



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Summary record of the 1362nd meeting

Held at the Palais Wilson, Geneva, on Thursday, 12 November 2015, at 10 a.m.

Chair: Mr. Grossman

Contents

Consideration of reports submitted by States parties under article 19 of the Convention
(*continued*)

Sixth periodic report of Austria

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Sixth periodic report of Austria (CAT/C/AUT/6; CAT/C/AUT/Q/6)

1. *At the invitation of the Chairperson, the delegation of Austria took places at the Committee table.*
2. **The Chair** invited the members of the delegation of Austria to introduce the sixth periodic report.
3. **Mr. Tichy** (Austria) said that his Government placed a high value on cooperation with non-governmental organizations (NGOs) for the protection and promotion of human rights. It had engaged in a constructive dialogue with civil society to help implement the recommendations it had received in the context of the universal periodic review mechanism and for the preparation of a national plan of action on human rights, which was due to be finalized in early 2016.
4. The Government had issued a standing invitation to all Human Rights Council special procedures, including the Special Rapporteur on torture, and supported efforts at all levels to prevent and eradicate torture, in particular through its close cooperation with United Nations and European human rights bodies. In 2014, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the European Commission against Racism and Intolerance had conducted visits and issued recommendations. At the domestic level, Government ministries, the federated regions and other stakeholders cooperated closely to coordinate human rights activities and prepare for meetings with international monitoring bodies. Exchanges with such bodies had reflected the need for better statistical data on human rights violations, and the Government had taken practical steps to address those shortcomings.
5. The Committee had recommended that the Government adopt a specific provision prohibiting torture, and the Criminal Code had thus been amended with a new article that provided for sentences of up to 10 years, or 15 years if the acts caused bodily injury with serious consequences, and the possibility of life sentences for torture leading to the death of the victim. The Code had also been amended to cover cases of torture in the context of crimes against humanity and war crimes.
6. Austria currently faced a serious and unprecedented challenge with the massive influx of migrants from the Syrian Arab Republic and other crisis-ridden areas. Since September 2015, some 440,000 people had entered the country. Although most intended to move on, they required medical and social services, food, accommodation and other means of support while in Austria. About 95,000 were expected to apply for asylum; in 2014, the corresponding figure had stood at 28,000. The migrants were often exhausted upon arrival. Many were from vulnerable groups, and there was a large number of unaccompanied minors who required special care. Austria was firmly committed to ensuring that the measures it took to provide for the migrants were in compliance with its international obligations and were implemented in a spirit of humanitarian service.
7. With the adoption of amendments in 2015, the Criminal Code had been brought fully into line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), thus affording improved protection against involuntary sexual acts and forced marriage. The law introducing those amendments had also increased penalties for certain other violent offences. The Government paid particular attention to raising awareness of issues

relating to violence against women, and it conducted special training in that field for law enforcement officials, judges and prosecutors. It also carried out public awareness campaigns to ensure that emergency numbers, counselling facilities and helplines would be accessible. The budget for support of women's shelters had tripled since 2001 and stood at 7.3 million euros.

8. A new technique known as "social network conferencing" had recently been introduced nationwide, after a pilot phase, for the handling of juvenile offenders' cases. It consisted in making use of social networks and involving offenders' families to help them overcome personal crises and to discourage recidivism.

9. **The Chair** (Country Rapporteur) welcomed the incorporation of a definition of torture in the domestic legal system, the extensive efforts made by the Government to cope with the unprecedented influx of refugees, the ratification by Austria of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the initiation of extensive activities by the national preventive mechanism, which had conducted hundreds of visits. The advice offered by the Ombudsman Board had proved useful and exemplary, and the Government's favourable attitude towards cooperation with civil society was another positive point.

10. Some of the subjects of concern to the Committee related to the treatment of unaccompanied minors, who were often housed in accommodation centres without sufficient social and pedagogical care. The Committee had received reports that there were currently some 6,000 unaccompanied children in Austria. Their housing in mass facilities was possibly a violation of the country's international commitments. In addition, among the migrants now in Austria were persons with disabilities, who had specific needs. What steps had been taken to provide better accommodation for such members of vulnerable groups?

