



Office for Democratic Institutions and Human Rights

**Information Submitted to the  
Office of the United Nations High Commissioner for  
Human Rights  
as a Stakeholder in the  
Universal Periodic Review of the Republic of Austria**



**WARSAW, 23 MARCH 2015**

# **OSCE/ODIHR Submission of Information about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review Process**

**Participating/Partner State:** Austria

**UPR Session and Date of Review:** 23d Session, 2-13 November 2015

## **Background**

The Republic of Austria is participating State in the Organization for Security and Co-operation in Europe (OSCE) and has thus undertaken and has recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.<sup>1</sup> The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) has been mandated by OSCE participating States, including the Republic of Austria, to assist them in implementing their human dimension commitments. OSCE/ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in the Republic of Austria and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms.

## **Election-related activities**

Parliamentary Elections, 29 September 2013. Following an invitation from the the Permanent Mission of Austria to the OSCE and based on the recommendations of a Needs Assessment Mission (NAM) conducted from 29 to 30 April 2013, the OSCE/ODIHR on 19 September deployed an Election Expert Team (EET) for the 29 September 2013 parliamentary elections.

The OSCE/ODIHR EET consisted of three experts drawn from three OSCE participating States. The OSCE/ODIHR EET assessed the legal framework, political party and campaign finance regulations, and the complaints and appeals system. In line with OSCE/ODIHR methodology, the OSCE/ODIHR EET did not undertake a comprehensive and systematic observation of the electoral process or Election Day procedures. Therefore, the EET final report was limited in scope and did not offer an overall assessment of the electoral process.<sup>2</sup>

According to the report, this election was administered in a commendably open, transparent, professional, and efficient manner, commanding a high level of public confidence. The legal framework provides a sound basis for the conduct of democratic elections. Legislation regulating political party and campaign financing was adopted in 2012, addressing a prior OSCE/ODIHR recommendation. The law, however, does not provide for domestic observation by civic organizations, as called for by the 1990 OSCE Copenhagen Document.

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<sup>1</sup> Compendium of OSCE Human Dimension Commitments, vol 1 and 2; Astana Commemorative Declaration, 2010.

<sup>2</sup> See the full report at: <http://www.osce.org/odihr/elections/austria/104993>.

Presidential Election, 25 April 2010. Following an invitation from the Permanent Mission of Austria to the OSCE and based on the findings and conclusions of a NAM undertaken from 10 to 12 February 2010, the OSCE/ODIHR Election Assessment Mission (EAM) was deployed from 11-30 April for the 25 April 2010 presidential election.

The OSCE/ODIHR EAM consisted of 11 experts from 10 OSCE participating States. According to standard practice, the OSCE/ODIHR EAM did not undertake a comprehensive and systematic observation of Election Day proceedings, but OSCE/ODIHR EAM experts visited all nine federal provinces during the mission.

According to the mission's final report “This election was administered in an efficient and professional manner and commanded a high level of public confidence. The nature of the contest in which three of the five parliamentary parties declined to field candidates to challenge a popular incumbent president, limited voter choice and contributed to a low-key campaign, lacking vigorous debate.”<sup>3</sup>

### **Legislation reviewed by ODIHR**

Upon request by authorities of a participating State, and OSCE field operation or another OSCE institution, the OSCE/ODIHR reviews draft or enacted legislation of OSCE participating States on topics relating to the human dimension of security for its conformity with OSCE commitments and other international standards. The legal reviews and opinions, often produced in co-operation with the Venice Commission of the Council of Europe, are available at [www.legislationline.org](http://www.legislationline.org). Basic information about the constitutional system and human dimension-related legislation of Austria is also available in English on [www.legislationline.org](http://www.legislationline.org).

