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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Austria*

The present report is a summary of 23 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.



Information provided by stakeholders

A. Background and framework

1. Scope of international obligations²

1. Amnesty International (AI) noted that Austria accepted several 2011 UPR recommendations on ratification of and withdrawal of reservations to several human rights treaties.³ Austria ratified ICCPR and OPCAT. However, no steps were taken to withdraw reservations to ICCPR, ICERD and CAT.⁴ AI recommended ratifying ICESCR-OP⁵ and CRC-OP-IC, and withdrawing reservations to ICCPR, ICERD, and CAT.⁶

2. The joint submission (JS) 3 and AI recommended ratifying the Protocol 12 to ECHR and accepting the jurisdiction of the Committee on Social Rights of the Council of Europe (CoE).⁷

3. JS6 recommended that Austria ensure full implementation of the UN human rights treaties across the country, including at the level of Länder (provinces).⁸

2. Constitutional and legislative framework

4. JS3 recommended adopting a comprehensive human rights catalogue in the Constitution.⁹

3. Institutional and human rights infrastructure and policy measures

5. AI noted that Austria established a national preventive mechanism in 2012 as required under OP-CAT and in line with the recommendations nos. 92. 4 and 92.11 put forward during the universal periodic review in 2011 (the 2011 UPR).¹⁰ The Austrian Ombudsman Board (AOB) was mandated to carry out the functions of a national preventive mechanism and a national human rights institution.¹¹ AOB added that it was vested with an authority under Article 16(3) of CRPD to monitor facilities and programmes for persons with disabilities.¹²

6. AI, however, noted concerns expressed regarding the independence of the Ombudsman Board and its insufficient focus on preventive work.¹³ Klagsverband stated that the Ombudsman Board did not fully comply with the Paris Principles.¹⁴ CoE-Commissioner called on Austria to bring the Ombudsman Board into compliance with the Paris Principles.¹⁵ AI, Klagsverband and JS3 made similar recommendations.¹⁶

7. The European Commission against Racism and Intolerance (CoE-ECRI) welcomed the fact that the Federal Law on the Equal Treatment Commission and the Equal Treatment Ombudspersons' Office was amended in 2011 to ensure that the Ombudspersons are autonomous and independent. On the organisational level, however, the Office of the Ombudspersons remained part of the Federal Chancellery and the Ombudspersons did not control their human resources and budget-planning. CoE-ECRI regretted that the Ombudspersons could not represent victims in administrative or court proceedings. It concluded that its recommendation to ensure the full independence of the Ombudspersons' Office and to enable them to apply to the courts was not fully implemented.¹⁷

8. The Committee of Ministers of CoE (CoE-CM) recommended strengthening the capacity of the Ombudspersons for Equal Treatment and the Equality Commission.¹⁸ The Commissioner for Human Rights of CoE (CoE-Commissioner) stated that Austria should consider allowing the Ombudspersons for Equal Treatment to take part in court

proceedings.¹⁹ CoE-ECRI stated that additional financial resources were required for the Ombudspersons to be able to carry out their tasks.²⁰

9. While noting that various action plans on specific human rights already existed, CoE-Commissioner stated that an overarching human rights action plan adopted by Parliament would lead to greater awareness and coherence as well as enhanced public ownership of human rights.²¹ AI welcomed the ongoing process to develop a national human rights action plan by mid-2015 despite the fact that Austria did not support the relevant recommendations nos. 93.20 and 93.21.²² It noted, however, that there was a lack of an allocated budget for elaborating, implementing and evaluating the plan, and that the Government objected to conducting a base-line study.²³

10. AI recommended that Austria establish a national human rights action plan in line with OHCHR guidelines and set concrete objectives in the action plan, based on thorough analysis of the current human rights situation.²⁴

B. Cooperation with human rights mechanisms

n/a

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

11. CoE-Commissioner stated that anti-discrimination legislation was criticised for being scattered over numerous federal and provincial laws and for providing varying degrees of protection for different grounds of discrimination, resulting in confusion, legal uncertainty and potential injustice.²⁵

12. AI stated that Austria did not take steps to close protection gaps, despite its acceptance of the 2011 UPR recommendations to strengthen and harmonize anti-discrimination legislation.²⁶ Those gaps included the lack of protection against discrimination on the basis of religion, age and sexual orientation in access to goods and services, as well as legal inequalities between registered same-sex partnership and marriage. It concluded that the Anti-Discrimination Law did not ensure equal protection against all forms of discrimination.²⁷ JS3, JS7 and Klagsverband made similar observations.²⁸

13. CoE-Commissioner stated that affording the same level of protection across the different grounds of discrimination should be a priority.²⁹ AI recommended that Austria ensure equal protection from all forms of discrimination, including by harmonizing and extending the scope of anti-discrimination laws to include the grounds of religion, age and sexual orientation.³⁰ Klagsverband, JS3 and JS7 made similar recommendations.³¹

14. CoE-Commissioner stated that despite measures taken to achieve gender equality, progress made appeared to be rather slow, particularly regarding the gender pay gap. A lack of good-quality full-time childcare and gender stereotypes were identified as major barriers to gender equality.³²

15. International Center for Advocates against Discrimination (ICAAD) noted that Austria accepted several recommendations to address gender disparity in workplaces.³³ It welcomed the adoption of the National Action Plan on Gender Equality in the Labour Market. Austria created quotas for state-owned and partially state-owned companies,

requiring that a certain percentage of board members be women and for civil service workplaces, requiring that half of staff be women.³⁴

16. While noting measures undertaken to implement the National Action Plan, CoE-Commissioner noted views expressed by NGOs on continuing discrimination of women in the labour market.³⁵ He noted that women earned less than men did. There was a high concentration of women employed in sectors where salaries were generally low, lingering gender stereotypes.³⁶ Klagsverband stated that the gender pay gap did not decrease.³⁷ JS3 and Klagsverband recommended that Austria decrease the gender pay gap.³⁸

