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Report of the Working Group on the Universal Periodic Review*

Austria

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its tenth session from 24 January to 4 February 2011. The review of Austria was held at the 6th meeting on 26 January 2011. The delegation of Austria was headed by Michael Spindelegger, Minister for European and International Affairs. At its 10th meeting, held on 28 January 2011, the Working Group adopted the report on Austria.
2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Austria: Argentina, Bahrain and Mauritania.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Austria:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/10/AUT/1 and Corr.1);
 - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/10/AUT/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/AUT/3).
4. A list of questions prepared in advance by the Czech Republic, Denmark, Germany, Finland, Namibia, the Netherlands, Norway, Slovenia, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland was transmitted to Austria through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The Austrian delegation stated that the support of human rights was a core concern to its Government. Austria had a long-standing record of active engagement not only to ensure the protection of human rights at the national level, but also to advance the international system for the promotion and protection of human rights at the United Nations and in regional organizations such as the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and the European Union.
6. Austria's international human rights engagement had always been guided by a spirit of cooperation and dialogue. Dialogue and partnerships were crucial for turning the promises of the Universal Declaration of Human Rights into reality for everyone. Austria had consistently worked with all actors towards this goal.
7. As a non-permanent member of the UN Security Council in 2009 and 2010, Austria had continuously and actively advocated the advancement of human rights, the adherence to the rule of law, the protection of civilians in armed conflict and the promotion of the contribution of women as a measure to preserve peace and security.
8. Austria's international engagement in human rights was based on a firm commitment to ensure full respect of human rights domestically. Austria had acceded to all major international human rights treaties and had extended a standing invitation to all United Nations special procedures.

9. Austria was currently a candidate for membership of the Human Rights Council from June 2011. On the basis of the voluntary pledges and commitments made by Austria in the context of this candidacy, it had been possible to achieve notable progress in their implementation:

(a) Austria had recently incorporated children's rights into the Constitution;

(b) Considerable progress had been made with regard to the ratification of the Optional Protocol to the Convention against Torture and the creation of a national preventive mechanism, which will be incorporated into the Austrian Ombudsperson Board. The already existing Human Rights Advisory Board would be expanded at the same time;

(c) Austria would soon deposit the ratification document for the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;

(d) Legislation was being prepared to introduce a separate crime of torture in the Austrian Penal Code;

(e) The ratification process of the Convention on Enforced and Involuntary Disappearance (CED) and the inclusion of enforced disappearances as a criminal offence in the Austrian Penal Code were on the way;

(f) Special provisions on crimes against humanity and war crimes were also being prepared for inclusion in the Austrian Penal Code;

(g) The Parliament would start discussion this spring of the ratification of the UNESCO Convention against Discrimination in Education.

10. Austria was aware of its specific historical responsibility and was committed to the fight against xenophobia, anti-Semitism, discrimination against Muslims and all other forms of racism and intolerance.

11. The current government programme envisaged a series of measures to enhance the protection against racism and discrimination, including a commitment to the implementation of the European Union (EU) Framework Decision against Racism and Xenophobia as well as the recommendations of the Committee on the Elimination of Racial Discrimination.

12. Anti-discrimination laws had been tightened in recent years. The Equal Treatment Commission, the Ombudsperson for Equal Treatment and the relevant bodies in the federal regions provided for protection against discrimination in employment and access to goods and services. Sanctions for all forms of discrimination had been continuously expanded and were consistently applied by Austrian courts. This would include compensation for material and immaterial damage. These efforts had contributed to an ever-increasing awareness and public sensitivity about discrimination issues.

13. Austria had a strict "zero tolerance" policy towards all forms of discrimination and ill-treatment by law-enforcement officials. An independent body, the Federal Anti-Corruption Bureau, had been established in January 2010 to investigate alleged ill-treatment by law enforcement officials. Criminal police and the public prosecutor were obliged to investigate any suspicion of ill-treatment by law.

14. To ensure the protection of migrants' human rights, Austrian immigration legislation would provide the possibility to use the full spectrum of legal instruments and appeal procedures, including appeals to the Constitutional and Administrative Courts. In addition, Austria had enhanced human rights training for the justice and law enforcement sector.

15. On the preventive side, Austria was working to reinforce a tolerant and open social climate. The National Action Plan on Integration had been adopted in January 2010 to

support this policy. Areas of action included language, education, employment, rule of law, social services and health, intercultural dialogue, leisure and sports, housing and the regional dimension. An expert commission including civil society organisations closely followed up on the implementation of the Action Plan.

16. Austria was committed to further advance the protection and promotion of the rights of the Slovenian and the other five autochthonous national minorities in Austria. The educational, socio-economic and legal situation of minorities in Austria was presently reviewed by different expert groups with all relevant stakeholders. The aim was to amend and adapt the National Minority Act by next year. Concerning the bilingual topographical signs in Carinthia, the government was committed to fully implement Austria's obligations under the State Treaty of 1955. Constructive negotiations were being held between all stakeholders with the aim of finding a sustainable solution soon.

17. Gender equality, including in the labour market, was considered a major issue. Measures had been taken to end inequalities. A National Action Plan had been presented in June 2010. The Law on Equal Treatment had recently been amended to ensure greater transparency with regard to incomes in the private sector. In addition, 50 per cent of the national budget for labour market policy was being spent on specific programmes to improve women's chances on the labour market, inter alia through capacity-building and training.

18. Victims of domestic violence received free legal and psychosocial support to help them secure their rights in criminal procedures. Domestic violence cases were covered by prosecutors with special training. Victims could also rely on a well-established system of crisis intervention centres in all federal regions: There were 21 State-financed women's shelters with 750 places and a 24-hour hotline.

19. The revised Violence Protection Law of 2009 had furthermore introduced new and stricter sanctions in case of continuous violence. Migrant women who had come to Austria on the basis of family reunification were in a particularly vulnerable position to become victims of domestic violence. Austrian legislation therefore provided for the possibility of granting them a separate residence permit to protect them from further violence.

B. Interactive dialogue and responses by the State under review

20. During the interactive dialogue, 54 delegations made statements. A number of delegations welcomed the comprehensive national report, Austria's participation in and commitment to the UPR as well as the participative approach for the preparation of the report and the involvement of NGOs in the follow-up to the review. Recommendations made during the dialogue are to be found in section II of the present report.

21. Algeria noted the lack of consensus to include social rights in the Constitution and inquired about the causes of this situation. Algeria mentioned difficulties for the consecration of gender equality and made reference to reported racist and xenophobic behaviours targeting specific groups. Algeria noted that Austria was not ready to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Algeria made recommendations.

