

TREATY BODY MONITOR

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Information submitted to the Committee

Austria submitted its 4th periodic report to the Human Rights Committee ('the Committee') on 21 July 2006, which had been due in 2002. This report was available on 20 November 2006.¹ Austria last came before the Human Rights Committee ('the Committee') in 1998, when it submitted its 3rd periodic report for consideration. The State stipulated that the present report should be seen as a supplement to earlier reports. The current report contains an article-by-article review of policies and initiatives implemented by the State to improve its adherence to the *International Covenant on Civil and Political Rights* ('the Covenant'). Concerns raised by the Committee in its previous concluding observations on Austria were also addressed.

¹ CCPR/C/AUT/4, 20 November 2006, available at <http://www.ohchr.org/english/bodies/hrc/hrcs91.htm>.

On 9 May 2007, the Committee provided its list of issues to the State.² The Committee put forward questions regarding the implementation of the Covenant and the First Optional Protocol ('the Protocol') at the national level, as well as the dissemination of information relating to these two instruments. The Committee inquired about the promotion of non-discrimination and equality between men and women by and among the police. Furthermore, the Committee requested additional information on the treatment of detainees, including juvenile and foreign prisoners, and on the steps that have been taken to ensure the right to a fair trial. The Committee also asked specific questions concerning remedies offered to trafficked women and children, as well as the treatment of appeals against an expulsion order. With regard to the fundamental freedoms guaranteed by the Covenant, the Committee inquired about the registration of religious communities, the protection of religious minorities, the effect of media concentration on the plurality of opinion, and the low level of legal action in this field. Finally, the Committee requested more information on the measures taken to enhance the enjoyment of linguistic rights by minorities and the education of minority children. The State submitted written replies to the Committee's list of issues three weeks prior to the session.

Six non-governmental organisations (NGOs) submitted reports to the Committee regarding the human rights situation in Austria.³ Amnesty International mentioned specific cases and recommendations on the ill-treatment of detainees, including foreign nationals awaiting deportation, the deteriorating conditions in detention facilities and discrimination against homosexual men. A number of NGOs were concerned with what they perceived to be a hierarchisation of discrimination grounds. The differential treatment between those performing military and civilian service was also raised. Furthermore, Homosexuelle Initiative Wien criticised the deficiency in legal rights for same-sex domestic partners.

Themes and issues

Austria's delegation was headed by Ms Ingrid Siess-Scherz, Deputy Director General of the Directorate of Legal Service in the Chancellery. She was supported by staff from the Austrian Mission to the United Nations Office in Geneva, including Ambassador Wolfgang Petritsch, as well as by representatives from the National Equality Body, the Federal Ministry of the Interior, the Federal Ministry for Education, the Arts and Culture, and the Federal Chancellery.

Ms Siess-Scherz opened by highlighting the importance of continuing dialogue between the State and international organs such as the Committee. She explained that the human rights protection system in her country is currently undergoing "a dynamic process of change", with an expert group tasked with formulating detailed proposals for the reform of the legal framework. She said that by 2010 there should be a codification of particular rights, especially social rights and children's rights. Ms Siess-Scherz also apologised for the late submission of the report, emphasising that this was not due to political unwillingness, but rather to internal resource allocation problems.

Status of the Covenant in domestic law

The Covenant has not been given direct effect in the Austrian legal system. Nevertheless, the delegation pointed out that the European Convention on Human Rights (ECHR) has constitutional status in Austria, and that the guarantees of the Covenant largely correlate with those of the ECHR. It thus insisted that, in substance, all the provisions of the Covenant are implemented and guaranteed in Austria.

² CCPR/C/AUT/Q/4, 9 May 2007, available at <http://www.ohchr.org/english/bodies/hrc/hrcs91.htm>.

³ Amnesty International, Austrian Litigation Association of NGOs Against Discrimination, Global initiative to end all corporal punishment of children, Conscience and Peace Tax International, Homosexual Initiative (HOSI) Vienna, The Tandem Project. All the reports submitted to the Committee are available at <http://www.ohchr.org/english/bodies/hrc/hrcs91.htm>.

