup>45</sup>**

96. The current 4<sup>th</sup> NAP on the Fight against Human Trafficking (2015–2017) was adopted on March 24, 2015. Important activities such as information campaigns, training of professionals, victim support and international cooperation have been strengthened. The national coordination body “Task Force Human Trafficking” (TF-MH) continues to represent a key platform for implementing the NAP and for reporting to the Federal Government, the Parliament and the European Commission. Recommendations deal inter alia with more cooperation among all bodies involved to create uniform standards for caregiving and accommodation of victims of child trafficking. To strengthen the dialogue with those NGOs, which are not members of the TF-MH, two open round tables have been held so far.

97. Representatives of the Federal Government often participate in panel discussions, where best-practices are being exchanged, e.g. an OSCE Handbook<sup>46</sup>, which originated from a series of OSCE workshops on that subject.

98. Austria lays special emphasis on the issues of child trafficking and sexual exploitation of children. During 2015, the working group on child trafficking will develop more publicly available information material for government and non-government institutions. In addition, a third working group deals with human trafficking for labour exploitation to increase awareness of monitoring authorities for the identification of victims of human trafficking and labour exploitation.

99. In addition the general victim protection system has been further elaborated. In late 2013, a specialised caregiving and support service for male victims of human trafficking was established. In 2014, a contact point for special free counselling for persons without residence and/or work permit was set up.

100. The recovery and reflection period for victims of trafficking is regulated by a decree from the Ministry of the Interior and in practice is handled with a lot of flexibility and in close cooperation between police and NGOs. Victims and witnesses of human trafficking have the option to be granted a residence title for “special protection”. Access to the employment market for holders of such residence titles has been facilitated considerably, after one year they are granted unlimited labour market access. Since 2012 in addition they receive compensation funding from the government and those victims can benefit from the basic social services for asylum seekers.

### **C. Administration of justice and fair trials, human rights in the Justice System<sup>47</sup>**

101. The 2013 Act amending the Code of Criminal Procedure expanded the translation services for non-German speaking defendants and victims, included provisions for better access of defendants to video and audio recordings and improved legal protection during investigation proceedings. New amendments in 2014 included the option for court examination of the maximum allowed duration of investigations by public prosecutors, increased the involvement of the defendant in the appointment of witnesses, a considerable rise of the reimbursement of counselling costs in case of acquittal, and more data protection measures.

102. Work is ongoing to improve detention conditions in prisons according to available means and to adapt to changes in the prison population; e.g. separate sections for women. The juvenile prison in Gerasdorf will be fundamentally restructured in order to create optimal conditions for accommodating and educating juvenile inmates, and thus to create a juvenile competence centre. Within the on-going reforms of the penal system special priority is given to juvenile jurisdiction. In 2013, a round table on “pre-trial detention for juveniles” was held leading to many recommendations.

103. In response to some incidents of sexual abuse of juveniles in Austrian prisons, an interdisciplinary “task force on juvenile detention” was created. There is general consensus that pre-trial detention for juveniles should be imposed only when strictly necessary and social rehabilitation should be focused upon. Bearing in mind that there is a lack of specific care services which could provide juveniles with the necessary support instead of or after detention the report of the task force contains 35 recommendations, e.g. on avoiding/shortening pre-trial detention, building a separate juvenile prison in Vienna or the creation of a nation-wide juvenile court assistance. The implementation of these recommendations is ongoing.

104. Already implemented measures such as the nation-wide cell occupancy limitation to two prisoners per cell, reduction of lock-up duration and improvement of training and supervising measures of staff have resulted in considerable improvements of juvenile detention conditions.

105. The number of persons in involuntary confinement to mental health detention facilities as alternative to prison has increased considerably in recent years, on the one hand due to an increasing number of sentenced persons with mental health issues and on the other hand due to the increasing average duration of detention. Moreover, in recent years this kind of detention was also used for persons having committed less severe crimes. As a consequence of a publicly discussed case of neglect of a person in this detention and in light of the plan expressed in the Government Programme to reform this sort of detention a working group was created in 2014 to evaluate the present conditions, define specific problem areas and propose reform measures, which are now being analysed and worked upon.