22. The United Kingdom of Great Britain and Northern Ireland commended Austria's commitment to implement the 2001 judgment of the Constitutional Court regarding the Slovenian minority. It welcomed the National Plan for Integration. The United Kingdom requested information on measures to remedy the reluctance of victims of discrimination to bring cases to courts. It was concerned about persistent inequalities regarding the status of same-sex partners. The United Kingdom made recommendations.

23. Turkey noted Austria's indication that it considered the fight against xenophobia and racism a priority task and took measures for the promotion of equal treatment and integration. In this regard, Turkey welcomed the establishment of the Ombudsperson for Equal Treatment. It was pleased that police officers were provided with human rights training with a special focus on non-discriminatory police work in a multicultural society. Turkey made recommendations.

24. Morocco noted that social rights were not enshrined in the Constitution and inquired whether Austria intended to implement the constitutional reforms mentioned in its national report. Morocco welcomed efforts to fight discrimination, xenophobia, racism and intolerance and listed a few best practices in this regard. On migration, Morocco shared Austria's views to associate the States of origin and State of reception. Morocco inquired about efforts undertaken to help migrants in preserving their identity and keeping links with their State of origin.

25. Egypt noted Austria's policies to ensure the promotion and protection of human rights, which included efforts to address gender inequality and the rights of the child, as well as combating racial discrimination. It was nevertheless concerned about the persistent protection gap of the rights of minorities in Austria, including their cultural and linguistic rights. Egypt made recommendations.

26. Iraq noted Austria's engagement in promoting human rights, reflected in the ratification of many human rights instruments. It noted that human rights were the main pillar of Austria's policies and that Austria had contributed financially to human rights funds. Iraq referred to the measures taken to integrate migrants and to ensure dialogue between civilizations, and commended Austria for having taken steps to fight human trafficking.

27. Azerbaijan stated that a number of national institutions had been set up in Austria to promote and protect human rights. It indicated that it had taken a positive note of the accomplishments realized within the implementation of the wide-ranging National Programs and Plans in the different spheres, particularly in the field of protection of women's rights. Azerbaijan made recommendations.

28. India requested Austria to inform on the measures taken to enforce the principle of equal pay for equal work as well as the review of the anti-discrimination laws. It asked whether Austria considered it useful to extend an invitation to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to visit the country. India made a recommendation.

29. The Islamic Republic of Iran was deeply concerned about human rights problems, such as the alarming instances of hate speech, the atmosphere of hostility by politicians and the media, and the discriminatory attitudes and manifestations of neo-Nazism, racism, xenophobia and related intolerance against migrant communities including Muslims and Roma. It requested information about concrete measures to address these issues. Iran made recommendations.

30. Canada welcomed Austria's standing invitation to the special procedures and the recent visit of two European human rights bodies. It welcomed the intention of creating a compendium of all human rights related provisions. Canada encouraged Austria to pursue the integration of migrants and to ensure that they fully enjoy their rights. Canada was ready to pursue its dialogue with Austria on this issue. Canada made recommendations.

31. France welcomed Austria's commitment to ratify CED and asked when this would happen. France noted that criminal law did not yet include war crimes and crimes against humanity in accordance with the Rome Statute and inquired about the reasons of this situation. France welcomed the recent measures aimed at preventing ill-treatment and racist

behaviour by law enforcement officials. France referred to national provisions in labour law discriminating against foreign nationals. France made recommendations.

32. Spain welcomed the presentation of the national report and made recommendations.

33. Jordan stated that Austria had been instrumental in advancing multilateralism and the agenda of human rights at all levels, including the conferences that resulted in the Vienna Declaration and Programme of Action. It indicated that it was encouraging to note Austria's efforts to further develop and strengthen its longstanding legislative and institutional framework, including through the establishment of the Ombudsman Board. Jordan made recommendations.

34. The Czech Republic expressed its appreciation for Austria's national report. It commended the entry into force of the Criminal Procedure Reform Act 55 in January 2008, which provided more rights for defendants and additional transparency in proceedings to those who contested the excessive use of power by law enforcement officials. The Czech Republic made recommendations.

35. Slovenia noted the significant decrease in the size of the Slovenian-speaking community, especially in Carinthia. It noted with concern Austria's failure to implement the rights of the Slovenian minority under the Treaty of Saint-Germain and the Austrian State Treaty, as well as the failure to implement decisions of the Austrian Constitutional Court regarding the Slovenian minority language. Slovenia made recommendations.

36. Indonesia stated that the establishment of the Independent Human Rights Advisory Board with its notable inclusion of many civil society organizations must be noted as an important aspect of Austria's commendable human rights approach and strategy. It also recognized Austria's initiatives in the promotion of dialogue aiming at strengthening mutual understanding and respect among people of different religions, ethnicities and languages. Indonesia made recommendations.

37. Malaysia recognized that Austria had in place a strong legal framework with regional and international norms and standards. It also noted that, at the national level, Austria had a number of Ombuds institutions. It recognized, however, that Austria faced several challenges, including incidences of racial stereotyping and prejudice by the media, cases of human trafficking, and issues concerning migrant communities and gender parity. Malaysia made recommendations.

38. The Republic of Moldova noted that Austria's constitutional reform will incorporate the rights of the child in the Federal Constitution. Referring to the 2007 recommendations of the Committee on the Elimination of Racial Discrimination to ensure more active participation by women at the decision-making levels, the Republic of Moldova asked which additional measures Austria planned to take in order to promote their full and equal participation in political and economic life. Republic of Moldova made recommendations.

39. Burkina Faso noted Austria's investment in cooperation and development, of which it was a beneficiary. It noted Austria's commitment to the international human rights system, the ratification of most human rights instruments, and its standing invitation to special procedures. Burkina Faso appreciated the measures taken for asylum seekers and migrants and asked Austria to continue to ensure respect of their rights. Burkina Faso made a recommendation.

40. The Russian Federation referred to sectors of the population which were vulnerable to racism and xenophobia, such as sub-Saharan Africans, Muslims, and Roma. It also referred to the continuing problem of anti-Semitism. It mentioned that asylum-seekers, refugees and migrants were the target of racist and xenophobic political statements. It also referred that 60 per cent of people in custody awaiting trial were non-citizens. The Russian Federation made recommendations.

41. Bangladesh commended Austria for standing next to developing countries in their efforts to attain the MDGs and in fulfilling their right to development. It took note of the actions taken by Austria to combat racism and to protect ethnic groups, migrants and asylum-seekers. It was, however, concerned about Austria's policies to cut its GNI share of official development assistance (ODA). Bangladesh made recommendations.

42. Palestine commended Austria for the transparency and objectivity of its national report, which also outlined persistent challenges such as discrimination and violence against women, and the efforts taken to protect the rights of vulnerable populations. Palestine also referred to Austria's efforts to protect freedom of religion and religious minorities. Palestine made a recommendation.