However, several Committee members expressed concern that a number of State obligations under the Covenant exceed the scope of those under the ECHR, not only Article 26 (which was raised by the State in its written replies). The Committee was also interested to know the effect of its decisions at the national level, especially in case of a conflict with a judgement of the European Court of Human Rights. Mr Kälin pointed specifically to the case of *Perterer v. Austria*, in which the Committee identified violations of the Covenant by the State. Despite this outcome, there was no revocation of the domestic decision or payment of compensation to the victim.

In response to these queries, the head of delegation first pointed to two civil law cases from the mid-1980s. In these cases, the judge had noted that his decision had to be in conformity not only with domestic law, but also with obligations under international law. Next, Ms Siess-Scherz explained that all the Ministries concerned are informed whenever a view is received and a meeting is convened to try to find a solution. She highlighted that Austria has a record of amending legislation to eliminate future cases. She also stated that a case may be re-opened, though this is not an automatic system. On *Perterer*, Ms Siess-Scherz explained that the applicant had refused the compensation offered by the State, which was the amount suggested by Strasbourg. She thus asserted that the issue was finding an objective way to determine the appropriate payment rather than the authority of the Committee.

In its concluding observations,⁴ the Committee reiterated that the State should ensure that all rights protected under the Covenant are given effect in domestic law and that judges and law enforcement officers receive adequate training to apply and interpret domestic law in the light of the Covenant. The Committee expressed its concern about the absence in the State of any mechanisms ensuring systematic follow-up of the views adopted by the Committee under the Optional Protocol to the Covenant. In this regard, the Committee recommended that the State consider adopting adequate mechanisms to give effect to the Committee's views, with the aim to ensure that victims obtain redress in case their Covenant rights have been violated by the State.

On the constitutional and legal framework within which the Covenant is implemented, the State described the work and functioning of the National Equality Body and the Austrian Ombudsman's Board. It stated the number of complaints received by the three Ombuds institutions, as well as the main issues which they concerned. According to the delegation, the most successful way of solving complaints was through informal negotiations with employers or other discriminating institutions. Ms Siess-Scherz also touched on the projected establishment of a preventive agency, as defined in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Ms Palm asked for more information about how the Ombudspersons are appointed. She also inquired whether there were any plans to establish a national human rights institution in accordance with the Paris Principles. The delegation did not address this in their oral replies.

Non-discrimination and equal rights of men and women

To respond to the Committee's question on the measures to combat discrimination by police, Mr Walter Ruscher from the Federal Ministry of the Interior presented the training and further education programmes in his Ministry's Security Academy. The 'Structural Concept Concerning Human Rights Education' and a seminar programme entitled "A World of Difference" were described in detail. Furthermore, he asserted that all offences which are remotely connected with the maltreatment of a person, regardless of whether the victim agrees or not, are prosecuted officially.

⁴ CCPR/C/AUT/CO/4, available at <http://www.ohchr.org/english/bodies/hrc/hrcs91.htm>

Committee member Mr O’Flaherty asked why the situation of Roma was not highlighted in the training delivered to the police, whereas that of people of African descent was. He also enquired whether there were other means apart from training, such as disciplinary action, to regulate police behaviour.

To Mr O’Flaherty’s first question, the State replied that so far it has not received any feedback indicating that the situation of the Roma needs the same concern as that of people of African descent. Nevertheless, it conceded that it is always better to act than to react. With regard to the second question, the delegation drew attention to the various tests, including a psychological test, which all prospective law enforcement officers must undergo. These tests are aimed at deducing if an individual has prejudices which will lead to racist or xenophobic tendencies. The delegation also explained the existing complaint mechanism against police officers, including the provision for judiciary and disciplinary proceedings.

In order to demonstrate the representation of women in the civil service, Ms Siess-Scherz pointed to some statistics which the State had supplied in its written responses. She also stated that Austria has legal provisions aimed at increasing the representation of women in all public positions in which they are under-represented.⁵ She went on to describe the system of affirmative action, where if a male and female candidate have the same professional qualifications, the latter must be appointed. She also asserted that Federal Ministries are required to have plans for the promotion of women.