In 2011-2014, one legal opinion (on topics other than elections) was issued on draft legislation of Austria:

OSCE/ODIHR Opinion on the Draft Federal Law of Austria Amending the Law on the Recognition of Adherents to Islam as a Religious Society (Opinion-Nr.: FOR-AT/264/2014 [RJU]), issued on 7 November 2014. This Opinion requested by the Permanent Representative of Austria to the Organization for Security and Co-operation in Europe (OSCE) on 17 October 2014, was prepared with the aim of assessing the draft law against the background of its compatibility with relevant international human rights standards and OSCE commitments. The OSCE/ODIHR viewed the aim of the draft law positively, which was to clearly regulate the legal status of Islamic religious societies in Austria. At the same time, OSCE/ODIHR noted that certain provisions of the draft law may need to be amended to bring it in line with international standards. In particular, conditions for the recognition of religious societies should have been eased, and the wide range of grounds for the withdrawal of recognition of such societies, and for the withdrawal of legal personality of their constituent communities of worship, should be significantly reduced. It was recommended that the draft law should provide more protection for the autonomy of the religious societies and either remove or narrowly word the provision regulating a ban on foreign funding of religious societies. The Opinion proposed to remove provisions on the automatic dissolution of existing associations spreading religious doctrine. Provisions affecting the freedom of peaceful assembly should be likewise removed: it was recommended to address these issues

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<sup>3</sup> See the full report at: <http://www.osce.org/odihr/elections/austria/111362>.

under generally applicable legislation. The draft Law was passed on 25 February 2015. None of the recommendations were taken into account.

### **Tolerance and non-discrimination issues, including incidents of and responses to hate crime**

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and the OSCE/ODIHR supports states in their implementation of those commitments. In this context, the OSCE/ODIHR reports annually on hate crimes, incidents and responses in the OSCE region– to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. It also helps participating States to design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States' criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.

Information concerning Austria in OSCE/ODIHR's most recent hate crime reporting cycle (2013)<sup>4</sup> includes the following:

Information from the Austrian authorities: For the 2013 reporting cycle, the National Point of Contact for Austria submitted a completed questionnaire and reported total of 110 hate crime, recorded by Interior Ministry. These data are also regularly published.<sup>5</sup> Specifically, Austria recorded 61 racist/xenophobic crimes, 37 anti-Semitic crimes and 12 anti-Muslim crimes. This information was not broken down by crime type and includes some cases of hate speech or discrimination. The Austrian authorities also reported that the Ministry of the Interior's Federal Agency for State Protection and Counterterrorism has been conducting an awareness-raising campaign among prison staff regarding extremist radicalization and recruitment since 2012.

Information from civil society organizations and groups: Additionally, ODIHR sent requests for information on hate crime incidents in Austria to inter-governmental organizations and to international and local civil society organizations and groups. In terms of racist or xenophobic incidents, Anti-Discrimination Office Styria reported one physical assault by a group against a taxi driver and one incident of threats against two girls on a tram. ZARA reported 11 physical assaults, two of which resulted in serious injuries. In seven cases, the victims were women. ZARA also reported an attempted arson against a camp for asylum seekers; three incidents of damage to property, one of which included an incident of graffiti; four incidents of threats; one attack by a group against a Turkish cultural center; and 11 incidents of racist graffiti.

Several incidents based on bias against Roma were reported. ZARA and the Romano Centro reported one incident of threats and a planned arson attack against a group of Roma by a group, which had been organized on Facebook and the Anti-Discrimination Office Styria reported one physical assault against two Roma men.

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<sup>4</sup> <http://hatecrime.osce.org/austria>.

<sup>5</sup> [http://www.bmi.gv.at/cms/BMI\\_Verfassungsschutz/BVT\\_VSB\\_2014\\_V20140613\\_online.pdf](http://www.bmi.gv.at/cms/BMI_Verfassungsschutz/BVT_VSB_2014_V20140613_online.pdf).

On anti-Semitism, ZARA reported 29 incidents of graffiti, one of which involved a synagogue, and several incidents of damage to commemorative Stolpersteine (small stones commemorating individual victims of Nazism) and The Forum Against anti-Semitism reported seven physical assaults, six incidents of damage to property, 48 incidents of vandalism and 24 threats. Incidents based on bias against Muslims were also reported to ODIHR. ZARA reported two physical assaults, in which women were attacked because of their religious and ethnic backgrounds, and 13 incidents of graffiti, one of which targeted a mosque. World Without Nazism reported one physical assault against a Muslim woman who was wearing a headscarf. Anti-Discrimination Office Styria reported one incident of threats against Muslim girls wearing headscarves.