11. While the Committee had not received any complaints of systematic violations of human rights by the police, the system for the handling of allegations of ill-treatment, misconduct and racism could be improved, in particular to ensure the prompt investigation and processing of cases. The Ombudsman Board did not have the power to investigate cases on its own initiative; it could only receive statements and request access to files on that basis. Did the Government have any plans to extend the Board's powers?

12. According to information received by the Committee, owing to personnel shortages inmates in prisons and correctional institutions were confined to their cells from 11 a.m., or from noon on weekends and holidays. Did the Government plan to take any steps to reduce the length of such confinement?

13. There were approximately 21,000 persons with disabilities in Austria, many of whom worked in occupational workshops and received just 65 euros per month for their work. How was such treatment compatible with the principle of equality before the law? Were there any plans to improve their situation?

14. The new provisions of the Criminal Code specifically addressing torture set prison terms with a very broad range of 1 to 10 years, presumably leaving the duration of the penalty up to the discretion of the sentencing judge. In his view, the range was excessively broad. A sanction of 1 year was not commensurate with the gravity of the crime. The statute of limitations in Austria was set at 30 years, unless otherwise specified. The delegation should inform the Committee whether the crime of torture was subject to that prescription, and how offences not subject to prescription, such as war crimes and crimes against humanity, influenced the application of the statute of limitations in cases of torture.

15. Now that the national preventive mechanism was in place and operating regularly, the Committee was eager to hear the Government's evaluation of its functioning and its views about how to follow up on its work.

16. According to the information provided by the Government in the sixth periodic report (CAT/C/AUT/6), the Federal Ministry of the Interior had updated its instructions relating to interrogation. How would the new instructions provide for delaying interrogation so as to allow arrested persons to have access to counsel? The new instruction reportedly called for a balance between the right to personal freedom and the right of an arrested person to have access to a lawyer. Specifically, it stated that the interrogation of the arrested person must be postponed until the person saw a lawyer "as long as such a postponement is compatible with the objectives of the interrogation, and unless this would lead to an inappropriate prolongation of detention". As the objective of the interrogation was to establish that a crime had occurred, the wording seemed excessively broad, and it thus set a bad precedent. Had the Government considered other ways to deal with that balance, for example through the use of telephone communications or other alternative means?

17. In its 2010 concluding observations, the Committee had called for the use of audiovisual equipment not only in interrogation rooms, but also in cells and corridors, and the Government had reported that a relevant pilot programme had been carried out in 2014. Were such efforts continuing?

18. The periodic report referred to the provision of legal aid when defendants were unable to bear the cost of counsel in criminal court proceedings "without impairing the livelihood necessary for a simple lifestyle for themselves and for the family for whose maintenance they are responsible"; it also stated that in some circumstances, defendants receiving legal aid had to cover part of the cost of counsel. Could the delegation give examples where the provision of legal aid had been denied or granted only partially, and explain why? What was the definition of a "simple lifestyle"? The delegation should also explain why, in administrative and financial criminal proceedings, there was no obligation to appoint a lawyer and no legal aid was contemplated. That situation could easily create an unfair situation for those who lacked resources.

19. The Government had provided valuable information on its support programmes for victims of crime, indicating that the lawyers of victims were able to sue for damages. It would be of interest to the Committee to know whether that provision applied to victims of torture, including in cases where the perpetrator was a public official. How would such a provision be implemented?

20. A number of NGOs had expressed concern about the lack of diversity in the police force. The Government's position was that it was inappropriate for the State to collect data on the ethnic or racial background of law enforcement officials. In such circumstances, how could the issue be addressed? Clearly, the police force should reflect the ethnic and racial diversity of society as a whole. It had been proved that gender balance could have a positive influence on the provision of police services, especially in circumstances such as rape. Ethnic and racial balance was just as important. He noted that one of the conditions for recruitment into the police force was that candidates must have Austrian citizenship. Had the Government undertaken any recruitment efforts among minorities holding citizenship or migrants who had recently acquired Austrian nationality?