17. CoE-CM stated that despite efforts by the authorities, racist or xenophobic incidents continued to be reported, as were statements from within the political spectrum that incited inter-ethnic hostility.³⁹ The European Union Agency for Fundamental Rights (EU-FRA) referred to information, indicating that race, ethnicity or skin colour remained amongst the most common grounds of reported discrimination.⁴⁰

18. ICAAD referred to information on hate crimes against members of the Roma, Turkish, Muslims and Jewish communities and stated that xenophobic incidents often went unreported.⁴¹ EU-FRA noted information, showing that the number of anti-Semitic offences increased.⁴² The Observatory on Intolerance and Discrimination against Christians (OIDAC) referred to cases of vandalism of and burglary at Christian sites and attacks at Christian manifestations.⁴³

19. Society for Threatened Peoples (STP) stated that the Roma continued to be victims of discrimination in education, employment, housing and health care, even after the recognition of Roma as a minority in Austria.⁴⁴ ICAAD made a similar observation.⁴⁵ STP stated that the Roma lived in segregation and in poverty.⁴⁶ It reported on anti-Roma propaganda in the media.⁴⁷

20. AI stated that no tangible progress was made with regard to collecting systematically and publishing comprehensive statistics on racist incidents and racist misconduct by law enforcement officials in line with several 2011 UPR recommendations regarding statistics on racist incidents.⁴⁸ ICAAD made a similar observation.⁴⁹

21. CoE-CM recommended that Austria reinforce ongoing efforts to address racism and xenophobia, including by condemning manifestations of intolerance and populism in the political arena and the media, and to continue to raise awareness on the available legal remedies.⁵⁰ AI recommended that Austria assess the effectiveness of existing legislation to combat racism, hate crime and hate speech.⁵¹ CoE-Commissioner encouraged Austria to step up efforts and improve data collection on racism and discrimination.⁵²

22. EU-FRA pointed to evidence of ethnic profiling.⁵³ AI stated that foreign nationals and members of ethnic minorities appeared to be more at risk than Austrian citizens of being suspected by police of having committed a crime, despite Austria accepted the 2011 UPR recommendation no 92.68 to prevent such cases.⁵⁴ AI recommended ensuring that police investigations are carried out in an impartial and non-discriminatory manner and not based on ethnic profiling.⁵⁵

23. JS3 recommended that Austria implement the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity.⁵⁶

2. Right to life, liberty and security of the person

24. AI noted that Austria amended its penal code and introduced new provisions on torture in 2013 in line with commitments made during the 2011 UPR.⁵⁷

25. CoE-Commissioner stated that violence against women, including spousal abuse remained a problem, in spite of measures taken to combat the problem.⁵⁸ He highlighted some remaining gaps in the protection of women against violence.⁵⁹ The Federal Association of the Austrian Autonomous Rape Counselling Centres (BAFÖ) stated that only five out of nine provinces provided for rape-counselling-centers and that there was no long-term security in funding and each center had to secure its funding.⁶⁰ ICAAD highlighted a need for psychological counselling and support services and for additional women's shelters.⁶¹

26. CoE-Commissioner encouraged Austria to continue combating violence against women and domestic violence, and to take into account the vulnerability of migrant women and to take legislative measures to reach this group.⁶² JS3 recommended ensuring adequate needs-based psychological and social support to victims of violence.⁶³ BAFÖ highlighted a need for adequate funding for the Rape Counselling Centres for victims of sexual violence. It recommended that mandatory trainings on sexual violence be provided for the police, the judiciary and the health care system.⁶⁴

27. JS1 stated that legislation allowed young men to opt to perform obligatory military service at the age of 17, which was contrary to the OP-CRC-AC and the recommendation of CRC. It noted that Austria rejected a UPR recommendation on this subject.⁶⁵

28. CoE-Commissioner stated that Austria was affected by human trafficking as both a transit and destination country and that human trafficking included reportedly trafficking for sexual exploitation, forced labour, slave-like situations and child trafficking.⁶⁶

29. The Group of Experts on Action against Trafficking in Human Beings (CoE-GRETA) and CoE-Commissioner noted that Austria took a number of measures to combat trafficking in human beings. However, there were geographical differences in the approach to the fight against human trafficking, the infrastructure for providing assistance to victims being much more developed in Vienna and environs than in other Länder.⁶⁷

30. CoE-GRETA noted that although it was generally acknowledged that there were cases of trafficking in men, the current system for combating human trafficking did not secure their identification and did not sufficiently meet their needs.⁶⁸

31. Whiling noting that all victims of human trafficking identified so far were foreign nationals, CoE-GRETA was concerned that possible victims of trafficking residing illegally in Austria and placed in police detention centres pending deportation run the risk of being deported before they had been identified.⁶⁹ Therefore, Austria should ensure that victims of human trafficking are properly identified as such in order to benefit from full assistance and protection and develop a clear institutional and procedural framework for the repatriation and return of victims of human trafficking, with due regard to their safety, dignity and protection. CoE-GRETA urged Austria to develop a nationwide system for the identification of and assistance to child victims of human trafficking.⁷⁰

32. CoE-GRETA considered that Austria should review the current provisions criminalising human trafficking with a view to ensuring the dissuasiveness of the penalties provided for, in order to reflect the fact that human trafficking constitutes a serious violation of human rights. Victims of trafficking should be better protected both during the legal proceedings against traffickers and afterward.⁷¹

33. JS2 reported on legal requirement of obligatory medical examinations for sex workers. It considered it as discriminatory and noted reports on inhuman and degrading treatment during those medical examinations. JS2 stated that sex workers were obliged to register with the police or other authorities and that violations of the right to privacy occurred as data were not protected properly by police.⁷² It reported on cases of arbitrary

actions by the authorities against sex workers as well as a lack of measures taken to persecute attacks against sex workers.⁷³

