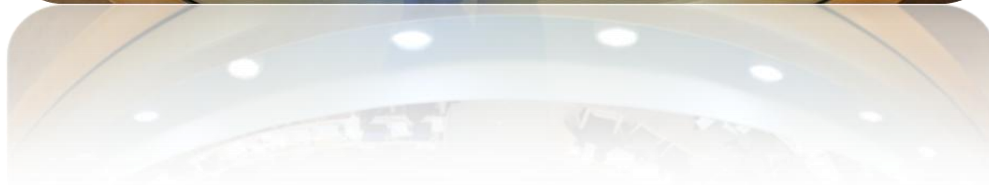


Austria

Mid-term

Implementation

Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 4 November 2013

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/austria>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

14 stakeholders' reports were submitted for the UPR. 18 NGOs were contacted. No UN agencies was contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

5 NGOs responded to our enquiry. The State under Review published a mid-term report. The NHRI responded to our enquiry.

The following stakeholders took part in the report:

1. **State** of Austria
2. **NHRI**: Austrian Ombudsman Board (AOB)
3. **NGOs**: (1) Aktive Arbeitslose (AKTIVE) (2) Austrian Centre for Ethnic Groups (ACEG) (3) European Federation of National Organisations working with the Homeless (FEANTSA) (4) Global Responsibility (GR) (5) Initiative Human Rights Now (IHRN)

IRI: 28 recommendations are not implemented, 78 recommendations are partially implemented, and 44 recommendations are fully implemented. No answer was received for 20 out of 171 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Rec. State	Issue	IRI	page
51	Algeria	Racial discrimination	not impl.	page 20
142	Algeria	Women's rights	partially impl.	page 55
168	Algeria	International instruments, Migrants	no comment	/
25	Australia	NHRI	partially impl.	page 63
48	Australia	Racial discrimination	partially impl.	page 19
171	Austria	Detention conditions, Enforced disappearances, International instruments, Justice, Rights of the Child, Torture and other CID treatment	fully impl.	page 41
39	Azerbaijan	Disabilities, National plan of action	fully impl.	page 29
77	Azerbaijan	Trafficking	fully impl.	page 48
110	Azerbaijan	ESC rights - general	not impl.	page 23
169	Azerbaijan	International instruments, Migrants	no comment	/
95	Bangladesh	Migrants	partially impl.	page 33
96	Bangladesh	Migrants, Rights of the Child	fully impl.	page 34
136	Bangladesh	Disabilities, Environment, Poverty, Rights of the Child, Women's rights	not impl.	page 27
47	Bosnia & Herzegovina	Women's rights	partially impl.	page 57
74	Bosnia & Herzegovina	Detention conditions	partially impl.	page 47
93	Bosnia & Herzegovina	Migrants	partially impl.	page 33
67	Botswana	Human rights violations by state agents	fully impl.	page 46
69	Brazil	Detention conditions	fully impl.	page 31
71	Brazil	Rights of the Child	fully impl.	page 57
134	Brazil	Minorities, Racial discrimination	no comment	/
149	Brazil	Detention conditions, Rights of the Child	no comment	/
28	Burkina Faso	Other	partially impl.	page 13
108	Burkina Faso	International instruments, Racial discrimination	fully impl.	page 43
13	Canada	International instruments	not impl.	page 61
45	Canada	Treaty bodies	-	page 64
56	Canada	Racial discrimination	partially impl.	page 22
76	Canada	Rights of the Child, Women's rights	partially impl.	page 58
121	Canada	NHRI	partially impl.	page 63
147	Canada	Freedom of religion and belief, Sexual Orientation and Gender Identity	partially impl.	page 25
7	Chile	Detention conditions, International instruments, Torture and other CID treatment	fully impl.	page 41
87	Chile	Right to health, Rights of the Child	partially impl.	page 60
164	China	Migrants	no comment	/



30	Colombia	Racial discrimination	fully impl.	page 15
31	Colombia	National plan of action, Women's rights	partially impl.	page 55
3	Costa Rica	Detention conditions, International instruments, Torture and other CID treatment	fully impl.	page 40
29	Costa Rica	Human rights education and training, Migrants, Racial discrimination, Rights of the Child, Treaty bodies	partially impl.	page 53
88	Costa Rica	Human rights education and training	not impl.	page 23
117	Costa Rica	NHRI	partially impl.	page 64
59	Cuba	Migrants, Minorities, Racial discrimination	partially impl.	page 31
83	Cuba	Women's rights	fully impl.	page 55
36	Czech Republic	Human rights violations by state agents, Justice	partially impl.	page 44
58	Czech Republic	Minorities, Racial discrimination	partially impl.	page 30
80	Czech Republic	Detention conditions	partially impl.	page 49
94	Czech Republic	Migrants	partially impl.	page 30
152	Czech Republic	Justice	partially impl.	page 49
1	Ecuador	Detention conditions, International instruments, Rights of the Child, Torture and other CID treatment	fully impl.	page 40
72	Ecuador	Detention conditions, Human rights violations by state agents, Racial discrimination, Torture and other CID treatment	partially impl.	page 47
91	Ecuador	ESC rights - general, Minorities	partially impl.	page 32
102	Ecuador	ESC rights - general, International instruments	not impl.	page 42
125	Ecuador	Asylum-seekers - refugees, Migrants, Racial discrimination	partially impl.	page 36
154	Ecuador	Minorities, Right to education, Rights of the Child	not impl.	page 39
159	Ecuador	International instruments, Migrants	not impl.	page 43
17	Egypt	International instruments, Rights of the Child	fully impl.	page 52
35	Egypt	Racial discrimination	not impl.	page 16
73	Egypt	Racial discrimination	partially impl.	page 22
79	Egypt	Rights of the Child, Trafficking	not impl.	page 59
114	Egypt	Freedom of religion and belief, Minorities, Racial discrimination	partially impl.	page 10
116	Egypt	ESC rights - general, International instruments	not impl.	page 26
11	France	Enforced disappearances, International instruments, Treaty bodies	fully impl.	page 42
20	France	Labour	partially impl.	page 11
33	France	Human rights violations by state agents, Racial discrimination, Torture and other CID treatment	fully impl.	page 44
6	Germany	Detention conditions, International instruments, Torture and other CID treatment, Treaty bodies	fully impl.	page 40
38	Ghana	Rights of the Child	not impl.	page 56
150	Ghana	Rights of the Child, Treaty bodies	no comment	/
160	Guatemala	International instruments, Migrants	not impl.	page 43
111	Honduras	International instruments, Other	partially impl.	page 24
122	Honduras	NHRI	not impl.	page 65
163	Honduras	International instruments, Migrants	no comment	/
24	India	NHRI	partially impl.	page 63
68	Indonesia	Detention conditions	fully impl.	page 46



97	Indonesia	Asylum-seekers - refugees,Migrants,Minorities,Racial discrimination	partially impl.	page 10
106	Indonesia	CP rights - general,International instruments,Racial discrimination,Torture and other CID treatment,Women's rights	fully impl.	page 42
54	Iran	Human rights violations by state agents,Racial discrimination	partially impl.	page 21
81	Iran	Justice,Rights of the Child	partially impl.	page 59
139	Iran	Other	partially impl.	page 25
144	Iran	Civil society,National plan of action,Racial discrimination	no comment	/
18	Israel	Other	partially impl.	page 10
112	Israel	Minorities,Racial discrimination	partially impl.	page 13
113	Israel	Racial discrimination,Treaty bodies	partially impl.	page 24
133	Israel	Minorities,Racial discrimination	partially impl.	page 38
23	Jordan	NHRI	fully impl.	page 62
92	Jordan	Asylum-seekers - refugees,Migrants,Rights of the Child,Special procedures,Treaty bodies	fully impl.	page 57
75	Malaysia	Rights of the Child,Women's rights	partially impl.	page 58
86	Malaysia	Other	not impl.	page 60
118	Malaysia	NHRI	partially impl.	page 64
46	Mexico	Treaty bodies,Women's rights	partially impl.	page 56
124	Mexico	General	not impl.	page 65
167	Mexico	International instruments,Migrants	no comment	/
9	Moldova	Enforced disappearances,International instruments	fully impl.	page 42
14	Moldova	International instruments,Rights of the Child	fully impl.	page 51
90	Namibia	Minorities,Torture and other CID treatment	partially impl.	page 46
123	Namibia	National plan of action,Racial discrimination	not impl.	page 26
4	Netherlands	Detention conditions,International instruments,Torture and other CID treatment	fully impl.	page 40
62	Netherlands	Torture and other CID treatment	partially impl.	page 45
137	Netherlands	International instruments	not impl.	page 43
153	Netherlands	Sexual Orientation and Gender Identity	not impl.	page 50
40	Norway	Civil society,UPR process	partially impl.	page 9
42	Norway	Civil society	partially impl.	page 9
66	Norway	Human rights violations by state agents,Torture and other CID treatment	fully impl.	page 44
70	Norway	Migrants	not impl.	page 32
141	Norway	Other	partially impl.	page 28
155	Norway	Asylum-seekers - refugees	fully impl.	page 39
52	Pakistan	Freedom of religion and belief,Racial discrimination,Treaty bodies	partially impl.	page 10
166	Pakistan	International instruments,Migrants	no comment	/
126	Palestine	Migrants,National plan of action	partially impl.	page 36
37	Philippines	Human rights education and training	fully impl.	page 18
99	Philippines	Asylum-seekers - refugees,Migrants	partially impl.	page 34
120	Philippines	NHRI	partially impl.	page 63
165	Philippines	International instruments,Migrants	no comment	/
41	Portugal	Civil society,UPR process	partially impl.	page 9



78	Portugal	National plan of action,Trafficking	fully impl.	page 48
103	Portugal	ESC rights - general,International instruments	no comment	/
12	Republic of Korea	International instruments,Torture and other CID treatment	partially impl.	page 44
32	Republic of Korea	Racial discrimination	not impl.	page 15
85	Republic of Korea	Women's rights	partially impl.	page 60
127	Republic of Korea	Racial discrimination	partially impl.	page 26
53	Russian Federation	Racial discrimination	partially impl.	page 10
132	Russian Federation	Minorities	partially impl.	page 38
143	Russian Federation	National plan of action,Racial discrimination	not impl.	page 28
146	Russian Federation	Racial discrimination	fully impl.	page 9
148	Russian Federation	Detention conditions,Justice,Racial discrimination	no comment	/
16	Slovakia	International instruments,Rights of the Child	partially impl.	page 51
43	Slovakia	International instruments,Migrants	partially impl.	page 30
44	Slovakia	Migrants	partially impl.	page 28
89	Slovakia	Right to education	partially impl.	page 23
98	Slovakia	Asylum-seekers - refugees,Justice	fully impl.	page 34
115	Slovakia	International instruments,Rights of the Child	not impl.	page 43
151	Slovakia	Rights of the Child,Treaty bodies	no comment	/
156	Slovakia	Asylum-seekers - refugees,Detention conditions,Rights of the Child,Trafficking	not impl.	page 50
100	Slovenia	Minorities	partially impl.	page 29
101	Slovenia	Minorities	partially impl.	page 35
157	Slovenia	Minorities	not impl.	page 39
158	Slovenia	Minorities	partially impl.	page 39
8	Spain	Detention conditions,Enforced disappearances,International instruments,Torture and other CID treatment	fully impl.	page 41
60	Spain	Torture and other CID treatment	fully impl.	page 45
104	Spain	ESC rights - general,International instruments	no comment	/
119	Spain	NHRI	no comment	/
135	Spain	Sexual Orientation and Gender Identity,Women's rights	fully impl.	page 50
145	Spain	Human rights education and training,Human rights violations by state agents,National plan of action,Racial discrimination	no comment	/
5	Sweden	Detention conditions,International instruments,Torture and other CID treatment	fully impl.	page 40
26	Sweden	General	partially impl.	page 12
27	Sweden	Minorities,Racial discrimination	partially impl.	page 10
61	Sweden	International instruments,Torture and other CID treatment	fully impl.	page 45
64	Sweden	Human rights violations by state agents	partially impl.	page 46



65	Sweden	Human rights violations by state agents, Torture and other CID treatment	fully impl.	page 47
15	Switzerland	Detention conditions, International instruments, Torture and other CID treatment	fully impl.	page 44
19	Switzerland	Rights of the Child, Women's rights	partially impl.	page 52
131	Switzerland	Trafficking	fully impl.	page 49
50	Trinidad & Tobago	Racial discrimination	partially impl.	page 20
84	Trinidad & Tobago	National plan of action, Women's rights	fully impl.	page 55
21	Turkey	Migrants, Minorities, National plan of action	partially impl.	page 28
34	Turkey	Racial discrimination, Treaty bodies	not impl.	page 15
109	Turkey	International instruments, Migrants, Minorities	fully impl.	page 35
128	Turkey	Racial discrimination, Treaty bodies	partially impl.	page 27
129	Turkey	Migrants, Minorities, Rights of the Child	partially impl.	page 37
130	Turkey	Human rights violations by state agents, Minorities, Right to education	not impl.	page 37
161	Turkey	International instruments, Migrants	no comment	/
2	Uganda	Detention conditions, International instruments, Torture and other CID treatment	fully impl.	page 40
10	Uganda	Enforced disappearances, International instruments	fully impl.	page 42
105	Uganda	ESC rights - general, International instruments	no comment	/
107	Uganda	CP rights - general, International instruments, Racial discrimination, Rights of the Child, Torture and other CID treatment, Women's rights	fully impl.	page 43
162	Uganda	International instruments, Migrants	no comment	/
55	United Kingdom	Freedom of religion and belief	partially impl.	page 21
82	United Kingdom	Human rights violations by state agents	partially impl.	page 46
138	United Kingdom	Other	partially impl.	page 25
170	United Kingdom	Sexual Orientation and Gender Identity	not impl.	page 51
22	United States	Minorities	partially impl.	page 29
57	United States	Racial discrimination	fully impl.	page 22
49	Uzbekistan	Racial discrimination	partially impl.	page 19
63	Uzbekistan	Torture and other CID treatment	partially impl.	page 46
140	Uzbekistan	Civil society, Racial discrimination	partially impl.	page 25

3. Feedbacks on recommendations

CP Rights

Recommendation n°40: *Continue its UPR consultation process in cooperation with civil society organizations following the adoption of the UPR reports* (Recommended by Norway)

IRI: *partially implemented*

+

Recommendation n°41: *Facilitate the active involvement of civil society stakeholders, including human rights non-governmental organizations in the follow-up to this review* (Recommended by Portugal)

IRI: *partially implemented*

+

Recommendation n°42: *Take advantage of the substantial expertise that civil society organizations represent, and consult regularly with them on human rights related policy documents* (Recommended by Norway)

IRI: *partially implemented*

State of Austria response:

On-going Implementation

In the framework of the structured dialogue with civil society a number of public events with many interested NGOs already took place at the invitation of the Legal Service of the BKA and the Legal Office of the [Austrian Foreign Ministry (BMeiA)] which will continue in the future. Parallel to these meetings there is an on-going “thematic dialogue” that takes place with the line ministries which is being supported by the BKA and the BMeiA. A Steering Committee comprised of representatives of civil society and the Legal Service of the BKA and the Legal Office of the BMeiA was established which regularly deals with general questions of this dialogue.

