



---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-seventh session**  
18–29 January 2021

## **Compilation on Austria**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>**

2. In 2018, the Committee on Enforced Disappearances commended Austria for having ratified almost all the United Nations core human rights instruments and the Rome Statute of the International Criminal Court.<sup>3</sup> Several human rights bodies and mechanisms recommended that Austria ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,<sup>4</sup> the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,<sup>5</sup> and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.<sup>6</sup>

3. In 2015, the Independent Expert on the enjoyment of all human rights by older persons noted that Austria had ratified most of the Council of Europe treaties on human rights and culture, but it was not party to Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) or to the European Convention on the Legal Status of Migrant Workers.<sup>7</sup>

4. The Independent Expert recommended that Austria ratify all the conventions of the International Labour Organization (ILO), including the Nursing Personnel Convention, 1977 (No. 149), the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) and the Domestic Workers Convention, 2011 (No. 189).<sup>8</sup> The United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that Austria should be encouraged to ratify the Convention against Discrimination in Education.<sup>9</sup>



5. In 2019, the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination noted that Austria had yet to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries.<sup>10</sup>

6. Two committees noted with appreciation that Austria maintained a standing invitation to the special procedure mandate holders of the Human Rights Council to visit the country.<sup>11</sup>

7. Austria contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) during the reporting period 2016 to 2019, including to the voluntary funds for technical cooperation and for victims of torture.<sup>12</sup> In 2018, OHCHR carried out a mission to Austria in order to assess the human rights situation of migrants.<sup>13</sup>

### **III. National human rights framework<sup>14</sup>**

8. Four committees expressed concern about the process of nomination and appointment of the members of the Austrian Ombudsman Board by the three main political parties represented in Parliament, including the reported lack of formal public consultation and of participation by civil society in the process, and the fact that the Board had been accredited with B status by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions. They recommended that Austria ensure that the appointment process of the Board's members was in full accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>15</sup>

9. In 2020, the Committee on the Rights of the Child noted that the Austrian Ombudsman Board did not have a specific mandate relating to children's rights.<sup>16</sup> Two committees were concerned at the limited mandate of the Board with regard to allegations of abuse by law enforcement officials and recommended expanding it.<sup>17</sup>

10. The Independent Expert on older persons noted that the Ombud for Equal Treatment irrespective of race, ethnic origin, religion, age and sexual orientation in relation to employment was understaffed. She urged the Government to provide it with adequate resources.<sup>18</sup>

11. In 2019, the Committee on Economic, Social and Cultural Rights requested information on the progress Austria had made in reviving the process of adopting a comprehensive national action plan on human rights and in allocating an adequate budget and clear indicators and objectives for its implementation.<sup>19</sup>

## **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **A. Cross-cutting issues**

#### **1. Equality and non-discrimination<sup>20</sup>**

12. Two committees were concerned that the fragmentation of anti-discrimination legislation across numerous federal and provincial laws and the complex distribution of institutions at the federal and provincial levels might negatively affect the ability of victims to claim their rights and obtain a remedy.<sup>21</sup> In 2015, the Human Rights Committee also expressed concern that the Federal Equal Treatment Act failed to afford protection against discrimination on the basis of religion and belief, age, sexual orientation and gender identity in gaining access to goods and services. It recommended that Austria consider amending that Act and relevant provincial laws with a view to ensuring equal substantive and procedural protection against discrimination with regard to all prohibited grounds of discrimination.<sup>22</sup>

13. The Human Rights Committee welcomed the legislative steps taken by Austria to improve the criminal-law response to hate speech. It was concerned, however, about the increasing radicalization of extremist groups in the country, including members of the Muslim communities, and the resurgence of far right-wing and other groups inspired by extremist national socialist ideologies and neo-Nazism. It was also concerned at the rise of advocacy of racial or religious hatred against Roma, Muslims, Jews, minorities, migrants and asylum seekers. It recommended that Austria strengthen its efforts to combat acts or advocacy of racial or religious hatred, including by bringing those responsible to justice and envisaging the adoption of a national action plan against racism.<sup>23</sup>

14. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that, following the arrival of some 89,000 asylum seekers and the transit of another 700,000 refugees and migrants through Austria in 2015, the discourse on refugees and asylum seekers had become even more polarized and there had been a rise in hate speech against those groups.<sup>24</sup>

15. In 2019, the Committee on the Elimination of Discrimination against Women recommended that Austria adopt a comprehensive strategy to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, and encourage the media to convey positive images of women and their equal status with men and to eliminate the portrayal of women as sexual objects.<sup>25</sup>

## **2. Development, the environment, and business and human rights<sup>26</sup>**

16. With reference to target 17.2 of the Sustainable Development Goals, the Committee on the Rights of the Child encouraged Austria to adhere to its commitment to meet the target of 0.7 per cent of gross national income for official development assistance. It also recommended that Austria adopt a child rights-based approach in respect of its trade agreements and development aid policy.<sup>27</sup> It further recommended that Austria ensure that the business sector complied with international and national human rights, labour, environmental and other standards, particularly with regard to children's rights.<sup>28</sup>

17. The Committee on Economic, Social and Cultural Rights requested information on the progress Austria had made towards the adoption of a national plan of action on business and human rights. It also requested information on the progress made in meeting the national targets for reducing emissions that Austria had set itself under the Paris Agreement.<sup>29</sup>

## **3. Human rights and counter-terrorism**

18. The Working Group on the use of mercenaries noted that the majority of those in prison who had been convicted under section 278 of the Criminal Code, which covered anti-terrorism legislation, had been arrested and charged merely for posting messages on social media sympathizing with the aims of groups such as Islamic State in Iraq and the Levant. The breadth of the legislation could lead to the criminalization of mere beliefs and to discriminatory enforcement.<sup>30</sup>

19. The Working Group also noted information about initiatives being taken by the authorities to address and combat "radicalized jihadism" and "political Islam". It further noted the importance of ensuring that any initiatives that might focus on a particular ideology, religion or community of faith did not further fuel discrimination and stigmatization of a particular group.<sup>31</sup>