3. Administration of justice, including impunity, and the rule of law

34. AOB noted that social activities in some correctional institutions were limited and highlighted the need to provide education, training and employment within correctional institutions.⁷⁴

35. AI stated that mentally ill prisoners did not always receive adequate health care.⁷⁵ AOB made a similar observation.⁷⁶

36. AI stated that Austria failed to implement the 2011 UPR recommendations to establish an independent body or mechanism to investigate alleged abuses by law-enforcement officials.⁷⁷ It recommended that Austria improve the investigation of alleged human rights violations by law enforcement officials, including by establishing an independent mechanism to investigate such allegations, with the power to order disciplinary proceedings and refer cases directly to the judicial authorities.⁷⁸ Klagsverband and JS3 made similar recommendations.⁷⁹

37. AI recommended ensuring that all allegations of human rights violations by law enforcement officials are effectively investigated and appropriately prosecuted, and that victims have full access to reparation.⁸⁰

38. AI stated that the number of juveniles held in pre-trial and penal detention declined considerably. However, alternatives to pre-trial detention were not sufficiently used. Children under the age of 18 were held in adult prisons, and their specific needs were not adequately met.⁸¹ It recommended that: alternatives to detention be provided for juveniles in pre-trial detention; and alternatives to penal detention be available for juvenile offenders and the detention be used as a measure of last resort, for the shortest possible period of time and in specially designed facilities only.⁸²

4. Right to privacy, marriage and family life

39. Privacy International (PI) recommended, inter alia, that communication surveillance laws, policies and practices adhere to international human rights standards and that intelligence sharing arrangements be in accordance with the law. It recommended protecting the right to privacy of those within its territory and jurisdiction.⁸³

40. JS7 stated that Austria did not legally recognise a marriage between same-sex partners.⁸⁴ JS3 made a similar observation.⁸⁵ AI recommended abolishing all legal inequalities between registered same-sex partnership and marriage.⁸⁶

5. Freedom of religion or belief, expression and right to participate in public and political life

41. Klagsverband stated that the amendments to the Law on the Recognition of Adherents to Islam as a Religious Society contained discriminatory provisions.⁸⁷ The Office of Democratic Institutions and Human Rights of the Organization of Security and Cooperation in Europe (OSCE/ODIHR) noted, in 2014, that certain provisions of the draft Federal Law amending the Law on the Recognition of Adherents to Islam as a Religious Society needed to be amended to bring it in line with international standards. In particular, conditions for the recognition of religious societies should be eased, and the wide range of grounds for the withdrawal of recognition of such societies should be significantly reduced. It was recommended, inter alia, that the draft law provide more protection for the autonomy of the religious societies and either remove or narrowly word the provision regulating

foreign funding of religious societies. OSCE/ODIHR noted that the draft Law was passed in February 2015 and that none of its recommendations were taken into account.⁸⁸

42. ADF recommended that religious communities practice freely their freedom to religion, including the right to receive funding from fellow believers of other countries.⁸⁹

43. JS1 highlighted several issues related to the regulations on conscientious objections to military service, including unreasonable limitations on who is eligible to apply and a punitive duration of alternative civilian service, exacerbated by a rate of remuneration approximately half of that received by military conscripts, which the Constitutional Court considered discriminatory.⁹⁰

44. JS3 recommended adoption of a Freedom of Information Act in line with international standards.⁹¹

45. OSCE/ODIHR stated that the legal framework provided a sound basis for the conduct of democratic elections. The legislation, however, did not provide for domestic observation by civic organizations.⁹²

46. OSCE/ODIHR stated that women's representation in the parliament stands at 30.6 per cent meeting the target of the 1995 UN Beijing Platform while being below the 40 per cent representation of women in parliaments and other elected assemblies recommended by the CoE. OSCE/ODIHR stated that Austria ranked low in the OSCE region in relation to the representation of women in local politics and that it should increase its efforts to improve the situation.⁹³

47. EU-FRA noted that Austria guaranteed the right to vote for persons with disabilities, including those without legal capacity.⁹⁴

6. Right to social security and to an adequate standard of living

48. AOB stated that the risk of poverty for minors increased in families with many children, with single parents and children from immigrant background. It noted that 18 percent of children were at risk of poverty.⁹⁵

49. CoE-Commissioner encouraged Austria to ensure that social protection systems, health care, housing policies, and anti-discrimination legislation take the specific needs of older persons fully into consideration.⁹⁶

7. Right to health

50. JS3 stated that health care varied at the federal and regional levels. The access to child health care services remained insufficient.⁹⁷ AOB pointed to an insufficient number of specialists for child and adolescent psychiatry and deficiencies in inpatient psychiatric care of children and adolescent.⁹⁸

51. JS7 stated that state institutions or health insurances did not cover costs of contraceptives, which affected especially adolescents and people with low income. An access to emergency contraception (morning-after pills) was not always guaranteed. It recommended ensuring that costs for contraceptives for adolescents and women who cannot afford paying the costs are covered through special benefits and that condoms are available for free for adolescents and marginalised groups.⁹⁹

8. Right to education

52. JS3 stated that segregation based on ethnicity and language and socio-economic segregation continued to be high in the education system. Special schools were frequently attended by children whose first language was not German. Children who did not have permanent residency had difficulty in attaining compulsory education.¹⁰⁰ JS6 recommended

ensuring an inclusive and non-discriminatory education system.¹⁰¹ JS3¹⁰² and Klagsverband¹⁰³ made a similar recommendation.

