

Responses to Recommendations

AUSTRIA

Review in the Working Group: 26 January 2011
 Adoption in the Plenary: 7 June 2011

Austria's responses to recommendations (as of 22.11.2011):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
97 REC accepted, 10 rejected, 54 pending	Out of the 54 pending, 34 were accepted and 20 were rejected	No additional information provided	Accepted: 131 Rejected: 30 No clear response: 0 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/17/8:

- A - 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);
- A - 92.2. Sign (Uganda) and ratify (Costa Rica, Netherlands, Sweden, Uganda) OP-CAT;
- A - 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);
- A - 92.4. Continue implementing OP-CAT, through its national law passed to this effect (Chile);
- A - 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);
- A - 92.6. Sign (Uganda) and ratify CED at the earliest (Republic of Moldova, Uganda);
- A - 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);
- A - 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);

- A - 92.9. Take the necessary measures to ensure that human rights standards, not only European but also international, are incorporated into Austrian law (Canada);
- A - 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);
- A - 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);
- A - 92.12. Fully translate CRC into its national legislation (Slovakia);
- A - 92.13. Incorporate its international human rights obligations into domestic laws, in particular the rights of the child, (Egypt);
- A - 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);
- A - 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);
- A - 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);
- A - 92.17. Take further steps to fully implement a National Action Plan for better integration and protection of the rights of immigrant minorities (Turkey)
- A - 92.18. Improve its implementation of the Constitutional Court ruling regarding the use of the Slovenian language in Carinthia province (United States of America);
- A - 92.19. Further enhance the mandate of the Ombudsman Board in accordance with the Paris Principles (Jordan);
- A - 92.20. Strengthen the Austrian Ombudsman Board and expand its mandate at the earliest to ensure full compliance with the Paris Principles (India);
- A - 92.21. Identify opportunities to enhance the effectiveness and independence of national human rights bodies (Australia);
- A - 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);
- A - 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);
- A - 92.24. Continue to take measures against all forms of discrimination (Burkina Faso);
- A - 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);
- A - 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);
- A - 92.27. Continue making progress in the implementation of the National Action Plan for gender equality in the labour market (Colombia);
- A - 92.28. Consider adopting an action plan to combat racism and xenophobia (Republic of Korea);

A - 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);

A - 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);

A - 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);

A - 92.32. Set up the independent body in order to investigate alleged abuses of power by law enforcement officials (Czech Republic);

A - 92.33. Enhance provision of human rights education and training at appropriate levels of the education system and relevant public officials (Philippines);

A - 92.34. Expedite action to allow for the full realization and protection of all children in Austria (Ghana);

A - 92.35. Continue measures for adoption of the “National Action Plan for Persons with Disabilities” (Azerbaijan);

A - 92.36. Continue its UPR consultation process in cooperation with civil society organizations following the adoption of the UPR reports (Norway);

A - 92.37. Facilitate the active involvement of civil society stakeholders, including human rights non-governmental organizations in the follow-up to this review (Portugal);

A - 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);

A - 92.39. Ensure its immigration system’s compliance with international human rights standards (Slovakia);

A - 92.40. Pursue adoption and implementation of efficient policies to promote economic and social participation of migrants (Slovakia);

A - 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)

A - 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);

A - 92.43. Improve gender representation at all levels of society (Bosnia and Herzegovina);

A - 92.44. Intensify measures to tackle racism and xenophobia (Australia);

A - 92.45. Take adequate measures to combat racial discrimination in order to combat all forms of such discrimination (Uzbekistan);

A - 92.46. Redouble its efforts to overcome the hurdles of racial discrimination and intolerance (Trinidad and Tobago);

A - 92.47. Systematically condemn all manifestations of racism and xenophobia in political discourse and adopt effective measures to fight against this phenomenon (Algeria);

A - 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);

- A - 92.49. Take targeted measures to fight the use by political parties or their representatives of statements inciting racial hatred and xenophobia (Russian Federation);
- A - 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);
- A - 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);
- A - 92.52. Strengthen its policies and programmes aimed at combating discrimination, xenophobia, racism and intolerance (Canada);
- A - 92.53. Continue its work to combat societal discrimination and xenophobia (United States of America);
- A - 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);
- A - 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);
- A - 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);
- A - 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);
- A - 92.58. Ensure prompt, thorough and impartial investigations into allegations of torture and ill-treatment (Netherlands);
- A - 92.59. Take all the necessary measures to ensure prompt, thorough and impartial investigations into allegations of torture and ill-treatment (Uzbekistan);
- A - 92.60. Take prompt action against the use of excessive force by the police (Sweden);
- A - 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);
- A - 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);
- A - 92.63. Continue to pursue its commendable efforts in handling complaints regarding alleged acts of ill-treatment committed by law-enforcement authorities (Botswana);
- A - 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);
- A - 92.65. Consider alternatives to pre-deportation detention (Brazil);
- A - 92.66. Speed up the development of the "open-doors-regime" project to accommodate persons awaiting deportation (Norway);
- A - 92.67. Provide special protection and assistance to unaccompanied children (Brazil);

A - 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);

A - 92.69. Investigate, prosecute and redress cases of racially motivated ill-treatment and discrimination, including hate speech and incitement to hatred (Egypt);

A - 92.70. Make further efforts to improve conditions in penitentiary institutions (Bosnia and Herzegovina);

A - 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);

A - 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)

A - 92.73. Further strengthen the measures to combat human trafficking (Azerbaijan);

A - 92.74. Continue to share at the international level its national practices of its Second National Action Plan Human Trafficking (Portugal);

A - 92.75. Take effective measures to prevent sex tourism, and combat the sale and trafficking and sexual exploitation of children (Egypt);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 92.83. Continue the implementation of measures to improve the access to health services by all children (Chile)

A - 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);

A - 92.85. Consider appropriate education system reforms to ensure its more inclusive social accessibility (Slovakia);

A - 92.86. Investigate complaints of all ill-treatment by ethnic minorities, including Africans and Roma, and hold perpetrators responsible (Namibia).