20. The Working Group recommended that Austria ensure that the national strategy on deradicalization and prevention of violent extremism and the accompanying measures were not focused excessively on law enforcement, but also addressed the social needs that were currently being met by child services, social care and health-care services, prison and probation services, schools and other providers. It also recommended that Austria support a multi-agency approach to deradicalization, ensure the necessary resources for full implementation of such policies, and adopt a human rights-based approach at all stages of implementation.<sup>32</sup>

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person<sup>33</sup>**

21. The Committee against Torture noted that the Criminal Code prescribed 1 to 10 years' imprisonment for the basic offence of torture, allowing a very broad margin of discretion to the sentencing judge, and that the minimum sentence of 1 year's imprisonment appeared to be too low. It urged Austria to ensure that all acts of torture were punishable by appropriate penalties.<sup>34</sup>

22. Two committees expressed concern about the discrepancy between the high number of allegations of torture, ill-treatment and other police misconduct and the low number of prosecutions and convictions for such acts. They recommended that Austria ensure that all such allegations were investigated promptly, effectively and impartially, that the perpetrators were prosecuted and convicted in accordance with the gravity of their acts and that the victims obtained redress.<sup>35</sup>

23. The Human Rights Committee recommended that Austria ensure that its legislation clearly prohibited racial profiling by the police and continue to provide all law enforcement personnel with racial sensitivity training.<sup>36</sup> While noting the measures that had been adopted, the Committee against Torture remained concerned at the reported underrepresentation of women and ethnic minorities in the police force and among prison personnel.<sup>37</sup>

24. The Committee against Torture appreciated the efforts of Austria to avoid overcrowding in prisons through the construction of new correctional facilities and the introduction of alternative non-custodial measures, such as electronic monitoring. However, it expressed concern at reports indicating that 10 of the 27 prisons in Austria were overstretched and at the long-standing shortage of prison personnel, which had led to prisoners being locked up for long periods and activities aimed at their social reintegration being limited.<sup>38</sup> The Human Rights Committee was concerned at deficiencies in medical and mental health care in places of detention.<sup>39</sup>

25. The Working Group on the use of mercenaries noted that Austria provided a positive example in that it had not followed the trend of contracting private military and security companies for core government functions, such as military services and the operation of prisons, and that there were constitutional prohibitions against such outsourcing.<sup>40</sup> It noted, however, that Austria did not have specific and comprehensive legislative or other regulation of private security companies. It highlighted the need to establish clear regulations, including a requirement that any private military or security company operating in the country must be a member in good standing with the International Code of Conduct for Private Security Service Providers' Association.<sup>41</sup>

26. The Committee on the Rights of the Child urged Austria to reconsider its position not to increase the minimum age for voluntary recruitment to 18 years.<sup>42</sup>

### **2. Administration of justice, including impunity, and the rule of law**

27. Two committees welcomed the adoption in 2016 of the law amending the Code of Criminal Procedure, which enhanced the rights of highly vulnerable victims in criminal proceedings.<sup>43</sup>

28. The Committee against Torture was concerned that free legal assistance was not provided by law in proceedings before an administrative court, although it appreciated that the Constitutional Court had recently ruled to the contrary. It recommended that Austria ensure that all detainees were afforded, in law and in practice, all fundamental legal safeguards from the very outset of their deprivation of liberty.<sup>44</sup>

29. The Committee on the Rights of the Child welcomed the reform in 2015 of the Juvenile Courts Act, but was concerned that the number of children in detention had increased. It recommended that Austria start working towards a time limit of 30 days for children in pretrial detention and ensure that the circumstances under which such a time limit could exceptionally be extended was clearly defined in law. It also recommended that

Austria continue to promote non-judicial measures for children accused of criminal offences and, wherever possible, non-custodial sentences for children.<sup>45</sup>

### 3. Fundamental freedoms<sup>46</sup>

30. The Human Rights Committee was concerned that some provisions of the 2015 Amendments to the Law on the Recognition of Islamic Religious Communities might be discriminatory and unduly restrict the enjoyment of the right to freedom of religion in community with others, as well as the rights to association and assembly. It recommended re-examining those Amendments and the Basic Law.<sup>47</sup>

31. UNESCO had recorded no killing of journalists in Austria between 2008 and 2019, reporting that journalists worked in a safe environment.<sup>48</sup> Noting that defamation was considered a civil offence under the Media Act and a criminal offence under the Criminal Code, UNESCO recommended that Austria decriminalize defamation and place it within a civil code that was in accordance with international standards.<sup>49</sup>

32. UNESCO noted that members of the Supervisory Board of the Austrian Regulatory Authority for Broadcasting and Telecommunications were appointed by the Federal Ministry of Transport, Innovation and Technology. It encouraged Austria to assess the system of supervision of the broadcasting sector in order to ensure that the process was independent.<sup>50</sup>

### 4. Prohibition of all forms of slavery<sup>51</sup>

33. The Committee on the Elimination of Discrimination against Women welcomed the adoption in 2018 of the fifth national action plan to combat trafficking in persons.<sup>52</sup> The Committee on the Rights of the Child recommended that Austria take further measures to harmonize protection standards for victims of child trafficking throughout its territory, and refine its data collection to cover all forms of trafficking and sexual exploitation of children.<sup>53</sup>

34. The Committee on the Elimination of Discrimination against Women noted with concern that efforts to identify women as victims of trafficking in persons were undermined by the restrictive asylum policies in place, which often involved speedy deportation.<sup>54</sup>

35. The same Committee, while noting the increased number of investigations and prosecutions of traffickers, was concerned at the lenient sentences imposed on traffickers, despite the fact that the Criminal Code provided for penalties of up to 10 years' imprisonment.<sup>55</sup> The Committee against Torture recommended that Austria ensure that cases of human trafficking were thoroughly investigated, perpetrators were brought to justice, and the victims adequately compensated. It also recommended that Austria ensure that victims had access to effective protection, irrespective of their ability to cooperate in the legal proceedings against traffickers.<sup>56</sup>