## **D. Freedom of thought, conscience and religion, freedom of expression**

106. The legal position of Austria towards religion rests on two fundamental principles, i.e. the freedom of religion and belief and the constitutional protection of the public organizational functioning of religious societies. Protection of religious freedom is a special yardstick for democracy, rule of law and social peace. Austria is an active champion of religious freedom in the framework of its foreign politics, both in bilateral work as well as internationally.

107. In such efforts Austria deliberately chooses a cooperative approach, using its experiences and contacts within the inter-cultural dialogue, looking back on a long tradition of inter-religious cooperation and co-existence. For about two decades, mutual understanding and exchange among the major world religions have been actively promoted by Austrian diplomacy on national, bilateral and multi-lateral level (see Chapter IV.B.).

## **E. Human rights in the Information Society**

108. As early as 1978, a basic data protection law was introduced in Austria in form of the Data Protection Act (DPA). Following the ambitious implementation of EU guidelines through the 2000 DPA, this led to Austria's current active participation in the discussions of the new EU legal framework for data protection. Austria supports a high level of data protection both on a national and European Union level. Austria has ratified the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and its Additional Protocol. Legal protection was further improved by the DPA amendment of 2014, transforming the previous National Data Protection Commission into a monocratically organised authority, the decisions of which are subject to the jurisdiction of the Federal Administrative Court.

## **F. Economic, social and cultural rights<sup>48</sup>**

109. There is no consensus yet on how to incorporate social human rights into the Austrian Constitution - in spite of ongoing discussions during constitutional reform initiatives. Nevertheless, comprehensive social ordinary legislation has existed for decades, through which Austria defines itself as a welfare state with high social standards, is committed to the concept of a social market economy and offers a basis for living a decent life to all its inhabitants. An important development in this context is the European Charter of Fundamental Rights (CFR), which for the first time in the EU's history integrates all human rights of citizens within one document. Since 2012, the Constitutional Court has been using the CFR as a benchmark for interpreting national law (see Chapter II.B.).

### **1. Employment and occupation**

110. Austrian employment market policies are carried out against the background of an ongoing challenging situation in the employment market: although employment levels have steadily increased since 2010, economic growth has not been sufficient to create enough jobs for the increasing supply of workforce. Thus countermeasures are being applied and 2.3 billion euros have been invested only in 2013: key points will be measures to raise education levels with almost 2/3 of the budget of the Public Employment Service; further emphasis is given to salary subsidies, in particular for older employees. The striving for equal opportunities in the labour market and target group -oriented funding represent further essential aspects of the programme.

111. In order to enforce workers' rights and combat labour exploitation in 2011 a new system was introduced allowing salaries to be monitored by public authorities and underpayment being subjected to severe fines.

## **2. Reasonable standard of living**

112. In order to protect the comprehensive social welfare safety network in times of economic hardship, the Federal Government continues to use targeted measures to achieve full employment and combat poverty. By coordinating financial and other benefits, such support payments shall be provided to all parties in need, irrespective of family status or ethnic origin. In addition, there are numerous targeted benefits, such as family allowance supports for two or more children or multiple-child support.

113. In order to achieve sustainable health improvements for children and juveniles, the Federal Ministry of Health has held a child health dialogue with experts from children and juvenile health service organisations, and prepared the children and juvenile health strategy, which was published in 2011 and is being continually updated ever since.<sup>49</sup> The strategy includes short-, medium- and long-term measures, emphasising the promotion of health and prevention. An important prerequisite is the cooperation of all interest groups in health services and public administration ("Health in All Policies"). Two measures deserve special mentioning: enhancing the mother-child-passport programme<sup>50</sup> and the nation-wide establishment of early intervention centres all over Austria<sup>51</sup>.

