

**UN Human Rights Council – 31th Regular Session
Item 6 – Universal Periodic Review
Consideration of the UPR Outcome of AUSTRIA**

Geneva, 16 March 2016

**Statement by the Permanent Representative of Austria,
Ambassador Thomas Hajnoczi**

**Mr. President,
Excellencies, Ladies and Gentlemen,**

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

We believe that the Universal Periodic Review is one of the fundamental achievements of the Human Rights Council and an encouraging example of what this Council can do to improve the promotion and protection of human rights.

Mr. President,

Austria's international human rights engagement has always been guided by a spirit of cooperation and dialogue. Dialogue and partnerships are crucial for turning the promises of the Universal Declaration of Human Rights into reality for all people around the globe.

We continue to see the Universal Periodic Review as an opportunity to demonstrate our commitment to the promotion and protection of human rights not only at the international and regional level, but also at the national level. The UPR has provided us with an incomparable opportunity to take again a fresh look at our own human rights situation. Austria has – and it is fair to say that this has also been recognized during our UPR – a high standard of human rights protection. However, the full realization of all human rights for all persons remains by definition a goal, an aspiration and a constant struggle.

As we speak, Austria – like many other European countries – is facing a tremendous challenge to its human rights situation by the influx of refugees, asylum seekers and migrants from Syria, Afghanistan and many other countries. Austria is fully committed to its obligations under the Geneva Refugees Convention and its human rights obligations. Like other countries, we find ourselves in a situation where our capacities for an orderly processing of asylum applications and for providing shelter to asylum seekers are stretched to extreme limits, which forces us sometimes to take temporary measures to restrict the influx to a manageable size. All this is done in conformity with our international obligations and in the hope that we shall soon achieve a fully coordinated European Union approach to these issues. We expect that the European Council will in its upcoming meeting on 17 and 18 March comprehensively address issues in view to tackle this migration crisis. Austria will continue to show solidarity and is contributing with considerable financial aid to reduce the human suffering as well as increase protection for the most vulnerable, in particular women and children.

Mr. President,

The intensive process of preparation of our national UPR report was conducted in great openness and transparency. It was steered by the Federal Ministry for Europe, Integration and Foreign Affairs in close coordination with the Austrian Federal Chancellery with the participation of the Human Rights Coordinators of the other Federal Ministries and the nine States ('Länder') and with the full involvement of NGOs, academia and independent human rights bodies. The draft report was published on the website of the Foreign Ministry, while civil society organizations were able to present their positions on it. We appreciated the critical assessment on areas where there was disagreement with the government or where we need to improve and committed ourselves to a continuous and transparent ongoing dialogue in this regard.

The examination in the Working Group with the questions, remarks and recommendations have provided us with another assessment of our human rights situation, this time by other states, thereby enabling us to have an additional perspective on our own strengths and weaknesses.

During the dialogue in the Working Group we received 229 recommendations on a variety of issues. We were able to accept 135 recommendations immediately, while 23 had to be rejected. On 71 we deferred the decision and held extensive consultations over the last weeks with all relevant national authorities, after which another 27 could be accepted. In our response to these recommendations, annexed to the report that we consider today, we have made extensive comments and gave substantive explanations on every individual recommendation.

In this context let me make the following clarifications on 7 recommendations:

- Concerning four recommendations on Austrian reservations to international treaties I would like to reiterate that those reservations are all in accordance with the object and purpose of the conventions. To a large extent, their purpose is to clarify the relationship to other international human rights instruments, such as the European Convention of Human Rights. At the same time, the question of reservations is continually being reviewed with all competent authorities and where possible a withdrawal is being considered, like for example with the reservations to CAT. A withdrawal of the reservations to Art. 10 and Art. 14 ICCPR though is not envisaged, the reasons of which we explained in our written statement. Nevertheless, we wanted to accept all the recommendations on reservations, while taking into account this clarification on the ICCPR.
- Another clarification concerns three recommendations, which include both the ratification of the Optional Protocol to the ICESCR as well as of the Optional Protocol to the CRC. As a ratification of the first is currently not envisaged these recommendations could not be accepted, however we would like to clarify that we will take a closer look on a possible ratification of the latter one. We accepted those recommendations that comprised only the OP on the CRC.

Mr. President,

I wish to reaffirm that we see the UPR as an ongoing process, which is not concluded with the adoption of the outcome report. Since our first UPR review in January 2011 we have been engaging on the follow-up on a continuous basis. Our main mechanism to overview and implement the recommendations in a structural way is the so-called group of Human Rights Coordinators of all Federal Ministries and of the Governments of the nine Austrian regions. Since the last review also our dialogue with representatives of civil society has continued and intensified. We created a so-called UPR steering group, consisting of government representatives and some NGOs. This steering group met on a regular basis in order to evaluate the implementation of recommendations and to assist at thematic dialogues between representatives of civil society and the government.

We are committed to continue this transparent and inclusive follow-up process also within our second UPR cycle and already now wish to thank the representatives from civil society for their many and constructive contributions.

Austria will again, as in our first cycle, submit a mid-term report giving an update on the implementation of the recommendations.

We are looking forward to the debate with delegations and NGO representatives.

Thank you.

CONCLUDING REMARKS:

Mr. President,

Let me first thank you and all those that have participated in this very constructive and informative discussion and in the review of Austria in general. I am particularly thankful for the interventions by civil society today and let me assure you that we will closely consider your statements in our follow-up process.

I would also like to thank our Troika, Albania, Cuba, the Republic of Korea and the Secretariat for their excellent work.

As I already said today, Austria takes the UPR process very seriously and we see the recommendations as an important input for our future work related to the improvement of our national human rights situation. Although we have already achieved a lot, we still face many challenges, in particular taking into account the current refugee crisis we as Austria but also Europe as a whole are confronted with. My government intends to maintain high human rights standards on a national level and thus we will work hard to succeed in this endeavor. The UPR process will continue to constitute a decisive part in this work.

Thank you Mr. President.