Mr O’Flaherty pointed out that the statistics which Ms Siess-Scherz referred to in her oral response omitted the less gender-balanced regions. He noted that the higher up the public service, the worse the situation seems to be. He thus asked whether there is a stratagem of open competition access to the most senior posts, and if not, whether it might be considered. In her reply, Ms Siess-Scherz laughingly admitted to have only mentioned the good examples, but stressed that all the figures had been submitted to the Committee in the written replies. She acknowledged that, despite recurrent public debates about this issue, there are currently no initiatives by the Federal Government to address disparities in the regions through legal means.

To respond to the Committee’s question on gender discrimination, Ms Ingrid Nikolay-Leitner of the National Equality Body provided statistics on the number of complaints that were brought to the two Equal Treatment Commissions.⁶ However, she regretted that she was unable to provide the information requested by the Committee on the findings of these Commissions, as they were not obliged to give information about their judgements. She explained that the State had tried to find a solution to this problem in 2002.

Mr O’Flaherty observed that the case load of the Equal Treatment Commissions seems rather low. He thus asked how the mechanisms could be more vigorously employed. He wondered whether the problem was due, for instance, to low public awareness or the rules on which groups may represent individuals. Mr O’Flaherty expressed his gratitude for the State’s frank admission that there is a problem with gaining access to information on compensation, and stated that the unwillingness of the judiciary was partly to blame. He went on to ask whether there were any strategies which might be employed to gain access to such important disaggregated data.

In its concluding observations, the Committee noted with concern that there is a hierarchisation of discrimination grounds in the laws of the State. It thus recommended the amendment of the relevant laws, with a view of levelling up and ensuring equal substantive and procedural protection against discrimination with regard to all prohibited grounds of discrimination. The Committee also asserted that the State should introduce mandatory police training aimed at preventing discrimination against all vulnerable ethnic groups. On the under-representation of women in the public service, the Committee declared that the State should expand its strategies to achieve equal representation of women.

⁵ The State considers women to be under-represented if they make up less than 40% of the total.

⁶ In Austria, there is one commission for the private sector and another for the civil service.

Treatment of detainees

The State was unable to provide statistical data on reported incidents of torture and ill-treatment of detainees, as these parameters are not covered in statistics. It affirmed, however, that it would be pleased to take the Committee's request for such information as a suggestion for possible future action. This reply was heavily criticised by a number of Committee members, including Ms Wedgwood, Ms Ch Janet and Mr Rodley. Ms Ch Janet argued that not compiling statistics on torture was a way of sweeping the phenomenon under the carpet, while Mr Rodley pointed out that the European Committee for the Prevention of Torture had already requested similar statistics in 2004.

In addressing other questions raised in the list of issues, the State described the formation and training of judiciary staff, including the broad and vast variety of courses and seminars offered in continuous training. It claimed that about 90% of all judges and prosecutors have participated voluntarily in these in the last three years. Furthermore, the delegation described the detention condition of juvenile prisoners. It also discussed a particular case concerning an Austrian CIVPOL officer charged with serious ill-treatment of an ethnic Albanian detainee during his service with the UN Interim Administration Mission in Kosovo.

Ms Wedgwood described a number of cases of police mistreatment of prisoners which were provided by NGOs, and emphasised the need for institutional structures to punish perpetrators. Mr Rodley acknowledged with pleasure the amendments to the criminal proceedings arrangement excluding information extracted under torture and inadmissible interrogation methods. However, he highlighted the importance of the nature of the burden of proof, and asked for clarification on this dimension.

The State also addressed the specific cases which were alluded to by Ms Wedgwood, explaining the contexts in which the mistreatment took place, as well as their outcomes. Finally, on the issue of torture, the delegation confirmed that evidence extracted through torture must not be used in criminal proceedings. The delegation demonstrated that torture was a very broad concept in the Austrian constitution, and included unauthorised interrogation methods. What is covered by this meaning is something that needs to be defined by jurisprudence. If there is an indication that torture has occurred, the court must take the initiative to investigate all the evidence.