36. The Committee on the Elimination of Discrimination against Women recommended that Austria regularly review the situation of foreign women who were engaged in prostitution, in order to protect them, and strengthen the assistance provided to women and girls who wished to leave prostitution, including by providing exit programmes and alternative income-generating opportunities.<sup>57</sup>

### 5. Right to privacy and family life<sup>58</sup>

37. The Working Group on the use of mercenaries noted that in 2017, Austria had approved legislation granting far-reaching surveillance powers to the Government's security agencies, which had raised concerns relating to their implications on, inter alia, the right to assembly, the right to freedom of expression and the right to privacy.<sup>59</sup>

38. The Committee on the Rights of the Child recommended that Austria expedite the process to ensure that marriage could be concluded by persons over the age of 18 years only.<sup>60</sup>

39. The Committee on the Elimination of Discrimination against Women noted with concern the fault-based criteria for divorce in Austrian family law, which were often more

difficult for women to prove. It recommended that Austria adopt a no-fault-based divorce system.<sup>61</sup>

## **C. Economic, social and cultural rights**

### **1. Right to work and to just and favourable conditions of work<sup>62</sup>**

40. The ILO Committee of Experts on the Application of Conventions and Recommendations noted the adoption of the seventh National Reform Programme in 2017 and the goal of Austria to increase the employment rate among women and men aged between 20 and 64. Nevertheless, it stated that according to the European Commission 2017 country report on Austria, most of the jobs created in recent years had been part-time and the majority of new positions were in low-wage sectors.<sup>63</sup>

41. The Committee on the Elimination of Discrimination against Women noted with concern that, despite the relatively high employment rate among women between 15 and 64 years of age, 47.5 per cent of employed women were holding part-time positions, predominantly owing to family responsibilities. It recommended that Austria take measures to eliminate horizontal and vertical occupational segregation and combat the underemployment of women in full-time jobs.<sup>64</sup> The same Committee noted with concern that the gender pay gap in Austria (19.9 per cent in 2017) was one of the highest in the European Union and recommended enforcing the principle of equal pay for work of equal value.<sup>65</sup>

42. The Committee welcomed the adoption of the operational programme Employment Austria for the period 2014–2020, which included a specific focus on investment to promote gender equality in the labour market, and of tax reforms aiming to increase the employment rate among women and their financial independence.<sup>66</sup> It also welcomed the adoption in 2017 of the Law on Equality of Women and Men in Supervisory Boards of Companies.<sup>67</sup>

43. The Committee noted with concern that there was limited integration into the labour market of women with disabilities, Roma women, women belonging to other ethnic minority groups and migrant, refugee and asylum-seeking women.<sup>68</sup>

### **2. Right to social security<sup>69</sup>**

44. The Committee welcomed the adoption in 2016 of the amendment to the Social Security Act, which established measures to prevent poverty among older persons.<sup>70</sup> It recommended that Austria revise the pension contribution system to ensure that it took into account the situation of women, including how their remuneration was affected by their concentration in part-time employment, by the gender pay gap and by their engagement in unpaid work.<sup>71</sup>

### **3. Right to an adequate standard of living**

45. The Committee on the Rights of the Child took note of the information that child poverty was decreasing in Austria, but was concerned that benefits were regulated differently in the different Länder. Drawing attention to target 1.3 of the Sustainable Development Goals, it recommended that Austria adopt a nationwide uniform minimum standard of living covering all children in the country without exception.<sup>72</sup>

46. The Independent Expert on older persons encouraged Austria to take further measures to reduce poverty among older persons, including older women and older migrants.<sup>73</sup>

### **4. Right to health**

47. The Committee on the Rights of the Child recommended that Austria strengthen measures to address obesity in children and to promote a healthy lifestyle, and ensure the availability of qualified and specialized health staff in all regions, particularly paediatricians in rural areas.<sup>74</sup>

48. The same Committee was seriously concerned about the prevalence of psychological health conditions, such as those related to anxiety, depression, self-injury and attention deficit and eating disorders among children and adolescents. With reference to target 3.4 of the Sustainable Development Goals, the Committee urged Austria to continue to increase the availability and accessibility of child and adolescent mental health services and programmes. It also urged Austria to take measures to guarantee that children with behavioural conditions were not overmedicated.<sup>75</sup>

49. The Committee on the Elimination of Discrimination against Women commended Austria for the adoption in 2017 of the action plan for women's health. It recommended that Austria ensure that modern contraceptives were accessible, affordable, covered by health insurance and available throughout the territory of the State, and that the exercise of conscientious objection by health-care personnel did not pose an obstacle for women who wished to terminate a pregnancy.<sup>76</sup>

50. The same Committee recommended that Austria implement a rights-based health-care protocol for intersex persons, ensuring that children and their parents were appropriately informed of all options, that the children were involved, to the greatest extent possible, in decision-making about medical interventions, that their choices were respected and that no person was subjected to surgery or treatment without their free, informed and prior consent.<sup>77</sup> Two other committees made similar recommendations.<sup>78</sup>

51. The Committee on the Elimination of Discrimination against Women remained concerned about the difficulty faced by undocumented migrants in accessing non-emergency health care and that attempts to obtain the documentation necessary for non-emergency health services often led to the claimant being reported to the authorities and subsequently deported.<sup>79</sup>

## **5. Right to education<sup>80</sup>**

52. Recalling target 4.1 of the Sustainable Development Goals, the Committee on the Rights of the Child recommended that Austria strengthen access for all children to free, equitable and quality primary and secondary education, regardless of their socioeconomic status, strengthen the right to inclusive education in mainstream schools of all children with disabilities, and delay the selection process of children with regard to their further schooling.<sup>81</sup> UNESCO noted that in 2017, Austria had adopted a national strategy on the social dimension of higher education, aiming at more inclusive access and wider participation.<sup>82</sup>