53. AI recommended that Austria enhance the provision of Human Rights Education in schools, including by improving the quantity and quality of teaching materials and providing appropriate training for teachers.¹⁰⁴ JS3 made a similar recommendation.¹⁰⁵

54. JS7 recommended that sex education in schools be taught as a separate subject and by trained teachers and that the curricula include a comprehensive dimension of sexuality in addition to the biological aspects.¹⁰⁶

9. Persons with disabilities

55. JS6 noted that the National Action Plan on Disability was adopted in 2012, as suggested by the 2011 UPR Recommendation no. 92.35.¹⁰⁷ However, it pointed to several issues related to the action plan, including an absence of indicators and well-defined time frames. No budget was foreseen for the implementation of the action plan.¹⁰⁸

56. JS6 stated that the human rights based approach was not successfully implemented and persons with disabilities were often perceived as beneficiaries of charity. It noted the prevailing negative attitudes and stereotypes towards persons with disabilities. JS6 stated that persons with disabilities were confronted with multiple barriers and discrimination in all areas of life, including segregation in education system which fostered discrimination in the labour market.¹⁰⁹

57. In respect to the 2011 recommendation no. 92.25¹¹⁰ on inclusive educational system for children with special needs, JS6 noted a lack of political will to develop an inclusive and accessible education system despite the introduction of the pilot projects on inclusive education.¹¹¹ CoE-Commissioner stated that current trends, indicating an increase in the number of children with disabilities in special schools should be examined and appropriate remedial actions taken. It called on Austria to ensure that progress continued to be made in establishing an inclusive education system.¹¹²

58. In respect to the 2011 UPR recommendation no 92.83 on access of children to health services,¹¹³ JS6 stated that children with disabilities were still confronted with discrimination in the health care system.¹¹⁴ It recommended that Austria harmonize and broaden the provision of adequate programs for early detection of childhood disability and of early intervention and support, and conduct assessment of the effectiveness of existing services for children with disabilities in co-operation with organizations representing persons with disabilities.¹¹⁵

59. JS6 stated that persons with disabilities were particularly affected by poverty.¹¹⁶ AOB stated that there were an estimated 21,000 people with disabilities working in sheltered workshops and that pocket money was paid out based on non-transparent criteria.¹¹⁷

60. AOB stated that no comprehensive plan existed for deinstitutionalisation. Personal assistance for people with disabilities as an alternative to institutional care was not uniformly regulated countrywide and such alternatives were not expanded.¹¹⁸ CoE-Commissioner highlighted the importance of drawing up a comprehensive action plan on de-institutionalisation.¹¹⁹

61. CoE-Commissioner called on Austria to make progress in securing the enjoyment by people with disabilities of their right to live independently and be included in the community.¹²⁰ Accessibility of the built environment and the availability of community services and facilities to persons with disabilities was another area where resolute actions were required.¹²¹ JS6 made similar recommendations.¹²²

62. CoE-Commissioner encouraged Austria to pursue its efforts towards establishing a system of supported decision-making for persons with psychosocial or intellectual disabilities.¹²³

63. AAD stated that Austria had taken very few steps to improve the situation of deaf people.¹²⁴ Despite the fact that sign language was recognised in the Federal Constitution, the rights of the sign language community were not implemented.¹²⁵

64. AAD stated that the sign language community was entitled to use sign language in public institutions and courts. However, it noted the limited number of qualified interpreters for the sign language. Regional television programs of nine federal provinces were broadcast by Austrian Broadcasting Corporation without subtitles. No television programs with subtitles or Austrian Sign Language were broadcast by private channels.¹²⁶

65. AAD stated that deaf students and students with hearing impairments faced discrimination in education which affected their chances to employment. Unemployment among them was much higher than among other people. It stated that the sign language as a language of instruction was not yet established in the education policy and was rare in educational institutions. Kindergartens that offered teaching in sign language were rare. There was no inclusive kindergarten for deaf children with one exception in Vienna. AAD stated that although sign language was established in the curriculum of the specialised schools for deaf children, there were not enough qualified teachers with sign language skills. The access of deaf people to university education was limited.¹²⁷ JS3 recommended that Austria establish sign language as language of instruction.¹²⁸

10. Minorities

66. The Austrian Center for Ethnic Groups (ACEG) stated that the 2011 UPR recommendations 92.18, 92.87, 92.96, 92.97, 93.54 and 93.53¹²⁹ on the rights of minorities were not implemented and that they should be implemented at the soonest.¹³⁰

67. The Committee of Experts on the European Charter for Regional or Minority Languages (CoE-ECRML) stated that legal requirements for definition of a national minority were that the settlement was of a certain density and that there was a continuous presence over several generations.¹³¹ CoE-CM stated that persons belonging to national minorities living outside their areas of traditional settlement lost the benefit of substantial minority rights when moving away from the areas.¹³² ACEG noted that some national minorities, including Polish and Jewish were not legally recognized and that they were subject to discrimination.¹³³

68. CoE-CM recommended that Austria amend the national minority legislation to ensure a consistent and inclusive protection of national minority rights throughout Austria and ensure comprehensive and effective consultations with national minority representatives before adopting any amendments to relevant legislation.¹³⁴

69. CoE-ECRML encouraged Austria to create conditions for education in or teaching of all regional or minority languages in Vienna, Burgenland and Styria.¹³⁵ As CoE noted, it was recommended that the increasing demand for education in or teaching of Burgenland-Croatian, Slovenian and Hungarian be met with an adequate number of qualified teachers.¹³⁶ CoE-CM recommended that Austria increase the availability of bilingual education beyond primary school as an essential tool to preserve the presence of minority languages.¹³⁷

70. CoE-CM referred to reported information on limited willingness by civil servants to accommodate minority languages in official dealings, even in the municipalities where the minority language use was formally admitted.¹³⁸ ACEG stated that the use of minority languages in government offices was not possible in the provinces of Vienna and Styria and

was very limited in Burgenland and Carinthia owing to limited number of civil servants with minority languages skills and forms and documents in minority languages.¹³⁹

71. CoE-CM stated that the Constitutional Court decisions on bilingual topographical signs in Carinthia and on the use of the Slovenian language with local authorities remained insufficiently implemented.¹⁴⁰ ACED recommended that Austria implement those decisions of the Constitutional Court.¹⁴¹