## **3. Cultural rights**

114. In April 2011, the UN Independent Expert for cultural rights, Farida Shaheed, visited Austria for eleven days, dealing in particular with participation in cultural life, promotion of intercultural understanding, access to cultural heritage by education and implementation of cultural rights in the education system. Her report was published in Austria and made available to all Ministries. At the 20<sup>th</sup> session of the HRC in July 2012, Ms Shaheed presented her report on Austria. Austria made a detailed statement in response, welcoming the visit and pledging to thoroughly study the recommendations and to include them in the national human rights efforts.

## **G. Education and training<sup>52</sup>**

115. The Austrian education policies focus on education and training for all people, acquisition of knowledge, abilities and skills, recognition of personal achievements and value-oriented personality development. In order for children and juveniles to get the best possible education regardless of their family background, a number of accompanying measures have to be taken, such as schooling allowances for non-Austrian pupils.

116. Austria's classrooms are characterised by diversity. The many pupils with other languages besides German being their first language pose great challenges for the Austrian education system. Therefore ongoing initiatives to integrate school children from immigrant communities into the classroom are being evaluated and further developed, such as special German support classes.

### **Human rights education and training**

117. Comprehensive human rights education is of particular importance for the knowledge of human rights and thus for their implementation. According to its character as multi-disciplinary topic, the teaching programme "political education", an integral part of which is human rights education, is being incorporated into large parts of the education

system. There is no separate teaching subject “human rights” in the curriculum, for that matter.

118. Various seminars addressing human rights issues are offered in the framework of basic training and further education of staff members of many Federal Ministries. For the purpose of implementing the “UN World Programme for Human Rights Education“ e.g. “multipliers“ are trained in the Ministry of Science, Research and Economy in half-day, in-house seminars, where basic information on human rights is being taught as well as illustrated and discussed by applying concrete examples. In the Ministry of Finance various modules of the functional training for customs and taxes contain the subjects “fundamental rights, competences and professional ethics”.

119. In general the relevance of intercultural relations with stakeholders is increasing within public administration as well as in the judiciary and thus tailor-made training seminars are being offered to the employees. A regular inter-cultural training seminar for court bailiffs receives very positive feedback. As of 2010, the Penitentiary System Academy has focused on the subject of human rights in prison administration and developed a “human rights train-the-trainer seminar” in cooperation with the Ministry of the Interior. Furthermore, a pool of in-house experts in the Ministry of Justice was created in close cooperation with NGOs. Since 2012, almost 60 of such mandatory human rights training sessions have been held and will be continued in the future.

## **IV. National priorities**

### **A. National Action Plan on Human Rights as well as Sectoral National Action Plans<sup>53</sup>**

120. The preparation of a NAP on Human Rights has been a long request by civil society, but was also often recommended by international human rights mechanisms, last during Austria’s UPR in 2011. Finally the preparation of a NAP on Human Rights was included in the “Work Programme 2013 to 2018” of the Austrian Federal Government, its work is under way and the adoption of the NAP is scheduled for the end of 2015.

121. The NAP on Human Right shall provide a common framework for already existing thematic NAPs on individual human rights, such as disabilities, integration, violence against women, human trafficking, women/peace/security and gender equality in the employment market. Thus specific measures shall be developed particularly for those areas that are not yet covered and its implementation will be evaluated.

122. The NAP on Human Rights will be prepared within the existing network of human rights coordinators of all Federal Ministries and the Federal Provinces, involving also the Austrian Ombudsman Board, civil society and the scientific community, for which the positive experiences of a cooperative atmosphere made during the UPR process, can be built upon.