The regular dialogue of the Federal Chancellor with representatives of civil society on issues of equality that is already taking place is being institutionalized through the amendment to the Equality Act, Federal Law Gazette, Vol. I No. 107/2013 of 1 August 2013.

Initiative Human Rights Now (IHRN) response:

good basis, challenges due to resource constraints of NGOs generally, lack of funding due to absence of a philanthropic culture or alternatives.

Recommendation n°146: *Adopt legislative measures that would prohibit public funding of parties that engage in propaganda of racism and xenophobia* (Recommended by Russian Federation)

IRI: *fully implemented*

State of Austria response:

Implemented

According to government plans, subsidies under the Journalism Subsidies Act 1984 (Federal Law Gazette No. 369/1984 in the current version of Federal Law Gazette Vol. I No. 130/1997) can be withdrawn if an organ of a subsidised institution (e.g. political party) or an individual attributable to this institution has committed a punishable offence for libel or incitement to hatred against sections of the population (e.g. offence of decrying religious teachings) or an offence under the Prohibition Act of 1947 (see 889 BlgNR 24. GP).

ESC Rights

Recommendation n°18: *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* (Recommended by Israel)

IRI: *partially implemented*

+

Recommendation n°27: *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* (Recommended by Sweden)

IRI: *partially implemented*

+

Recommendation n°52: *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* (Recommended by Pakistan)

IRI: *partially implemented*

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Recommendation n°53: *Take targeted measures to fight the use by political parties or their representatives of statements inciting racial hatred and xenophobia* (Recommended by Russian Federation)

IRI: *partially implemented*

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Recommendation n°97: *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* (Recommended by Indonesia)

IRI: *partially implemented*

+

Recommendation n°114: *Review and update its anti-hate speech legislation to provide equal protection to all religious minorities* (Recommended by Egypt)

IRI: *partially implemented*IHRN response:

On-going Implementation



With the entry into force of Art. 1 of Federal Law Gazette Vol. I No. 103/2011 on 1 January 2012 the criminal offence of incitement to hatred (§ 283 Criminal Code) has been amended and is punishable with imprisonment for up to 2 years. With this amendment the scope of protection is expanded to groups defined in terms of sex, disability, age or sexual orientation as well as its individual members in regard to public incitement to violence. Whereas the earlier version of the paragraph had stipulated that the offence must be committed in public and in a manner liable to undermine law and order, the amended version added, as an alternative, that it must be observable or discernible by a wide section of the public (defined as about 150 persons). According to § 283 para 2 punishment shall be imposed - as was already stipulated in the old version - on whoever publicly stirs up hatred or slanders in a manner violating human dignity against one of the groups defined in para 1. Here again, the perpetration has to be perceived by a broader public.

With the amendment of the Equal Treatment Act in Federal Law Gazette Vol. I No. 7/2011 a separate provision for an administrative sanction against discriminatory housing advertisements was introduced.

The anti-discrimination provision of Art. III para 1 (3) of the Introductory Act to the Administrative Procedure Acts by Federal Law Gazette Vol. I No. 50/2012 was amended and harmonized with CERD both in terms of content and wording.

In order to ensure the adequate sanctioning of discrimination by judges and public prosecutors, fundamental freedoms and human rights including anti-discrimination laws are an integral part of the judge's examination (§ 16 para 4 (4) Judge and Public Prosecution Service Act). In the framework of their training, all prospective Austrian judges and public prosecutors have to complete a compulsory training module which includes anti-discrimination issues.

Additionally, trainings are being conducted on a regular basis dealing with different forms of discrimination (on grounds of age, gender, religion, racism). The seminar "Equality Law", for instance, imparts trends and developments concerning the equality law taking also account of multiple discriminations. The seminar "Foreigners are different, Austrians too" deals with the topic of different social classes with the aim to promote understanding and respect for "the Other". The events "Men/Women: Who/What makes the difference?" and "Gender and Judiciary: Difference and Equality before the Law" discuss discrimination on grounds of gender.

IHRN response:

Legal protection uneven (varying protection levels for different grounds of discrimination), implementation still leaves room for improvement.

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Some changes with regard to access to employment.

Recommendation n°20: 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 (Recommended by France)

IRI: *partially implemented*

State of Austria response:

Implemented

With the amendment of the Act Governing the Employment of Foreign Nationals, Federal Law Gazette Vol. I No. 25/2011, § 8 para 2 was repealed as from 1 July 2011.

IHRN response:

no changes.

Recommendation n°26: *Ensure that all public power is exercised with respect for the equal worth of all, and the liberty and dignity of all persons* (Recommended by Sweden)

IRI: *partially implemented*

State of Austria response:

Implemented

The Austrian legal system stipulates at the constitutional level a general principle of objectivity and a general prohibition of arbitrary action. For the implementation of these principles a comprehensive system of legal protection is provided for everyone. Judges and civil servants are specifically trained not only in the framework of their initial training but also on the basis of continuous professional development.

European Federation of National Organisations working with the Homeless (FEANTSA) response:

Although there is no direct criminalization of homeless people or their activities in Austrian federal law, there are problematic articles such as sections 127 and 149 of the “Strafgesetzbuch” (criminal code), as well as in the Sicherheitspolizeigesetz (security police code) which could be used to penalize homeless people. In addition, there are a series of Administrative Offences made by the individual bundesländer (regions) which prohibit behavior that is typically related to homelessness; such as: begging, rough sleeping, public bathing and urination, and public drinking. These measures which impose criminal or administrative penalties on homeless people carrying out life-sustaining activities in public because there is nowhere else to go are counterproductive and often violate their human rights; including their right to dignity. Instead of criminalizing and penalizing homelessness, efforts should instead be made by Austria to bring proof-based successful solutions to the problem of homelessness, such as to make supported permanent housing options available.

As such, the Austrian government should establish a national homeless strategy which set outs a plan to both prevent and eliminate homelessness throughout the country. Homeless strategies have proved to be highly successful in other countries such as in Finland or in Scotland. By preventing and combating homelessness through a national strategy, Austria will help to ensure that the human rights of those living in Austria will not be violated through poverty of their homeless status. It will



also contribute towards ensuring that all public power is exercised with respect for the equal worth of all, and the liberty and dignity of all persons.

Recommendation n°28: *Continue to take measures against all forms of discrimination* (Recommended by *Burkina Faso*)

IRI: *partially implemented*

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Recommendation n°112: *Draft or amend national legislation to prevent incitement to hatred and attacks against all minority groups* (Recommended by *Israel*)

IRI: *partially implemented*

State of Austria response:

On-going Implementation

The existing anti-discrimination laws are continuously being improved. With the amendment to the Equal Treatment Act, Federal Law Gazette Vol. I No. 107/2013, which entered into force on 1 August 2013, it is made clear that all areas concerned by the EU directive on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity (for instance the founding, establishment or extension of a company as well as the start or expansion of a self-employed work) also lie within the scope of the Equal Treatment Act. Additionally the obligation to indicate minimum wage in job advertisements including sanctions was extended to all economic sectors, also where no minimum wages are defined by (collective) wage. The time limit for the judicial assertion of sexual harassment was extended from one to three years. Finally the procedure before the Commission for Equal Treatment was simplified and improved (for instance reduction of the Senate of the Commission for Equal Treatment, reinforcement of the arbitrary character of the Commission for Equal Treatment, simplification and recap of the structure of the advocates for equal treatment and their tasks). The harmonization of the level of protection for all grounds of discrimination were discussed intensely, a decision has not yet been taken. Also, the provincial governments (“Länder”) are continuously taking implementation measures, such as:

Styria: In 2012 another anti-discrimination body was established as an easily accessible initial contact, clearing and monitoring point which offers support to victims irrespective of the cause of discrimination. It shall also strengthen and coordinate the existing anti-discrimination work of the public and civil society sector.

Further tasks are capacity building, increased awareness-raising and public relations work as well as the development of recommendations for an improved protection against discrimination at the legal and structural level. The Commissioner for Equal Treatment in Styria also sets continuous measures to combat all forms of discrimination such as the publication of leaflets or the organization of awareness-raising events.

Tyrol: The focus of the work of the specifically established organisational unit service point equal treatment and anti-discrimination as well as the Officer for Anti-discrimination is, besides the topic people with disabilities, the topic ethnic discrimination. The priorities until 2014 are the support and information as well as the



collaboration with relevant NGOs. The province Tyrol is also starting with the elaboration of a new Equal Opportunities Act.

According to § 16 para 1 (e) of the Tyrolean Anti-Discrimination Act it is the duty of the Officer for Anti-Discrimination to examine draft laws and acts of the state that regard questions of equal treatment and non-discrimination directly. The constitutional service of the state Tyrol through its legislative experts is constantly paying attention to the compliance with the provisions of the Anti-Discrimination Act in the entire legislative process.

According to § 16 (c) the Officer for Anti-Discrimination is obliged to keep and promoted dialogue with NGOs who according to their statutory goals have a justified interest in the promotion of equal treatment and the fight against discrimination. Linked to the focus on work in the area of people with disabilities contacts were made for instance with the Association of Deaf People, the Initiative Self-determined Life, the Network Accessibility Tyrol, the Civilian Disability Association, the Federal Social Office, the Centre for Employment and Education. In addition, regular contacts are maintained with organisations working in the area of integration or gender, such as ZEMIT, Platform for Integration, Department for Women and Equality as well as integration at the Tyrolean Provincial Government.

Vorarlberg: The amendment of the Anti-Discrimination Act of Vorarlberg of 2012 extended, amongst others, the protection from discrimination to cases of discrimination through association. Furthermore it was arranged that the province and the municipalities take particular provisions to remove existing access barriers in order to enable access for people with disabilities to their offers and services. Finally, the State Ombudsman as anti-discrimination focal point was made responsible for the examination of institutions and programmes for people with disabilities.

Another amendment of the law for the improvement of anti-discrimination protection is planned this year.

Vienna: In 2010 an amendment to the Viennese Anti-Discrimination Act was passed. The Anti-Discrimination Act of Vienna, which had already provided for a comprehensive protection for individuals against discrimination on the grounds of ethnic affiliation, religion, ideology, age, sexual orientation, gender identity and sex, was extended to include disability as a ground for discrimination. The Act also provides for a mediation procedure for redress of alleged discrimination and disadvantages, a prohibition of the allocation of subsidies in case of discrimination, it monitors the implementation of the UN Convention for the Rights of the Persons with Disabilities together with civil society, the (self-) commitment of the Province and the City of Vienna to guarantee a discrimination-free access to its services and offers, as well as positive measures to fully realize equal treatment.

The Service Act 1994, Provincial Law Gazette No. 56/1994 and the Contractual Staff Act 1995, Provincial Law Gazette No. 50/1995, provide a comprehensive protection against discrimination on grounds of ethnic affiliation, religion, ideology, disability,



age and sexual orientation. Both regulations are being regularly amended (last amendments in 2010 and 2011).

IHRN response:

An amendment was made, there is still room for improvement, challenges remain around application.

Recommendation n°30: Continue promoting initiatives which contribute to foster intercultural understanding, which is a central element to prevent all forms of discrimination, xenophobia and intolerance (Recommended by Colombia)

IRI: fully implemented

State of Austria response:

Implemented

Numerous existing initiatives for the promotion of intercultural understanding are being further developed, especially in the education and cultural sector.

The provincial governments (“Länder”) also continuously take implementation measures, such as:

Styria: In 2012 a special provincial fund was established to support small projects for promoting living together in diversity and for combating prejudice and discrimination. In 2010 and 2011 more than 150 artistic projects dealing with this topic were subsidised in the framework of the cultural promotion of the provincial government.

IHRN response:

[National] Action Plan Integration is a token, no other developments.

Recommendation n°32: Consider adopting an action plan to combat racism and xenophobia (Recommended by Republic of Korea)

IRI: not implemented

State of Austria response:

On-going implementation

See response to recommendation 21

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Measures to combat racism and xenophobia are part of the NAP-I. However, further measures by the BMI are necessary concerning victims of human trafficking (no detention, rights concerning medical care, residence permit, etc.).

IHRN response:

No significant developments

Recommendation n°34: 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." (Recommended by Turkey)

IRI: *not implemented*

State of Austria response:

On-going implementation

See response to recommendation 18

+

Numerous initiatives in the education and cultural sector to promote intercultural understanding are being continuously developed further. Deliberate and respectful relations with each other taking into account different cultural and religious backgrounds have been part of the education and training of judges and public prosecutors for almost a decade and have in recent years been increasingly conveyed. The attendance at international events has been useful to develop new ideas. The judiciary is committed to making these events open to people of different professional areas – such as speakers from NGOs and members of the Asylum Court, thus ensuring the participation of more variegated participants. In addition to the mandatory three-day fundamental rights module for prospective judges, "Curriculum Fundamental Rights", study trips to the European Court of Human Rights (ECHR) are possible. For a more detailed treatment of the topics of anti-Semitism, racism and Nazism the "Curriculum judicial history" is offered to prospective judges, which will be held in autumn 2013 and spring 2014 for the third time in collaboration with the Research Centre for Post-war Justice and which, amongst others, include visits to the memorials "Am Spiegelgrund" and Mauthausen. The curriculum's aim is to transmit basic knowledge on recent judicial history of the 19th and 20th century and to contribute to raising awareness of the participants for political implications of both civil and criminal judicial decisions. As a part of this training, for instance, a seminar with the title "Foreigners are different, Austrians as well" is offered. It has been developed to illustrate the differences in social strata and to foster an understanding of and taking interest in the "other". In the seminar "Communicating with people from different cultures", judges and public prosecutors, who are increasingly dealing with people from different cultures, are sensitized with regard to this diversity. The event "Vienna is different" offers the possibility to engage with projects that deal with the cultural diversity in Vienna and to engage in dialogue with people from other cultures in Vienna.