72. CoE-ECRML observed that despite the fact that some courts had the necessary bilingual staff, Burgenland-Croatian and Hungarian were not used in proceedings. There was a slight downward trend in the number of proceedings involving the Slovenian language. The future status of the three bilingual courts in Carinthia was insecure.¹⁴²

73. CoE-CM stated that apart from radio coverage in the Slovenian language in Carinthia, the overall offer in minority language TV and radio programmes, and print media remained limited and insufficient.¹⁴³ CoE-ECRML stated that the economic situation for regional or minority language newspapers deteriorated. Public support seemed to be insufficient to secure the survival of the Burgenland-Croatian and Slovenian newspapers. There was no Hungarian language newspaper.¹⁴⁴ CoE-CM recommended that Austria enhance the presence of minority languages in radio and TV broadcasts, and print media and consider making available special press subsidies for minority languages.¹⁴⁵

74. CoE-CM recommended that Austria design, implement and regularly monitor, in close consultation and co-operation with Roma representatives, comprehensive long-term programmes to promote the effective equality and participation of persons belonging to the Roma minority in all spheres of public life.¹⁴⁶ STP made a similar recommendation.¹⁴⁷ As CoE noted, it was recommended that Austria clarify the status of the Romani language outside Burgenland.¹⁴⁸

75. ICAAD stated that the status of Carinthian Slovenes was guaranteed by the Constitution. However, the protection that was offered seemed inadequate. ICAAD noted complains of the community leaders on insufficient funding for their cultural institutions.¹⁴⁹ CoE-CM recommended that Austria increase the financial support aimed at the preservation and development of national minority culture, language and identity.¹⁵⁰

11. Migrants, refugees and asylum seekers

76. AI stated that the asylum procedure was long, often lasting several years.¹⁵¹ AOB stated that the 2014 administrative reform, affecting asylum procedures, did not result in accelerating the proceedings.¹⁵² AI recommended that Austria ensure prompt, fair, effective and high-quality asylum procedures.¹⁵³

77. AI stated that Austria failed to ensure effective and adequate access for all asylum-seekers to independent legal advice during the process.¹⁵⁴ CoE-Commissioner encouraged Austria to ensure that free, independent and confidential legal counselling and representation is ensured during the entire asylum procedure and thereafter, including the deportation procedure.¹⁵⁵

78. AI stated that access of asylum seekers to adequate housing, social benefits and health care remained inadequate. Accommodation for some asylum-seekers was often poor and unhygienic, in a number of cases amounting to degrading treatment. There were no complaints mechanisms regarding the quality of the accommodation.¹⁵⁶

79. AI recommended that Austria ensure access for asylum-seekers to adequate housing, social benefits and health care.¹⁵⁷ CoE-Commissioner encouraged Austria to ensure that accommodation facilities for asylum-seekers offer adequate living standards throughout the entire country.¹⁵⁸ He recommended that the access of asylum-seekers to the labour market

be extended, including by granting young asylum seekers permission to take up an apprenticeship.¹⁵⁹

80. AI recommended that the provisions of the Istanbul Protocol be applied in refugee status determination procedures, including by providing in national legislation a requirement for medico-legal reports on signs of torture and other-ill treatment. It recommended establishing a comprehensive refugee resettlement programme.¹⁶⁰

81. CoE-Commissioner stated that in order to enhance human rights protection and reduce the risk of *refoulement*, the current time limit of one week for appeals against a deportation should be extended to two weeks. He reminded that pre-deportation detention should only be applied when it is thoroughly justified and for the shortest period of time.¹⁶¹

82. AOB stated that many refugees continued remaining in inadequate, and poorly equipped mass housing with insufficient support services.¹⁶²

83. JS3 stated that there were no unified standards for the treatment of unaccompanied minors.¹⁶³ AOB stated that for unaccompanied minors the housing situation was particularly precarious. It noted insufficient funding for trained pedagogical personnel, e.g. specialising in trauma.¹⁶⁴ CoE-Commissioner called upon Austria to provide care for unaccompanied and separated asylum-seeking children in line with international standards. A guardian should be appointed from the outset and throughout the stay of those children in Austria.¹⁶⁵

12. Right to development

84. Global Responsibility: Austrian Platform for Development and Humanitarian Aid (GR) stated that despite the 2011 UPR recommendation no 93.33¹⁶⁶ to bring Official Development Assistance (ODA) up to the internationally committed 0.7 per cent of GNI, Austrian ODA declined to 0.27 percent. Since 2011 the Austrian aid budget suffered from continuous cuts.¹⁶⁷ JS4, JS3 and JS8 made similar observations.¹⁶⁸ JS3 concluded that the 2011 UPR recommendation no 93.33 was not fulfilled.¹⁶⁹

85. GR stated that the shortcomings in structure, coordination and coherence led to a reduced effectiveness in Austria's efforts to support poverty eradication and decent living conditions of people in developing countries. Humanitarian aid remained underfunded and fragmented.¹⁷⁰ The human rights based approach was not consistently applied throughout ODA activities.¹⁷¹

86. JS8 and GR stated that a number of steps were taken to improve the inclusion of persons with disabilities in programmes of the Austrian Development Cooperation (ADC). However, the twin-track-approach and disability mainstreaming in all programmes and thematic areas was not realised.¹⁷² JS8 stated that comprehensive inclusion – 'disability mainstreaming' – was not realised and was not yet common in Austria's International Humanitarian Aid and emergency work.¹⁷³

87. JS4 recommended that Austria increase its annual ODA to reach the 0.7 percent threshold.¹⁷⁴ GR, JS8 and JS3 made a similar recommendation.¹⁷⁵ GR recommended inter alia that Austria implement the CESCR's recommendations to adopt a human rights-based approach to policies on ODA and to treat inclusion, participation, non-discrimination and equality as inherent aspects of development cooperation and humanitarian aid.¹⁷⁶