21. The broad language used in paragraph 18 of the periodic report on the circumstances in which the interrogation of a minor would be postponed until the arrival of a lawyer or other person designated by the minor, needed to be carefully

interpreted. He asked whether statistics on the application of the legislation mentioned were available and requested further information on the meaning of the wording used.

22. On the subject of trafficking he acknowledged that the State party had amended its laws to increase the penalties for the offence. However, he expressed concern that a sentence of up to 5 years for persons convicted of trafficking might not be sufficient. He asked the delegation for further details on the way in which the law had been implemented and how the penalty for the offence of trafficking compared to that for other offences. A balance must be struck between judicial discretion and an appropriate and just sentence.

23. He asked about the practical effects of the nationality and residence requirements mentioned in paragraph 24 of the report to enable the Austrian authorities to prosecute an individual for allegations of human trafficking. Did those requirements mean that someone visiting the State party temporarily, who had been accused of human trafficking, could not be prosecuted? Would Austria extradite such an individual without another State having requested their extradition? He reminded the delegation that under the Convention the State party was obliged to comply with the principle of *aut dedere aut judicare*.

24. There had been impressive legislative developments in the field of violence against women and children, including ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. He enquired what standard of proof was applied in cases of violence against women, and what measures were in place to protect vulnerable migrant and refugee women.

25. Information had been received by the Committee on the medical treatment of intersex children, specifically with regard to genital surgery performed on minors. He asked what the delegation's view on that matter was and requested further information on how the issue was being addressed by the authorities.

26. Not all of the specific information requested by the Committee had been provided in annex 2 to the State party report. The State party had indicated that the information in question was not available as it had not been recorded previously. Would it be recorded in the future?

27. Turning to the timeline for processing applications for international protection as outlined in paragraph 33 of the report, he asked if cases were actually decided within three months in practice. Regarding the complaint procedure for asylum seekers whose application for protection had been rejected, he asked for clarification on the legal interpretation of the concept of real risk in the context of the principle of non-refoulement.

28. **Mr. Gaye** (Country Rapporteur) asked whether training activities for judges and other members of the judiciary had indeed been evaluated as planned in 2014. The Committee would also appreciate further information on the evaluation of training initiatives for law enforcement officials and other officials under the responsibility of the Federal Ministry of the Interior. He would like to know more about which State entities were involved in applying the legislation that was the subject of the "Awareness-Raising and Training Measures for the Istanbul Protocol in Europe" initiative. Further information on progress made through that initiative would be welcome.

29. The State party had taken positive steps in providing training for judges and prosecutors on combating violence against women, involving both federal and provincial authorities. Nonetheless, the Committee would like to receive more

information on the impact of awareness-raising activities on that subject. Had those activities led to a decrease in violence against women in society?

30. On the subject of juvenile justice, he asked how the recommendations issued by the working group established by the Federal Ministry of Justice were implemented, in particular regarding housing juveniles in separate supervised facilities. He requested further information on the reform announced by the Ministry of Justice in response to allegations that a mentally ill, elderly man had been neglected while in custody in 2014. The objective of the reform was to monitor the situation of persons with mental disabilities in custody more closely.

31. He requested more information on progress in the construction of a new prison with a separate juvenile department. Referring to paragraphs 66 to 69 of the report, he asked for clarification of the impact of the proposed measures on the prison population, in particular in Vienna-Josefstad prison. On the subject of suicide prevention in police custody, he asked if the delegation could provide information on the results achieved by the new mechanism established by the Ombudsman Board for that purpose.

32. The use of tasers was a controversial practice which was non-lethal in theory but had led to deaths in some cases. The report mentioned an assessment mechanism to minimize the risk of death resulting from the use of tasers. In theory that was a positive development, but in practice it was difficult to assess such a risk, given the context in which the weapon would be used by law enforcement officials. More information on the use of those weapons was necessary.