IHRN response:

No significant developments

Recommendation n°35: 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 (Recommended by Egypt)

IRI: *not implemented*

State of Austria response:

On-going Implementation

The Ombud for Equal Treatment does comprehensive public awareness work on the topic discrimination, informs the public about their rights through multi-lingual



brochures, publishes their annual reports, runs a very informative homepage on the internet and since April 2012 supports a poster campaign against discrimination in the framework of the European Commission with more than 600 posters in Vienna, Graz and Linz. With five different illustrations the posters raise awareness about discrimination in employment and occupation, on grounds of age, sexual orientation, ethnic origin, religion and disability. The central message of the campaign is the illegality of discrimination as well as a reference to the Ombud for Equal Treatment that offers counselling and support in case of discrimination. The BMASK operates a [website on equal treatment](#), where, amongst others, legal information, information on relevant projects, brochures, as well as contact details can be found. From a legal perspective, all measures have been taken to provide victims with the necessary information also with regard to remedies. § 66 Criminal Procedure Act governs the rights of victims, including, for example, the right to access the relevant records, the right to be present at the trial as well as the right to be represented. Victims are to be informed about these and all other rights (e.g. to join the criminal proceedings as a private party) either by the criminal police or the prosecutor's office (details can be found under § 70 Criminal Procedure Act). Apart from that the Criminal Procedure Act provides for equal treatment of all victims. A distinction in quality of the victim status is only admissible regarding the granting of psychosocial and legal assistance, given that not all victims are entitled to these services (§ 66 para 2 Criminal Procedure Act).

IHRN response:

No significant developments

FEANTSA response:

From Jan 1 2011 a change in the Swedish constitution ("grundlagen" in Swedish) came into effect which in the 2 chapter, 12th paragraph added sexual orientation in the list of characteristics on which grounds the legislator is forbidden to discriminate against when adopting legislation. The paragraph states that "Law or other regulation must not implicate that anyone gets a disadvantage because he or she belongs to a minority with regard to ethnicity, colour of skin or other similar circumstance or with regard to sexual orientation." This however does not mean that any already existing discriminatory law or regulation must be changed. Rather the paragraph safeguards existing equal rights already implemented, such as the gender neutral marriage and the equal opportunity of joint parenthood for same sex couples. A Swedish court hasn't got the right to dismiss, in a legal case, an existing law based on provisions in the Swedish constitution. That right however exists, in a legal case, for a court of law concerning interpretation of the provisions in the European Convention on human rights, which has a status above Swedish law. Noteworthy is also that the second chapter, 12th paragraph doesn't provide protection against discriminatory legislation on the grounds of gender identity. Sexual orientation, but not gender identity, is also mentioned in another paragraph in the constitution, which states that public authorities must "discourage discrimination of people on the grounds of sex, colour of skin, national or ethnical origin, lingual or religious affiliation, disability, sexual orientation, age or other circumstance which concerns the individual as a person" (1 chapter, 2 paragraph in the constitution).



Recommendation n°37: *Enhance provision of human rights education and training at appropriate levels of the education system and relevant public officials (Recommended by Philippines)*

IRI: *fully implemented*

State of Austria response:

Implemented

Civic education – of which human rights education is an integral part – is a typical cross-cutting issue and is embedded widely in the education system. It is also increasingly taken into account in the curriculum for teacher's education at the Pedagogical Universities in Austria.

A separate working group with the participation of NGOs is established to discuss the NGO demand for strengthening of the importance of human rights education within civic education.

Within the framework of the existing school curricula human rights education and diversity is a reality in schools.

Human rights related courses are offered for the Ministry's staff as part of basic and further training courses. They will also be on the agenda of future training programmes within the [Federal Ministry of Education, Arts and Culture (BMUKK)].

The [Federal Ministry of Justice (BMJ)] offers a wide range of basic and further training programmes related directly or indirectly to human rights. Human rights naturally remain on the agenda of all training programmes within the judiciary.

In the area of prison administration the Prison Administration Academy embraced the topic human rights in particular as of 2010 and established a "train-the-trainer human rights training" in cooperation with the BMI. In this series of workshops the Academy's teachers were sensitized on this topic and commissioned to systematically bring this issue up with all employees of the prison administration in the coming years. In addition, a representative pool of coaches/experts was set up, composed of renowned personalities from the prosecutor's office, the police, the probation system, the media and NGOs. They were trained in substantial and communicative abilities in cooperation with the European Training and Research Centre for Human Rights and Democracy (ETC Graz). In 2012 they started first with the compulsory human rights training for educational staff (lecturers and seminar leaders) and the leadership of the Austrian penitentiary; all in all 18 training courses took place with 216 participants. For 2013 further 16 courses are planned. The compulsory training of the entire penitentiary staff will follow in the years to come.

By implementing the "World Program for Human Rights Education" of the United Nations the BMWFJ trains "multipliers" in half-day in-house seminars. Basic knowledge of human rights is being taught and concrete examples are being illustrated and discussed.



Law enforcement officers undergo a mandatory human rights training in the framework of their education and training.

Human rights education is also offered to civil servants in the provinces (“Länder”), as for instance:

Lower Austria: Human rights education is an integral part of all training levels for civil servants.

Upper Austria: Human rights education takes place in the framework of the basic training.

Salzburg: In the framework of the events of the Salzburg Academy for Administration in October 2013 the third training course on “intercultural competence” will start for people who deal with people with migration background in their daily work, in order to improve their capacity to interact with people from different cultural background.

Styria: Pertinent trainings take place in the framework of basic training courses.

Tyrol: In addition to the regular basic training and in-service training, additional external training can be made use of.

Vorarlberg: Pertinent trainings take place in the framework of basic training courses.

Wien: Comprehensive training courses are available, that take into account the different in-house assignments. Human rights are part of the curricular within courses especially designed for the individual departments and services and are also part of general training modules.

Recommendation n^o48: *Intensify measures to tackle racism and xenophobia* (Recommended by *Australia*)

IRI: *partially implemented*

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Recommendation n^o49: *Take adequate measures to combat racial discrimination in order to combat all forms of such discrimination* (Recommended by *Uzbekistan*)

IRI: *partially implemented*

State of Austria response:

On-going Implementation

See response to recommendation 18

+

The Austrian legal system provides for a whole range of legal instruments for law enforcement bodies and courts to effectively combat right-wing extremist, xenophobic, anti-Semitic and racist offences.

Besides consequent prosecution a range of preventive measures are being applied. The authorities give special attention to those groups within the right-wing extremist scene who seek more public awareness in form of demonstrations or public events. Many pertinent events were prevented in advance or controlled within the legal boundaries in order to secure a safe course of the gatherings.

Since 2010 a pilot project was initiated in a province in which law enforcement officials are being trained in their capacity as so-called “prevention officials” (“PräventionsbeamtInnen”) on the topic of right-wing extremism at the district level



(Bezirksebene). Subsequently, this project should be expanded to the other provinces (“Länder”).

Furthermore, the State Protection Authorities organize awareness-raising and information campaigns for the public in different educational facilities at their invitation.

Regular contacts are being maintained between the Provincial Offices for the Protection of the Constitution and Counterterrorism and the provincial and municipal educational authorities, in order to support their efforts of countering the spread of racist, xenophobic and anti-Semitic ideologies in schools.

Security police measures in this context are mainly focussed on international cooperation with European law enforcement officials, sensitizing event organisers, reinforcing police control of sensitive locations and meeting points of the scene.

Federal Law Gazette Vol. I No. 50/2012 provides for an amendment that extends criminal culpability of the criminal offense in Art. III para 1 (3) EGVG.

IHRN response:

Discussion underway.

Recommendation n°50: *Redouble its efforts to overcome the hurdles of racial discrimination and intolerance* (Recommended by *Trinidad & Tobago*)

IRI: *partially implemented*

State of Austria response:

On-going Implementation

See response to recommendation 48.

IHRN response:

No significant improvements.

Recommendation n°51: *Systematically condemn all manifestations of racism and xenophobia in political discourse and adopt effective measures to fight against this phenomenon* (Recommended by *Algeria*)

IRI: *not implemented*

State of Austria response:

On-going Implementation

See response to recommendation 18

+

Numerous initiatives, especially in the area of education and culture, to improve intercultural understanding are continually being developed.

IHRN response:

No significant improvements; recent general election dominated by very subtle and covert forms of racism, no outright condemnation.



Recommendation n°54: *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* (Recommended by Iran)

IRI: *partially implemented*

State of Austria response:

On-going Implementation

See response to recommendation 1

+

In 2010 the „Association for the Self-control of the Austrian Press – the [Austrian Press Council](#)“ was founded or rather re- founded.

The Austrian Press Council is a modern institution for self-regulation of the press that relies on the principle of voluntary action and that assures the editorial quality as well as freedom of the press. The Austrian Press Council has elaborated a code of honour for journalistic work that builds on the media law and that should be seen as ethical guiding principles for people working in the media field. This code is the basis for decisions taken by the senate of the Austrian Press Council and includes rules for the work of journalists that should assure the maintenance of professional ethics in the journalistic field. Therefore, for instance, general suspicion and general denigration of people and groups have to be avoided under all circumstances. Furthermore, any discrimination based on racial, religious, national, sexual or other grounds are not allowed.

On the legislative level funding for the self-control of the Austrian press was put in place in 2009 (see § 12a Press Subsidies Act 2004).

[And specifically regarding "ensure that all allegations of racist misconduct by law enforcement officials are effectively investigated and appropriately punished"]

Implemented

See response to recommendation 36.

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The Federal Bureau of Anti-Corruption acts upon instructions given by a court or the public prosecutor in cases of judicially punishable acts.

IHRN response:

No significant improvements.

Recommendation n°55: *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* (Recommended by United Kingdom)

IRI: *partially implemented*

State of Austria response:

On-going Implementation.

See responses to recommendations 21 and 28

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Numerous initiatives, especially in the area of education and culture, to promote intercultural understanding are continually being developed further.

The Federal Office for the Protection of the Constitution and Counter Terrorism (BVT), which is also responsible for the criminal offenses of incitement to hatred and those criminal offenses under the law banning national socialist activities, records xenophobic/racist grounds for these crimes in the annual report on state security. Additionally, the BVT keeps statistics concerning other criminal or administrative offenses if they have visibly been racially motivated. Furthermore, the BVT keeps a collection on police complaints regarding xenophobic/racist, anti-Semitic as well as islamophobic or anti-Muslim cases (“Meldespiegel Rechtsextremismus”).

When the complaint is being made, the data of the victims (according to offense, age, gender, citizenship, relationship between traitor and victim) are recorded statistically.

The Federal Ministry for Justice (BMJ) explicitly indicated in a decree on the reporting duties of the public prosecution that in all cases in which the conviction included the aggravating factor of racist motivation, there is a responsibility to report to the Ministry. Additionally a working group on “reporting duties” was established in the BMJ in order to, amongst others, improve the quality of the data in the reports. Furthermore an inter-ministerial working group deals with the harmonisation of data.

Recommendation n°56: *Strengthen its policies and programmes aimed at combating discrimination, xenophobia, racism and intolerance* (Recommended by Canada)

IRI: partially implemented

State of Austria response:

On-going Implementation

See responses to recommendations 28 and 29

+

Numerous initiatives, especially in the area of education and culture, to improve intercultural understanding are continually being developed further.

IHRN response:

No significant improvements. National Action Plan on Integration is a token, also because it does not address "racism" related aspects.

Recommendation n°57: *Continue its work to combat societal discrimination and xenophobia* (Recommended by United States)

IRI: fully implemented

State of Austria response:

On-going Implementation

See responses to recommendations 29 and 56.

Recommendation n°73: *Investigate, prosecute and redress cases of racially motivated ill-treatment and discrimination, including hate speech and incitement to hatred* (Recommended by Egypt)

IRI: partially implemented



State of Austria response:

On-going Implementation

See responses to recommendations 18 and 48.

Recommendation n°88: *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 (Recommended by Costa Rica)*

IRI: *not implemented*

State of Austria response:

Process of Implementation

Given its cross-cutting nature, political education, of which human rights education is an integral part, is placed in many parts of the educational system. It is, for instance, increasingly included in the training of teachers at tertiary educational facilities.

Follow-up: These issues are being dealt with in the working group of the BMUKK which met for the first time in June 2012.

IHRN response:

No changes.

Recommendation n°89: *Consider appropriate education system reforms to ensure its more inclusive social accessibility (Recommended by Slovakia)*

IRI: *partially implemented*

State of Austria response:

Process of Implementation

Allowances for financial assistance to visit school are also accessible for non-Austrians. This applies to EU citizens and citizens of the European Economic Area, for refugees and to all other foreigners after a five-year-stay in Austria. In individual cases exceptional support can be given.

The question of indicators for the evaluation of the implementation will be discussed in a working group that has been put in place by the BMUKK. Further steps are being considered (for instance the question of grade average and exceptions).

IHRN response:

National Action on Plan on CRPD proposes "model regions," no systemic change.

Recommendation n°110: *Speed up the process of incorporation of fundamental social rights to the Constitution (Recommended by Azerbaijan)*

IRI: *not implemented*

IHRN response:

No changes foreseeable.



Recommendation n°111: *Concretize in the domestic legal order, the process of harmonization of the protection against all grounds of discrimination* (Recommended by Honduras)

IRI: *partially implemented*

State of Austria response:
Process of Implementation

See response to recommendation 28

+

Also the provincial governments (“Länder”) continuously take implementation measures, such as:

Carinthia: The K-ADG (Carinthian Anti-Discrimination Act) applies to all grounds of discrimination (Provincial Law Gazette No. 63/2004), with the exception of discrimination on grounds of sex, for which the K-LGBG (Carinthian Equal Treatment Act) stipulates special regulations, in particular, promotion schemes.

Lower Austria: The protection against all forms of discrimination is legally guaranteed.