43. Guatemala acknowledged Austria's assessment of the human rights situation and the challenges in areas such as gender equality, discrimination, migration laws, human trafficking and children's rights. Guatemala commended Austria's policies on human rights, and for its leadership regarding cooperation for development. Guatemala noted with satisfaction that the fight against racism was a priority and asked about measures to counteract racist acts. Guatemala made a recommendation.

44. Switzerland welcomed Austria's commitment to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to establish a national preventive mechanism. Switzerland referred to domestic violence and incidents of detention of women who were victims of trafficking. Switzerland made recommendations.

45. Brazil commended Austria for placing the fight against xenophobia and racism among its priorities. It was encouraged by Austria's determination to prevent and investigate cases of anti-Semitism. Notwithstanding these remarkable efforts, Brazil was concerned about the enforcement of anti-discrimination laws and stated that it was necessary to change the mindset of some State officials in this regard. Brazil made recommendations.

46. The Philippines commended Austria's commitment to strengthening dialogue between different cultures and religions. It asked about challenges in implementing the intercultural approach in the school system and to what extent human rights education was part of the intercultural curriculum. It recognized Austria's measures to combat racism and commended national action plans for the promotion of gender equality in the labour market as well as for combating trafficking in persons. The Philippines made recommendations.

47. In reply to questions of delegations during the interactive dialogues, Austria explained that the Austrian Ombudsperson Board was independently monitoring Austria's public administration according to the Austrian Constitution and thus fulfilled the function of a national human rights institution. Anybody could complain to the Board regardless of age, nationality or residence and at any time and at no charge. It was intended to expand the mandate of the Board in the context of Austria's ratification of the Optional Protocol to the Convention against Torture (OP-CAT).

48. Austrian reservations to international human rights conventions were regularly re-examined. So far, no gaps or deficits in the protection of human rights in Austria had been identified. The aim of Austria's reservations was to harmonize Austria's international obligations.

49. Hate speech in politics and media was being strongly condemned by the Austrian public and politicians and was prohibited by criminal law.

50. Nazi activities and Holocaust denial were strictly prohibited by Austrian law. These provisions were strictly enforced by Austrian courts. The education system aimed at promoting inter-cultural understanding and tolerance.

51. Human rights education was an integral part of primary, secondary and university education as well as of the training of police and justice personnel.
52. Austria supported equal participation in society and independent living of persons with disabilities. Austria was among the first states to sign and ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol. An independent monitoring mechanism was established in the Federal Ministry of Labour, Social Affairs and Consumer Protection. High labour law standards in Austria, special measures to enhance integration in the labour market and the promotion of inclusive education further helped the empowerment of persons with disabilities.
53. Austria already benefitted from a high standard with regard to the protection of economic, social and cultural rights. The inclusion of such rights in the constitution was presently under discussion and numerous economic, social and cultural rights were already implemented by Austrian legislation and jurisprudence. In addition, since 2009 certain economic, social and cultural rights were made applicable in Austria through the EU Charter of Fundamental Rights.
54. Roma were well integrated in Austria. Special programmes included language training, educational and cultural projects. Special support measures were provided to enhance integration in the labour market.
55. In addition to the general protection against discrimination on the basis of the European Human Rights Convention and the Law on Equal Treatment, since January 2010 same-sex couples in Austria had the possibility to register their partnership. Registered partnerships were in most aspects equal to marriage, e.g. the rights to subsistence and inheritance. There was presently no consensus in Austria with regard to the adoption of children by same-sex couples; therefore no legislative changes in this regard could be expected for the time being.
56. The possibility of serving in the Austrian army already at the age of 17 was on a purely voluntary basis and had to be seen in the context of the Austrian education system, which allowed young people to complete compulsory education at an early age. However, participation of soldiers below age 18 in combat was strictly prohibited.
57. Detention conditions for juvenile prisoners were constantly being improved in Austria, including by offering possibilities of training and education. In all detention centers, juveniles were detained separately from adults. A special detention centre for juveniles had been established in Gerasdorf.
58. In the framework of the planned revision of the Alien Law, it was foreseen to provide legal assistance free of charge, also during detention.
59. The two Austrian National Action Plans on Human Trafficking contained a comprehensive list of measures for prevention, victim protection and prosecution of perpetrators as well as for national and international coordination and cooperation. Austria intensively cooperated with its neighbours in the fight against human trafficking and organized crime. In the framework of its development cooperation, Austria also supported victims in the States of origin.
60. It was not foreseen to ratify the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families, since this Convention was in contradiction with other international obligations. Many of the rights contained therein were already protected through national as well as European legislation. The Convention would restrict the authorities' capacity to take regulatory measures in the access to the labor market.

61. In Austria asylum-seekers had a right to basic care, including accommodation, food, comprehensive medical care and free education for minors. Every asylum-seeker had the right to free and independent legal assistance during the asylum procedure. Three months after their application, asylum-seekers were allowed to enter the Austrian labour market.

62. Austria was still committed to the ODA target of 0.7 per cent of Austria's GNI. However, due to necessary cuts in the Austrian budget, the achievement of this target by 2015 would almost certainly be delayed.

63. Pakistan highlighted Austria's role in strengthening the protection of human rights. It mentioned, in this regard, the Vienna Declaration and Program of Action and the ratification of almost all human rights treaties. Pakistan expressed concerns about xenophobic and intolerant attitudes and discrimination against minorities and migrants. It requested information on whether additional measures were required to address such issues. Pakistan made recommendations.

64. Sweden stated that, although the law and judiciary provided effective means of addressing individual cases of abuse, instances of use of excessive force by the police, especially in connection with refugees and asylum seekers, had been reported. Sweden also stated that it was disconcerting to hear reports that xenophobic statements and agitation against a national or ethnic group were not uncommon features in the Austrian political sphere and in the media. Sweden made recommendations.

65. Slovakia stated that Austria had been a democracy which gave high respect to the promotion of human rights. Slovakia made recommendations.

66. Uzbekistan noted that international treaty bodies had expressed the concern about Austria's reported instances of hate speech by politicians, in particular targeting migrants and members of minorities. Deep concern had also been expressed at the manifestations of neo-Nazism, racism, xenophobia and related intolerance towards migrant communities and those of certain ethnic backgrounds, and at their impact on children belonging to these groups. Uzbekistan made recommendations.

67. Chile commended Austria's commitment to the protection of human rights, manifested by the high number of human rights treaties ratified and its standing invitation to the special procedures. Chile noted with appreciation the support given by Austria to NGOs. Chile made recommendations.

68. The United States of America commended Austria for its advocacy for women's rights, its support to national and international NGOs, and its role in the protection of civilians in armed conflicts and in combating human trafficking. It welcomed the incorporation of children's rights in the Constitution and the recent Constitution Court's decision on religious groups. It noted reports of societal discrimination and xenophobia. The United States made recommendations.