33. Insufficient information had been provided by the State party on the three cases of deaths in custody to enable the Committee to understand the causes of death. More detailed information on those cases, especially case No. 5 from 2008, would be appreciated.

34. He was surprised that between 2010 and 2012 there had been no convictions of law enforcement officials alleged to have engaged in ill-treatment or torture, yet there had been a number of convictions for defamation in relation to an allegation that torture had taken place. He requested an explanation of the apparent procedural distortion, given that defamation proceedings should not be initiated when an allegation of ill-treatment or torture was still being investigated.

35. The State party had also provided information indicating that while there had been almost 1,400 allegations of torture or ill-treatment against the police, a very small number of convictions had been handed down. There seemed to be a discrepancy between the figures, as proceedings had been instituted in the case of less than 25 of the allegations made. The Committee would appreciate further information on the reasons for that discrepancy. With reference to the instructions published by the Federal Ministry of Justice on 6 November 2009, he queried the involvement of the Federal Anti-Corruption Bureau in the investigation of allegations of torture or ill-treatment. He asked if the delegation could provide examples of relevant cases since 2009.

36. In the case of Mr. Bakary Jassay, the information provided by the State party seemed to be incomplete in relation to the question asked by the Committee. He requested examples of cases in which victims of torture or ill-treatment had received adequate redress and compensation, including rehabilitation, since the examination of the previous periodic report.

37. The use of net beds as a measure of restraint in psychiatric and social welfare establishments had ceased following instructions issued by the relevant Government ministry. It would, however, be preferable if that prohibition was incorporated into a

legal provision. Insufficient information had been provided on cases of the use of restraint measures in psychiatric institutions. More information on progress made towards keeping a central register of those cases would be appreciated.

38. **Mr. Bruni** asked if a mechanism had been put in place to detect victims of torture in need of special care among the large numbers of migrants arriving in the State party. He had noted Austrian media reports that overcrowding was a serious problem in migrant holding facilities. In addition, 10 of the country's 27 prisons were overcrowded, partly due to the large numbers of alleged migrant smugglers being held in pretrial detention. How was the State party dealing with those issues?

39. In contrast to the information provided in paragraphs 99 and 100 of the report, an alternative source of information indicated that over half of the staff in the detention centre in question were employees of a private security firm. He asked why a public institution was employing such a high number of private-sector staff and whether those staff were required to meet the same standards in terms of training and qualifications as public officials. Did they have the necessary psychological and linguistic skills to work in detention centres and what recruitment requirements did they have to fulfil?

40. According to the annual report of the Ombudsman Board for 2014, there had been a long-standing shortage of prison staff in the State party. A commission of the Board had conducted 20 visits to prisons and facilities for the detention of mentally ill offenders in 2014. It had concluded that the shortage of prison staff created problems such as lock-up times beginning before noon at weekends, and the confinement of inmates in their cells without employment or other activities for lengthy periods, a situation that could trigger violent and aggressive reactions. He asked whether steps were being taken to recruit qualified personnel for places of detention and whether the authorities considered that recruitment of private-sector staff was appropriate, given the highly sensitive circumstances prevailing in such facilities.

41. **Mr. Modvig** welcomed the State party's efforts to prevent suicide and other sudden deaths in detention and to undertake a detailed analysis of each case. However, as there had been two prominent cases of death in custody in 2015, one of a Kazakh national and the other of a Nigerian, he considered that stronger preventive measures might be necessary. He enquired about the availability of statistics concerning deaths in custody during the period under review. He also wished to know which body was responsible for monitoring such incidents and ensuring that conditions in detention facilities were acceptable.

42. The procedures for identifying detainees' medical problems seemed to be somewhat inadequate. The European Committee for the Prevention of Torture had recently issued comprehensive recommendations in that regard. He enquired about the measures taken in response to the recommendations, for instance those concerning the initial medical examination on admission to a place of detention and the requirement of confidentiality. It appeared that prison guards were occasionally present during the examination and that non-medical staff were involved in medical administration and screening.