Upper Austria: The Anti-Discrimination Act of Upper Austria protects against all forms of discrimination. In the public service sector there are regulations (L-GBG and GGBG) which also stipulate special promotion schemes for women.

Salzburg: A coherent protection scheme and comprehensive protection against discrimination are provided for in the Equal Treatment Act of Salzburg (Provincial Law Gazette No. 31/2006) regarding all forms of discrimination.

Styria: A coherent protection level regarding all forms of discrimination exists in Styria.

Tyrol: The Tyrolean Anti-Discrimination Act of 2005 and the Tyrolean State- Equality Act of 2005 forbids a materially non-justified discrimination on the basis of gender, age, disability, religion, ideology, ethnic origin or sexual orientation.

Vorarlberg: A coherent protection level regarding all forms of discrimination exists in Vorarlberg.

Vienna: see response to recommendation 28.

Recommendation n°113: *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* (Recommended by Israel)

IRI: *partially implemented*

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Recommendation n°138: *Harmonize all anti-discrimination laws to ensure equal protection on all grounds of discrimination* (Recommended by *United Kingdom*)

IRI: *partially implemented*

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Recommendation n°139: *Revise and harmonize anti-discrimination laws to ensure equal protection on all grounds of discrimination* (Recommended by *Iran*)

IRI: *partially implemented*

+

Recommendation n°140: *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* (Recommended by *Uzbekistan*)

IRI: *partially implemented*

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Recommendation n°147: *Ensure equal protection against all forms of discrimination, including on the basis of age, religion, sexual orientation and gender identity* (Recommended by *Canada*)

IRI: *partially implemented*

State of Austria response:

The provincial governments (“Länder”) also continuously take implementation measures, such as:

Carinthia: From the point of view of Carinthia all four points are being complied with as the K-ADG (Carinthian Anti-Discrimination Act) applies equally to discriminations on ground of ethnic affiliation, religion, ideology, disability, age or sexual orientation. Discrimination on grounds of sex is also covered by the K-LGBG (Carinthian Equal Treatment Act) with specific financial promotion schemes.

Lower Austria: see recommendation 111.

Upper Austria: see recommendation 111.

Salzburg: see recommendation 111.

Styria: see recommendation 111.

Tyrol: From the point of view of the state all points are fulfilled. The Tyrolean Anti-Discrimination Act of 2005 applies equally to discrimination on the grounds of belonging to an ethnic group, religion or ideology, disability, age and sexual orientation.

Regarding discrimination based on gender and equality without regard to belonging to an ethnic group, religion, ideology, disability, age or sexual orientation and the particular promotion of people with disability in the public service the Tyrolean State-Equality Act of 2005 applies in addition.

Vorarlberg: see recommendation 111.



Vienna: see recommendation 28.

IHRN response:

Process was started, amendment de facto agreed but did not pass in Parliament.

Recommendation n°116: *Incorporate its international human rights obligations into domestic laws, in particular with regard to economic, social and cultural rights (Recommended by Egypt)*

IRI: *not implemented*

State of Austria response:

On-going Implementation

Consistency of national law with relevant international obligations is continuously being reviewed and necessary amendments in national law are carried out if necessary.

IHRN response:

No changes foreseeable.

Recommendation n°123: *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 (Recommended by Namibia)*

IRI: *not implemented*

IHRN response:

No developments yet.

Recommendation n°127: *Take practical measures to collect and publish statistics on racist incidents, and based on data collection (Recommended by Republic of Korea)*

IRI: *partially implemented*

State of Austria response:

Process of Implementation

See response to recommendation 55

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Comprehensive data on reported xenophobic, racially motivated offences are published in the framework of the annual report of the Federal Agency for State Protection and Counter Terrorism and are accessible through the website of the BMI. In the annual joint security report of the BMJ and the BMI the results of xenophobe/racist criminal proceedings are published. The report is accessible on the website of the Austrian Parliament. All convictions, including those on racially motivated criminal offences are published in the annual court criminal statistics of the Statistik Austria, disaggregated by age, sex, nationality, perpetrators and sentence. Data on the victims are part of the police criminal statistics and are published by the BMI after having anonymized the data.

IHRN response:

Discussion ongoing.



Recommendation n°128: *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"* (Recommended by Turkey)

IRI: *partially implemented*

State of Austria response:
Implemented

See responses to recommendations 18 and 48.

IHRN response:
No significant changes.

Recommendation n°136: *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* (Recommended by Bangladesh)

IRI: *not implemented*

State of Austria response:
Process of Implementation

Austria stays committed to allocate 0.7 % of GNI to development cooperation and has reaffirmed this on several occasions (most recently in the three year programme of the Austrian Development Agency 2013 – 2015).

The three year programme has also established a qualitative improvement of the development cooperation with a special focus on three priority themes, among them “Human Security, Human Rights and Rule of Law”. Furthermore, the Austrian Development Cooperation cooperates with other policy areas and ministries (“beyond-aid” approach) with the aim to reinforce the “shapeable” development cooperation.

Within existing resources Austria continues to support development countries in poverty reduction, in handling the challenges of climate change and in peace building. Austrian particularly promotes equal treatment of women and takes into account the special needs of children and persons with disabilities.

Global Responsibility (GR) response:

Although Austria continues to pay lip service to its commitment to reach the 0.7% ODA target by 2015, there are no concrete budget plans – the MFA’s Three-Year Programme predicts 0.39% in 2015.

IHRN response:
Contrary to recommendation further cuts were made.



Recommendation n°141: *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* (Recommended by Norway)

IRI: *partially implemented*

State of Austria response:

On-going Implementation

See response to recommendation 28

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Vorarlberg: see response to recommendation 111.

Recommendation n°143: *Elaborate a National Plan of Action against racism and xenophobia* (Recommended by Russian Federation)

IRI: *not implemented*

IHRN response:

No action, National Action Plan on Integration omits issue of racism/xenophobia.

Minorities

Recommendation n°21: *Take further steps to fully implement a National Action Plan for better integration and protection of the rights of immigrant minorities* (Recommended by Turkey)

IRI: *partially implemented*

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Recommendation n°44: *Pursue adoption and implementation of efficient policies to promote economic and social participation of migrants* (Recommended by Slovakia)

IRI: *partially implemented*

State of Austria response:

On-going Implementation

All recent integration measures are described in the annual integration reports [published in 2011 and 2012](#). These aim at guaranteeing the participation in the labour market, housing market, public life, sports and leisure and social services and they cover in particular improvements in German language skills, recognition of qualifications, measures to prevent early school drop-out of young people and the increase of the female employment rate.

A State Secretariat for Integration was established within the BMI for the implementation of the National Action Plan on Integration. An expert council as well as an integration council were established, also including representatives of civil society, for the evaluation and further development of integration measures. The implementation progress is being measured by indicators which were developed according to scientific standards.

IHRN response:

Some changes with regard to access to employment.



Recommendation n°22: *Improve its implementation of the Constitutional Court ruling regarding the use of the Slovenian language in Carinthia province* (Recommended by United States)

IRI: *partially implemented*

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Recommendation n°100: *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* (Recommended by Slovenia)

IRI: *partially implemented*

State of Austria response:

Implemented

The Constitutional Court ruling regarding the topographical signs (“Ortstafeln”) was consistently and fully implemented with the amendment of the Ethnic Group Act (Federal Law Gazette Vol. I No. 46/2011). The respective topographical signs have already been put in place.

At the same time those authorities and services were determined where the Croatian, Slovenian or Hungarian language can be used as an official language in addition to German.

Austrian Centre for Ethnic Groups (ACEG) response:

Not realized

The law does not correspond to the findings of the Supreme Constitutional Court. Accordingly, among the places which were not directly chosen by the Supreme Constitutional Court – the Supreme Constitutional Court considered a minority-language speaking population percentage of 10% as adequate – bilingual place names were by the constitutional determination exhaustive determined only for places with a minority-language speaking population of 17,5 %, arbitrarily in some cases with even a higher percentage. Also the topographic names are by the constitutional determination limited to place name signs and signposts only. Equally the finding of the Supreme Constitutional Court, according to which the usage of Slovene as an official language would be useful for the inhabitants of the locality Eberndorf at the municipal office, was revised by the constitutional determination. The constitutional determinations in the Federal Law Gazette I No. 46/2011 are a revision of the article 7 paragraph 3 of the Treaty of Vienna from the year 1955 and the additionally issued findings of the Supreme Constitutional Court.

IHRN response:

Clear statement from Chancellor's Office that no further changes will be made.

Recommendation n°39: *Continue measures for adoption of the "National Action Plan for Persons with Disabilities"* (Recommended by Azerbaijan)

IRI: *fully implemented*

State of Austria response:

Implemented



The Austrian Federal Government adopted the National Action Plan on Disabilities on 24 July 2012. The National Action Plan Disabilities (NAP-D) was broadly discussed in a participatory process with the provinces (“Länder”), the social partners and civil society, especially with the organizations for persons with disabilities.

The NAP-D foresees eight priorities with 250 measures to be implemented by 2020.

In accordance with the UN Convention on the Rights of Persons with Disabilities it is the explicit aim to realize an inclusive society until 2020, in which all persons with disabilities may participate in all activities of society.

The monitoring and guiding of the NAP-D will be done by a steering group, which held its constituent meeting on 23 October 2012. The steering group will particularly also draft a list of priority measures and appropriate indicators to benchmark the progress.

IHRN response:

was adopted, challenges remain as participation of provinces ("Länder") was too little too late.

Recommendation n°43: *Ensure its immigration system's compliance with international human rights standards* (Recommended by Slovakia)

IRI: *partially implemented*

+

Recommendation n°94: *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* (Recommended by Czech Republic)

IRI: *partially implemented*

State of Austria response:

On-going Implementation

Human rights standards are being taken into account within the framework of the Immigration/Aliens Act (Legislation and enforcement). New developments are being taken into account on an on-going basis.

Recommendation n°58: *Take necessary steps to combat manifestation of neo-Nazi, right-wing extremist and xenophobic incidents directed against members of minority groups* (Recommended by Czech Republic)

IRI: *partially implemented*

State of Austria response:

Implemented

See response to recommendation 48

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The [Federal Ministry of the Interior (BMI)] and its subordinate security offices fight all criminally relevant manifestations of right-wing extremism consequently and with all



available legal means. The security offices also put a special focus on preventive measures in addition to the repressive ones.

IHRN response:

No significant improvements.

Recommendation n°59: *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* (Recommended by Cuba)

IRI: *partially implemented*

State of Austria response:

On-going Implementation

In this context reference is made to the Office of the State Secretary on Integration which was founded on 21 April 2011 and to the on-going measures provided for in the NAP-I.

Within the framework of the EU strategy for the inclusion of the Roma, national measures in the key areas of education, employment, health and housing will be continuously implemented until 2020. A National Contact Point was established, which set up a platform for dialogue for the national monitoring. Periodical meetings are held at which representatives of Roma associations in cooperation with the competent authorities of federal and provincial governments and scientific experts to discuss these key areas and develop concrete measures. The adult education centers of the City of Vienna ("Volkshochschulen") e.g. offer free "Roma learning aid" classes for students with the active involvement of Roma associations, with regular training meetings for small groups and parents' evenings to inform them on educational matters. Since autumn 2000 the Roma Association "Romano Centro" leads a multilingual Roma school-assistance and school-mediation in order to improve communication between schools and parents. Regarding employment, members of the Roma ethnic group are supported e.g. through the project "Thara: Romani Butji - Roma New Labour" by the Austrian "Volkshilfe" (National Support) in order to help them gain access to the labour market. The project's activities are divided into three aspects: structural awareness, individual promotion and institutional mediation. A package of anti-discrimination work, public awareness, community work, empowerment and training opportunities is offered in five modules and overlapping project phases in order to sustainably secure Roma and Sinti access to the labour market as well as to the services of the Employment Service.

IHRN response:

Discussion and action underway related to Roma, no significant improvements for other minorities/migrants.

Recommendation n°69: *Consider alternatives to pre-deportation detention* (Recommended by Brazil)

IRI: *fully implemented*

State of Austria response:

Implemented



§ 77 of the Aliens Police Act (FPG) provides for the use of “milder measures” instead of custody pending deportation which restricts freedom of movement. It is to be used if the purpose of custody pending deportation can be achieved through different means (accommodation in a specific place, periodic reporting to a police station, deposit of an adequate financial amount with the authority). When it comes to minors until the age of 16 the authority are primarily to use the “milder measure”. Positive example: Expansion of the family center “Zinnergasse” and the extensive efforts towards the voluntary return of persons concerned.

Recommendation n°70: *Speed up the development of the "open-doors-regime" project to accommodate persons awaiting deportation (Recommended by Norway)*

IRI: *not implemented*

State of Austria response:

Process of Implementation

With the establishment of the Federal Office for Foreigners and Asylum on 1 January 2014 the implementation of the custody pending deportation will be effectuated differently. Most likely the enforcement of custody pending deportation will be done in five police detention centers in which an “open door regime” will be put in place.

IHRN response:

No significant expansion of existing pilots yet.

Recommendation n°91: *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 (Recommended by Ecuador)*

IRI: *partially implemented*

State of Austria response:

On-going Implementation

Within the framework of the EU strategy for the inclusion of the Roma, national measures in the key areas of education, employment, health and housing will be continuously implemented until 2020. In order to coordinate the efforts a National Contact Point was established, which set up a platform for dialogue for the national monitoring. Periodical meetings are held at which representatives of Roma associations in cooperation with the competent authorities of federal and provincial governments as well as with experts from the scientific research to discuss these key areas and develop concrete measures together. Regarding education, for example, the adult education centers of the City of Vienna (“Volkshochschulen”) with the active involvement of Roma associations offer a free “Roma learning aid” class for students, with regular training meetings for small groups and parents' evenings to inform them on educational matters. Furthermore, since autumn of 2000 the Roma Association “Romano Centro” leads a multilingual Roma school-assistance and school-mediation in order to improve communication between the school and the parents. Regarding employment, for example, members of the Roma ethnic group are supported through the project “Thara: Romani Butji - Roma New Labour” by the Austrian “Volkshilfe” (National Support) in order to help them gain access to the labour market. The



project's activities are divided into three aspects: structural awareness, individual promotion and institutional mediation. A package of anti-discrimination work, public awareness, community work, empowerment and training opportunities is offered in five modules and overlapping project phases in order to sustainably secure Roma and Sinti access to the labour market as well as to the services of the Employment Service.