69. Botswana praised Austria's commitment to continue placing as a priority the promotion of human rights, which was exemplified by its participation in the work of the Council. It noted the comprehensive measures taken in respect of violence against women. It requested information about measures to handle complaints of ill-treatment by law-enforcement officials. Botswana made a recommendation.

70. Cuba welcomed the approval of the National Plan for Integration and the adoption of other measures to fight racism. It called on Austria to address issues such as political statements inciting to hatred against migrants, asylum-seekers, African descendants, and minorities; vulnerability of Africans, Muslims and Roma to racial discrimination, discrimination in employment, and racial profiling. Cuba also referred to the salary gap between women and men. Cuba made recommendations.

71. Bosnia and Herzegovina praised Austria for its overall humanitarian supports and care for numerous refugees who had found shelter there. It noted that one of Austria's State priorities was the fight against xenophobia, racism and stereotyping and that Austria had developed a national action plan against human trafficking. In this regard, it asked Austria to share information on the cooperation with other countries in the region. It made recommendations.

72. Ghana commended Austria for strengthening human rights institutions by establishing an Independent Human Rights Advisory Board. It noted that the situation of women in Austria revealed deficits in attaining the actual equality of women and men in many areas. It asked about the status of the implementation of a National Action Plan for the Equality of Women and Men in the Labour Market. Ghana made recommendations.

73. Israel praised Austria for its contributions to the work of the Council, its commitment to promote human rights and its development cooperation. However, it was concerned about incidents of anti-Semitism, and expressed hope that with the creation of a National Action Plan and the enforcement of sanctions the recurrence of such incidents would decrease. Israel made recommendations.

74. The Netherlands noted that Austria was a keen supporter of the United Nations system. It welcomed Austria's commitment to equality and non-discrimination, including on grounds of sexual orientation and gender identity, although the Act on Registered Partnership maintained discrimination to some extent. The Netherlands echoed concerns by the Committee against Torture on the high level of impunity in cases of police brutality. Netherlands made recommendations.

75. Norway stated that the Austrian anti-discrimination legislation appeared fragmented and confusing. It was also concerned about reports of impunity in cases of police brutality. Norway welcomed Austria's commitment to the protection of people seeking refuge within its borders, however, it discouraged the use of detention-like facilities for the accommodation of asylum-seekers. Norway made recommendations.

76. Italy commended Austria's cooperative approach with civil society and expressed its appreciation for the outstanding quality of relations between the two countries.

77. Trinidad and Tobago noted the inclusion of human rights education in the curriculum of Austrian schools as well as the introduction of mandatory human rights training for police officers, judges and public prosecutors. It also commended Austria's efforts to protect persons with disabilities. It stated that a great deal of work was still needed to remove the unequal treatment of women at work. Trinidad and Tobago noted Austria's efforts to fight against racism and xenophobia. It made recommendations.

78. Germany asked why Austria had not established a national human rights institution based on the Paris Principles. It welcomed a National Action Plan for Integration and requested information on teaching of German language to immigrants. It also inquired about steps Austria might have taken to investigate cases of death and alleged abuse in police custody after the Human Rights Committee had expressed concern in 2007. Germany made a recommendation.

79. Australia welcomed Austria's fight against xenophobia and racism, training of public officials and investigation of allegations of discrimination. Australia encouraged Austria to broaden the mandate of the Ombudsman Board and to strengthen the independence of the Human Rights Advisory Board. Australia welcomed Austria's role in highlighting human rights issues during its term in the Security Council. Australia made recommendations.

80. China commended Austria for the progress made in areas such as gender equality, the rights of people with disabilities and counteracting human trafficking. It noted Austria's

efforts to protect the rights of minorities and migrants. China requested information on measures taken to protect the rights to work and health of migrants and on steps taken towards eliminating racial discrimination and ensuring equal treatment of minorities. China made a recommendation.

81. The Republic of Korea commended the placement of gender equality as one of particular concerns and welcomed the establishment of a State Secretariat for Women's Issues and the Inter-ministerial Working Group for Gender Mainstreaming. It noted Austria's efforts to fight against xenophobia, but also stated that the instances of hate speech by politicians and rejection towards non-citizens had been reported. It made recommendations.

82. Mexico referred to the well-developed framework for the promotion of human rights, which could be considered to be a good practice. Mexico praised Austria's efforts to combat discrimination and inquired about the manner in which the recommendations of the Durban Declaration and Program of Action and those of the Durban Review Conference were taken into account in this regard. Mexico made recommendations.

83. Colombia commended Austria for its commitment to the promotion of human rights. It highlighted Austria's efforts in promoting intercultural dialogue. It inquired whether Austria would consider ratifying the International Convention on the Rights of All Migrant Workers and Members of Their Families (ICRMW). Colombia encouraged Austria to continue deepening its efforts to achieve gender equality, and welcomed the National Plan to fight human trafficking. Colombia made recommendations.

84. Honduras noted with satisfaction Austria's standing invitation to special procedures and the ratification of almost all international human rights instruments. Honduras referred to the challenges faced by migrants and other persons who had been victims of racism and xenophobia. Honduras encouraged Austria to address allegations of racial profiling by law enforcement officials and to address racist and xenophobic statements. Honduras made recommendations.

85. Costa Rica highlighted Austria's commitment to human rights, exemplified by the ratification of most of the human rights instruments, the acceptance of individual and inter-State complaint procedures, and its declarations accepting inquiry procedures. Costa Rica made recommendations.

86. Ecuador congratulated Austria for the quality of the national report. It acknowledged the efforts made in implementing a national action plan for the integration of migrants. Ecuador made recommendations.

87. Uganda noted with satisfaction the commendable achievements of Austria. It inquired about the participation of persons with disabilities and their representatives in legal and policy making and asked when and how the National Action Plan that was announced in the summer of 2010 will be elaborated. Uganda made recommendations.

88. Kyrgyzstan noted the number of agencies involved in human rights issues. It praised Austria's report and its proposals for solution. Kyrgyzstan referred to the problems in achieving gender balance in education, especially for migrant girls and women. Finally, it welcomed Austria's intention to enhance training and awareness raising in the protection of Africans, Muslims, Roma, refugees, asylum-seekers and migrants from non-EU countries.

89. Portugal inquired about the steps undertaken by the Government to address the concerns of CRC and CAT with regard to the juvenile justice system and detention of persons under the age of 18. It also requested further information about the second National Action Plan against Human Trafficking that was adopted in 2009. Portugal made recommendations.

90. Namibia commended Austria's efforts in promoting and protecting human rights within its borders as well as internationally. It referred to the challenges faced by Austria especially with regard to migrants and ethnic minorities. It noted the high percentage of alleged ill-treatment of foreigners by the police.

