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UN Human Rights Council – 17th Regular Session

Item 6 – Universal Periodic Review

Consideration of the UPR Outcome of AUSTRIA

Geneva, 7 June 2011

Statement by the Permanent Representative of Austria,

Ambassador Christian Strohal

Mr. President,

Excellencies, Ladies and Gentlemen,

It is an honour and a pleasure to address the Human Rights Council on the occasion of the consideration and final adoption of the outcome of the Universal Periodic Review of Austria.

The Universal Periodic Review is one of the fundamental achievements of the Human Rights Council, a true celebration and reaffirmation of the principles of universality of all human rights and equality of all states.

Mr. President,

In the Vienna Declaration and Programme of Action, the World Conference on Human Rights “reaffirmed the solemn commitment of all states to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all [...]”. Austria is constantly striving to honour its commitments with utmost sincerity. It is in this spirit that Austria was for many years an active member of the former Commission on Human Rights and it is in the same spirit that Austria has actively participated in the work of this Council as an observer. In less than two weeks, Austria will join the Council as one of its new members and it is at this point that I would like to express our gratitude and appreciation to the many states that have elected Austria at the elections held at the General Assembly on 20 May this year.

We see the Universal Periodic Review as an opportunity to demonstrate our commitment to the promotion and protection of human rights not only at the international and regional levels, but especially at the national level. Austria has – and it is fair to say that this has also been recognized during our UPR – a high standard of human rights protection. However, the full realization of all human rights for all persons remains by definition a goal, an aspiration, a constant challenge.



The Universal Periodic Review has provided us with a new opportunity to take a fresh look at our own human rights situation. The intensive process of preparation of the national report was conducted in openness and transparency, with the full involvement of NGOs, civil society, academia, Parliament, independent human rights bodies and all levels of government. It has injected renewed vigor into the national debate on human rights. And at the council level of the Review, the examination in the Working Group, the questions, remarks and recommendations have provided us with the assessment of our human rights situation by other states, thereby providing us with an additional perspective on our own strengths and weaknesses.

Number of recommendations

Austria received 161 recommendations in the UPR working group, of which 97 were immediately accepted, 10 had to be rejected and 54 were left for further consideration by the government. Of these recommendations under consideration, another 34 enjoy the support of the Austrian Government. Overall, Austria has accepted 131 recommendations and is committed to their successive implementation. Austria has provided a detailed written response that indicates a clear position of acceptance or rejection with regard to the recommendations previously under consideration. This written response is attached to the outcome report as addendum 1.

Process and civil society involvement

The preparation of the national report, the examination in the UPR working group, and the consideration of the recommendations received are distinct phases of a comprehensive process. Having now clearly stated our position on all received recommendations, those that enjoy the support of the Government and those that do not, Austria is entering the next phase of the UPR process – the implementation phase.

Effective implementation requires an adequate institutional framework.

Austria's mechanism for the implementation of UPR recommendations is led by the Human Rights Coordinators of the Federal Ministries and of the Provincial Governments. Established in 1998, the main task of the Human Rights Coordinators is the coordination of human rights related policies within the Government and with regard to the implementation of international human rights obligations and treaty body recommendations. The Human Rights Coordinators also have an important role to play in the dialogue process with the civil society. Within each federal ministry and provincial government, they are the first point of contact for NGOs to discuss specific human rights issues. Ensuring the effective preparation of Austria's UPR participation and the implementation of the accepted UPR recommendations is the task of this well-tested structure of Human Rights Coordinators. On the basis of a thematic roster, all UPR recommendations were clustered and assigned to the competent ministry and government body. Each federal ministry will engage with civil society representatives and NGOs in thematic dialogues with regard to implementation.



Furthermore, a special high level UPR steering committee was established, comprising high-level officials of the Constitutional Law Service of the Federal Chancellery, the International Law Department of the Foreign Ministry and civil society representatives. This steering committee supports the UPR process to ensure continuous progress in the implementation of the UPR recommendations. Its first meeting took place on 25 May 2011.

Withdrawal of Reservations to int. treaties

The Government has accepted several recommendations with regard to considering the withdrawal of reservations to international human rights conventions, in particular with regard to the CRC. The reservations to CEDAW were already withdrawn in 2000 and 2006 respectively with the exception of the prohibition of occupations hazardous to health, the withdrawal of which would represent a change for the worse in specific areas as compared to currently applicable provisions for the protection of safety and health at the workplace .

NHRI

Austria accepted a number of recommendations referring to a national human rights institution and has to reject some of them, too. We have looked very carefully at the different recommendations in this regard and have accepted those recommendations aimed at the strengthening of the existing institutional framework, comprising the Austrian Ombudsman Board, which has extended its human rights monitoring activities during the last years, and specialized ombudsperson mechanisms for equal-treatment and anti-discrimination. This system of specialized protection mechanisms has worked very effectively and in a focused manner.

Therefore, an application for re-accreditation of the Ombudsman Board was made which is currently being examined by the Sub-Committee on Accreditation of the International Coordinating Committee of NHRIs.

OP-CAT

In the course of the candidature to the Human Rights Council, Austria has committed herself to the ratification of OP-CAT and has also accepted a number of UPR recommendations in this regard. The Government's legislative proposal for the implementation of OP-CAT, aiming at new constitutional provisions and an amendment of the Ombudsman Board Law, has been sent out for public assessment and evaluation on 23 May 2011. It provides for a substantial expansion of the Austrian Ombudsman Board's competences in the protection against human rights violations. It is expected that the draft law will be submitted to Parliament in the second half of this year.