53. The Committee on the Elimination of Discrimination against Women was concerned that the decision taken by Austria to ban "ideologically or religiously influenced clothing" in schools might have a discriminatory impact on migrant girls.<sup>83</sup> The Committee on the Rights of the Child recommended that Austria consider abolishing the law that banned young girls from wearing headscarves in primary schools, classing them as ideological or religious clothing, which might lead to girls' exclusion from mainstream education.<sup>84</sup>

54. The Committee on the Elimination of Discrimination against Women welcomed the continuous efforts made by Austria to eliminate discrimination against women in the education sector. However, it noted with concern the concentration of women and girls in traditionally female-dominated fields of study and their underrepresentation in the areas of science, technology, engineering and mathematics.<sup>85</sup>

55. The same Committee recommended that Austria ensure that school curricula included mandatory and age-appropriate education on sexual and reproductive health and rights for girls and boys, including on responsible sexual behaviour.<sup>86</sup>

## **D. Rights of specific persons or groups**

### **1. Women<sup>87</sup>**

56. The Committee on the Elimination of Discrimination against Women commended Austria on several measures taken to strengthen the national machinery for the

advancement of women. It recommended that Austria allocate adequate human, technical and financial resources to the Federal Ministry of Women, Families and Youth and its Division for Women and Equality, to enable them to effectively implement their mandates, and ensure that institutional mechanisms for coordination between the federal State and the Länder were in place and effective.<sup>88</sup>

57. The Human Rights Committee noted with concern that, despite the measures taken by Austria to promote gender equality, women remained underrepresented in political decision-making positions, especially at the Länder and municipal levels. It recommended that Austria expand its efforts to increase the participation of women in such positions.<sup>89</sup>

58. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the Protection against Violence Law and the creation of the Interministerial Working Group on the Protection of Women against Violence. However, it noted with concern the high number of femicides in the country and the lack of comprehensive and updated statistical data on the phenomenon; the underreporting of domestic violence against women and the low prosecution and conviction rates; and incidents of hate crimes and attacks on refugees and asylum seekers, including women and girls. It recommended that Austria adopt comprehensive measures to prevent, combat and punish all forms of gender-based violence against women; reinforce the protection and assistance provided to victims of such violence; and prosecute all cases of hate crimes and attacks against refugee and asylum-seeking women and girls.<sup>90</sup>

59. Two committees welcomed the adoption in 2015 of the Criminal Law Amendment Act, which, inter alia, enhanced legal protection against involuntary sexual acts and banned forced marriages.<sup>91</sup> However, the Committee on the Elimination of Discrimination against Women noted with concern the very low number of convictions following the reclassification in 2016 of forced marriage as a stand-alone criminal offence.<sup>92</sup>

## 2. Children<sup>93</sup>

60. The Committee on the Rights of the Child noted the constitutional amendment in 2018, which had transferred exclusive competence over child and youth welfare protection to the Länder. It was concerned that the shift in competence might result in differentiated application of the legislation, fragmentation and inconsistencies in the implementation of children's rights across the country.<sup>94</sup>

61. While taking note of the information that coordination and uniformity of standards were maintained through permanent coordination bodies and through agreements between the federal Government and the Länder pursuant to article 15a of the Federal Constitution Act, the same Committee urged Austria to establish an appropriate body at a high level with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention on the Rights of the Child at cross-sectoral, national, regional and local levels.<sup>95</sup> It also recommended that Austria adopt an up-to-date, comprehensive policy on children and develop a strategy, supported by sufficient human, technical and financial resources, to implement it.<sup>96</sup>

62. The Committee recommended that Austria incorporate a child rights perspective into its budgeting process, with clear allocations to children in the relevant sectors and agencies and with specific indicators and a tracking system to monitor the distribution of resources. It also recommended that Austria expeditiously improve its data-collection system in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability.<sup>97</sup>

63. The Committee noted with appreciation that the abolition of corporal punishment had generated a shift in public attitudes on violence against children, but it remained concerned that the legal prohibition of certain forms of violence was still unknown to a considerable part of the population.<sup>98</sup>

64. The Committee urged Austria to ensure the speedy and effective investigation of cases of cyberbullying and grooming and prosecution of perpetrators, ensure that the Criminal Code covered all forms of cyberbullying against children, and effectively monitor



the implementation of agreements with social media platforms for the speedy removal of hate postings.<sup>99</sup>

### 3. Persons with disabilities<sup>100</sup>

65. The Committee on the Rights of the Child urged Austria to develop the National Action Plan on Disability 2021–2030 in a participatory way, ensure that children with disabilities had effective access to public services and spaces, and undertake awareness-raising campaigns to combat the stigmatization of and prejudice against children with disabilities.<sup>101</sup>

66. The Committee on the Elimination of Discrimination against Women was concerned that women and girls with disabilities, as well as mothers of children with disabilities, continued to face intersectional forms of discrimination.<sup>102</sup>

67. The Independent Expert on older persons called upon the Government to review the Nursing Home Residence Act and the Hospitalization Act to ensure that no older persons were deprived of their liberty against their will on the basis of actual or perceived disability.<sup>103</sup>

### 4. Minorities<sup>104</sup>

68. The Committee on Economic, Social and Cultural Rights requested Austria to provide information about the measures taken to broaden the criteria for recognition of a national minority under the Ethnic Group Act.<sup>105</sup>

69. The Human Rights Committee regretted the low representation of ethnic minorities in political and public life, including in the legislative and executive bodies.<sup>106</sup>

### 5. Migrants, refugees and asylum seekers<sup>107</sup>

70. In 2016, the United Nations High Commissioner for Human Rights expressed serious concern at the security measures adopted by the police chiefs of five European countries, including Austria, which applied stringent limitations of entry on people travelling along the so-called Balkan land route and provided for the “controlled transfer of migrants” without sufficient safeguards.<sup>108</sup> In 2018, OHCHR noted that in 2017, the Government had adopted a programme proposing stricter migration measures to enable swift and efficient expulsions of failed asylum seekers or undocumented migrants.<sup>109</sup>