### **B. Dialogue of cultures and religions**

123. One of three objectives of the Austrian foreign cultural policy is to contribute to global confidence-building and peacekeeping through initiating dialogue between cultures and religions. In February 2013, the 5<sup>th</sup> Global Forum of the UN Alliance of Civilizations with special emphasis on “Responsible Leadership in Diversity and Dialogue” took place in Vienna. The International Achievement Award helps to promote understanding of dialogue

as a means for implementing human rights. The award will be presented for the second time in 2015.

124. The annual training sessions for imams, Muslim women's representatives and so-called dialogue guides for the Islam, which have been organised by the Austrian Islamic Society and the Task Force for Dialogue of Cultures in the Foreign Ministry since 2010, contribute significantly to a better understanding of the rights guaranteed in Austria and their exercise by religious minorities. Within Austria, the work of the Task Force is characterized by dialogue with representatives of the churches and religious societies recognised by law, which was institutionalised as a continuous process within the Foreign Ministry in 2014. Regular communication with the churches and religious societies also takes place in the Federal Chancellery, e.g. during events and in the form of dialogues and consultations.

### **C. Integration**

125. Since the NAP on Integration entered into force in 2010 a lot of progress has been made on the subject of integration, both structurally and in substance. The area was integrated in the Federal Ministries Act and thus identified as a primary responsibility of the Federal Government. The State Secretariat on Integration created in 2011 was incorporated into the Foreign Ministry in March 2014, changing its name to "Federal Ministry for Europe, Integration and Foreign Affairs". This facilitated the use of new synergies and shows how this subject matter has become an important socio-political element in Austria. The underlying concept "Integration from the very beginning" has been pursued since 2012. Since then, a specially designed integration commissioner is working at the Austrian Embassy in Ankara, 2014 the same took place in Serbia, with the aim to promote a welcoming culture already in those countries of origin where the largest groups of immigrants in Austria are coming from.

126. An Expert Council and an Integration Advisory Council have been installed in order to evaluate and further develop the ongoing integration measures, also including representatives of civil society. By means of scientifically developed integration indicators the success of the integration process can be quantified.

127. The implementation of the NAP on Integration is a continuous process. Both the measures taken and the status of implementation are described in detail in the integration reports 2013 and 2014<sup>54</sup>, which are publicly available. In order to ensure equal participation of immigrants in economic and social life, further measures in the fields of language assistance, integration into the employment market and recognition of professional qualifications must be adopted in the future. Concrete plans exist for an expansion of early childhood language classes in institutional child care facilities. Furthermore, additional first contact points, so-called "welcome desks" shall be established throughout the country, where immigrants can receive all information necessary for a successful start in Austria. After the creation of a special website helping with questions of the recognition of foreign school and college degrees<sup>55</sup>, currently negotiations concerning a Recognition Act for professional qualifications acquired abroad are ongoing.

### **D. International commitments<sup>56</sup>**

128. Austrian national and foreign politics are influenced by the conviction that the global protection and promotion of all human rights must be promoted in partnership and dialogue with all stakeholders. From 2011 to 2014, Austria was a member of the HRC and tried actively to find solutions through cross-regional cooperation and an transparent work

approach. Austria also tried to advance initiatives in its focal themes “safety of journalists”; “rights of the child” and “freedom of religion and protection of religious minorities”. A new Austrian candidacy for the HRC for the period of 2019 to 2021 has already been submitted.

129. In light of its candidacy for membership in the HRC, Austria has made various pledges, which have either already been implemented or their implementation is under way.<sup>57</sup> The international conventions have almost all been ratified in the meantime, and a criminal definition for “torture” as well as new provisions for crimes against humanity and war crimes have been included in the Criminal Code. A special Federal constitutional law was adopted with regard to the inclusion of children’s rights into the Constitution. The Handbook “Understanding Human Rights”, which was commissioned in 2003 by some Federal Ministries during the Austrian Presidency of the UN-Human Security Network, has been translated into 16 languages and is still being used by various partners both in Austria and world-wide.