91. In its conclusion Austria pointed out that the full realization of human rights was by definition an ongoing challenge and process. Civil society, with its high expectations, had an important function. Their criticism was crucial in pushing the Government forward. A close and transparent engagement with civil society across Austria had added credibility to Austria's National Report. The Government had benefitted a lot from the preparation process of this report. It was the government's intention to continue the fruitful dialogue with civil society in the follow-up to the review. A follow-up meeting with NGO representatives had already been scheduled in February in Vienna.

II. Conclusions and/or recommendations

92. The recommendations formulated during the interactive dialogue and listed below enjoy the support of Austria:

92.1. Accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) and harmonize its domestic legislation with human rights treaties, and in particular, incorporate torture as a criminal offense in its domestic legislation; in accordance with its policy on "zero tolerance", harmonize in a non-restrictive manner the Convention on the Rights of the Child (CRC) (Ecuador);

92.2. Sign (Uganda) and ratify (Costa Rica, Netherlands, Sweden, Uganda) OP-CAT;

92.3. Pursue, as a matter of priority, the ratification of OP-CAT, recommended in 2010 by the Committee against Torture, and include in the national Criminal Code a definition of torture as contained in the Convention against Torture (Germany);

92.4. Continue implementing OP-CAT, through its national law passed to this effect (Chile);

92.5. Conclude the ratification process of OP-CAT and the Convention for the Protection of All Persons from Enforced Disappearances (CED), as earlier as possible (Spain);

92.6. Sign (Uganda) and ratify CED at the earliest (Republic of Moldova, Uganda);

92.7. Declare, upon ratification of the CED, its acceptance of the competence of the Committee on Enforced Disappearances as provided for in articles 31 and 32 of the Convention (France);

92.8. Make every effort to fulfil its voluntary pledges to include a definition of torture enshrined in CAT into the national Criminal Code (Republic of Korea);

92.9. Take the necessary measures to ensure that human rights standards, not only European but also international, are incorporated into Austrian law (Canada);

- 92.10. Complete at the earliest the constitutional reform to incorporate in the Federal Constitution the rights of the child in accordance with the provisions of the CRC (Republic of Moldova);
- 92.11. To ensure an effective national preventive mechanism, as requested in OP-CAT, provide in its draft law for the full independence of this institution (Switzerland);
- 92.12. Fully translate CRC into its national legislation (Slovakia);
- 92.13. Incorporate its international human rights obligations into domestic laws, in particular the rights of the child, (Egypt);
- 92.14. Ensure appropriate law enforcement and penal sanctions are in place to effectively address issues of non-equality and non-discrimination in the private and public sphere (Israel);
- 92.15. Take measures to ensure that national laws for the protection against domestic violence are applied at all levels in a coherent and effective manner (Switzerland);
- 92.16. Repeal section 8(2) of the Aliens Employment Act, which requires that employers, when reducing manpower or working hours of all employees, terminate, first, the contracts of foreign nationals (France);
- 92.17. Take further steps to fully implement a National Action Plan for better integration and protection of the rights of immigrant minorities (Turkey)
- 92.18. Improve its implementation of the Constitutional Court ruling regarding the use of the Slovenian language in Carinthia province (United States of America);
- 92.19. Further enhance the mandate of the Ombudsman Board in accordance with the Paris Principles (Jordan);
- 92.20. Strengthen the Austrian Ombudsman Board and expand its mandate at the earliest to ensure full compliance with the Paris Principles (India);
- 92.21. Identify opportunities to enhance the effectiveness and independence of national human rights bodies (Australia);
- 92.22. Ensure that all public power is exercised with respect for the equal worth of all, and the liberty and dignity of all persons (Sweden);
- 92.23. Unequivocally condemn all incitement to violence or hatred and ensure that provisions for addressing agitation against a national or ethnic group are clearly stipulated under Austrian law (Sweden);
- 92.24. Continue to take measures against all forms of discrimination (Burkina Faso);
- 92.25. In accordance with the recommendations of the Committee on the Elimination of Racial Discrimination, carry out public awareness-raising campaigns to fight discrimination and hate speech - these kind of policies could be complemented by adopting and implementing legislative measures; promote an inclusive educational system which does not leave behind migrant children or children with special needs (Costa Rica);
- 92.26. Continue promoting initiatives which contribute to foster inter-cultural understanding, which is a central element to prevent all forms of discrimination, xenophobia and intolerance (Colombia);

- 92.27. Continue making progress in the implementation of the National Action Plan for gender equality in the labour market (Colombia);
- 92.28. Consider adopting an action plan to combat racism and xenophobia (Republic of Korea);
- 92.29. Pursue its efforts to ensure that victims of ill-treatment and racist behaviour by law enforcement officials receive compensation and that the perpetrators are sanctioned (France);
- 92.30. Take further steps to follow the recommendation of CERD in “taking resolute action to counter any tendency, especially from politicians, to target, stigmatize, stereotype or profile people on the basis of race, colour, descent and national or ethnic origin, or to use racist propaganda in politics.” (Turkey);
- 92.31. Disseminate information on available domestic, inter alia, legal remedies against acts of racial discrimination, as well as facilitate the access of victims to such remedies (Egypt);
- 92.32. Set up the independent body in order to investigate alleged abuses of power by law enforcement officials (Czech Republic);
- 92.33. Enhance provision of human rights education and training at appropriate levels of the education system and relevant public officials (Philippines);
- 92.34. Expedite action to allow for the full realization and protection of all children in Austria (Ghana);
- 92.35. Continue measures for adoption of the “National Action Plan for Persons with Disabilities” (Azerbaijan);
- 92.36. Continue its UPR consultation process in cooperation with civil society organizations following the adoption of the UPR reports (Norway);
- 92.37. Facilitate the active involvement of civil society stakeholders, including human rights non-governmental organizations in the follow-up to this review (Portugal);
- 92.38. Take advantage of the substantial expertise that civil society organizations represent, and consult regularly with them on human rights related policy documents (Norway);
- 92.39. Ensure its immigration system’s compliance with international human rights standards (Slovakia);
- 92.40. Pursue adoption and implementation of efficient policies to promote economic and social participation of migrants (Slovakia);
- 92.41. Renew its efforts to ensure follow-up to and the systematic implementation of the recommendations of the treaty bodies and of the Austrian Constitutional Court (Canada)
- 92.42. Follow-up the recommendations of the Committee on the Elimination of Discrimination against Women to resolve the issue of inequality between women and men, particularly in the area of employment, and to intensify its efforts to eliminate violence against women (Mexico);
- 92.43. Improve gender representation at all levels of society (Bosnia and Herzegovina);
- 92.44. Intensify measures to tackle racism and xenophobia (Australia);