71. The Committee against Torture recommended that Austria reinforce the capacity of the Federal Office for Immigration and Asylum to process refugee claims of asylum seekers in the country.<sup>110</sup> OHCHR recommended that Austria establish, in collaboration with civil society organizations, a human rights-, gender- and age-responsive vulnerability assessment mechanism; develop mandatory guidelines and training for relevant officials on their human rights obligations; ensure the provision of systematic, free, independent, confidential and competent legal and other assistance to migrants, including accessible information and interpretation services; guarantee automatic suspensive effect for cases on appeal; and ensure that detention was used only as a measure of last resort, for the shortest possible period and only if considered reasonable, necessary and proportionate.<sup>111</sup> Several committees made similar recommendations.<sup>112</sup>

72. The Committee on Enforced Disappearances recommended that Austria ensure that the principle of non-refoulement was strictly observed in all circumstances.<sup>113</sup>

73. UNHCR noted that since the reception crisis in 2015 and 2016, reception conditions had improved, but the quality and condition of accommodation and support in reception facilities still varied greatly as there were no harmonized reception standards and the respective responsibility was shared between the federal Government and the nine provinces.<sup>114</sup>

74. The Committee on the Rights of the Child welcomed measures taken to provide accommodation for asylum-seeking and unaccompanied children through the establishment of specialized reception facilities. However, it remained seriously concerned that child welfare and protection authorities were not immediately involved when an unaccompanied

or separated child above the age of 14 was identified, that legal guardians were appointed only after an unaccompanied or separated child was assigned to a provincial reception facility, and that the age-assessment procedure did not always respect the dignity and the best interests of the child.<sup>115</sup>

75. While welcoming the decrease in the number of detentions pending deportation and the application of an “open door” regime of detention, the Human Rights Committee was concerned that, under the revised Aliens Police Act (2015), children over the age of 14 could be detained for up to two months.<sup>116</sup>

76. The Working Group on the use of mercenaries noted that the Aliens Police Act 2005 imposed fees on detainees at all detention centres. It acknowledged information that those charges would be waived if the detainee could not pay them, but was concerned that the system disregarded the indigent state and already vulnerable and difficult situation of detainees. The Working Group recommended that Austria consider the indigent and impoverished situation that was often faced by undocumented migrants and ensure that they were not charged or required to pay for their detention.<sup>117</sup>

77. UNHCR noted that since the 2015 reception crisis, Austria had adopted numerous legal amendments, some of which had restricted the rights of beneficiaries of international protection to, for example, family reunification and social aid. It recommended that Austria reduce legal and administrative barriers to family reunification with beneficiaries of international protection in Austria and amend national legislation to grant beneficiaries of international protection the same treatment with respect to social aid as was accorded to Austrian nationals.<sup>118</sup>

78. UNHCR noted that very few asylum seekers managed to find employment and generate an income that made them self-sufficient. It recommended that Austria amend national legislation and administrative procedures to grant asylum seekers effective access to the labour market during their asylum proceedings.<sup>119</sup>

## 6. Stateless persons

79. UNHCR recommended that Austria establish an accessible, fair and efficient procedure to determine statelessness, and introduce a residence permit on account of statelessness.<sup>120</sup>

80. The Committee on the Elimination of Discrimination against Women was concerned that, under article 14 of the Austrian Nationality Law, stateless children could apply for citizenship only after reaching 18 years of age and not later than two years after having reached the age of majority.<sup>121</sup> UNHCR recommended that Austria accord citizenship to otherwise stateless children born in its territory, unless a child could acquire the citizenship of one of his or her parents immediately after birth through a non-discretionary procedure.<sup>122</sup>

81. The Committee on the Elimination of Discrimination against Women noted that non-citizens applying for Austrian citizenship must have proof of a “sufficiently secured livelihood” far above the indicative national rates of guaranteed minimum income, among other requirements.<sup>123</sup>

## Notes

<sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Austria will be available at [www.ohchr.org/EN/HRBodies/UPR/Pages/ATIndex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/ATIndex.aspx).

<sup>2</sup> For relevant recommendations, see A/HRC/31/12, paras. 139.1, 139.23, 140.1–140.14 and 141.1–141.17.

<sup>3</sup> CED/C/AUT/CO/1, para. 5. See also A/HRC/42/42/Add.2, para. 17, and A/HRC/30/43/Add.2, para. 6.

<sup>4</sup> CEDAW/C/AUT/CO/9 and Corr.1, para. 48, and CRC/C/AUT/CO/5-6, para. 46. See also A/HRC/42/42/Add.2, para. 17, and A/HRC/30/43/Add.2, para. 6.

<sup>5</sup> A/HRC/30/43/Add.2, para. 97.