130. Austria continues to be positioned as site of dialogue and cooperation; in the summer of 2013 a major international conference was convened in Vienna on the occasion of the 20<sup>th</sup> anniversary of the Vienna World Conference on Human Rights.

131. The Austrian Development Cooperation (OEZA) concentrates on supporting key regions and countries all over the world in their combat against poverty, dealing with climate change and in peacekeeping. To include a human-rights-based approach in all its activities is the overarching principle and is adhered to in all planning and implementation phases as well as in political dialogues. Special importance is given to strengthening civil society and the rights of disadvantaged groups, the promotion of peace, rule of law, good governance and overcoming fragile state structures. A handbook for staff members and partner organisations was published on the inclusion of person with disabilities, and a multi-stakeholder working group was established advising the OEZA. The Government has committed itself to complying with its international financial obligations, which are also included in the Government work programme 2013–2018, and acknowledges its commitment to reach the 0.7 % target on an EU level.<sup>58</sup> The new general strategy of the Austrian development policies (three-year programme 2016–2018) provides for a strengthening of policy coherence in the interest of development on all levels.

## Notes

<sup>1</sup> Recommendations 92.36, 92.37, 92.38.

<sup>2</sup> HRC resolutions 5/1 dated 18 June 2007 and 16/21 dated 25 March 2011, plus follow-up concerning UPR “General Guidelines for the Preparation of Information under the Universal Periodic Review (A/HRC/DEC/17/119)”.

<sup>3</sup> Document A/HRC/WG.6/10/AUT/1.

<sup>4</sup> See <http://www.bmeia.gv.at/aussenministerium/aussenpolitik/menschenrechte/universal-periodic-review.html>

<sup>5</sup> UPR@bmeia.gv.at

<sup>6</sup> Recommendations 92.1, 92.3, 92.7, 92.8, 92.16, 93.13.

<sup>7</sup> Amended Administrative Jurisdiction Act 2012, FLG I No. 51/2012.

<sup>8</sup> Federal Constitutional Act FLG I No. 114/2013.

<sup>9</sup> OPCAT Implementation Act, FLG I No. 1/2012.

<sup>10</sup> FLG I No. 120/2012.

<sup>11</sup> FLG I No. 103/2011.

<sup>12</sup> FLG I No. 25/2011.

<sup>13</sup> FLG I No. 7/2011.

<sup>14</sup> FLG I No. 107/2013.

<sup>15</sup> FLG I No. 50/2012.

<sup>16</sup> FLG I No. 2013/152.