- 92.45. Take adequate measures to combat racial discrimination in order to combat all forms of such discrimination (Uzbekistan);
- 92.46. Redouble its efforts to overcome the hurdles of racial discrimination and intolerance (Trinidad and Tobago);
- 92.47. Systematically condemn all manifestations of racism and xenophobia in political discourse and adopt effective measures to fight against this phenomenon (Algeria);
- 92.48. In line with the CERD recommendations, take resolute action to counter any tendency, especially from politicians, to target, stigmatize, stereotype or profile people on the basis of race, colour, descent and national or ethnic origin, or to use racist propaganda in politics (Pakistan);
- 92.49. Take targeted measures to fight the use by political parties or their representatives of statements inciting racial hatred and xenophobia (Russian Federation);
- 92.50. Take effective legal measures to prevent and combat all forms and manifestations of Islamophobia by political parties and media; ensure that all allegations of racist misconduct by law enforcement officials are effectively investigated and appropriately punished (Islamic Republic of Iran);
- 92.51. Work to combat the danger of Islamophobia in society and political discourse and establish a comprehensive system for recording and monitoring racist crimes committed in Austria (United Kingdom);
- 92.52. Strengthen its policies and programmes aimed at combating discrimination, xenophobia, racism and intolerance (Canada);
- 92.53. Continue its work to combat societal discrimination and xenophobia (United States of America);
- 92.54. Take necessary steps to combat manifestation of neo-Nazi, right-wing extremist and xenophobic incidents directed against members of minority groups (Czech Republic);
- 92.55. Ensure the full respect of the rights of migrants and minorities such as the Roma, including by strengthening the measures against acts of racial discrimination, xenophobia and intolerance (Cuba);
- 92.56. Noting with concern that the crime of torture does not exist in its national legislation, define this crime and ensure that victims receive economic and legal compensation according to international standards (Spain);
- 92.57. Uphold the total prohibition against torture and reform its laws in accordance with its international obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Sweden);
- 92.58. Ensure prompt, thorough and impartial investigations into allegations of torture and ill-treatment (Netherlands);
- 92.59. Take all the necessary measures to ensure prompt, thorough and impartial investigations into allegations of torture and ill-treatment (Uzbekistan);
- 92.60. Take prompt action against the use of excessive force by the police (Sweden);

- 92.61. Urgently conduct thorough and impartial investigation into all allegations of excessive force and abuse by law enforcement officials and bring to justice anyone suspected of having committed excessive use of force, torture or other human rights violations (Sweden);
- 92.62. Establish an independent mechanism for investigating allegations of torture and ill-treatment by law-enforcement officials, and ensure justice and reparation to victims of such human rights violations (Norway);
- 92.63. Continue to pursue its commendable efforts in handling complaints regarding alleged acts of ill-treatment committed by law-enforcement authorities (Botswana);
- 92.64. Further address the issue of treatment by law enforcement personnel towards criminal suspects, detainees and prisoners, in line with relevant human rights standards (Indonesia);
- 92.65. Consider alternatives to pre-deportation detention (Brazil);
- 92.66. Speed up the development of the “open-doors-regime” project to accommodate persons awaiting deportation (Norway);
- 92.67. Provide special protection and assistance to unaccompanied children (Brazil);
- 92.68. Take appropriate measures to prevent investigations, arbitrary detentions, searches and interrogations by judicial authorities or police agents on the basis of physical appearance, skin colour or ethnic or national origin; impose severe sentences on authorities which get involved in these abuses and ill-treatment (Ecuador);
- 92.69. Investigate, prosecute and redress cases of racially motivated ill-treatment and discrimination, including hate speech and incitement to hatred (Egypt);
- 92.70. Make further efforts to improve conditions in penitentiary institutions (Bosnia and Herzegovina);
- 92.71. Step up efforts aimed at establishing efficient protection measures to prevent, combat and punish perpetrators of violence against women and children, including domestic violence and sexual abuse (Malaysia);
- 92.72. Strengthen its efforts to ensure that effective protection measures are promptly in place in order to prevent, combat and sanction acts of violence against women and children, notably domestic violence and sexual violence (Canada)
- 92.73. Further strengthen the measures to combat human trafficking (Azerbaijan);
- 92.74. Continue to share at the international level its national practices of its Second National Action Plan against Human Trafficking (Portugal);
- 92.75. Take effective measures to prevent sex tourism, and combat the sale and trafficking and sexual exploitation of children (Egypt);
- 92.76. Take necessary measures to ensure that all persons detained by the police are fully informed of their fundamental rights from the very outset of their deprivation of liberty (Czech Republic);

- 92.77. Ensure the proper functioning of the juvenile justice system in compliance with international standards and to guarantee that minors are always heard in the presence of a legal representative (Islamic Republic of Iran);
- 92.78. Ensure that all allegations of serious human rights violations by law enforcement officials are investigated in full and dealt with appropriately (United Kingdom);
- 92.79. Continue moving forward in the empowerment of women, and in particular ensure that the salary gap between men and women is overcome (Cuba);
- 92.80. Proceed with the preparation and implementation of the National Action Plan for the Equality of Women and Men in the Labor Market (Trinidad and Tobago);
- 92.81. Take all the necessary measures to ensure de jure and de facto gender equality, with special attention to narrowing gaps in the participation in the public sphere and labour market (Republic of Korea);
- 92.82. Continue to provide well-coordinated financial and other appropriate assistance to sections of its society, such as single-parent families, large families and families of foreign origin (Malaysia);
- 92.83. Continue the implementation of measures to improve the access to health services by all children (Chile)
- 92.84. Incorporate human rights education and training as a cross-cutting subject at all levels of the formal educational system, in particular at primary and secondary education (Costa Rica);
- 92.85. Consider appropriate education system reforms to ensure its more inclusive social accessibility (Slovakia);
- 92.86. Investigate complaints of all ill-treatment by ethnic minorities, including Africans and Roma, and hold perpetrators responsible (Namibia).
- 92.87. Along with the ILO recommendation, continue providing information about the situation of Roma minority; adopt effective measures to integrate Roma minority into the economic, social and cultural life of the country (Ecuador);
- 92.88. Consider implementing, as appropriate, the recommendations of human rights treaty bodies and special procedures with respect to asylum-seekers and irregular immigrants, especially children (Jordan);
- 92.89. Further fight discrimination of persons with an immigrant background (Bosnia and Herzegovina);
- 92.90. Ensure full enjoyment of human rights and fundamental freedoms by immigrants within the immigration procedure, including their rights for adequate remedies in case of an excess of power by immigration authorities (Czech Republic);
- 92.91. Fully respect the economic and social rights of migrant workers and their families and ensure their inclusion in the society (Bangladesh);
- 92.92. Implement the constitutional court ruling on a “right of abode” and prevent deportation of migrant children separating them from their families (Bangladesh);