According to this draft law, the structures and mandate of the Austrian Ombudsman Board, whose independence is guaranteed by constitutional law, will be enlarged and adapted to fulfil its obligations as a National Preventive Mechanism. To that end, six commissions, independent in accordance with the Paris Principles, will take up their



functions under the Ombudsman Board and will conduct monitoring visits to all places of detention or deprivation of liberty in the country. Furthermore, the Human Rights Advisory Council, which is currently established within the Ministry of the Interior, will be reestablished under the Austrian Ombudsman Board and enlarged to cover all administrative areas concerned.

Rights of the Child

With regard to recommendations concerning the rights of the child I would like to recall the Austrian Parliament's approval of a bill in January this year that incorporates children's rights into the Federal Constitution. The law affirms, among other provisions, a child's right to being raised without violence and to having direct contact with both parents unless the child's well-being is at stake. It also bans child labour and abuse and calls for equal treatment of disabled and non-disabled children.

Convention on Enforced and Involuntary Disappearances

Austria is committed to ratify the Convention on Enforced and Involuntary Disappearances as soon as possible and is preparing the submission to Parliament necessary for the ratification process. Also, the crime of enforced disappearances will be included in the Austrian Penal Code as a separate criminal offense, together with the inclusion of a specific crime of torture in compliance with the Convention against Torture. The respective amendments of the Austrian Criminal Code are being prepared.

Slovene Minority

Austria has also accepted a number of recommendations with regard to the full realisation of the rights of minorities. In this regard, a historic breakthrough was reached with regard to bilingual topographical signs in Carinthia. The memorandum, which was signed on 26 April this year, between representatives of the Federal Government, of the Provincial Government of Carinthia and of the three Slovene minority organisations in Carinthia, reflects a broad based solution on bilingual road signs, which contains several elements, namely that existing bilingual road signs remain (no matter the percentage of minority population), that all decisions of the Constitutional Court on bilingual road signs are implemented and that new bilingual road signs have to be put up in those municipalities with a minimum 17,5 % share of minority population. The use of the minority language as an official language is principally provided for in all those municipalities with bilingual topographical signs. A constitutional law on these issues is about to be submitted to Parliament. .

An important part of the compromise solution agreed upon is the Federal Government's commitment to allocate additional funds – in addition to the existing financial support accorded to ethnic groups – to promote the bilingual education system in Carinthia, the local culture and bilingual and multilingual projects. The Federal Government will also allocate special funds to the private Slovene music school in Carinthia and will contribute to a sustainable solution to secure its future.



Discrimination and hate speech

From among the previously pending recommendations, the Government has inter alia accepted recommendations with regard to the harmonisation of different levels of protection from discrimination. Given the requirement of differentiated provisions for certain groups and the federal structure of the state, this is, however, a longer-term project.

Austria has also accepted recommendations to amend its provisions against incitement to hatred, attacks on minority groups and equal protection for all religious minorities. A government bill was already transmitted to Parliament.

Integration and national Action Plans

Austria is strongly committed to combat discrimination, xenophobia and racism and to strengthen measures for the integration of immigrants into Austrian society. The Austrian Government has established a new State Secretariat for Integration which has strengthened the awareness of governmental policies on integration; it has also set the ground for a more effective implementation of the National Action Plan for Integration, which provides for a number of integration measures in different areas, including concrete measures to combat racism and discrimination. Therefore, Austria does not see the need to elaborate yet another and separate action plan on racism, as the focus should rather be on concrete implementing measures.

Neither is Austria envisaging the drafting of a general human rights action plan. The Government is convinced that the specific thematic action plans which exist in Austria are more focused and therefore more effective with regard to combating concrete human rights deficiencies.

For example, a National Action Plan on Gender Equality in the Labour Market was adopted on 30 June 2010. Furthermore we have National Action Plans on the Rights of the Child, on Human Trafficking and on Prevention of Female Genital Mutilation.

In 2007 the Government has passed the National Action Plan on Implementing UN Security Council Resolution 1325 (2000) "Women, Peace and Security". A working group chaired by the Austrian Foreign Ministry with representatives of all the other ministries involved and the Austrian Development Agency was established for the purpose of implementing measures under the Action Plan and compiling implementation reports. After the publication of the third implementation report in December last year the working group is now working on an update of the Action Plan in order to make implementation even more effective.

Currently, the Government is drafting a National Action Plan for Persons with Disabilities to better implement the International Convention for the Rights of Persons with Disabilities.

Migrant Workers



A good deal of those recommendations that do not enjoy the support of the Government pertain to the signing or ratification of the Migrant Workers Convention. Austria does not intend to sign and ratify the ICMW. The rights enshrined therein are already fully protected by Austrian laws and EU regulations. However, the convention does contain norms which could not be reconciled with Austrian and EU legislation with regard to foreign workers, thus putting into question the state's capacity to effectively regulate the labour market.

Adoption by same-sex couples

Having only recently introduced a civil partnership for same-sex couples, no further legislative changes with regard to the adoption of children by same-sex couples are currently envisaged. However, as we have mentioned in our written reply to recommendation 93.49, a legal case on a similar issue is currently pending in the European Court for Human Rights.

Mr. President,

In conclusion, let me inform you that Austria will submit a mid-term or interim update on the implementation of the UPR recommendations in due course.

Now, we are looking forward to the debate with delegations and NGO representatives. Let me welcome, in particular, the Austrian NGO representatives.

I thank you.