Mr Ruscher of the Federal Ministry of the Interior described in detail the efforts the State was making to improve the detention situation of foreign nationals awaiting deportation, including plans to construct a purpose-built detention centre within the next few years. He differentiated deportation detention from punitive measures, explaining that the former tends to convey more humane detention. Mr Ruscher also referred to the dense network of NGOs which are responsible for providing care facilities and offering possibilities of voluntary return. These organisations are supported by the State.

In its concluding observations, the Committee expressed its concern about reports that the State has repeatedly failed to initiate a prompt investigation and that only lenient sentences and disciplinary sanctions have been imposed in cases of death and abuse in police custody. The Committee stressed that the State should take immediate and effective steps to ensure that this situation is remedied. It also stipulated that the State reinforce preventive measures. Furthermore, the State should ensure adequate medical supervision and treatment of detainees awaiting deportation who are on hunger strike. The Committee also urged the State to provide detailed disaggregated information on the nature of reported incidents of torture or ill-treatment of detainees and the types of sanctions imposed on perpetrators of such acts, as well as information on specific cases. The Committee stated its particular concern about four specific cases in relation to this issue.⁷

⁷ The cases of Cheibani Wague, Bakary Jassay, Yankuba Ceesay, and Geoffrey A.

Trafficking of women and children

In conformity with the list of issues, the State provided statistics on human trafficking in its written replies. However, these were not disaggregated by the purpose for trafficking as had been requested. The State explained that in Austria no distinction is drawn as to the reason for trafficking. It went on to draw attention to the national action plan against trafficking in human beings which was adopted by the Austrian parliament. This initiative involves inter-disciplinary cooperation through a task-force set up under the Ministry of European and Foreign Affairs. In order to enhance efficiency, a national coordinator will be hired at the beginning of 2008.

Mr O'Flaherty questioned why the figures on trafficking for different purposes could not be given. He claimed that these were not difficult to compile, and were also profoundly relevant. Mr O'Flaherty also inquired about the regional and international aspects of the plan mentioned by the State. Furthermore, he pointed out that the national plan of action was under the Ministry of Foreign Affairs rather than under the Interior Ministry, as is usually the case. He asked how this affects the implementation of the plan. These points were not addressed by the State in its oral replies.

In its concluding observations, the Committee expressed its concern about the absence of disaggregated statistical data on the number of women and children trafficked, and on the number of victims who have been granted residence permits on humanitarian grounds. It accordingly recommended that the State devise a system for the collection of such data and include such information in its next report.

Expulsion of aliens

The State outlined the accelerated expulsion procedure, stressing that this is done only if it is in the public interest (i.e. if someone has committed a crime and has been sentenced, or has been caught in the act of committing a crime). The delegate further explained that no legal action may be made against this, as it is an administrative procedure. Next, the delegate explained that in order to expedite the proceedings, an appeal does not have a suspending effect.

Committee member Mr Iwasawa noted that the number of applications for asylum has decreased considerably since 2002, and asked why this is and whether the backlog of cases is also decreasing. He also mentioned that he had information showing that the number of detained asylum-seekers is increasing. He thus asked whether it was true that the Dublin Convention cases remain detained throughout the application process. He further enquired whether these detainees have access to counselling, and asked for clarification on the policy of family re-unification. Mr Iwasawa also asked for information on cases in which the State had extradited individuals upon the receipt of diplomatic assurances, and inquired whether the State follows up on these diplomatic assurances. Mr Iwasawa further referred to the concern that was raised earlier by the Committee that not all female asylum seekers are provided women interrogators during interview.

The State replied that the number of asylum applications has decreased, but it was unable to provide a satisfactory explanation for this. The delegate did, however, mention that people often chose to "go underground and disappear" so as to avoid a pool of open applications. As regards family reunification, the State declared that it was undertaking great efforts, and asylum authorities often conduct meticulous investigations to reunite minors with their families. The State asserted that there is legislation mandating that a female interviewee be given the option to be interviewed by a female officer, and there are penalties for not providing this.