- 92.93. Take further resolute action to deal with the problems of reported instances of hate speech by politicians, targeting migrants, asylum-seekers, refugees, and persons of African origin in a comprehensive manner (Indonesia);
- 92.94. Provide for an unhindered access of asylum-seekers to justice (Slovakia);
- 92.95. Strengthen cooperation with civil society on promoting non-discrimination and protecting the rights of migrants, refugees and asylum-seekers (Philippines);
- 92.96. Take immediate steps to implement all decisions of the Constitutional Court concerning bilingual topography and Slovenian as an official language in the province of Carinthia (Slovenia);
- 92.97. Ensure full implementation of the rights of minorities on its territory in accordance with the provisions of the Treaty of Saint-Germain and Austrian State Treaty (Slovenia).
93. The following recommendations will be examined by Austria which will provide responses in due time, but no later than the seventeenth session of the Human Rights Council in June 2011:
- 93.1. Accede to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Ecuador);
- 93.2. Sign and ratify the Optional Protocol to International Covenant on Economic, Social and Cultural Rights (Portugal, Spain, Uganda); allowing for individual complaints of alleged violations of these rights to be heard by the Committee on Economic, Social and Cultural Rights (Portugal);
- 93.3. Consider lifting reservations on a number of articles of the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention against Torture (CAT) (Indonesia);
- 93.4. Consider withdrawing reservations with respect to article 4 of ICERD, articles 9, 10, 12, 14, 19, 21, 22 and 26 of ICCPR, ICCPR-OP 1, CEDAW, CAT and CRC (Uganda);
- 93.5. Envisage withdrawing its reservations to ICERD (Burkina Faso);
- 93.6. For a better integration and protection of the rights of immigrant minorities, follow ILO recommendations (Turkey)¹
- 93.7. Speed up the process of incorporation of fundamental social rights to the Constitution (Azerbaijan);
- 93.8. Concretize in the domestic legal order, the process of harmonization of the protection against all grounds of discrimination (Honduras);

¹ The recommendation made during the interactive dialogue reads as follows: "Take further steps to fully implement a National Action Plan for better integration and protection of the rights of immigrant minorities and in this connection sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and follow ILO recommendations (Turkey)"

- 93.9. Draft or amend national legislation to prevent incitement to hatred and attacks against all minority groups (Israel);
- 93.10. Review the effectiveness of its current legal framework on non-discrimination with a view to initiating a harmonization process, as recommended by the Committee on the Elimination of Racial Discrimination (Israel);
- 93.11. Review and update its anti-hate speech legislation to provide equal protection to all religious minorities (Egypt);
- 93.12. Withdraw its reservation to articles 13, 15, 17 and 18 of CRC (Slovakia);
- 93.13. Incorporate its international human rights obligations into domestic laws, in particular with regard to economic, social and cultural rights (Egypt);
- 93.14. Establish a national human rights institution, in accordance with Paris Principles (Costa Rica);
- 93.15. Explore the possibility of consolidating existing Ombudsmen institutions and mechanisms into a single National Human Rights Institution in accordance with the Paris Principles and seek A-status accreditation by the ICC for NHRIs (Malaysia);
- 93.16. Bring its national human rights institution in line with the Paris Principles (Spain);
- 93.17. Consider establishing an independent national human rights institution in conformity with the Paris Principles (Philippines);
- 93.18. Strengthen and broaden the mandate of the Austrian Ombudsman Board in order to include the protection and promotion of all human rights, in line with the Paris Principles (Canada);
- 93.19. Increase human and financial resources of the Office of the Ombudsperson for Equal Treatment (Honduras);
- 93.20. Start developing a National Action Plan on Human Rights as well as a National Action Plan against Racism, Racial Discrimination, Xenophobia and other related intolerances (Namibia);
- 93.21. Establish a national programme on human rights that fully brings in the rights provided for in the international instruments to which Austria is a State party (Mexico);
- 93.22. As a mechanism to avoid the rise of intolerance, discrimination or xenophobia, adopt effective measures to fight and punish every form of intolerance, discrimination, xenophobia, and racism against persons of certain descent, specially refugees, asylum-seekers, and migrants, regardless of their status (Ecuador);
- 93.23. Continue to pursue its efforts to achieve the integration of immigrants and their participation in political and cultural and economic life through the National Action Plan for Integration which was adopted in 19 January 2010 (Palestine);
- 93.24. Take practical measures to collect and publish statistics on racist incidents, and based on data collection (Republic of Korea);

- 93.25. Take further steps to follow the recommendations of the Committee on the Elimination of Racial Discrimination in “reviewing its legislation on racial discrimination to ensure adequate protection of discrimination” (Turkey);
- 93.26. Take further steps to strengthen social, economic and educational support provided to school children from immigrant minorities (Turkey);
- 93.27. Take further steps to increase awareness-raising campaigns and enhance education of the principles of non-discrimination and tolerance in school curriculums, including teaching of mother tongue for immigrant minorities (Turkey);
- 93.28. Ensure that victims of human trafficking are never detained and that their rights relating to medical follow-up, residence and work permit are respected (Switzerland);
- 93.29. Create a comprehensive system for the collection of data that would allow assessing the situation of vulnerable groups and minorities (Russian Federation);
- 93.30. Establish a comprehensive data collection system to better assess the level of discrimination that exists against different minority groups in Austria (Israel);
- 93.31. Collect and generate disaggregated data on manifestations of racism and discrimination with a view to evaluating the situation regarding minority, racial, and ethnic groups in Austria (Brazil);
- 93.32. Include a sexual orientation and gender identity perspective with regard to measures against incitement to hatred (Spain);
- 93.33. Bring ODA up to the internationally committed 0.7 per cent of GNI especially to support developing countries in the areas of poverty reduction, gender equality, children, persons with disabilities and climate challenges (Bangladesh);
- 93.34. Withdraw reservations to United Nations treaties and ensure that all international treaties are fully transformed into national law (Netherlands);
- 93.35. Harmonize all anti-discrimination laws to ensure equal protection on all grounds of discrimination (United Kingdom);
- 93.36. Revise and harmonize anti-discrimination laws to ensure equal protection on all grounds of discrimination (Islamic Republic of Iran);
- 93.37. Review the effectiveness of its current legal framework on non-discrimination with a view to initiating a harmonization process, by including the participation of civil society in this process, as well as simplifying the procedures to ensure that the complaints against racial discrimination are being processed effectively (Uzbekistan);
- 93.38. Move forward with the proposal to amend the Equal Treatment Act to harmonise existing legislation, especially when it comes to providing equal protection on all discrimination grounds (Norway);
- 93.39. Take effective measures to efficiently implement the 55 concrete measures identified by the Government towards the elimination of obstacles for women in accessing the labour market (Algeria);
- 93.40. Elaborate a National Plan of Action against racism and xenophobia (Russian Federation);