In August 2012, Austria reported to the Convention 111 and submitted to the ILO the document of the BKA "Roma in Austria - An EU Framework for National Roma Integration Strategies up to 2020 - Political and Legal Measures". The report focused particularly on the initiative THARA of the Viennese "Volkshilfe" that has implemented several projects since 2005 relating to the labour market. The report mentioned the project "THARA NOVI VIDICI" (1 February 2012 - 31 January 2013) that focused on the specifics of the Viennese labour market and was exclusively financed by the BMASK with 100,000 Euro. The report also included facts about the advisory office of the AMS for Roma in Burgenland with its headquarters in Oberwart that complements the AMS' range of services. The staff of the advisory office assists its clients in their personal life and career planning, in establishing contact with authorities, in the search for child-care, in problems regarding social security legislation and in encouraging education and professional training.

IHRN response:

Discussion on Roma underway.

Recommendation n°93: *Further fight discrimination of persons with an immigrant background* (Recommended by *Bosnia & Herzegovina*)

IRI: partially implemented

State of Austria response:

On-going Implementation

See responses to recommendations 29 and 56.

Recommendation n°95: *Fully respect the economic and social rights of migrant workers and their families and ensure their inclusion in the society* (Recommended by *Bangladesh*)

IRI: partially implemented

State of Austria response:

On-going Implementation

See response to recommendation 21

+

The main points are already implemented, especially through the Act Governing the Employment of Foreign Nationals. Additionally the harmonisation with national law is being examined on a regular basis and necessary legislative amendments are being made.

Examples for integration measures in the framework of the NAP-I:



- Expansion of language competences (German courses, studying aid, homework supervision, tandems)
- Qualification for the labour market (professional jargon courses, coaching, preparation courses)
- Inter-cultural dialogue and exchange (fora for dialogue, events, buddy- network)
- Inner-state network and building of capacities (communal, regional, trans-regional and national networks)
- Mobile integration support (housing agency, communal contact points)
- Women-specific measures (social support, health advice)
- Need-based development of integration measures (studies, indicators)

IHRN response:

Some changes with regard to access to employment.

Recommendation n°96: Implement the constitutional court ruling on a "right of abode" and prevent deportation of migrant children separating them from their families (Recommended by Bangladesh)

IRI: *fully implemented*

State of Austria response:

Implemented

This recommendation was implemented with the Aliens Amendment Act 2009, Federal Law Gazette Vol. I No. 122/2009 with regard to Art. 2, 3 and 8 ECHR with § 11 para 3 of the Settlement and Residence Act as well as §§ 13 and 61 of Aliens Police Act.

Recommendation n°98: Provide for an unhindered access of asylum-seekers to justice (Recommended by Slovakia)

IRI: *fully implemented*

State of Austria response:

Implemented

Austria has fully implemented the Geneva Convention relating to the Status of Refugees. Basic supply is secured; asylum applications are examined in the asylum procedure on a case-by-case basis; the asylum court is the second instance; additionally an appeal against the decision to the Constitutional Court is permitted. All fundamental rights obligations are implemented in an objective procedure.

As of 1 January 2014 the Federal Administrative Court (Bundesverwaltungsgericht) replaces the Asylum Court. Against its decision an objection to the Constitutional Court and an appeal to the Administrative Court are permitted.

Recommendation n°99: Strengthen cooperation with civil society on promoting nondiscrimination and protecting the rights of migrants, refugees and asylum seekers (Recommended by Philippines)

IRI: *partially implemented*

State of Austria response:

On-going Implementation



See responses to recommendations 29 and 40 + Also the provincial governments (“Länder”) continuously take implementation measures, such as:

Styria: see 92.24; the cooperation with all actors engaged in non- discrimination work is an essential objective of the Anti-Discrimination Office.

IHRN response:

Discussion ongoing, no changes in policy yet.

Recommendation n°101: *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 (Recommended by Slovenia)*

IRI: *partially implemented*

State of Austria response:

Implemented

See response to recommendation 22.

ACEG response:

Not realized

The law does not correspond to the findings of the Supreme Constitutional Court. Accordingly, among the places which were not directly chosen by the Supreme Constitutional Court – the Supreme Constitutional Court considered a minority-language speaking population percentage of 10% as adequate – bilingual place names were by the constitutional determination exhaustive determined only for places with a minority-language speaking population of 17,5 %, arbitrarily in some cases with even a higher percentage. Also the topographic names are by the constitutional determination limited to place name signs and signposts only. Equally the finding of the Supreme Constitutional Court, according to which the usage of Slovene as an official language would be useful for the inhabitants of the locality Eberndorf at the municipal office, was revised by the constitutional determination. The constitutional determinations in the Federal Law Gazette I No. 46/2011 are a revision of the article 7 paragraph 3 of the Treaty of Vienna from the year 1955 and the additionally issued findings of the Supreme Constitutional Court. Styria is excluded from the constitutional regulation in the Federal Law Gazette I No. 46/2011. The determinations from the Austrian State Treaty and The Treaty of Saint-Germain are still waiting for the realization. There was no contact made with the minorities in Burgenland. The constitutional determinations from the Federal Law Gazette I No. 46/2011 were determined against their explicit will.

IHRN response:

clear statement from Chancellor's Office that no further changes will be made.

Recommendation n°109: *For a better integration and protection of the rights of immigrant minorities, follow ILO recommendations (Recommended by Turkey)*

IRI: *fully implemented*

State of Austria response:

Implemented



See response to recommendation 21

+

Austria has reported to ILO in August 2011 and in August 2012 (State report C 111). With regard to access to the labour market, it was stressed that migrants have access to the same instruments as Austrian workers, provided that the relevant pre-conditions are met (in particular the existence of a valid work permission).

To assist migrants ideally and sustainably at the labor market and to offer reasonable measures of labor market policy, the migration background of unemployed people or people seeking work is recorded since 2012 pursuant to the amendment to the Employment Service Act (Arbeitsmarktservicegesetz, Federal Law Gazette No. 313/1994 version of Federal Law Gazette I No. 122/2011). Persons with a migration background in the job center (AMS) context are defined as: People who have or used to have a foreign nationality and people whose change of nationality has been documented (1st generation) and people co-insured with people of the 1st generation (2nd generation). In 2012 Austria also reported to the ILO on measures of the AMS for people with migration background (mentoring of migrants, ongoing German courses in the training of professionals, integration language classes, multi-lingual information, sensitization of companies for diversity management and for the advantages of employing migrants).

Employees and managers of the AMS are sensitized on diversity management and gender mainstreaming in trainings. Furthermore, in the recruitment of staff particular consideration is given to the issue of migrants. The number of employees with knowledge of at least one of the major language groups (Serbian / Croatian / Bosnian, Turkish, Polish, Romanian, Hungarian) has increased by a third in one year.

Recommendation n°125: 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 (Recommended by Ecuador)

IRI: partially implemented

State of Austria response:

On-going Implementation

See responses to recommendations 18 and 48.

Recommendation n°126: 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 (Recommended by Palestine)

IRI: partially implemented

State of Austria response:

On-going Implementation

See response to recommendation 21

+



Salzburg: Since 2007 an integration plan which comprehensively (ten areas) deals with social, cultural and occupational integration. Political participation in terms of the right to vote and the right to be elected is, however, linked to citizenship but granted within this framework.

Styria: In October 2010 a separate integration department was established within the Provincial Government. A Charta of living together in diversity in Styria was adopted, forming the framework of the country's diversity policy. In the meantime measures and processes were already initiated for the consolidation of a modern and professional approach to diversity (implementation of diversity mainstreaming) and a series of cooperation projects were developed.

IHRN response:

Implementation underway, change of tone of discussion discernible, meaningful impact on individuals wanting.

Recommendation n°129: *Take further steps to strengthen social, economic and educational support provided to school children from immigrant minorities (Recommended by Turkey)*

IRI: *partially implemented*

State of Austria response:

Process of implementation

See response to recommendation 29

+

Austria further develops existing initiatives for better integration of children with migration background into school, e.g. through special promotion of German language skills.

In the framework of the NAP Integration numerous measures to support the integration of students with a migration background are being realized:

- Learning aid and homework supervision (tutoring, studying cafes, project "Austrian Grannies and Grandpas study with migrant children")
- Language and education or work and profession (language tandems for young people, coaching regarding education and profession, German classes in connection with graduating from secondary modern school, integration into the labour market, qualification measures and support when searching for an apprenticeship position for minors)
- Sport integration
- Scholarships for dedicated students
- Centres for girls
- Role-models as Ambassadors for integration at schools

Recommendation n°130: *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 (Recommended by Turkey)*

IRI: *not implemented*



State of Austria response:

Rejected

The principle of non-discrimination and tolerance is inherent to the Austrian education system. According to § 2 para 1 of the School Organisation Act the promotion of tolerance and non-discrimination is anchored in the curricular and the teaching principles and is implemented in every day school life.

Native language education – on a voluntary basis – underlines the basic approach of the Austrian education system for tolerance and non-discrimination. In 2012 native language education was offered in 24 languages, 403 teachers instructed 32000 students.

IHRN response:

No developments.

Recommendation n°132: *Create a comprehensive system for the collection of data that would allow assessing the situation of vulnerable groups and minorities (Recommended by Russian Federation)*

IRI: *partially implemented*

+

Recommendation n°133: *Establish a comprehensive data collection system to better assess the level of discrimination that exists against different minority groups in Austria (Recommended by Israel)*

IRI: *partially implemented*

State of Austria response:

On-going Implementation

A wide range of corresponding data is available in the statistical part of the integration reports by the BMI (latest report 2012). These data are evaluated by using indicators. Furthermore, a series of scientific studies for the assessment of the situation of particularly vulnerable groups and minorities are carried out and relevant data collected (e.g. violence prevalence study, examination of the educational standards with the objective to establish a monitoring system for the assessment of any discrimination of groups). In 2012/2013 on the basis of a compilation of the latest recommendations of the UN treaty bodies and UPR concerning data collection a group of government experts discussed with Statistics Austria and NGO representatives which data are already being collected, in what way existing data can be made available and what need for additional data exists. Furthermore, an inter-ministerial working group was established to discuss possibilities to improve and combine the systematic data collection of cases of discrimination relevant under criminal law with the relevant data of the court statistics.

A comprehensive system of data collection on minorities, for example in the framework of regular school relevant data collection, is, however, not permissible due to the freedom of professing oneself to an ethnic minority under Art. 3 para 1 of the Framework Convention of the Council of Europe for the Protection of National Minorities as well as under the National Ethnic Groups Act.

IHRN response:

Discussion ongoing.

Recommendation n^o154: *Adopt measures to guarantee Roma children the right to education in their own language and in a relevant way with their own culture (Recommended by Ecuador)*

IRI: *not implemented*

State of Austria response:

Rejected

Native language education is also offered in Romanes. Furthermore, education in Romanes is included in the Minority School Act of Burgenland

IHRN response:

Some changes in Roma policy, not yet in relation to education in own language.

Recommendation n^o155: *Provide asylum seekers and persons awaiting deportation with free legal counsel and provide necessary funding and access to institutions that can provide such counsel (Recommended by Norway)*

IRI: *fully implemented*

State of Austria response:

Implemented

The Austrian Aliens' Amendment Act 2011 (Fremdenrechtsänderungsgesetz, Federal Law Gazette Vol. I No. 38/2011) revised legal counselling in asylum and immigration procedures. Now legal entitlement to legal counselling in the admission procedure, for the period after the decision of the Austrian Asylum Office (Asylum Court) and in the context of immigration procedures of 1st and 2nd instance; optionally before the Asylum Office from the admission to the decision of the Court.

Recommendation n^o157: *Increase financial support for the Slovenian minority in the provinces of Carinthia and in Styria to the 1995 level in real terms (Recommended by Slovenia)*

IRI: *not implemented*

IHRN response:

No changes yet.

Recommendation n^o158: *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 (Recommended by Slovenia)*

IRI: *partially implemented*

State of Austria response:

Implemented

The Slovene Music School is financially being supported by the Federal Chancellery with funds of the "Subsidies for Ethnic Groups" to the highest possible extent (no association of the Slovene ethnic group receives higher subsidies).



Furthermore, between 2011 and 2015 a total amount of 500 000 Euro is being granted to the province of Carinthia by the Federal Government for the Slovene Music School under the Federal Law concerning Donations for Referenda (“Abstimmungsspende”), Federal Law Gazette Vol. I No.48/2011.

ACEG response:

Not realized:

In 2012 the Landtag of Carinthia adopted a new Carinthian Music School Law, State Law Gazette No. 73/2012. The Law completely ignores the Slovene music school.

The Slovene music school is receiving promotion merely from the ethnic minorities promotion and the cultural promotion – both are expense discretions and considerable lower than the comparable effort per child for the German-speaking music school. The new Carinthian state government has henceforth commissioned a working group to prepare a systematic solution.

International Instruments

Recommendation n°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) (Recommended by Ecuador)*

IRI: *fully implemented*

+

Recommendation n°2: *Sign and ratify OP-CAT (Recommended by Uganda)*

IRI: *fully implemented*

+

Recommendation n°3: *Ratify OP-CAT (Recommended by Costa Rica)*

IRI: *fully implemented*

+

Recommendation n°4: *Ratify OP-CAT (Recommended by Netherlands)*

IRI: *fully implemented*

+

Recommendation n°5: *Ratify OP-CAT (Recommended by Sweden)*

IRI: *fully implemented*

+

Recommendation n°6: *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 (Recommended by Germany)*

IRI: *fully implemented*

+



Recommendation n°7: *Continue implementing OP-CAT, through its national law passed to this effect* (Recommended by Chile)

IRI: *fully implemented*

+

Recommendation n°171: *Thereby, Austria undertakes to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and to include children's rights into the Austrian Federal Constitution according to the Convention on the Rights of the Child. In addition to the existing criminal law provisions, which have already made any form of torture a punishable offence, the inclusion of a definition of torture in the Criminal Code is currently underway. Work is also being done to implement the crimes under the Rome Statute for an International Criminal Court, which includes crimes against humanity and war crimes, into the Austrian penal code. Genocide is already a punishable offence under Austrian criminal jurisdiction.* (Recommended by Austria)

IRI: *fully implemented*

State of Austria response:

Implemented

The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) was ratified on 4 December 2012 and entered into force on 3 January 2013.