In its concluding observations, the Committee affirmed that the State should review its detention policy with regard to asylum seekers, give priority to alternative forms of accommodation for asylum seekers, and take immediate and effective measures to ensure that all asylum seekers who are detained pending deportation are held in centres specifically designed for that purpose, offering material conditions and a regime appropriate to

their legal status, occupational activities, the right to receive visits, and full access to free and qualified legal counselling and adequate medical services. The Committee recommended that the State adopt a gender and age-sensitive approach to refugee status determination, and issue guidelines on gender-related persecution as a ground for claiming asylum. The Committee also suggested that the State consider amending the *Federal Asylum Act*, with a view to applying a more liberal approach towards family reunification in cases of refugees and beneficiaries of subsidiary protection.

Right to a fair trial

The State admitted that so far, the legal provision regulating legal aid has not been amended. With respect to reimbursement of costs for indigent complaints, the State explained that reimbursement has to be made only in cases of dismissal. Out of the 7500 cases before the administrative court, 1700 were reimbursed. The State affirmed that it wanted to have a better court system, more courts in general, and to make the proceedings shorter. The new criminal procedure means that every accused person has the right to proceedings within a reasonable time. If the person is in custody, it means that they have the right to have the proceedings conducted expeditiously. The new law also provides that an accused person has the right to discontinue proceedings.

Committee member Mr Bhagwati posed several questions to the delegation on this matter. First, he asked about the right to protection of privacy, and whether there were any instances of it being enforced. He also enquired about the legal provisions in this respect. Furthermore, Mr Bhagwati asked whether the claiming of damages had occurred, and whether there is any practical enforcement of this. Ms Wedgwood, supported by Ms Chanet, expressed concern about the vague standard allowing a policeman to exclude counsel according to his discretion. A number of Committee members expressed concern that the statements of rights are only available in German, and insisted that these be made available in all minority languages.

The State replied that an individual's right to privacy is taken into consideration by the police dealing with immigration issues. Training on this issue is ongoing, and more training is envisaged. On access to legal aid, the State replied that legal changes will be made as of 1 January 2008. On the relationship between a client and his lawyer, the delegation replied that every apprehended person has the right to contact defence council, which entails an indirect pressure that a defence lawyer is present. However, this situation is currently under review and explicit changes are due to start in January 2008. Next, the State assured that the information sheet detailing the rights of the detainee is currently available in 27 languages, and from 1 January 2008, it will be made more accessible (a different sheet will be given for each type of custody) and will be available in 52 languages.

In its concluding observations, the Committee asserted that the State should give full effect to the rights of criminal suspects to contact counsel before and to have counsel present during interrogation. It also urged the State to ensure that restrictions on the contact between an arrested or detained person and counsel are not left to the sole discretion of the police, and that the rights to talk to counsel in private and to have counsel present during interrogations are never totally denied to persons deprived of their liberty.⁸

Freedom of religion

According to the State, Austria has integrated a large number of religious communities over the last 200 years and has adopted a number of laws which are very favourable to religious communities. Austria does not have a strict separation of State and church. Since the 1980s, there has been a re-thinking of the different legal norms, which resulted in the Recognition Law. This amendment has made it much easier to administrate. In

⁸ Section 59(1) of the Criminal Proceedings Reform Act, which will enter into force on 1 January 2008, authorises the police to supervise contacts between an arrested or detained person and counsel and exclude the presence of counsel during interrogations, "insofar as it is considered necessary to avoid that the investigation or the gathering of evidence are adversely affected by the presence of counsel."

the late 1990s, a new possibility was created in the legal system which enabled religions to have legal status, though this is not obligatory. In response to the criticism of the ten-year observation period required for this, the State commented that it was necessary to remember that this law was created when several new religions came to be in Austria. It further reminded the Committee that this is a relatively new law and much remains to be experienced. On measures taken to combat religious violence, harassment and discrimination, the delegation referred to its response in relation to non-discrimination in general. It added that the Ministry of the Interior tends not only to conduct investigations, but also tries to sensitise the officers carrying out the investigations. The delegation also mentioned that school excursions are made to various places of worship, including Mosques and Buddhist temples.