- 93.41. **Adopt a National Action Plan on combating racism and xenophobia, in close consultation with civil society (Islamic Republic of Iran);**
- 93.42. **Adopt a national plan against racism, racial discrimination, xenophobia and intolerance that includes aspects such as education and training in human rights for all levels of public administration and a system of data collection for overseeing and controlling xenophobic and racist acts; carry out a comprehensive analysis on the effectiveness of legislative measures which seek to prohibit and punish using xenophobic messages or the incite to racial discrimination by political parties; and establish a simplified and flexible mechanism to process and deal with claims based on possible acts of discriminatory treatment by security forces and bodies (Spain);**
- 93.43. **Adopt legislative measures that would prohibit public funding of parties that engage in propaganda of racism and xenophobia (Russian Federation);**
- 93.44. **Ensure equal protection against all forms of discrimination, including on the basis of age, religion, sexual orientation and gender identity (Canada);**
- 93.45. **Prepare a study on the scale of direct and indirect racial discrimination in the criminal justice system, especially as far as preliminary detention and imprisonment are concerned (Russian Federation);**
- 93.46. **Ensure that no children are held in detention (Brazil);**
- 93.47. **Raise the age for all enrolments into armed forces to the age of at least 18 years in line with the CRC recommendation (Ghana, Slovakia);**
- 93.48. **Develop a fully fledged legal aid system in the context of police custody, to ensure that persons who are not in a position to pay for a lawyer can effectively benefit, if they so wish, from the assistance of a lawyer throughout their police custody (Czech Republic);**
- 93.49. **Treat equally same-sex relationships with opposite-sex relationships, including the right to equal consideration for adoption and access to reproductive medicine (Netherlands);**
- 93.50. **Adopt measures to guarantee Roma children the right to education in their own language and in a relevant way with their own culture (Ecuador);**
- 93.51. **Provide asylum seekers and persons awaiting deportation with free legal counsel and provide necessary funding and access to institutions that can provide such counsel (Norway);**
- 93.52. **Prohibit the practice of asylum-seekers – non-crime offenders-detention in police custody by paying special care to minors and victims of human trafficking (Slovakia);**
- 93.53. **Increase financial support for the Slovenian minority in the provinces of Carinthia and in Styria to the 1995 level in real terms (Slovenia);**
- 93.54. **Provide financial support to the Slovenian-language music school in the province of Carinthia on the basis of the same criteria as applied to the German-language music school (Slovenia).**
94. **The recommendations below did not enjoy the support of Austria :**
- 94.1. **Accede to the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), (Ecuador, Guatemala), as an essential step in the protection of human rights (Guatemala);**

- 94.2. **Sign and ratify ICMW (Turkey, Uganda);**
 - 94.3. **Ratify ICMW (Honduras);**
 - 94.4. **Ratify ICMW as early as possible (China);**
 - 94.5. **Take progressive measures to consider accession to ICMW (Philippines);**
 - 94.6. **Become party to ICMW (Pakistan);**
 - 94.7. **Adhere to the principles of ICMW in view of its possible ratification (Mexico);**
 - 94.8. **Reconsider its position relating to the ratification of ICMW in line with Recommendation 1737 of 17 March 2006 of the Parliamentary Assembly of the Council of Europe (Algeria);**
 - 94.9. **Consider acceding to ICMW (Azerbaijan);**
 - 94.10. **Amend the legal status of same-sex partnerships to enable the right to adopt and have children (United Kingdom);**
95. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Austria was headed by Mr. Michael Spindelegger, Minister for European and International Affairs, Vienna and composed of the following members:

- H.E. Mr. Christian Strohal, Deputy Head of Delegation, Ambassador and Permanent Representative, Permanent Mission of Austria, Geneva
- Mr. Helmut Tichy, Deputy Head of Delegation, Ambassador, Ministry for European and International Affairs, Vienna
- Mr. Jochen Danninger, Director of the Cabinet of the Minister for European and International Affairs, Vienna
- Mr. Thomas Schmid, Spokesman, Cabinet of the Minister for European and International Affairs, Vienna
- Ms. Claudia Reinprecht, Cabinet of the Minister for European and International Affairs, Vienna
- Mr. Johann Spitzer, Minister plenipotentiary, Deputy Permanent Representative, Permanent Mission of Austria, Geneva
- Mr. Gerhard Doujak, Minister plenipotentiary, Ministry for European and International Affairs, Vienna
- Ms. Gerlinde Paschinger, Minister plenipotentiary, Ministry for European and International Affairs, Vienna
- Ms. Gerda Vogl, Ministry for European and International Affairs, Vienna
- Ms. Brigitte Ohms, Federal Chancellery, Vienna
- Ms. Sylvia Kölbl, Federal Chancellery, Vienna
- Ms. Ingrid Nowotny, Federal Ministry of Labour, Social Affairs and Consumer Protection, Vienna
- Mr. Max Rubisch, Federal Ministry of Labour, Social Affairs and Consumer Protection, Vienna
- Ms. Iris Dembscher, Federal Ministry of Labour, Social Affairs and Consumer Protection, Vienna
- Mr. Gerhard Aigner, Federal Ministry of Health, Vienna
- Mr. Walter Ruscher, Federal Ministry of the Interior, Vienna
- Mr. Albert Grasel, Federal Ministry of the Interior, Vienna
- Ms. Karin Dotter-Schiller, Federal Ministry of Justice, Vienna
- Mr. Bernhard Weratschnig, Federal Ministry of Justice, Vienna
- Ms. Julia Wieltschnig, Federal Ministry of Justice, Vienna
- Mr. Heinz Tichy, Federal Ministry for Education, Arts and Culture, Vienna
- Ms. Maria Orthofer, Federal Ministry for Economy, Family and Youth, Vienna
- Ms. Terezija Stoisits, Ombudswoman, Austrian Ombudsman Board, Vienna

- Ms. Claudia Marik, Austrian Ombudsman Board, Vienna
 - Mr. Georg Zehetner, Counsellor, Permanent Mission of Austria, Geneva
 - Ms. Eveline Jamek, First Secretary, Permanent Mission of Austria, Geneva
 - Mr. Peter Guschelbauer, First Secretary, Permanent Mission of Austria, Geneva
 - Mr. Gerold Vollmer, First Secretary, Permanent Mission of Austria, Geneva
 - Mr. Johann Strasser, Second Secretary, Permanent Mission of Austria, Geneva
 - Ms. Stephanie Karner, Attaché, Permanent Mission of Austria, Geneva
 - Ms. Ulrike Fernandes, Permanent Mission of Austria
 - Mr. Mohibul Jabir, Permanent Mission of Austria
 - Mr. Alois Schläffer, Permanent Mission of Austria
 - Mr. Kevin Whiteley, translator
 - Ms. Roswitha Ginglas-Poulet, translator
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