- <sup>6</sup> CRC/C/AUT/CO/5-6, para. 45.
- <sup>7</sup> A/HRC/30/43/Add.2, para. 9. See also UNESCO submission for the universal periodic review of Austria, p. 2.
- <sup>8</sup> A/HRC/30/43/Add.2, para. 97.
- <sup>9</sup> UNESCO submission, p. 4.
- <sup>10</sup> A/HRC/42/42/Add.2, para. 17.
- <sup>11</sup> CED/C/AUT/CO/1, para. 6, and CAT/C/AUT/CO/6, para. 7.
- <sup>12</sup> OHCHR, *OHCHR Report 2016*, pp. 79, 83, 85 and 117; *UN Human Rights Report 2017*, pp. 79, 86, 118, 121 and 123; *United Nations Human Rights Report 2018*, pp. 76, 78, 87, 109, 133, 138, 149 and 157; and *United Nations Human Rights Report 2019*, pp. 90, 103, 124, 147–148, 164 and 175.
- <sup>13</sup> OHCHR, *United Nations Human Rights Report 2018*, pp. 280 and 347, and “Report of mission to Austria focusing on the human rights of migrants, particularly in the context of return: 15–18 October 2018”, para. 2. Available at [www.ohchr.org/Documents/Issues/Migration/AustriaMigrationMissionReport.pdf](http://www.ohchr.org/Documents/Issues/Migration/AustriaMigrationMissionReport.pdf).
- <sup>14</sup> For relevant recommendations, see A/HRC/31/12, paras. 139.2, 139.7–139.17, 140.18 and 141.26–141.27.
- <sup>15</sup> CCPR/C/AUT/CO/5, paras. 9–10, CEDAW/C/AUT/CO/9 and Corr.1, paras. 16–17, CED/C/AUT/CO/1, paras. 8–9, and CAT/C/AUT/CO/6, paras. 12–13. See also CRC/C/AUT/CO/5-6, para. 12, CAT/C/AUT/CO/6/Add.1, paras. 10–14, E/C.12/AUT/QPR/5, para. 8, and A/HRC/42/42/Add.2, para. 25.
- <sup>16</sup> CRC/C/AUT/CO/5-6, para. 12.
- <sup>17</sup> CED/C/AUT/CO/1, paras. 8–9, and CAT/C/AUT/CO/6, paras. 12–13. See also CAT/C/AUT/QPR/7, para. 4.
- <sup>18</sup> A/HRC/30/43/Add.2, para. 100.
- <sup>19</sup> E/C.12/AUT/QPR/5, para. 9.
- <sup>20</sup> For relevant recommendations, see A/HRC/31/12, paras. 139.40–139.58, 139.60, 139.62, 139.64–139.80, 139.82–139.83, 139.102, 139.112, 139.119, 141.18–141.24, 141.30, 141.32–141.36 and 141.38–141.47.
- <sup>21</sup> CEDAW/C/AUT/CO/9 and Corr.1, para. 12, and CCPR/C/AUT/CO/5, para. 11. See also A/HRC/30/43/Add.2, para. 19.
- <sup>22</sup> CCPR/C/AUT/CO/5, paras. 11–12. See also CEDAW/C/AUT/CO/9 and Corr.1, para. 12, A/HRC/30/43/Add.2, para. 99, and E/C.12/AUT/QPR/5, para. 14.
- <sup>23</sup> CCPR/C/AUT/CO/5, paras. 15–16. See also CEDAW/C/AUT/CO/9 and Corr.1, paras. 20–21, and CRC/C/AUT/CO/5-6, paras. 16–17.
- <sup>24</sup> UNHCR submission for the universal periodic review of Austria, p. 1. See also [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17091&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17091&LangID=E).
- <sup>25</sup> CEDAW/C/AUT/CO/9 and Corr.1, paras. 20–21.
- <sup>26</sup> For relevant recommendations, see A/HRC/31/12, paras. 139.18, 139.130–139.135 and 141.70.
- <sup>27</sup> CRC/C/AUT/CO/5-6, para. 13. See also E/C.12/AUT/QPR/5, para. 13.
- <sup>28</sup> CRC/C/AUT/CO/5-6, para. 14. See also E/C.12/AUT/QPR/5, para. 2 (a), and A/HRC/30/43/Add.2, para. 104.
- <sup>29</sup> E/C.12/AUT/QPR/5, paras. 2 (c) and 10.
- <sup>30</sup> A/HRC/42/42/Add.2, paras. 18 and 49–50.
- <sup>31</sup> *Ibid.*, paras. 51 and 53.
- <sup>32</sup> *Ibid.*, paras. 87 (d), 88 and 90.
- <sup>33</sup> For relevant recommendations, see A/HRC/31/12, paras. 139.22, 139.84, 139.100–139.101, 139.103–139.108, 141.48–141.50 and 141.71.
- <sup>34</sup> CAT/C/AUT/CO/6, paras. 10–11. See also CAT/C/AUT/QPR/7, para. 2.
- <sup>35</sup> CAT/C/AUT/CO/6, paras. 8 (b), 9 (b) and 36–38, and CCPR/C/AUT/CO/5, paras. 21–22. See also CED/C/AUT/CO/1, paras. 16–17, CCPR/C/AUT/CO/5/Add.1, paras. 5–8, CAT/C/AUT/CO/6/Add.1, paras. 2–3, CAT/C/AUT/QPR/7, paras. 1 and 24–26, and letter dated 1 April 2019 from the Human Rights Committee to the Permanent Representative of Austria to the United Nations Office and other international organizations in Geneva. Available at [tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AUT/INT\\_CCPR\\_FUD\\_AUT\\_34513\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AUT/INT_CCPR_FUD_AUT_34513_E.pdf).
- <sup>36</sup> CCPR/C/AUT/CO/5, para. 20. See also CCPR/C/AUT/CO/5/Add.1, paras. 3–4, and letter dated 1 April 2019 from the Human Rights Committee to the Permanent Representative of Austria to the United Nations Office and other international organizations in Geneva. Available at [tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AUT/INT\\_CCPR\\_FUD\\_AUT\\_34513\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AUT/INT_CCPR_FUD_AUT_34513_E.pdf).
- <sup>37</sup> CAT/C/AUT/CO/6, para. 18. See also CAT/C/AUT/CO/6/Add.1, paras. 15–17.
- <sup>38</sup> CAT/C/AUT/CO/6, para. 26. See also CAT/C/AUT/CO/6/Add.1, paras. 22–24, and CAT/C/AUT/QPR/7, paras. 19–20.