The Federal Act on the Implementation of OP-CAT which entered into force on 1 July 2012 established the Austrian Ombudsman Board (together with the commissions set up by the Board) as National Mechanism for the Prevention of Torture and clarifies that human rights abuses are part of its mandate of investigating public maladministration.

Torture as a separate criminal offense was incorporated into the Criminal Code as § 312a and entered into force on 1 January 2013.

An absolute prohibition of violence exists in Austria since 1989 in accordance with the Convention of the Rights of the Child. The “zero tolerance policy” is supported by awareness-raising measures.

IHRN response:

CAT acceded, NPM created; no changes on harmonizing domestic legislation with international HR treaties, however, torture has been incorporated as a criminal offense.

Recommendation n°8: *Conclude the ratification process of OP-CAT and the Convention for the Protection of All Persons from Enforced Disappearances (CED), as earlier as possible* (Recommended by Spain)

IRI: *fully implemented*

State of Austria response:

Implemented

See response to recommendation 1

+

The CED was ratified on 7 June 2012 and entered into force for Austria on 7 July 2012.

IHRN response:

Fulfilled.

Recommendation n°9: *Ratify CED at the earliest* (Recommended by *Moldova*)

IRI: *fully implemented*

+

Recommendation n°10: *Sign and ratify CED at the earliest* (Recommended by *Uganda*)

IRI: *fully implemented*State of Austria response:

Implemented

The CED was ratified on 7 June 2012 and entered into force for Austria on 7 July 2012.

Recommendation n°11: *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* (Recommended by *France*)

IRI: *fully implemented*State of Austria response:

Implemented

Declarations according to Art. 31 and 32 CED were submitted.

Recommendation n°102: *Accede to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* (Recommended by *Ecuador*)

IRI: *not implemented*IHRN response:

No discussion.

Recommendation n°106: *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)* (Recommended by *Indonesia*)

IRI: *fully implemented*

+



Recommendation n°107: *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* (Recommended by *Uganda*)

IRI: *fully implemented*

+

Recommendation n°108: *Envisage withdrawing its reservations to ICERD* (Recommended by *Burkina Faso*)

IRI: *fully implemented*

+

Recommendation n°115: *Withdraw its reservation to articles 13, 15, 17 and 18 of CRC* (Recommended by *Slovakia*)

IRI: *not implemented*

+

Recommendation n°137: *Withdraw reservations to United Nations treaties and ensure that all international treaties are fully transformed into national law* (Recommended by *Netherlands*)

IRI: *not implemented*

State of Austria response:

Process of Implementation

A dialogue process with the relevant ministries and representatives of the civil society is on-going.

Withdrawing the remaining reservation regarding Art. 11 of CEDAW concerning the “special protection of female workers” is under examination.

IHRN response:

Some discussion but pretty clear that actual changes very unlikely.

Recommendation n°159: *Accede to the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)* (Recommended by *Ecuador*)

IRI: *not implemented*

+

Recommendation n°160: *Accede to the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), as an essential step in the protection of human rights* (Recommended by *Guatemala*)

IRI: *not implemented*

State of Austria response:

Rejected

The substantive rights are essentially implemented in national law, in particular in the Act Governing the Employment of Foreign Nationals (AusIBG).

IHRN response:

No change.

Justice

Recommendation n°12: *Make every effort to fulfil its voluntary pledges to include a definition of torture enshrined in CAT into the national Criminal Code (Recommended by Republic of Korea)*

IRI: *partially implemented*

+

Recommendation n°15: *To ensure an effective national preventive mechanism, as requested in OP-CAT, provide in its draft law for the full independence of this institution (Recommended by Switzerland)*

IRI: *fully implemented*

+

Recommendation n°66: *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 (Recommended by Norway)*

IRI: *fully implemented*

State of Austria response:

Implemented

See response to recommendation 1.

IHRN response:

partially fulfilled, NGOs predict that the Ombudsman's Office, which now serves as the NPM/OP-CAT will not be awarded A Status by ICC due to lack of independence, see criticism of ICC in latest report on Austria's Ombudsman Office.

Recommendation n°33: *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 (Recommended by France)*

IRI: *fully implemented*

State of Austria response:

On-going Implementation

In the framework of the continuous enforcement of the relevant criminal and civil law provisions as well as the Public Liability Act compensation payments are being guaranteed. According to the Public Liability Act all legal entities of public law are liable under the provisions of Civil Law for damage to assets or a person caused by unlawful acts of persons at fault when implementing the law on behalf of such legal entities.

IHRN response:

Discussions underway.

Recommendation n°36: *Set up the independent body in order to investigate alleged abuses of power by law enforcement officials (Recommended by Czech Republic)*

IRI: *partially implemented*

State of Austria response:
Implemented

The Federal Bureau on Anti-Corruption (Bundesamt zur Korruptionsprävention – BAK) is an independent body and was established on 1 January 2010. Its federal competence concerning security police and criminal police also includes criminal offences on human rights (Federal Law Gazette Vol. I, No 72/2009). While the BAK is located within the BMI, it does not operate under the authority of the Directorate General of Public Security. Full “instruction transparency” is guaranteed (§ 7 Federal Bureau on Anti- Corruption Act); the BAK has to immediately report the suspicion of a criminal offense to the public prosecutor’s office and it acts upon orders of the Court or the Public Prosecutor. Furthermore the Commission for Legal Protection investigates legitimate charges against the BAK in accordance with §§ 8 and 9 BAK-Act.

IHRN response:
No significant developments

Recommendation n°60: *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 (Recommended by Spain)*

IRI: *fully implemented*

+

Recommendation n°61: *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 (Recommended by Sweden)*

IRI: *fully implemented*

State of Austria response:
Implemented
See response to recommendation 1.

A separate offence on torture was introduced in the Criminal Code through Federal Law Gazette Vol. I No. 120/2012. The terms of § 312a Criminal Code entered into force on 1 January 2013. In synopsis with the BAK under the leadership of the Office of the Public Prosecutor a thorough and impartial investigation is thereby assured.

IHRN response:
Torture is prohibited now in Criminal Code, discussion on compensation underway.

Recommendation n°62: *Ensure prompt, thorough and impartial investigations into allegations of torture and ill-treatment (Recommended by Netherlands)*

IRI: *partially implemented*

+

Recommendation n°63: *Take all the necessary measures to ensure prompt, thorough and impartial investigations into allegations of torture and ill-treatment* (Recommended by *Uzbekistan*)

IRI: *partially implemented*

+

Recommendation n°67: *Continue to pursue its commendable efforts in handling complaints regarding alleged acts of ill-treatment committed by law-enforcement authorities* (Recommended by *Bots wana*)

IRI: *fully implemented*

+

Recommendation n°68: *Further address the issue of treatment by law enforcement personnel towards criminal suspects, detainees and prisoners, in line with relevant human rights standards* (Recommended by *Indonesia*)

IRI: *fully implemented*

+

Recommendation n°82: *Ensure that all allegations of serious human rights violations by law enforcement officials are investigated in full and dealt with appropriately* (Recommended by *United Kingdom*)

IRI: *partially implemented*

+

Recommendation n°90: *Investigate complaints of all ill-treatment by ethnic minorities, including Africans and Roma, and hold perpetrators responsible* (Recommended by *Namibia*)

IRI: *partially implemented*

State of Austria response:

On-going Implementation

Coordinated decrees of 6 November 2009 between the [Federal Ministry of the Interior (BMI)] and the [Federal Ministry of Justice (BMJ)] ensure, amongst others, that the cases will be dealt with in an objective way and in one that excludes any appearance of bias.

A separate offence on torture was introduced in the Criminal Code through Federal Law Gazette Vol. I No. 120/2012. The terms of § 312a Criminal Code entered into force on 1 January 2013. In synopsis with the [Federal Bureau of Anti-Corruption (BAK)] under the leadership of the Office of the Public Prosecutor a thorough and impartial investigation is thereby assured.

Recommendation n°64: *Take prompt action against the use of excessive force by the police* (Recommended by *Sweden*)

IRI: *partially implemented*

State of Austria response:

Implemented

Training measures are taking place on a continuous basis.

IHRN response:

No significant improvements.



Recommendation n°65: *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 (Recommended by Sweden)*

IRI: *fully implemented*

State of Austria response:

Implemented

The Federal Bureau against Corruption (BAK) is an independent body and was established on 1 January 2010. Its nationwide jurisdiction over security and criminal police includes also human rights offences (Federal Law Gazette Vol. I No. 72/2009). Despite the fact that the BAK is based in the [Federal Ministry of the Interior (BMI)], in terms of organisation it is outside the scope of the Directorate General for Public Security (GDfdöS); § 7 of BAK-Act guarantees full “transparency of instructions”; it reports the suspicion of a criminal offence immediately to the Public Prosecutor’s Office and takes action upon instruction of the court or the Public Prosecutor’s Office; additionally a commission for legal protection examines justified allegations against the BAK according to §§ 8 and 9 BAK-Act.

Recommendation n°72: *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 (Recommended by Ecuador)*

IRI: *partially implemented*

State of Austria response:

On-going Implementation

See responses to recommendations 68 and 34.

Recommendation n°74: *Make further efforts to improve conditions in penitentiary institutions (Recommended by Bosnia & Herzegovina)*

IRI: *partially implemented*

State of Austria response:

Implemented

Continuous improvement of detention conditions in the penitentiary system is taking place within existing budgetary means. In particular, an on-going construction program aims at correcting existing shortfalls in all detention centres. Furthermore, the care of inmates is continuously being improved within existing budgetary means.

A new prison (Korneuburg) is operational since September 2012. After successful completion of the planning of the new prison in Salzburg the construction will start once the building permits have been received. Changes in planning also have to reflect changes in the population of inmates. Thus, a new women’s ward was established at Korneuburg prison and in Eisenstadt prison a women’s ward is planned. For the juvenile prison at Gerasdorf the construction of an outdoor tract and



“measures department” is being planned. Additionally, the construction of a new prison in the area of Vienna is being planned. Furthermore, the continuous improvement in the care of prison inmates is a priority. The necessary human resources are provided by the judicial service agency within the limits of the budget. As of 1 July 2012, the Austrian Ombudsman Board, with its commissions, took over the functions of a national preventive mechanism in accordance with OP-CAT and regularly visits places where people are deprived of their liberty, including prisons, in order to examine them and, if applicable, to elaborate recommendations for the attention of the highest responsible authorities.

IHRN response:

Stagnation or worsening, scandal on ill-treatment of juveniles has recently been exposed.

Recommendation n°77: *Further strengthen the measures to combat human trafficking* (Recommended by Azerbaijan)

IRI: fully implemented

State of Austria response:

Implemented

On 20 March 2012 the Austrian Federal Government adopted the third NAP on the fight against human trafficking. Important areas such as information campaigns, sensitizations and training for concerned professional groups, victim support and international cooperation were further strengthened. The national coordination mechanism “Task Force Human Trafficking” serves as an important platform.

A working group within the Human Rights Advisory Body was put in place for the question of identifying victims of human trafficking.

IHRN response:

Task-Force in place, has taken up UPR recommendations, discussion underway.

Recommendation n°78: *Continue to share at the international level its national practices of its Second National Action Plan Human Trafficking* (Recommended by Portugal)

IRI: fully implemented

State of Austria response:

Implemented

Representatives of the Austrian Federal Government, especially the national coordinator for the fight against human trafficking and the members of the Task Force Human Trafficking, took part in international and national conferences/seminars/workshops concerning human trafficking on a regular basis nationally and internationally. Often they acted as speakers in the framework of panel discussions or events. At the high-level meeting of the UN General Assembly on human trafficking on 13 May 2013 Austria was represented at ministerial level.



Recommendation n°80: *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 (Recommended by Czech Republic)*

IRI: *partially implemented*

State of Austria response:

Process of Implementation

An information leaflet in 42 languages was elaborated. Legal counselling is being assured in cases concerning the immigration authorities and computers with specific information regarding descent have been put in place in the police detention centres in Salzburg, Klagenfurt and Vienna.

The establishment of the Federal Office for Foreigners and Asylum furthermore assures better information and legal counselling.

Recommendation n°131: *Ensure that victims of human trafficking are never detained and that their rights relating to medical follow-up, residence and work permit are respected (Recommended by Switzerland)*

IRI: *fully implemented*

State of Austria response:

Implemented

The corresponding regulations are stipulated in the Settlement- and Residence Act (see § 69a) and in the Aliens Police Act of 2005.

Access to the labour market has been considerably eased with the amendment to the Act Governing the Employment of Foreign Nationals (Federal Law Gazette Vol. I No. 25/2011): Holders of a residence permit under § 69a of the Settlement and Residence Act (including victims and witnesses of human trafficking) require a work permit in order to start working in Austria. However, a work permit for employment in a specific workplace issued by the employer, can be granted under significantly simpler pre- conditions, namely without prior labour market test. Work permits serve to control the lawful employment in advance and thus also protect the respective foreign employees.

Follow-up: Under the coordination of the BMeiA a task force was established, that coordinates the activities of the concerned governmental bodies in interaction with civil society.

IHRN response:

Discussion in Task-Force.

Recommendation n°152: *Develop a fully fledged legal aid system in the context of policy 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 (Recommended by Czech Republic)*

IRI: *partially implemented*



State of Austria response:
Process of Implementation

Free legal counselling in detention pending deportation has been implemented with §66 of the Asylum Act 2005, amended through the Austria Aliens' Amendment Act 2011, Federal Law Gazette Vol. I No. 38/2011.

Recommendation n^o156: *Prohibit the practice of asylum-seekers - non-crime offenders detention in police custody by paying special care to minors and victims of human trafficking* (Recommended by Slovakia)

IRI: *not implemented*

IHRN response:
No changes yet.

SOGI

Recommendation n^o135: *Include a sexual orientation and gender identity perspective with regard to measures against incitement to hatred* (Recommended by Spain)

IRI: *fully implemented*

State of Austria response:
Implemented

See response to recommendation 18.

IHRN response:
Some improvements.