Committee member Mr Bhagwati asked what rights registered religious communities have which non-registered communities do not have. He also asked what the authority is in regard to the *2001 Telegraph Act* concerning the rules and regulations for the granting of licenses, and how many have been granted to private people. Ms Wedgwood was still unsatisfied about the stipulation of a 10-year existence period and a following of 16,000 persons in order for a religious community to be granted the status of a public law corporation.

Incitement to racial hatred

The State was very brief in its oral reply on the question of incitement because an extensive reply had been given in writing. The delegation provided an update on the number of communications, and gave four reasons for the low number of communications.⁹ First, it said that this is just the tip of the iceberg, and that in fact there are many more complaints. Second, not every incitement leads to a provision in the criminal code. For example, if an incitement has led to physical injuries, a more severe offence will be the leading offence, and racism will only be considered as an aggravating circumstance. Third, Neo-Nazism is already prohibited as an ideology. Fourth, there is a framework decision under discussion in the European Union to harmonise policy and legislation against racism. This will be adopted within the next few years, and will offer the State the opportunity to revise its own article.

Ms Wedgwood asked whether an individual may bring a case on anti-Semitism on his own motion. She also requested recent figures on National Socialist activities. Ms Wedgwood raised the fact that since the war in Lebanon, there has been an upsurge in anti-Semitic rhetoric on the internet, and asked for the government's views on this.

In its concluding observations, the Committee expressed its concern about the persistence of racist and xenophobic speech against Muslims, Jews and ethnic minorities in political and media discourse, as well as on the Internet. It recommended that the State vigorously combat this problem by intensifying public information and awareness raising campaigns and ensuring strict application by judges, prosecutors and the police of criminal law provisions punishing incitement to racial or religious hatred.

Rights of persons belonging to minorities

Ms Siess-Scherz stated that an extensive reply on bi-lingual street signs had been provided in writing. She thus focused on the political side of this issue in her oral reply. She explained that many measures had been taken, such as a consensus conference to solve problems between the parties concerned. Furthermore, constitutional amendments had been proposed, though these failed to attain a majority in parliament. The *Minority Act* is being amended this year, and it is now up to the parliamentarians to take further steps. Finally, many conferences are organised through private initiatives, and they have had a very positive private outcome. Subsequently, Mr Heinz Tichy of the Federal Ministry for Education, the Arts and Culture outlined the

⁹ In 2006, there were nine communications and two acquittals. Up until September 2007, there were four communications and three acquittals.

language programmes for minority children. He explained that there are many second or third generation migrants who speak German as their first language, but are keen to learn their own minority language such as Czech, Slovak, Croatian, Hungarian and Romani.

Committee member Ms Palm asked the State what the situation is in Carinthia, specifically whether there are any bi-lingual signs. She also asked whether the State has started to train officials on how to deal with minorities. On the education of minority children, Ms Palm asked how the system functions in practice. The delegation replied that although it could not give quantitative data on bi-lingual street signs, it was aware that there are far from enough of them. It also replied that training of the judiciary has been going on for many years already.

In its concluding observations, the Committee noted with concern that Romani is taught as an extra-curricular subject only in Vienna and that specific instruction about Romani culture is not available at schools in the State. It thus suggested that the State intensify its efforts to provide adequate opportunities for Roma children to receive instruction in or on their language and culture, and ensure adequate training and recruitment of qualified teachers for this purpose. On the issue of bi-lingual street signs, the Committee asserted that the State should take further steps to ensure that the decision of the Constitutional Court be enforced in Carinthia.

Dissemination of information

The State began by explaining that there are human rights coordinators in every ministry. An initiative by the Foreign Ministry made a list with all the views received by all the treaty organs, including this Committee. This list is then distributed to all the human rights coordinators who are asked if there are any changes or initiatives to be included. A new State report dealing with minority groups is currently being discussed.