Incidents of bias against Christians and members of other religions were also reported to ODIHR. The Observatory on Intolerance and Discrimination against Christians reported two incidents of the desecration of places of worship, one of which included burglary. The European Association of Jehovah's Christian Witnesses / Jehovah's Witnesses – Austria reported seven incidents of damage to places of worship involving buildings being broken into or vandalized.

In 2013, another participating State, the Holy See reported one case of anti-Polish graffiti on the wall of a church where a priest of Polish descent works. Austrian authorities reported back that the perpetrator was not identified and that no bias motivation was established. The Holy See also reported one case of damage to church property when shoes were thrown at an altar during a Christmas midnight mass. Austrian authorities reported back that the court proceedings ended with an acquittal of the accused on the grounds of mental incapacity, and that religious bias motivation could not be established. The Holy See also reported 23 incidents targeting Christian symbols or sites.

Finally, Anti-Discrimination Office Styria reported one incident in which a transgender person was spat at.

Starting with its 2012 reporting cycle, ODIHR introduced a system of key observations for all countries, based on OSCE Ministerial Commitments related to hate crime recording and monitoring. For its 2013 reporting cycle, ODIHR made the following observation in relation to Austria: 'Austria has not reported on hate crimes separately from cases of hate speech'.

## **Roma and Sinti issues**

NTR

## **Country-specific ODIHR monitoring, assessment, co-operation and assistance activities (other than elections)**

NTR

## **Other assessments and recommendations contained in ODIHR reports on thematic human issues**

### ***Gender Equality and Democratic Governance***

In February 2014, ODIHR organized a *Roundtable on Politics, Power and Women: the Local Perspective*, in co-operation with the Go-Governance Institute and the Buerger Forum Europa 2020. The Roundtable aimed to raise awareness about OSCE commitments, good practices

and strategies for advancing women's political participation, with a special focus on local politics in Austria. Fifty participants, including Austrian and European politicians, women aspiring political candidates, academics, and media discussed challenges and ways forward towards gender equality in elected office at the local level. On this occasion ODIHR commissioned a paper on [\*Women's Political Participation on the Local Level in Austria\*](#).<sup>6</sup>

Currently, women's representation in the parliament of Austria stands at 30.6 per cent<sup>7</sup> meeting the 1995 UN Beijing Platform for Action target of 30 per cent women in decision-making while being below the 40 per cent representation of women in parliaments and other elected assemblies recommended by the Council of Europe.<sup>8</sup> With only 5 per cent<sup>9</sup> of women mayors and an average of 23.3 per cent<sup>10</sup> of women elected municipal representatives in different regions across the country, Austria ranks low in the OSCE region in relation to the representation of women in local politics and should increase its efforts to improve the situation.

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<sup>6</sup> The paper *Women's Political Participation on the Local Level in Austria* is available at [www.osce.org/odihr/145551](http://www.osce.org/odihr/145551).

<sup>7</sup> ODIHR assessment, based on data compiled by the Inter-Parliamentary Union, for lower houses of parliament. See <http://www.ipu.org/wmn-e/world.htm>, as of 1 January 2015.

<sup>8</sup> The UN Economic and Social Council originally proposed the 30 per cent target to be achieved by 1995. In its 1995 Beijing Platform for Action, the United Nations recalled that few countries had achieved this goal and urged Member States to take actions to achieve the target as a means to build a 'critical mass' of women's representation in political and public life; see <http://www.un.org/womenwatch/daw/beijing/platform/decision.htm>. Also Council of Europe PACE Resolution 1489 (2006), Mechanisms to ensure women's participation in decision-making; see <http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=17414&lang=EN>.

<sup>9</sup> According to data collected by the EU Directorate - General for Justice and Consumers on lowest level of administrative subdivision (generally municipalities). Data is published at [http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/politics/municipal-councils/index\\_en.htm](http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/politics/municipal-councils/index_en.htm).

<sup>10</sup> Sundström, Aksel, Women's local representation within 35 European countries: A comparative dataset on regional figures (2013)