43. **Mr. Zhang** commended the "train the trainer" programme mentioned in the periodic report and noted that the pool of trainers included experts from NGOs, including Amnesty International, and from Austrian ministries. He requested further details concerning the programme and asked how trainees were selected.

44. According to the report, tasers were used by the police only if less dangerous measures, such as an order to restore the proper legal situation, a threat to use a weapon, pursuit of a fugitive or the use of physical strength, were deemed unsuitable or had already proved ineffective. The Committee appreciated efforts to use firearms

as rarely as possible. He wondered, however, how police safety could be ensured in cases where a fugitive possessed firearms.

45. **Mr. Tugushi** said that, as noted by Mr. Bruni, the shortage of custodial and medical staff in the prison system was a long-standing problem. Many inmates were denied the right of outdoor exercise at weekends and the lack of prison staff was conducive to inter-prisoner violence. He asked whether there were any strategic plans to increase the presence of custodial staff. Noting the involvement of custodial officers in providing medical services and distributing medication, he asked whether the authorities planned to recruit nurses for the prison system.

46. He wished to know whether there had been any amendments to the legislation concerning maximum periods of solitary confinement, which had hitherto been four weeks for adults and two weeks for juveniles. According to international standards, juveniles should not be kept in solitary confinement for more than three days and adults for more than two weeks. A far shorter period was, in fact, preferable in both cases. The total ban on contacts with the outside world, apart from legal counsel, during such confinement was also inconsistent with international standards unless the offence that led to the disciplinary penalty related to visits and contacts.

47. There was no provision in the relevant legislation for a hearing when a prison governor prescribed disciplinary sanctions. According to the applicable standards, a formal hearing should be held in all such cases. The detainee should receive the decision in writing, have access to a lawyer and be entitled to appeal.

48. **Ms. Belmir** noted that, owing to the shortage of judges in the State party, some judicial tasks were assigned, on the basis of directives from the Ministry of Justice, to public prosecutors.

49. The Committee had been informed that judges did not receive adequate training in human rights, non-derogable principles, non-discrimination, the prohibition of torture and equality before the law. She invited the delegation to comment on those reports.

50. Tasers could reportedly be used as a “non-lethal weapon” in detention centres. The Committee had been informed that excessive force was used by the police against non-white people and that 60 per cent of remand prisoners were coloured, members of minorities or foreigners.

51. More vigorous action should be taken to address the ill-treatment of minors in families, schools and closed institutions, as well as the problem of unaccompanied minors and child trafficking.

52. The Ministry of the Interior directive permitting the police to begin interrogating a suspect before the arrival of a lawyer violated the right to defence counsel.

53. **Mr. Domah** said that, according to the periodic report, the Ministry of Justice had published an internal instruction stipulating that the police and public prosecutors must investigate *ex officio* any case of suspected ill-treatment that came to their attention. He asked whether judicial officers were trained to identify symptoms indicating that torture had occurred and whether any cases in which such symptoms were identified had been referred to the courts.

54. Noting that a specific training module focused on State party obligations under the Convention, he asked how many people had so far completed such training. According to the periodic report, the Ombudsman Board had initiated 935 investigations in response to complaints against the judiciary. He wished to know how many of those complaints concerned torture.

55. He noted that there was a streamlined procedure for remedial action on complaints of maladministration by officials and that European Court of Human Rights decisions were applied directly without involving the court system. He asked whether there were any statistics for cases in which the new remedial action procedure had been applied.

56. **Ms. Gaer**, referring to the delegation's announcement of measures taken to shorten the detention period for juvenile offenders and the reference in the report to alternative measures to imprisonment for juveniles, requested further information on the results of those measures.

57. With regard to question 4 of the list of issues concerning ethnic and gender diversity in the police force, the Committee had received information on the current situation from Amnesty International but not from the State party. She understood, in the light of Austrian history, that the collection of data on ethnicity and race might be considered undesirable. However, criminological statistical analysis could help to prevent torture and ill-treatment. She asked whether sociological studies had been undertaken by academics and other specialists to provide some indication of the percentage of women and people of different ethnic backgrounds in the police.