A - 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);

A - 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);

A - 92.89. Further fight discrimination of persons with an immigrant background (Bosnia and Herzegovina);

A - 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);

A - 92.91. Fully respect the economic and social rights of migrant workers and their families and ensure their inclusion in the society (Bangladesh);

A - 92.92. Implement the constitutional court ruling on a "right of abode" and prevent deportation of migrant children separating them from their families (Bangladesh);

A - 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);

A - 92.94. Provide for an unhindered access of asylum-seekers to justice (Slovakia);

A - 92.95. Strengthen cooperation with civil society on promoting nondiscrimination and protecting the rights of migrants, refugees and asylum seekers (Philippines);

A - 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);

A - 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:

R - 93.1. Accede to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Ecuador);

R - 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);

A - 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);

A - 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);

A - 93.5. Envisage withdrawing its reservations to ICERD (Burkina Faso);

A - 93.6 For a better integration and protection of the rights of immigrant minorities, follow ILO recommendations (Turkey);¹

R - 93.7. Speed up the process of incorporation of fundamental social rights to the Constitution (Azerbaijan);

A - 93.8. Concretize in the domestic legal order, the process of harmonization of the protection against all grounds of discrimination (Honduras);

A - 93.9. Draft or amend national legislation to prevent incitement to hatred and attacks against all minority groups (Israel);

A - 93.10. Review the effectiveness of its current legal framework on nondiscrimination with a view to initiating a harmonization process, as recommended by the Committee on the Elimination of Racial Discrimination (Israel);

A - 93.11. Review and update its anti-hate speech legislation to provide equal protection to all religious minorities (Egypt);

A - 93.12. Withdraw its reservation to articles 13, 15, 17 and 18 of CRC (Slovakia);

A - 93.13. Incorporate its international human rights obligations into domestic laws, in particular with regard to economic, social and cultural rights (Egypt);

A - 93.14. Establish a national human rights institution, in accordance with Paris Principles (Costa Rica);

R - 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);

R - 93.16. Bring its national human rights institution in line with the Paris Principles (Spain);

A - 93.17. Consider establishing an independent national human rights institution in conformity with the Paris Principles (Philippines);

A - 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);

R - 93.19. Increase human and financial resources of the Office of the Ombudsperson for Equal Treatment (Honduras);

R - 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);

R - 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);

A - 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);

A - 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);

A - 93.24. Take practical measures to collect and publish statistics on racist incidents, and based on data collection (Republic of Korea);

A - 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);

A - 93.26. Take further steps to strengthen social, economic and educational support provided to school children from immigrant minorities (Turkey);

R - 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);

A - 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);

A - 93.29. Create a comprehensive system for the collection of data that would allow assessing the situation of vulnerable groups and minorities (Russian Federation);

A - 93.30. Establish a comprehensive data collection system to better assess the level of discrimination that exists against different minority groups in Austria (Israel);

R - 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);

A - 93.32. Include a sexual orientation and gender identity perspective with regard to measures against incitement to hatred (Spain);

A - 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);

A - 93.34. Withdraw reservations to United Nations treaties and ensure that all international treaties are fully transformed into national law (Netherlands);

A - 93.35. Harmonize all anti-discrimination laws to ensure equal protection on all grounds of discrimination (United Kingdom);

A - 93.36. Revise and harmonize anti-discrimination laws to ensure equal protection on all grounds of discrimination (Islamic Republic of Iran);

A - 93.37. Review the effectiveness of its current legal framework on nondiscrimination 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);

A - 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);

A - 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);

R - 93.40. Elaborate a National Plan of Action against racism and xenophobia (Russian Federation);

R - 93.41. Adopt a National Action Plan on combating racism and xenophobia, in close consultation with civil society (Islamic Republic of Iran);

R - 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);

A - 93.43. Adopt legislative measures that would prohibit public funding of parties that engage in propaganda of racism and xenophobia (Russian Federation);

A - 93.44. Ensure equal protection against all forms of discrimination, including on the basis of age, religion, sexual orientation and gender identity (Canada);

R - 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);

R - 93.46. Ensure that no children are held in detention (Brazil);

R - 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);

A - 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);

R - 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);

R - 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);

A - 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);

R - 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);

R - 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);

A - 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 :

R - 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);

R - 94.2. Sign and ratify ICMW (Turkey, Uganda);

R - 94.3. Ratify ICMW (Honduras);

R - 94.4. Ratify ICMW as early as possible (China);

R - 94.5. Take progressive measures to consider accession to ICMW (Philippines);

R - 94.6. Become party to ICMW (Pakistan);

R - 94.7. Adhere to the principles of ICMW in view of its possible ratification (Mexico);

R - 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);

R - 94.9. Consider acceding to ICMW (Azerbaijan);

R - 94.10. Amend the legal status of same-sex partnerships to enable the right to adopt and have children (United Kingdom);

Notes

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)

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