88. JS5 noted that cases of violations of human rights by Austrian enterprises abroad were not sanctioned. It recommended that Austria inter alia provide accountability mechanisms and legal remedies in order to enforce the execution of (extra) territorial obligations of states and introduce clear duty of observance of human rights by enterprises into criminal law and private law. It recommended that Austria participate in the working group on the development of a legally binding instrument for the regulation of transnational

activities at UN level and by supporting the adoption of a relevant international instrument in this respect.¹⁷⁷

Notes

- ¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AAD	Austrian Association of the Deaf, Vienna (Austria)
ADF	Alliance Defending Freedom International, Geneva (Switzerland);
ACEG	Austrian Centre for Ethnic Groups, an umbrella organisation of all national minorities in Austria;
AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
BAFÖ	Federal Association of the Autonomous Rape Counselling Centres (Austria);
GR	Global Responsibility – Austrian Platform for Development and Humanitarian Aid, an umbrella organisation of 39 member organisations (Austria);
ICAAD	International Centre for Advocates Against Discrimination, New York (USA);
Klagsverband	Klagsverband Zur Durchsetzung Der Rechte Von Diskriminierungsopfern, an umbrella organisation of 41 anti-discrimination organisations, Vienna (Austria);
PI	Privacy International, London (United Kingdom of Great Britain and Northern Ireland);
STP	Society for Threatened Peoples, Göttingen (Germany);
OIDAC	Observatory on Intolerance and Discrimination against Christians, Vienna (Austria);

Joint submissions:

JS1	Joint submission 1 submitted by: International Fellowship of Reconciliation, Alkmaar (Netherlands) and Conscience and Peace Tax International, Leuven, (Belgium);
JS2	Joint submission 2 submitted by: Sex Workers Forum, iBUS – Information and Support for Sex Workers in Innsbruck, Association PiA Salzburg, IKF - Institute of Conflict Research, LEFÖ - Counselling, education and support for migrant women, Platform 20000 Women and SXA-Info (Austria);
JS3	Joint submission 3 submitted by: Austrian NGO Platform on Human Rights, consisting of 270 NGOs and coordinated by the Austrian League for Human Rights (Austria);
JS4	Joint submission 4 submitted by: Médecins sans Frontières Austria and Universities Allied for Essential Medicines, Vienna (Austria);
JS5	Joint submission 5 submitted by: Global Responsibility: Austrian Platform for Development and Humanitarian Aid, Südwind, Dreikönigsaktion - Hilfswerk der Katholischen Jungschar and Netzwerk Soziale Verantwortung, Vienna (Austria);
JS6	Joint submission 6 submitted by: Austrian National Council of Disabled Persons, Vienna (Austria) and the European Disability Forum, Brussels (Belgium);
JS7	Joint submission 7 submitted by: Platform on Sexual and Reproductive Health and Rights, consisting of Austrian Family Planning Association, Austrian Society for Sex Research, COURAGE, Rechtskomitee LAMBDA, Selbstlaut and an umbrella association, comprising 33 women's organisations (Austria);
JS8	Joint submission 8 submitted by: Bizeps, Blinden- und Sehbehindertenverband, Care Austria, Career Moves, Caritas Austria, Brot für die Welt / Diakonie Austria, Jugend eine Welt, Light for the

World, Ludwig Boltzmann Institute of Human Rights, ÖAR Österreichische Arbeitsgemeinschaft für Rehabilitation, Österreichischer Gehörlosenbund, Austrian Red Cross, Department of Education - University of Vienna, and the Austrian Platform for Development and Humanitarian Aid (Austria);

National human rights institution(s):

AOB Austrian Ombudsman Board, Vienna (Austria);

Regional intergovernmental organization(s):

CoE The Council of Europe, Strasbourg (France).
 (CoE-Commissioner) Special Report by Mr. Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to Austria from 4 to 6 June, 2012, Strasbourg, CommDH (2012) 28
 (CoE-ECRI: Conclusions) European Commission against Racism and Intolerance conclusions on the implementation of the recommendations in respect of Austria subject to interim follow-up, adopted on 4 December 2012, CRI (2013) 4;
 (CoE-CM) Resolution of the Committee of Ministers on the implementation of the Framework Convention for the Protection of National Minorities by Austria, adopted at the 1145th meeting of the Ministers' Deputies (CM/ResCMN (2012) 7);
 (CoE-GRETA) - Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, First Evaluation Round, Strasbourg, 2 December, 2011; GRETA (2011)22;
 (CoE-ECRML) – Application of the European Charter for Regional or Minority Languages in Austria: Report of the Committee of Experts on the Charter and Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Austria, Strasbourg, 28 November, 2012 (ECRML (2012)7)
 EU-FRA European Union Agency for Fundamental Rights, Vienna (Austria);
 OSCE/ODIHR Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, Warsaw, Poland.

² The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
CRPD	Convention on the Rights of Persons with Disabilities
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms

³ For the full text of the recommendations see A/HRC/17/8 and A/HRC/17/8/Add.1, paras. 92.1 (Ecuador), 92.2 (Costa Rica, Netherlands, Sweden, Uganda), 92.3 (Germany), 92.5 (Spain), 92.6