58. As questions had been raised about the independence and human rights expertise of the members of the Ombudsman Board, she asked how they were selected. Referring to the extremely large number of monitoring visits that had been made by the Board in its capacity as the national preventive mechanism, she asked whether the Government prioritized its recommendations.

59. Noting that about 85,000 applications for asylum were expected by the end of 2015, she enquired about the procedures that had been put in place to cope with the increase. She asked whether the persons who, according to the figures provided in an annex to the report, had been deported to other European countries were asylum seekers or simply migrants, and whether all deportees were carefully scrutinized. There was also a chart showing cases of voluntary return to specific countries. She enquired about provisions for assessment and oversight in such cases.

60. The report provided statistics for 2010 to 2012 concerning accusations of ill-treatment against security officers. She requested statistics for 2013 and 2014. She noted with concern that there had been no convictions and that, according to the report, in a large number of cases no criteria for a punishable deed existed. If there were no such criteria, the process appeared to be somewhat arbitrary.

61. **The Chair** noted that, according to the report, decisions concerning asylum and alien matters were generally subject to review by a provincial or federal administrative court. There were also predetermined deadlines of three or six months for decisions, unless otherwise determined by federal or provincial law. He enquired about the exceptions to the foregoing provisions.

62. He asked whether the problems that had arisen with the asylum database owing to lack of staff had been rectified. The report stated that, in principle, asylum seekers enjoyed protection against deportation during their asylum and complaint proceedings. He enquired about the meaning of the words "in principle". Moreover, in special circumstances the suspensive effect of the complaint proceedings was denied. He wished to know what circumstances would entail such a consequence.

63. He commended the project of the Ministry for Education and Women for fairness and against violence in schools and requested further information on its achievements.

64. The Austrian National Council of Persons with Disabilities and the European Disability Forum had expressed concern regarding refugees with disabilities. As of August 2015 a total of 120 refugees with disabilities had been accommodated in

different locations, including Traiskirchen, and had not been informed of their situation. Amnesty International had expressed particular concern about the situation in the overcrowded Traiskirchen centre.

65. According to the report, 19,249 complaints had been filed with the Ombudsman Board in 2013 and 935 investigations had been opened into complaints against the judiciary. He enquired about the reasons for that very low proportion. Moreover, 317 complaints had been addressed to the Ministry of Justice. He asked whether such complaints followed a specific pattern.

The meeting was suspended at noon and resumed at 12.20 p.m.

66. **Mr. Ruscher** (Austria) said that the situation of migrants in Austria was high on the Government's list of priorities. Significant progress had been made in improving the processing of asylum applications, the number of which was increasing rapidly. For example, the Federal Office for Immigration and Asylum had been expanded in an attempt to ensure that all new arrivals were provided with accommodation and medical services. However, the increase in applications had exceeded all expectations, which presented major challenges. While the number of staff employed in the Office had been increased, it was important that they were all given proper training, which took time. Each Austrian province had been given a quota for the number of asylum seekers it should absorb, based on its population. Once the initial asylum application procedure had been completed, the province was responsible for providing the individual with accommodation. However, not all the provinces had been able to deal rapidly enough with the applications received and, as a result, the Traiskirchen reception centre had become overcrowded.

67. Around 450,000 refugees had arrived in Austria since early September and they all had to be provided with food and adequate winter clothing. Information relating to the number and countries of origin of the new arrivals was provided at very short notice and huge groups of people often entered the country at the same border crossing-point. That presented major challenges for the police, who were responsible for managing the sudden influxes. It was vital to try to prevent children from being separated from their parents and to reunite families when that did occur. Many of those entering Austria wished to travel on to Germany, and his Government had made efforts to organize transport for those people by bus or train to ensure that they did not attempt to reach their destination on foot. Those waiting to enter Germany at the western border of Austria often decided to apply for asylum in Austria instead, thus generating a further increase in applications.