Recommendation n^o153: *Treat equally same-sex relationships with opposite-sex relationships, including the right to equal consideration for adoption and access to reproductive medicine* (Recommended by Netherlands)

IRI: *not implemented*

State of Austria response:
Rejected

The Civil Union Act (EPG), Federal Law Gazette Vol. I No. 135/2009 puts same-sex partnerships on equal footing with heterosexual ones. As a follow-up to the finding of the ECHR, Objection Number 19.010/07 X amongst others against Austria, the so-called stepchild adoption is also made possible in same-sex relationships with the amendment to the Adoption Act passed in July 2013 by the Parliament.

IHRN response:
No action, National Action Plan on Integration omits issue of racism/xenophobia.



Recommendation n^o170: *Amend the legal status of same-sex partnerships to enable the right to adopt and have children (Recommended by United Kingdom)*

IRI: *not implemented*

State of Austria response:

Rejected

As a follow-up to the finding of the ECHR, Objection Number 19.010/07 X amongst others against Austria, the so-called stepchild adoption is also made possible in same-sex relationships with the amendment to the Adoption Act passed in July 2013 by the Parliament.

IHRN response:

No changes yet.

Women & Children

Recommendation n^o14: *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 (Recommended by Moldova)*

IRI: *fully implemented*

State of Austria response:

Implemented

The Federal Constitutional Act on the Rights of the Child, Federal Law Gazette Vol. I No. 4/2011, which was passed in 2011, includes constitutionally guaranteed rights („fundamental rights”) of the child, which essentially comply with the Convention of the Rights of the Child. The core of these rights is the entitlement of children to special protection and care with due regard to the best interest of the child as the primary consideration in all actions concerning children. The best interest of the child has to be carefully balanced out against other fundamental rights such as the right of the parents to privacy and family life. Also, special importance is given to the right of the child for consideration of her views, the prohibition of child labour, the protection of the child against all forms of violence as a form of punishment or exploitation or (sexual) satisfaction of adults and the rights of children with disabilities.

Recommendation n^o16: *Fully translate CRC into its national legislation (Recommended by Slovakia)*

IRI: *partially implemented*

State of Austria response:

On-going implementation

The Austrian laws comply with the Convention of the Rights of the Child (see also the State Reports to the Committee of the Rights of the Child). Potential legal adaptations are constantly reviewed at simple law level taking into account new social developments.

Recommendation n°17: *Incorporate its international human rights obligations into domestic laws, in particular the rights of the child* (Recommended by Egypt)

IRI: *fully implemented*

State of Austria response:

Implemented

See response to recommendation 14

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Implementation measures are also constantly taken at provincial level, such as in:

Carinthia: According to § 4a of the Carinthian Youth Welfare Act the Ombudsman for Children and Young People is obliged to effectively promote, protect and publicly represent the interests of children and adolescents in compliance with the Convention of the Rights of the Child. A proposal to incorporate the rights of the Convention of the Rights of the Child into the Carinthian Constitution is currently being examined.

Styria: According to § 13a of the Styrian Youth Welfare Act the Convention of the Rights of the Child applies to the actions of the Ombudsman for Children and Young People as a directive.

Vorarlberg: The new Child and Youth Services Act, Federal Law Gazette No. 29/2013, explicitly states that child and youth services are obliged to take into account the Convention on the Rights of the Child when delivering their services (§ 3 para 1).

Recommendation n°19: *Take measures to ensure that national laws for the protection against domestic violence are applied at all levels in a coherent and effective manner* (Recommended by Switzerland)

IRI: *partially implemented*

State of Austria response:

On-going Implementation

There is a strong legal framework for the protection against domestic violence in force which is continuously being improved (see especially the Second Federal Act for the Protection against Violence within the Family, Federal Law Gazette Vol. I No.40/2009): Possibility of issuing an expulsion order by the police according to § 38a Security Police Act, interim court injunctions according to § 382b Enforcement Act to prevent the perpetrator from returning to the domestic environment, § 107a Criminal Code (stalking) and § 107b Criminal Code (continued use of violence).

For the effective implementation of these provisions appropriate measures are being taken regularly: special training and awareness-raising measures or law enforcement bodies, trainings for prosecutors and prospective judges on domestic violence and human trafficking, mandatory two-week traineeships for prospective judges in an intervention or welfare facility, creation of specialized posts for proceedings dealing with domestic violence at public prosecutor's offices with a minimum of ten



prosecutors, structural improvement in the field of the Violence Protection Centres (Intervention Centres against domestic violence) by increasing the budget by 3,5% in 2012.

Already the training programme for prospective judges offers seminars about domestic violence in collaboration with state approved institutions for victim protection and centres for the protection from violence which is mandatory for them. Topics include the Protection against Violence Act, restraining orders in this area, victim protection and the Victims of Crime Act, dealing with traumatized persons as well as legal and psychosocial assistance for victims during the proceedings. Furthermore the Judge and Public Prosecution Service Act includes a compulsory training service in an institution for victim protection or welfare with a minimum duration of two weeks.

The programme for further judges' and public prosecutors' training also includes sessions regarding these issues, such as the following examples:

- “Dealing with minor victims of abuse in civil and criminal proceedings”
- “Assessment of the danger of a delinquent in case of domestic violence and stalking”
- “Victim protection in the Criminal Procedure Reform Act”
- “Protection from violence and stalking – according to the point of view of civil and criminal law”

A central database on domestic violence is available since early 2012 (under § 58c Security Police Act) and offers law enforcement officials, who intervene in cases of domestic violence, nationwide background information about persons who have already been identified as offenders of domestic violence.

In 2011 Vienna introduced the programme MARAC (Multi Agency Risk Assessment Conference) which was developed in Great Britain in 2003 as a pilot project for improved protection of high-risk victims of violence, which was continued in 2012. In the framework of MARAC those institutions involved in the prevention of domestic violence (police, judiciary, intervention centers for women, youth welfare, child centers, health institutions, etc.) regularly discuss cases in order to take effective measures for the protection of high risk victims. From May to December 2011 altogether 13 MARAC meetings were held in two Viennese police precincts during which cases of 34 clients and measures for their security were discussed. Besides that, a MARAC steering committee works on fundamental concerns in regard to possible and necessary improvements in the area of victim protection.

In July 2013 the Parliament unanimously voted for the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO). With this the ratification process is nearly completed. For the monitoring of the implementation of the convention an expert committee (GREVIO) will be established within one year after the entry into force at the Council of Europe.

Recommendation n°29: *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 (Recommended by Costa Rica)

IRI: *partially implemented*

State of Austria response:

On-going Implementation

See response to recommendation 18

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By implementing the National Action Plan on Integration (NAP-I) the framework conditions for integration are being continuously improved with the aim to achieve equal opportunities. The following examples which are cited in the integration report 2012 make this policy particularly visible:

- Prominent personalities with migration background who are successful in Austria, visit schools as “Integration Ambassadors” with the aim to motivate young people as role models in professional career and positive examples of successful integration and to counter prejudices. The pool of Integration Ambassadors comprised 150 people as of June 2012 and is being continuously expanded.
- This project was enlarged by the initiative “Together: Austria - It’s your turn now! Your country needs you”. It should motivate young migrants to get involved more strongly in sports and other associations.
- As another implementation measure of the NAP-I the Dialogue Forum Islam was established to promote the dialogue between the Government and Muslims in Austria.
- Media play a key role in the intercultural dialogue. That is why together with media organisations and journalistic representations (Press Council, Journalists Union etc.) conceptual analysis of aliens related legislation and migration-related issues is conducted for the journalistic work and a glossary for journalists is drawn up.
- The journalistic Code of Conduct as a journalistic self-control mechanism for ethical behaviour shall also be adapted accordingly.
- In 2012 for the first time an Austrian journalist prize on integration was awarded. Those journalists, who particularly have engaged in the topic of integration, shall be awarded.
- With special scholarships and traineeships people with migration background shall be given incentives and funding to take up the profession of journalist.

The Ombudsman for Equal Treatment runs a comprehensive outreach work on the topic of discrimination, informs the population through multi-lingual folders on their rights, publishes its annual reports, maintains an informative homepage on the internet and since April 2012 supports a poster campaign of the European Commission against discrimination with over 600 posters in Vienna, Graz and Linz. With five different scenes attention is being drawn to discrimination at the workplace, on grounds of age, sexual orientation, ethnic affiliation, religion and disability. The central message of the campaign is the illegality of discrimination, and it informs



about the Ombudsman for Equal Treatment that provides advice and support in case of discrimination.

[as regard to "promote an inclusive educational system which does not leave behind migrant children or children with special needs"]

Process of Implementation

Existing initiatives for reinforced integration of children with migration background into school are being further developed, e.g. through special promotion of the German language skills. Within the framework of the "National Action Plan for People with Disabilities 2012-2020", which was adopted in July 2012, the Ministry works, amongst others, on the implementation of the goal of an inclusive educational system for children with special needs.

Follow-up: Both topics are being dealt with in a separate working group of the BMUKK.

Recommendation n°31: *Continue making progress in the implementation of the National Action Plan for gender equality in the labour market* (Recommended by Colombia)

IRI: *partially implemented*

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Recommendation n°83: *Continue moving forward in the empowerment of women, and in particular ensure that the salary gap between men and women is overcome* (Recommended by Cuba)

IRI: *fully implemented*

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Recommendation n°84: *Proceed with the preparation and implementation of the National Action Plan for the Equality of Women and Men in the Labor Market* (Recommended by Trinidad & Tobago)

IRI: *fully implemented*

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Recommendation n°142: *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* (Recommended by Algeria)

IRI: *partially implemented*

State of Austria response:

On-going Implementation

Measures of the National Action Plan for Gender Equality in the Labour Market are being implemented, such as:

- Obligation for private companies and public services to issue income reports.
- It is mandatory to include the minimum wage in vacancy announcements and – where appropriate – the offer to overpay. This regulation was extended on 1 August 2013 as far as economic sectors that are not bound by (collective) wage agreements also have to announce the wage which is the basis of negotiation for the agreement concerning the wage.



- Introduction of women's quota in supervisory boards of state-affiliated companies.
- With the [Salary Calculator](#) the average salary on comparable workplaces can be explored.
- The information campaign in favour of more use of paternity leave in the private sector, initiation of the "Paternity Leave Month" in the public service since 1 January 2011.
- In 2011 10 Million Euro and 15 Million Euro each year between 2012 and 2014 are made available by the Federal Government for expanding the number of child care facilities.
- Labour market policy programme for women
- Promotion of gender competences in the training of teachers, development of schools as well as headmasters.

Recommendation n^o38: *Expedite action to allow for the full realization and protection of all children in Austria* (Recommended by Ghana)

IRI: *not implemented*

State of Austria response:

On-going Implementation

All measures within the framework of the education-, family- and health policy of the Federal and provincial governments including a wide range of cultural events (children's university, Youth Theatre, arts- radio- and film projects, etc.) and after-school youth work financed through the Youth Promotion Act, aim at the development of the child's personality. Measures of the Youth Welfare authorities serve the protection of the child as do training and awareness-raising programmes of the [Federal Ministry of Economy, Family and Youth (BMWFJ)] (like parents' training, family counselling, information campaigns), [Federal Ministry of Education, Arts and Culture (BMUKK)] and [Federal Ministry of Health (BMG)] (see concrete 3rd/4th state report 2009).

IHRN response:

No significant developments

Recommendation n^o46: *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* (Recommended by Mexico)

IRI: *partially implemented*

State of Austria response:

On-going Implementation

See responses to recommendations 19, 31, 75, 76

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The first [Austrian violence prevalence survey in 2011](#) provided insights into the nature and extent of violence against women, serves as a basis to tackle the problem.



The regular budget of the Domestic Abuse Intervention Center Vienna, of the Violence Protection Centres and the Intervention Center for Trafficked Women was increased by 3,5 % in 2012 (50% BMI, 50 % Minister for Women's Affairs). Since 2000 the BMJ supports victim assistance facilities that provide legal and psycho-social assistance in criminal procedures. As part of this assistance, victims of violence - mostly women who are victims of sexual offenses, but also children and young people - who are in need of support, are being provided with psycho-social support and legal representation, free of charge. Since 1 January 2006 there is a legal entitlement to process-support for certain victims of criminal offenses and their relatives. The psycho-social assistance includes strengthening the stakeholders to prepare them for the trial and the associated emotional stress as well as accompanying them to pre-trial hearings and to the main trial. Legal assistance includes legal advice and representation by a lawyer. The lawyers providing legal support are entitled to make claims for damages in criminal proceedings (rights of private parties). The BMJ covers the expenses that are incurred by the process monitoring facilities. In 2012, around 4.9 million Euros were spent on the assistance of 4.553 persons by 45 victim support organizations. 4 million Euro of this amount were spent on the support of 3,861 female victims.

Recommendation n°47: *Improve gender representation at all levels of society* (Recommended by *Bosnia & Herzegovina*)

IRI: *partially implemented*

State of Austria response:

Process of Implementation

Quotas for women were established in supervisory bodies of companies in which the federal government holds a 50% or larger stake. As of 2013 25% , as of 2018 35% of the government nominated supervisory board members shall be women. As of March 2013 the women quota at the federal level in these companies is already at an average of 33%. The quota for affirmative action directed at women in the civil service was raised from 45% to 50%.

Recommendation n°71: *Provide special protection and assistance to unaccompanied children* (Recommended by *Brazil*)

IRI: *fully implemented*

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Recommendation n°92: *Consider implementing, as appropriate, the recommendations of human rights treaty bodies and special procedures with respect to asylum seekers and irregular immigrants, especially children* (Recommended by *Jordan*)

IRI: *fully implemented*

State of Austria response:

Implemented

The institution „Youth Project Traiskirchen“ (“Verein Menschen Leben”) is an institution for the needs of unaccompanied minor foreigners. Special care in the Service Center East: unaccompanied minors are taken care of in housing facilities of the youth welfare authority.



The working group on trafficking in children is discussing options for an improved protection of unaccompanied children.

Recommendation n°75: 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 (Recommended by Malaysia)

IRI: partially implemented

State of Austria response:

On-going implementation

See responses to recommendations 74 and 19.

Recommendation n°76: 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 (Recommended by Canada)

IRI: partially implemented

State of Austria response:

On-going Implementation

See response to recommendation 19

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As of 1 January 2008 specialized prosecutors with the responsibility for dealing with cases concerning violence in the social context have been established in Public Prosecutor's Offices with at least ten systemized permanent posts. These public prosecutors are specially trained for this purpose.