- (Republic of Moldova, Uganda), 92.7 (France), 93.3 (Indonesia), 93.4 (Uganda), and 93.5 (Burkina Faso).
- ⁴ AI, p. 1. See also Klagsverband, para. 1.1 and JS3, para. 1.
- ⁵ See also AOB, para. 8.
- ⁶ AI, p. 5. See also Klagsverband, para. 3.1 and JS3, para. 2.
- ⁷ JS3, para. 1, AI, p. 5. See also CoE, p. 2 and CoE-Commissioner, paras. 9 and 59.
- ⁸ JS6, p. 2. See also JS3, para. 2.
- ⁹ JS3, para. 2.
- ¹⁰ For the text of the recommendations see A/HRC/17/8, paras. 92.4 (Chile) and 92.11 (Switzerland).
- ¹¹ AI, pp. 1-2. See also CoE-Commissioner, para. 8, JS3, para. 3 and AOB, para. 2.
- ¹² AOB, para. 3.
- ¹³ AI, p. 1. See also p. 2.
- ¹⁴ Klagsverband, para. 2.1. See also AI, p. 2 and JS3, p. 3.
- ¹⁵ CoE-ECRI, para. 58.
- ¹⁶ AI, p. 5, Klagsverband, para. 3.2 and JS3, para. 3.
- ¹⁷ CoE-ECRI, p. 5.
- ¹⁸ CoE-CM, para. 2.
- ¹⁹ CoE-Commissioner, para. 61.
- ²⁰ CoE-ECRI, p. 5.
- ²¹ CoE-ECRI, para. 6.
- ²² For the full text of the recommendations see A/HRC/17/8, paras. 93.20 (Namibia) and 93.21 (Mexico).
- ²³ AI, p. 2.
- ²⁴ AI, p.5.
- ²⁵ CoE-Commissioner, para. 9. See also Klagsverband, paras. 1.5 and 2.2.
- ²⁶ For the full text of the recommendations see A/HRC/17/8 and A/HRC/17/8/Add.1, paras. 92.24 (Burkina Faso), 93.8 (Honduras), 93.10 (Israel), 93.35 (United Kingdom), 93.36 (Islamic Republic of Iran), 93.37 (Uzbekistan), 93.38 (Norway), and 93.44 (Canada).
- ²⁷ AI, pp. 1 and 3.
- ²⁸ Klagsverband, paras. 1.5 and 2.2, JS7, p. 4, and JS3, para. 8.
- ²⁹ CoE-ECRI, para. 61.
- ³⁰ AI, p. 6.
- ³¹ Klagsverband, para. 3.4, JS3, para. 8 and JS7, p. 4.
- ³² CoE-Commissioner, Summary part, para. 4.
- ³³ For the full text of recommendations see A/HRC/17/8, paras. 92.27 (Colombia), 92.42 (Mexico), 92.43 (Bosnia and Herzegovina), 92.79 (Cuba), 92.80 (Trinidad and Tobago), 92.81 (Republic of Korea).
- ³⁴ ICAAD, paras. 1, 2 and 3. See also JS3, para. 9.
- ³⁵ CoE-Commissioner, paras 35-36.
- ³⁶ CoE-Commissioner, para. 34.
- ³⁷ Klagsverband, para. 1.6.
- ³⁸ JS3, para. 9 and Klagsverband, para. 3.6. See also ICAAD, paras. 4 and 5.
- ³⁹ CoE-CM, para. 1 (b). See also STP, para. 2.
- ⁴⁰ EU-FRA, pp. 3-4.
- ⁴¹ ICAAD, para. 13. See also STP, para. 1 and OSCE/ODIHR, pp. 4-5.
- ⁴² EU-FRA, p. 6.
- ⁴³ OIDAC, pp. 1, 2, 3 and 4.
- ⁴⁴ STP, para. 1.
- ⁴⁵ ICAAD, para. 25.
- ⁴⁶ STP, para. 2.
- ⁴⁷ STP, para. 2. See also para. 7.
- ⁴⁸ AI, pp. 1 and 4. For the full text of recommendations see A/HRC/17/8 and A/HRC/17/8/Add.1, paras. 92.51 (United Kingdom), 93.24 (Republic of Korea), 93.29 (Russian Federation), and 93.30 (Israel).
- ⁴⁹ ICAAD, para. 13.
- ⁵⁰ CoE-CM, para. 2. See also CoE-Commissioner, para. 60 and STP, para. 9.
- ⁵¹ AI, p. 6. See also ICAAD, paras. 18 and 19 and JS3, para. 20.

- ⁵² CoE-Commissioner, para. 59. See also AI, p. 6.
⁵³ EU-FRA, p. 8.
⁵⁴ AI, p. 4. For the full text see A/HRC/17/8, para. 92.68 (Ecuador).
⁵⁵ AI, p. 6.
⁵⁶ JS3, para. 10. See also JS7, pp. 3, 4 and 5.
⁵⁷ AI, p. 1.
⁵⁸ CoE- p.2 and CoE-Commissioner, Summary part, para. 4 and paras. 38 and 39. See also ICAAD, para. 6.
⁵⁹ CoE-Commissioner, para. 40.
⁶⁰ BAFÖ, p. 3.
⁶¹ ICAAD, para. 12. See also JS3, para. 18.
⁶² CoE-Commissioner, para. 79. See also ICAAD, para.12.
⁶³ JS3 para. 48.
⁶⁴ BAFÖ, pp. 3-4.
⁶⁵ JS1, para. 3. For the full text of the recommendation see A/HRC/17/8, para. 93.47 (Ghana and Slovakia).
⁶⁶ CoE-Commissioner, para. 43.
⁶⁷ CoE-GRETA, p. 6 and CoE-Commissioner, para. 80.
⁶⁸ CoE-GRETA, p. 6, See also p. 38, para. 10.
⁶⁹ CoE-GRETA, p. 6. See also CoE, p. 6.
⁷⁰ CoE-GRETA, p. 6. See also CoE-GRETA, p. 38, paras. 10 – 18, CoE-Commissioner, para. 80, and CoE, p. 6.
⁷¹ CoE-GRETA, p. 7. See also pp. 38-40.
⁷² JS2, paras. 5,6, 8 and 9.
⁷³ JS2, para. 16, 17, 18, 19, 22 and 23.
⁷⁴ AOB ; paras. 31 and 33.
⁷⁵ AI, p. 2.
⁷⁶ AOB, para. 35.
⁷⁷ AI, pp. 1 and 3. For the full text of the recommendations see A/HRC/17/8, paras. 92.32. (Czech Republic), 92.58 (Netherlands), 92.59 (Uzbekistan), 92.60 (Sweden), 92.61 (Sweden), 92.62 (Norway), 92.78 (United Kingdom) and 92.86 (Namibia).
⁷⁸ AI, p. 5. See also JS3, para. 13.
⁷⁹ Klagsverband, para. 3.10 and JS3, para. 13.
⁸⁰ AI, p. 5. See also JS3, para. 13.
⁸¹ AI, p. 3.
⁸² AI, p. 5. See also JS3, para. 16.
⁸³ PI, para. 24. See also para15-20.
⁸⁴ JS7, p. 5.
⁸⁵ JS3, para. 32.
⁸⁶ AI, p. 6. See also JS7, p. 5.
⁸⁷ Klagsverband, para. 1.9. See also JS3, para. 34.
⁸⁸ OSCE/ODIHR, pp. 3-4.
⁸⁹ ADF, para. 30.
⁹⁰ JS, para. 3. See also paras. 15-19.
⁹¹ JS3, para. 38.
⁹² OSCE/ODIHR, p. 2.
⁹³ OSCE/ODIHR, p. 6.
⁹⁴ EU-FRA, p. 9.
⁹⁵ AOB, para. 10.
⁹⁶ CoE-Commissioner, Summary part, para. 5. See also paras. 81, 82 and 83.
⁹⁷ JS3, para. 47.
⁹⁸ AOB, para. 11. See also para. 12.
⁹⁹ JS7, p. 9 and 10.
¹⁰⁰ JS3, para. 50. See also para. 51 and Klagsverband, para. 2.3.
¹⁰¹ JS6, p. 5.
¹⁰² JS3, para. 50.