68. Unaccompanied minors required special protection and care, and it had been proposed that places should be reserved exclusively for them at Traiskirchen. That centre provided round-the-clock care to minors, with 1 member of care staff for every 10 children. Compulsory education was provided by specialized teachers and the facility currently ran three German-language classes to prepare the children for their future enrolment in Austrian schools. Once enrolled, the children were accompanied to school.

69. While the existing system had not been designed to deal with the situation the country was currently experiencing, Austria was making every effort to prepare for the 100,000 asylum applications it was expecting to receive in 2016. In recent years, it had managed to cope with increasing numbers of new arrivals and it was confident that it would continue to do so in future.

70. His Government was aware that detention pending deportation was a means of last resort and had managed to drastically reduce the number of such cases by finding alternative solutions. The average duration of detention pending deportation had also been reduced significantly over the previous year from 40 to 11 days.

71. **Ms. Pflieger** (Austria) said that the Federal Office for Immigration and Asylum had to decide on initial asylum applications within six months, unless the applicant was in detention pending deportation, in which case the deadline was reduced to three months. There were no exceptions to those time limits. If the application was rejected, the applicant could appeal to an independent court, which was also given six months in which to take a decision, subject to the granting of suspensive effect on the grounds that the applicant faced a real risk of ill-treatment in their country of origin. If the court decided that there was no such risk, it was given eight weeks in which to take a decision. Suspensive effect could be granted within seven days of the lodging of the appeal, during which time the person in question could not be deported. The definition of “real risk” of ill-treatment was taken from the jurisprudence of the European Court of Human Rights and determined on the basis of the claims of the person in question and the situation in their country of origin. If the applicant gave no reason for the need for international protection or came from a country that appeared on the list of safe countries of origin as proposed by the European Commission, no suspensive effect was granted. The principle of non-refoulement was respected in all cases.

72. **Mr. Grasel** (Austria) said that the Ministry of the Interior attached great importance to ensuring decent living conditions for those in detention pending deportation. A new facility with the capacity to accommodate 200 people had opened in Obersteiermark in February 2014 and was currently housing 65 detainees. The centre included leisure and fitness areas, a library, a shop and a multi-confessional place of worship. It was surrounded by a perimeter fence but there were no bars on the windows. Staff recruited locally from private-sector service providers were not required to perform security-related duties; responsibility for ensuring security lay exclusively with the Steiermark police force. The work of all staff was monitored carefully; they received extensive training in human rights and intercultural dialogue and spoke a variety of languages. Psychologists, facility management technicians and other specialists had been recruited to work in the centre. He highlighted, in particular, an ISO-certified day clinic with three doctors and qualified nursing staff. The competent commission of the Ombudsman Board had inspected the clinic and praised the work of the staff and the hygiene and health-care standards. Furthermore, the European Committee for the Prevention of Torture had recently visited the centre and described it as a “milestone” in terms of facilities for detention pending deportation. The Ombudsman Board had recommended that provision should be made in existing legislation for such facilities and the authorities were looking into that possibility.

73. **Mr. Tichy** (Austria) said that his country was preparing for a visit by the United Nations Children’s Fund (UNICEF) to various reception centres, including Traiskirchen, which was a good example of the country’s cooperation with international organizations.

74. **Mr. Fruhamann** (Austria) said that the migrant and refugee crisis had given rise to a significant increase in human trafficking cases, the number of which had almost doubled since 2014, and a corresponding increase in the populations of detention facilities. That was a particular problem in the east of the country, which was on the Balkan route taken by many refugees. In recent months, the Eisenstadt detention centre had become overcrowded and a number of detainees had been transferred to another facility nearby.

75. **Mr. Tichy** (Austria) said that the Ombudsman Board and its six independent commissions constituted a well-functioning, independent national preventive mechanism. Under the Austrian Constitution, the members of the Board were nominated by the country’s three strongest political parties and subsequently elected by parliament. The Board was advised by the Human Rights Advisory Council, which included representatives from civil society and the Government and had discussed

various important issues, including the division of duties between the public security service and support staff from private companies at the Vordenberg detention centre.

The meeting rose at 1 p.m.