Additionally, the training for prospective judges includes sessions on the topic of domestic violence. Furthermore, since 1 January 2009 prospective judges have to complete an at least two-week long traineeship with a victim protection or welfare organisation.

On 1 January 2012 harsher sentences for these kinds of criminal acts were put in place (Amendment to the Criminal Code 2011, Federal Law Gazette I No. 130/2011) as a consequent continuation of measures of the 2nd Protection against Violence Act.

Furthermore, commitments arising from the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse as well as from the recommendations of the UN Committee on the Rights of the Child of 3 October 2008 regarding the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography were implemented. The implementation of the directive of the European Parliament and the Council on combating sexual abuse, sexual exploitation of children and child pornography, which has not yet been adopted, was partly anticipated through the amendment of the Criminal Code in 2011. § 208a of the Criminal Code introduces a new criminal



offence against the initiation of sexual contacts with under-aged. § 215a para 2a of the Criminal Code criminalizes also the deliberate observation of pornographic acts of minors. Furthermore the extraterritorial jurisdiction of § 64 para 1 (4a) of the Criminal Code was extended to include further criminal offences and the link for the application of national jurisdiction was broadened regarding acts committed abroad to include crimes no matter if it is punishable in the state where it was committed.

In July 2013 the Parliament unanimously adopted the decision to ratify the Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO). The ratification process is thus almost concluded. Measures to create awareness, for the prevention and the protection of victims in regard to the fight against domestic violence are put in place on a regular basis.

Recommendation n°79: Take effective measures to prevent sex tourism, and combat the sale and trafficking and sexual exploitation of children (Recommended by Egypt)

IRI: not implemented

State of Austria response:

Process of implementation

See response to recommendation 76.

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Measures to protect children are being discussed by and implemented through three inter-institutional working groups of the [Federal Ministry of Economy, Family and Youth (BMWFJ)]. Effective measures against sex tourism and child trafficking will continue to be discussed in the three working groups. A framework agreement with the provinces (“Länder”) is required (regarding safe housing, etc.).

Follow-up: Continuation of the discussion in the three working groups of the Task Force Human Trafficking.

IHRN response:

No significant developments

Recommendation n°81: 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 (Recommended by Iran)

IRI: partially implemented

State of Austria response:

On-going Implementation

The Austrian juvenile jurisdiction operates at a high level. Potential requirements for improvement are being examined on a regular basis. Following a request by the Federal Minister for Justice the work of the round table on “pre-trial detention for minors – prevention, reduction, enforcement” was commenced on 16 July 2013; it should deal with possibilities to avoid, shorten, or at least to improve the execution of pre-trial detention for minors in as many cases as possible. Results of the round table should be available within a short time.



Recommendation n°85: *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* (Recommended by Republic of Korea)

IRI: *partially implemented*

State of Austria response:

On-going Implementation

See response to recommendation 31

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Since 1 January 2013 the Federal Ministries, in accordance with Article 51 para 9 (1) Federal Constitutional Act (B-VG) and in the framework of their budget have to evaluate in advance what likely impact the intended project has, amongst others, on the equality of women and men (impact orientated administration). Whether or not the impact actually took place has to be examined retroactively.

Recommendation n°86: *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* (Recommended by Malaysia)

IRI: *not implemented*

State of Austria response:

On-going Implementation

In accordance with the constitutional principle of equal treatment, the mentioned supporting benefits are allocated to the mentioned target groups without regard to the type of family or its origin, in the same way as it is provided for other families; the former may be supported specifically according to their needs. This is for example done by the sibling scale or the multiple child supplement concerning family allowance.

Aktive Arbeitslose (AKTIVE) response:

At least in Vienna the subsidy for heating costs which benefits people with poor income got restricted to people within the social assistance system. This is contrary to the federal principles underlying such assistances (Austrian notion: Heizkostenzuschuss). This drawback happened gradually in the last three years.

IHRN response:

No changes.

Recommendation n°87: *Continue the implementation of measures to improve the access to health services by all children* (Recommended by Chile)

IRI: *partially implemented*

State of Austria response:

Implemented

On 29 September 2011, as a result of an initiative for Dialogue on Children's Health by the Federal Minister of Health, a strategy for the children's health was presented. The strategy foresees a number of measures that should be implemented on a short, medium and long-term basis. Promotion of health and prevention are of particular significance. The collaboration of all important partners in the health area and all



policy areas (“Health in All Policies”) is an important pre-condition for the successful implementation.

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Follow-up : See response to recommendation 37

IHRN response:

No changes.

Other

Recommendation n°13: *Take the necessary measures to ensure that human rights standards, not only European but also international, are incorporated into Austrian law* (Recommended by Canada)

IRI: not implemented

State of Austria response:

On-going implementation

International human rights standards are being integrated into Austrian law on a continuous basis (e.g. Federal Act on the Implementation of OP-CAT, Federal Constitutional Act on the Rights of the Child, Federal Law Gazette Vol. I No. 4/2011).

AKTIVE response:

Fit2work is only more recent example for neglecting of data protection, [issue for human rights of privacy](#). It affects people with health problems who are unemployed and/or get social assistance (called BoMS). The underlying law changes are drawbacks with respect to data protection and dignity of socially marginalized citizens.

FEANTSA response:

Although Austria has ratified the Revised European Social Charter (RESC) on 20/05/2011, it has excluded Art. 31 on the right to housing. Furthermore, although Austria has signed, it has yet to ratify the Additional Protocol providing for a system of collective complaints. In view of ensuring the effective exercise of the right to housing, Art. 31 obliges its parties to

- (1) promote access to housing of an adequate standard,
- (2) prevent and reduce homelessness with a view to its gradual elimination,
- (3) make the price of housing accessible to those without adequate resources.

According to Raquel Rolnik, UN Special Rapporteur on adequate housing, it is widely understood that the right to housing does not only mean a right to a “roof, anywhere, at any cost” but that it is “about enabling environments for people to maintain their family and community bonds, their local schools, work places and health services allowing them to exercise all other rights, like education, work, food and health”. As such, as the right to housing plays a key role in the enjoyment of other human rights, it is of key importance that Austria signs and ratifies Art. 31 of the



RESC. The system of collective complaints is designed to increase the efficiency of supervision in Austria, and is currently only based on the submission of governmental reports; by allowing management, labour and non-governmental organisations to bring complaints to the European Committee of Social Rights when Governments fail to guarantee the rights they have promised to protect will increase the protection of rights. Having already made the first step of signing the Additional Protocol, we call for Austria to ratify it in order to improve the effective enforcement of the social rights guaranteed by the RESC and thus contribute to ensuring that human rights standards are incorporated into Austrian law; in particular with regard to the Right to housing.

IHRN response:

No significant changes.

Recommendation n°23: *Further enhance the mandate of the Ombudsman Board in accordance with the Paris Principles (Recommended by Jordan)*

IRI: fully implemented

State of Austria response:

Process of Implementation

The independent Ombudsman Board exercises the tasks of a National Human Rights Institution with the involvement of civil society. The OP-CAT Implementation Act, which has been in force since 1 July 2012, clarifies in the Federal Constitution that the investigation of maladministration by the Ombudsman Board also includes violation of human rights. A violation of human rights constitutes the worst form of deficiency in public administration. In Austria the independent judiciary plays the central role in the protection of human rights. This was reinforced with the amendment of the Administrative Jurisdiction Act in 2012, Federal Law Gazette Vol. I, No. 52/2012, as administrative courts of first instance were established that will be operational as of 1 January 2014.

Furthermore, there are three academic human rights institutes in Austria, which perform manifold tasks according to the Paris Principles (e.g. awareness-raising through information and (continuous) training, assessment reports, research programs): the Ludwig-Boltzmann-Institute for Human Rights in Vienna, the European Training and Research Center for Human Rights and Democracy in Graz and the Austrian Institute for Human Rights in Salzburg. These institutes also receive research contracts and subsidies from the State.

Austrian Ombudsman Board (AOB) response:

Since July 1st 2012 the Austrian Ombudsman Board (AOB) in its capacity as National Preventive Mechanism (NPM) in accordance with the Optional Protocol to the Convention against Torture (OPCAT) carries out additional duties of a National Human Rights Institution (NHRI) and accordingly cooperates with civil society. Furthermore a constitutional law was passed charging the AOB with the implementation of several provisions of the Convention for the Rights of Persons with Disabilities (CRPD), in particular its Art. 16 para. 3.



Therefore the AOB together with six independent expert commissions, which were appointed by the AOB and conduct visits to all “places of detention”, monitors the compliance with human rights. In addition to the commissions the AOB is assisted by a pluralistically composed advisory body, the Human Rights Advisory Council.

At the same time, a new passage in the Austrian Federal Constitution entrusts the AOB with “the protection and promotion of human rights”. Thus it is made clear that the cases of maladministration which the AOB is competent to examine can also consist in violations of human rights. A violation of human rights constitutes the most egregious kind of maladministration.

In the same way it was constitutionally established that the members of the AOB shall have knowledge in the field of human rights.

Since 2000 the AOB is a B-status accredited Austrian NHRI at the International Coordinating Committee (ICC). Because of the constitutional changes that have taken place since the last accreditation session the AOB now also is in full accordance with the Paris Principles with respect to a broad human rights mandate as well as the enhanced participation of the civil society. Therefore the AOB seeks to obtain the A-status on the occasion of the next (re-)accreditation of at the ICC in 2016.

IHRN response:

Some changes due to broadening of mandate in line with NPM/OP-CAT but according to NGOs no expectation of A-Status compliance.

Recommendation n°24: *Strengthen the Austrian Ombudsman Board and expand its mandate at the earliest to ensure full compliance with the Paris Principles* (Recommended by India)

IRI: *partially implemented*

+

Recommendation n°25: *Identify opportunities to enhance the effectiveness and independence of national human rights bodies* (Recommended by Australia)

IRI: *partially implemented*

+

Recommendation n°120: *Consider establishing an independent national human rights institution in conformity with the Paris Principles* (Recommended by Philippines)

IRI: *partially implemented*

+

Recommendation n°121: *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* (Recommended by Canada)

IRI: *partially implemented*

State of Austria response:

Process of Implementation

See response to recommendation 23.

IHRN response:

Some changes made, independence not fully guaranteed due to selection process of OM.

Recommendation n°45: 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 (Recommended by Canada)

IRI: -

State of Austria response:

Implemented

In the framework of the structured dialogue with civil society a number of public events with many interested NGOs already took place at the invitation of the Legal Service of the BKA and the Legal Office of the [Austrian Foreign Ministry (BMeiA)] which will continue in the future. Parallel to these meetings there is an on-going “thematic dialogue” that takes place with the line ministries which is being supported by the BKA and the BMeiA. A Steering Committee comprised of representatives of civil society and the Legal Service of the BKA and the Legal Office of the BMeiA was established which regularly deals with general questions of this dialogue.

The regular dialogue of the Federal Chancellor with representatives of civil society on issues of equality that is already taking place is being institutionalized through the amendment to the Equality Act, Federal Law Gazette, Vol. I No. 107/2013 of 1 August 2013.

Recommendation n°117: Establish a national human rights institution, in accordance with Paris Principles (Recommended by Costa Rica)

IRI: *partially implemented*

State of Austria response:

Process of Implementation

See response to recommendation 23.

IHRN response:

Some changes were made to Ombudsman Office as mandate was broadened to OP-CAT, NGOs do not see full compliance with PP yet.

Recommendation n°118: 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 (Recommended by Malaysia)

IRI: *partially implemented*

IHRN response:

Some changes were made to Ombudsman Office as mandate was broadened to OP-CAT, NGOs do not see full compliance with PP yet.



Recommendation n°122: *Increase human and financial resources of the Office of the Ombudsperson for Equal Treatment (Recommended by Honduras)*

IRI: *not implemented*

IHRN response:
no increase yet.

Recommendation n°124: *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 (Recommended by Mexico)*

IRI: *not implemented*

IHRN response:
No developments yet.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.



UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
103	Sign and ratify the Optional Protocol to International Covenant on Economic, Social and Cultural Rights, allowing for individual complaints of alleged violations of these rights to be heard by the Committee on Economic, Social and Cultural Rights	Portugal	Rejected	5	ESC rights - general,International instruments
104	Sign and ratify the Optional Protocol to International Covenant on Economic, Social and Cultural Rights	Spain	Rejected	5	ESC rights - general,International instruments
105	Sign and ratify the Optional Protocol to International Covenant on Economic, Social and Cultural Rights	Uganda	Rejected	5	ESC rights - general,International instruments
119	Bring its national human rights institution in line with the Paris Principles	Spain	Rejected	4	NHRI
134	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	Rejected	5	Minorities,Racial discrimination
144	Adopt a National Action Plan on combating racism and xenophobia, in close consultation with civil society	Iran	Rejected	5	Civil society,National plan of action,Racial discrimination
145	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	Rejected	5	Human rights education and training,Human rights violations by state agents,National plan of action,Racial discrimination
148	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	Rejected	5	Detention conditions,Justice,Racial discrimination
149	Ensure that no children are held in detention	Brazil	Rejected	4	Detention conditions,Rights of the Child



150	Raise the age for all enrolments into armed forces to the age of at least 18 years in line with the CRC recommendation	Ghana	Rejected	5	Rights of the Child, Treaty bodies
151	Raise the age for all enrolments into armed forces to the age of at least 18 years in line with the CRC recommendation	Slovakia	Rejected	5	Rights of the Child, Treaty bodies
161	Sign and ratify ICMW	Turkey	Rejected	5	International instruments, Migrants
162	Sign and ratify ICMW	Uganda	Rejected	5	International instruments, Migrants
163	Ratify ICMW	Honduras	Rejected	5	International instruments, Migrants
164	Ratify ICMW as early as possible	China	Rejected	5	Migrants
165	Take progressive measures to consider accession to ICMW	Philippines	Rejected	4	International instruments, Migrants
166	Become party to ICMW	Pakistan	Rejected	5	International instruments, Migrants
167	Adhere to the principles of ICMW in view of its possible ratification	Mexico	Rejected	4	International instruments, Migrants
168	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	Rejected	3	International instruments, Migrants
169	Consider acceding to ICMW	Azerbaijan	Rejected	3	International instruments, Migrants

A= Action Category (see on [our website](#))

SMR = State making recommendation

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