Mr Iwasawa commended this process, and posed a few questions. First, he asked whether these lists are distributed to the public. Next, he recounted that he had tried to access information on the Committee on the government website, but that “it wasn’t easy”, and that they were summary versions of the views. Thus, he recommended that the State upload the texts in their entirety and translate them into German, as well as make the State report and concluding observations accessible.

In its concluding observations, the Committee requested that the present periodic report and the related concluding observations be published and widely disseminated in German to the general public, as well as to the judicial, legislative and administrative authorities.

Conclusions and next steps

As an external question, Ms Chanet pointed out that Austria has one of the highest numbers of reservations to the Covenant, and asked whether there are any plans to review this. This point was not picked up by the State in its oral replies.

In its concluding observations, the Committee noted that the Work Programme of the State for 2007-2010 envisages a number of institutional changes with a view to ensuring better adherence to the Covenant.¹⁰ The Committee particularly welcomed three amendments to the Code of Criminal Procedure, which will enter into force on 1 January 2008: (a) the introduction of an express prohibition of evidence obtained through torture or other unlawful interrogation methods; (b) the obligation of courts to report cases in which evidence was allegedly extracted under such unlawful means immediately and *ex officio* to the public prosecutor; (c) the

¹⁰ For example, the establishment of a preventive agency as defined in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Advisory Board for Human Rights will be integrated into that agency upon transfer from the Ministry of the Interior; a constitutional reform will be introduced which will bring about a new codification of fundamental rights and further improvements in the human rights protection system, including the establishment of a two-tier administrative court system.

requirement to expedite criminal proceedings, as well as the right of the accused to file a motion to discontinue proceedings.

Other treaty monitoring bodies have addressed similar issues to those which were raised by the Human Rights Committee in its review of Austria. In its concluding observations in 2005,¹¹ the Committee on the Rights of the Child (CRC) made recommendations regarding sexual abuse and trafficking of children, juvenile detention, family reunification procedures, and discrimination against children belonging to vulnerable groups. Austria was reviewed by the Committee against Torture (CAT) in the same year.¹² The issues which were discussed include the treatment of detainees, conditions in detention centres, training programmes for law enforcement personnel, human trafficking, and the treatment of asylum-seekers. The Committee on Economic, Social and Cultural Rights (CESCR) also reviewed Austria in 2005,¹³ and picked up on issues such as domestic violence, human trafficking, and the persistence of racist and xenophobic attitudes among some sectors of the population. Finally, Austria was reviewed by the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) earlier this year. In its concluding comments,¹⁴ this Committee commended the State on a number of new laws and amendments aimed at reinforcing the equal treatment of women and men, while urging it to ensure that the gender equality is ensured in all spheres of life.

The Committee set 30 October 2012 as the date for the submission of the fifth periodic report of Austria. The Committee requested that the State submit within one year information on the follow-up given to a few of the Committee's recommendations in the present concluding observations,¹⁵ and provide information on its remaining recommendations and on the implementation of the Covenant as a whole in its next periodic report.

Last revised and updated: 27 November 2007.

¹¹ CRC/C/15/Add.251, available at <http://www.ohchr.org/english/bodies/crc/crcs38.htm>

¹² Concluding observations (CAT/C/AUT/CO/3), available at <http://www.ohchr.org/english/bodies/cat/cats35.htm>

¹³ Concluding observations (E/C.12/AUT/CO/3), available at <http://www.ohchr.org/english/bodies/cescr/cescrs35.htm>

¹⁴ CEDAW/C/AUT/CO/6, available at <http://www.un.org/womenwatch/daw/cedaw/37sess.htm>

¹⁵ These concern paragraphs 11 (death and abuse in police custody), 12 (detainees who are on hunger strike), 16 (Criminal Proceedings Reform Act) and 17 (detention policy with regard to asylum seekers) of the concluding observations (CCPR/C/AUT/CO/4), available at <http://www.ohchr.org/english/bodies/hrc/hrcs91.htm>

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