- 103 Klagsverband, para. 3.12.
104 AI, p. 6.
105 JS3, para. 51.
106 JS7, pp. 6-7.
107 A/HRC/17/8, para. 92.35 (Azerbaijan).
108 JS6, p. 4. See also JS3, para. 6 and AAD, p. 2.
109 JS6, pp. 2-3.
110 A/HRC/17/8, para. 92.25 (Costa Rica).
111 JS6, p. 4. See also JS3, para. 51.
112 CoE-Commissioner, para. 70.
113 For the full text of the recommendation see A/HRC/17/8, para. 92.83 (Chile).
114 JS6, p. 5.
115 JS6, p. 5.
116 JS6, p. 3.
117 AOB, para. 15.
118 AOB, para. 14.
119 CoE-Commissioner, para. 72.
120 CoE-Commissioner, para. 71. See also Summary part, para. 3.
121 CoE-Commissioner, para. 73.
122 JS6, p. 3.
123 CoE-Commissioner, para. 74. See also JS6, p. 3.
124 AAD, p. 1.
125 AAD, p. 2.
126 AAD, pp. 2-3.
127 AAD, pp. 4-5.
128 JS3, paras. 11-51.
129 For the full text of the recommendation see A/HRC/17/8, paras. 92.18 (USA); 92.87; 92.96, 92. 97,
93.53 and 93.53 (Slovenia).
130 ACEG, p. 2.
131 CoE-ECRML, para. 56.
132 CoE-CM, para. 1 (b). See also ACEG, pp. 2-3.
133 ACEG, p. 3. See also p. 4.
134 CoE-CM, para. 2.
135 CoE-ECRML, p. 17. See also CoE-CM, para. 2.
136 CoE, p. 5.
137 CoE-CM, para. 2. See also ACED, p. 3.
138 CoE-CM, para. 1 (b). See also ACED, pp. 3 -4.
139 ACEG, p. 4.
140 CoE-CM, para. 1 (b). See also ACED, pp. 3 -4.
141 ACED, p. 3.
142 CoE-ECRML, p. 50. See also CoE, p. 5.
143 CoE-CM, para. 1 (b).
144 CoE-ECRML, p. 50.
145 CoE-CM, para. 2. See also CoE, p. 5.
146 CoE-CM, para. 2.
147 STP, para. 9.
148 CoE, p. 5.
149 ICAAD, para. 20.
150 CoE-CM, para. 2.
151 AI, p. 4.
152 AOB, para. 27. See also paras. 24-26.
153 AI, p. 6.
154 AI, p. 4.
155 CoE-Commissioner, para. 63 and Summary, para. 2. See also AI, p. 6.
156 AI, p. 4.
157 AI, p. 6.

- ¹⁵⁸ CoE-Commissioner, para. 65.
¹⁵⁹ CoE, p.1 and CoE-Commissioner, para. 63 and Summary, para. 2.
¹⁶⁰ AI, p. 6.
¹⁶¹ CoE-Commissioner, para. 66.
¹⁶² AOB, para. 16.
¹⁶³ JS3, para. 11.
¹⁶⁴ AOB, para. 17.
¹⁶⁵ CoE-Commissioner, Summary, para. 2.
¹⁶⁶ For the full text of the recommendation see A/HRC/17/8, para. 93.33 (Bangladesh).
¹⁶⁷ GR, paras. 2 and 8.
¹⁶⁸ JS4, pp. 3 and 6, JS3, p. 54 and JS8, para. 1.
¹⁶⁹ JS3, para. 54. See also GR, para. 4.
¹⁷⁰ GR, para. 2. See also paras. 11-14.
¹⁷¹ GR, para. 3. See also paras. 18-19.
¹⁷² JS8, paras. 6 and 15 and GR, para. 24.
¹⁷³ JS8, paras. 4 and 5.
¹⁷⁴ JS4, p. 7.
¹⁷⁵ GR, p. 4, JS8, p. 3 and JS3 para. 54.
¹⁷⁶ GR, p. 6.
¹⁷⁷ JS5, p. 2. See also JS3, para. 53.
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