- <sup>39</sup> CCPR/C/AUT/CO/5, para. 23. See also CAT/C/AUT/CO/6, para. 28, CAT/C/AUT/CO/6/Add.1, para. 25, and CAT/C/AUT/QPR/7, para. 23.
- <sup>40</sup> A/HRC/42/42/Add.2, para. 32.
- <sup>41</sup> Ibid., paras. 67 and 104 (a).
- <sup>42</sup> CRC/C/AUT/CO/5-6, para. 44.
- <sup>43</sup> CEDAW/C/AUT/CO/9 and Corr.1, para. 4 (d), and CED/C/AUT/CO/1, para. 4 (b).
- <sup>44</sup> CAT/C/AUT/CO/6, paras. 16–17. See also CAT/C/AUT/QPR/7, para. 6.
- <sup>45</sup> CRC/C/AUT/CO/5-6, paras. 3 and 42.
- <sup>46</sup> For relevant recommendations, see A/HRC/31/12, paras. 139.3, 139.59, 139.61, 139.63, 139.109, 141.58 and 141.64.
- <sup>47</sup> CCPR/C/AUT/CO/5, paras. 31–32.
- <sup>48</sup> UNESCO submission, p. 3.
- <sup>49</sup> Ibid., pp. 2 and 5.
- <sup>50</sup> Ibid., pp. 3 and 5.
- <sup>51</sup> For relevant recommendations, see A/HRC/31/12, paras. 139.92–139.99.
- <sup>52</sup> CEDAW/C/AUT/CO/9 and Corr.1, para. 5 (g).
- <sup>53</sup> CRC/C/AUT/CO/5-6, para. 41 (a)–(b). See also CCPR/C/AUT/CO/5, para. 26.
- <sup>54</sup> CEDAW/C/AUT/CO/9 and Corr.1, para. 24 (c).
- <sup>55</sup> Ibid., para. 24 (b). See also [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3340351:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3340351:NO).
- <sup>56</sup> CAT/C/AUT/CO/6, paras. 42–43. See also CAT/C/AUT/CO/6/Add.1, paras. 34–43.
- <sup>57</sup> CEDAW/C/AUT/CO/9 and Corr.1, para. 25 (g).
- <sup>58</sup> For relevant recommendations, see A/HRC/31/12, paras. 141.51–141.57.
- <sup>59</sup> A/HRC/42/42/Add.2, para. 21. See also [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22772&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22772&LangID=E).
- <sup>60</sup> CRC/C/AUT/CO/5-6, para. 15.
- <sup>61</sup> CEDAW/C/AUT/CO/9 and Corr.1, paras. 44 (a) and 45 (a).
- <sup>62</sup> For relevant recommendations, see A/HRC/31/12, paras. 139.24–139.37, 139.111, 139.116 and 141.37.
- <sup>63</sup> See [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3958286:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3958286:NO). See also E/C.12/AUT/QPR/5, para. 17.
- <sup>64</sup> CEDAW/C/AUT/CO/9 and Corr.1, paras. 32 (b) and 33 (b). See also [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3958286:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3958286:NO).
- <sup>65</sup> CEDAW/C/AUT/CO/9 and Corr.1, paras. 32 (a) and 33 (a). See also [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3958286:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3958286:NO), [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3298772:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3298772:NO) and E/C.12/AUT/QPR/5, para. 20.
- <sup>66</sup> CEDAW/C/AUT/CO/9 and Corr.1, para. 5 (d)–(e).
- <sup>67</sup> Ibid., para. 4 (f).
- <sup>68</sup> Ibid., paras. 32 (e). See also [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3298775:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3298775:NO) and E/C.12/AUT/QPR/5, para. 21.
- <sup>69</sup> For relevant recommendations, see A/HRC/31/12, paras. 139.110 and 141.31.
- <sup>70</sup> CEDAW/C/AUT/CO/9 and Corr.1, para. 4 (e).
- <sup>71</sup> Ibid., para. 37.
- <sup>72</sup> CRC/C/AUT/CO/5-6, para. 36.
- <sup>73</sup> A/HRC/30/43/Add.2, para. 111. See also E/C.12/AUT/QPR/5, para. 23.
- <sup>74</sup> CRC/C/AUT/CO/5-6, para. 32.
- <sup>75</sup> Ibid., paras. 33 (a) and 34 (a) and (c). See also E/C.12/AUT/QPR/5, para. 27.
- <sup>76</sup> CEDAW/C/AUT/CO/9 and Corr.1, paras. 34 and 35 (a) and (c).
- <sup>77</sup> Ibid., para. 35 (h).
- <sup>78</sup> CRC/C/AUT/CO/5-6, para. 27 (a), and CAT/C/AUT/CO/6, para. 45. See also CAT/C/AUT/QPR/7, para. 30.
- <sup>79</sup> CEDAW/C/AUT/CO/9 and Corr.1, para. 34 (g). See also E/C.12/AUT/QPR/5, para. 28.
- <sup>80</sup> For relevant recommendations, see A/HRC/31/12, paras. 139.113, 139.116, 139.121, 141.28–141.29, 141.63 and 141.65.
- <sup>81</sup> CRC/C/AUT/CO/5-6, para. 37 (a)–(b) and (e). See also CEDAW/C/AUT/CO/9 and Corr.1, paras. 30–31, UNESCO submission, p. 4, and E/C.12/AUT/QPR/5, para. 30.
- <sup>82</sup> UNESCO submission, p. 3.
- <sup>83</sup> CEDAW/C/AUT/CO/9 and Corr.1, para. 30 (a).
- <sup>84</sup> CRC/C/AUT/CO/5-6, para. 37 (g). See also CEDAW/C/AUT/CO/9 and Corr.1, para. 31, and UNESCO submission, p. 4.
- <sup>85</sup> CEDAW/C/AUT/CO/9 and Corr.1, paras. 5 (f) and 30. See also E/C.12/AUT/QPR/5, para. 32.
- <sup>86</sup> CEDAW/C/AUT/CO/9 and Corr.1, para. 35 (d).