- <sup>17</sup> FLG I No. 46/2011.
- <sup>18</sup> Recommendations 92.1, 92.2, 92.3, 92.4, 92.5, 92.6, 92.7, 92.9, 92.36, 92.37, 92.38, 92.41, 93.3, 93.4, 93.5, 93.12, 93.34.
- <sup>19</sup> See constitutional case (VfSlg) 19.632/2012.
- <sup>20</sup> FLG III No.104/2012.
- <sup>21</sup> FLG III No.190/2012.
- <sup>22</sup> FLG III No. 96/2011.
- <sup>23</sup> FLG III No. 164/2014.
- <sup>24</sup> Recommendations 92.11, 92.19, 92.20, 92.21, 93.14, 93.17, 93.18.
- <sup>25</sup> Recommendations 92.38, 92.41.
- <sup>26</sup> Recommendations 92.1, 92.10, 92.12, 92.13, 92.34, 92.83, 92.88.
- <sup>27</sup> FLG I No. 1993/7.
- <sup>28</sup> FLG I No. 2002/92 and FLG I No. 2004/93.
- <sup>29</sup> FLG I No. 4/2011.
- <sup>30</sup> For instance by the judgements of the Constitutional Court dated 11 December 2014 G 18/2014 and 11.12.2014 G 119/2014 concerning adoption law, and others.
- <sup>31</sup> Recommendations 92.27, 92.42, 92.43, 92.79, 92.80, 92.81, 93.39 und 92.15, 92.71, 92.72.
- <sup>32</sup> <http://www.gehaltsrechner.gv.at/>
- <sup>33</sup> Recommendation 92.35.
- <sup>34</sup> Recommendations 92.18, 92.87, 92.96, 92.97, 93.54.
- <sup>35</sup> FLG I No. 46/2011.
- <sup>36</sup> Recommendations 92.39, 92.65, 92.66, 92.88, 92.90, 92.92, 92.94, 93.48, 93.51 and 92.17, 92.40, 93.6, 93.23.
- <sup>37</sup> Recommendations i.a. 93.32, 93.44.
- <sup>38</sup> FLG I No. 135/2009.
- <sup>39</sup> X and others vs. Austria, complaint No. 19.010/07.
- <sup>40</sup> VfSlg 19.824/2013.
- <sup>41</sup> G 119/2014 and others.
- <sup>42</sup> Recommendations 92.14, 92.22, 92.23, 92.24, 92.25, 92.26, 92.28, 92.29, 92.30, 92.31, 92.44, 92.45, 92.46, 92.47 92.48, 92.49, 92.50, 92.51, 92.52, 92.53, 92.54, 92.55, 92.69, 92.89, 92.93, 92.95, 93.8, 93.9, 93.10, 93.11, 93.22, 93.24, 93.25, 93.29, 93.30, 93.32, 93.35, 93.36, 93.37, 93.38, 93.43, 93.44.
- <sup>43</sup> [www.presserat.at](http://www.presserat.at)
- <sup>44</sup> Recommendations 92.1, 92.2, 92.3, 92.4, 92.5, 92.6, 92.7, 92.8, 92.11, 92.29, 92.32, 92.50, 92.56, 92.57, 92.58, 92.59, 92.60, 92.61, 92.62, 92.63, 92.64, 92.68, 92.78, 92.86.
- <sup>45</sup> Recommendations 92.73, 92.74, 92.75, 93.28.
- <sup>46</sup> “How to prevent human trafficking for domestic servitude in diplomatic households”  
<http://www.osce.org/handbook/domestic.servitude?download=true>
- <sup>47</sup> Recommendations 92.64, 92.70, 92.76, 92.77, 93.48.
- <sup>48</sup> Recommendations 92.82, 92.83, 93.13.
- <sup>49</sup> all reports downloadable at  
[http://www.bmg.gv.at/home/Schwerpunkte/Kinder\\_und\\_Jugendgesundheit/Kinder\\_und\\_Jugendgesundheitsstrategie/](http://www.bmg.gv.at/home/Schwerpunkte/Kinder_und_Jugendgesundheit/Kinder_und_Jugendgesundheitsstrategie/)
- <sup>50</sup> [www.bmg.gv.at/muki](http://www.bmg.gv.at/muki)
- <sup>51</sup> <http://fruehehilfen.at/>
- <sup>52</sup> Recommendations 92.33, 92.84, 92.85, 93.26.
- <sup>53</sup> Recommendations 93.20, 93.21 (rejected in 2011).
- <sup>54</sup> [www.bmeia.gv.at/Integration/Integrationsbericht](http://www.bmeia.gv.at/Integration/Integrationsbericht)
- <sup>55</sup> [www.berufsanerkennung.at](http://www.berufsanerkennung.at)
- <sup>56</sup> Recommendation 93.33.
- <sup>57</sup> In accordance with UN General Assembly Resolution A/RES/60/251, see:  
[www.bmeia.gv.at/fileadmin/user\\_upload/bmeia/media/2Aussenpolitik\\_Zentrale/Menschenrechte/mrr\\_folder\\_dt\\_2605.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2Aussenpolitik_Zentrale/Menschenrechte/mrr_folder_dt_2605.pdf)
- <sup>58</sup> Council Conclusions: A New Global Partnership for Poverty Eradication and Sustainable Development after 2015, dated 26 May 2015.