- <sup>87</sup> For relevant recommendations, see A/HRC/31/12, paras. 139.19, 139.31–139.32, 139.38–139.39, 139.85–139.87, 139.89–139.93 and 141.25.
- <sup>88</sup> CEDAW/C/AUT/CO/9 and Corr.1, paras. 10–11 and 14–15.
- <sup>89</sup> CCPR/C/AUT/CO/5, paras. 13–14. See also CEDAW/C/AUT/CO/9 and Corr.1, paras. 26–27 (b).
- <sup>90</sup> CEDAW/C/AUT/CO/9 and Corr.1, paras. 22–23.
- <sup>91</sup> CAT/C/AUT/CO/6, para. 5 (e), and CCPR/C/AUT/CO/5, para. 3 (d).
- <sup>92</sup> CEDAW/C/AUT/CO/9 and Corr.1, para. 44 (b).
- <sup>93</sup> For relevant recommendations, see A/HRC/31/12, paras. 139.4–139.6, 139.88 and 140.15.
- <sup>94</sup> CRC/C/AUT/CO/5-6, para. 6.
- <sup>95</sup> *Ibid.*, para. 9.
- <sup>96</sup> *Ibid.*, para. 8.
- <sup>97</sup> *Ibid.*, paras. 10–11.
- <sup>98</sup> *Ibid.*, para. 22.
- <sup>99</sup> *Ibid.*, para. 25 (a) and (c)–(d).
- <sup>100</sup> For relevant recommendations, see A/HRC/31/12, paras. 139.114–139.117 and 141.59–141.61.
- <sup>101</sup> CRC/C/AUT/CO/5-6, para. 31 (a)–(b) and (d). See also CEDAW/C/AUT/CO/9 and Corr.1, para. 40.
- <sup>102</sup> CEDAW/C/AUT/CO/9 and Corr.1, para. 40.
- <sup>103</sup> A/HRC/30/43/Add.2, para. 123.
- <sup>104</sup> For relevant recommendations, see A/HRC/31/12, paras. 139.21, 139.118, 140.16, 140.19 and 141.62–141.65.
- <sup>105</sup> E/C.12/AUT/QPR/5, para. 33.
- <sup>106</sup> CCPR/C/AUT/CO/5, paras. 17–18.
- <sup>107</sup> For relevant recommendations, see A/HRC/31/12, paras. 139.20, 139.81, 139.120–139.129, 140.17, 140.20–140.23, 141.28 and 141.66–141.69.
- <sup>108</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17091&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17091&LangID=E).
- <sup>109</sup> OHCHR, “Report of mission to Austria focusing on the human rights of migrants, particularly in the context of return: 15–18 October 2018”, para. 1. Available at [www.ohchr.org/Documents/Issues/Migration/AustriaMigrationMissionReport.pdf](http://www.ohchr.org/Documents/Issues/Migration/AustriaMigrationMissionReport.pdf). See also [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22772&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22772&LangID=E).
- <sup>110</sup> CAT/C/AUT/CO/6, para. 21 (b). See also CAT/C/AUT/QPR/7, para. 9.
- <sup>111</sup> OHCHR, “Report of mission to Austria focusing on the human rights of migrants, particularly in the context of return: 15–18 October 2018”, para. 72. Available at [www.ohchr.org/Documents/Issues/Migration/AustriaMigrationMissionReport.pdf](http://www.ohchr.org/Documents/Issues/Migration/AustriaMigrationMissionReport.pdf).
- <sup>112</sup> CCPR/C/AUT/CO/5, paras. 27–28 and 30, CAT/C/AUT/CO/6, paras. 21 and 23, CEDAW/C/AUT/CO/9 and Corr.1, para. 43 (a), and CED/C/AUT/CO/1, para. 21. See also CAT/C/AUT/CO/6/Add.1, paras. 4–5, UNHCR submission, p. 4, and letter dated 1 April 2019 from the Human Rights Committee to the Permanent Representative of Austria to the United Nations Office and other international organizations in Geneva. Available at [tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AUT/INT\\_CCPR\\_FUD\\_AUT\\_34513\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AUT/INT_CCPR_FUD_AUT_34513_E.pdf).
- <sup>113</sup> CED/C/AUT/CO/1, para. 21. See also CCPR/C/AUT/CO/5, paras. 27–28, and CAT/C/AUT/QPR/7, para. 14.
- <sup>114</sup> UNHCR submission, p. 2. See also CAT/C/AUT/CO/6, para. 20.
- <sup>115</sup> CRC/C/AUT/CO/5-6, para. 39. See also CCPR/C/AUT/CO/5, para. 28, UNHCR submission, pp. 2–3, and CAT/C/AUT/QPR/7, para. 11.
- <sup>116</sup> CCPR/C/AUT/CO/5, para. 29. See also OHCHR, “Report of mission to Austria focusing on the human rights of migrants, particularly in the context of return: 15–18 October 2018”, paras. 7 and 15. Available at [www.ohchr.org/Documents/Issues/Migration/AustriaMigrationMissionReport.pdf](http://www.ohchr.org/Documents/Issues/Migration/AustriaMigrationMissionReport.pdf).
- <sup>117</sup> A/HRC/42/42/Add.2, paras. 73 and 104 (d).
- <sup>118</sup> UNHCR submission, pp. 1 and 4–5. See also CEDAW/C/AUT/CO/9 and Corr.1, para. 43 (c), and OHCHR, “Report of mission to Austria focusing on the human rights of migrants, particularly in the context of return: 15–18 October 2018”, paras. 57–59 and 72. Available at [www.ohchr.org/Documents/Issues/Migration/AustriaMigrationMissionReport.pdf](http://www.ohchr.org/Documents/Issues/Migration/AustriaMigrationMissionReport.pdf).
- <sup>119</sup> UNHCR submission, pp. 3–4.
- <sup>120</sup> *Ibid.*, p. 5.
- <sup>121</sup> CEDAW/C/AUT/CO/9 and Corr.1, para. 28.
- <sup>122</sup> UNHCR submission, p. 5. See also CEDAW/C/AUT/CO/9 and Corr.1, para. 29 (b), and CRC/C/AUT/CO/5-6, para. 21 (a).
- <sup>123</sup> CEDAW/C/AUT/CO/9 and Corr.1, para. 28.