

# Midterm Report

## Universal Periodic Review, 3rd Cycle

(Austria)

### Participating organisations:

This Midterm Report ("MTR-League") was coordinated by the **Austrian League for Human Rights (hereinafter referred to as "League")** and is intended to provide an overview of the views of key Austrian civil society organisations. The League coordinates more than **250 civil society organisations** through their umbrella organisations, as already indicated in the Joint Statement of the 3rd cycle in Annex 1. At that time, the Joint Statement also already contained 152 necessary Points of Action of Austrian civil society (see reference to JS3 in the "Summary of Stakeholders' submissions on Austria", A/HRC/WG.6/37/AUT/3).

In the context of the Midterm Report, direct contact points from organisations or umbrella organisations were (in alphabetical order) Amnesty International, Globale Verantwortung - Arbeitsgemeinschaft für Entwicklung und Humanitäre Hilfe, Klagsverband zur Durchsetzung der Rechte von Diskriminierungsopfern, Light for the World (Licht für die Welt), Lobby4Kids, the Ludwig Boltzmann Institute for Fundamental and Human Rights, the Children's Rights Network (Netzwerk Kinderrechte), the Austrian Disability Council, the Austrian Centre for Ethnic Groups, the Association of Intersex People Austria, WIDE, ZARA - Civil Courage and Anti-Racism Work.

For a further list of participating organisations, see also Annex 1 to the Joint Statement on the OHCHR website (<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=8098&file=Annexe1>).

### Subject of this Midterm Report and the UPR Tool:

The League's Midterm Report deals with selected highlights and cannot provide a complete picture of the state of implementation. However, the Austrian League for Human Rights, with the cooperation of all civil society organisations involved, has set up a monitoring tool that will provide up-to-date information on the development of each of the recommendations. The tool is currently being set up and will initially be available in German on the website [www.liga.or.at/upr](http://www.liga.or.at/upr). The tool is financially supported by the Austrian Ombudsman Board and the Austrian Future Fund. Support from the federal ministries responsible for the UPR process was not available even with a partial contribution. This is also the main reason for the delay, which is why the contents of the tool could not be completed by the filing of the midterm report.

## Structure of the follow-up process in Austria:

- Plenary sessions:
  - On a positive note, plenary sessions were reintroduced under the coordination of the Austrian Foreign Ministry and the responsible department of the Federal Chancellery, where representatives of interested civil society organisations can meet once a year with representatives of the federal ministries and federal states. Civil society was invited to help shape the agendas, which worked well including the coordination by the League. With the 3rd cycle of the UPR, it has now been possible to provide civil society according to their concerns with information on the progress of selected topics and to offer a forum for discussion. This is an improvement on the earlier plenary events in the previous cycles, which in the end were no longer seen as useful by many civil society organisations. Such new style plenary sessions were held on 17/09/2021, 30/06/2022 and 10/07/2023.
  - Another positive aspect is the commitment of the officials involved in the planning of the plenary events, who attach importance to the involvement of civil society and promote constructive cooperation.
  - However it has to be criticised that the Austrian federal provinces (Länder), with the exception of Vienna and partially Burgenland, do not actively participate in this exchange. This is particularly alarming due to Austria's federal structure, where many responsibilities for human rights-related issues lie with the federal states.
  - A negative aspect of the plenary sessions is that there is currently no effective follow-up in regular exchange of the ministries with the organisations of civil society. In some cases, the results of the plenary events have not been recorded. For example, there are still no agreed minutes for the second plenary event, although particularly serious deficiencies were pointed out at this plenary meeting, especially concerning the measures for the inclusion of children and young people living with a disability at school.
  - It would therefore be desirable to further improve this institution and to make progress in the aspects that still need to be critically assessed.
- Aside from the plenary meetings, there is no effective mechanism for coordinating the implementation measures of the UPR between the federal ministries. In particular, there is no best-practice approach to involving civil society. The result is that there is no targeted work on the implementation of the UPR recommendations, but rather the recommendations are achieved more or less by chance, insofar as a project, which is already being pursued nationally, fulfils a recommendation as its result. Such a lack of coordination of measures relevant to human rights is not only noted by civil society organisations, but is also, for example, one of the core deficiencies of a recent report of the Austrian Court of Auditors on the status of violence and victim protection of women in 2018-2022 ([BUND 2023/21](#)).

In order to realise the full potential of the UPR process, ongoing coordination on content and progress tracking would be desirable, which would go beyond a selective stocktaking when the respective reports are prepared in the international procedure.

- In the various projects relevant to human rights, it is particularly noticeable in the period of the current 3rd cycle of the UPR that the involvement of civil society in legislative projects regularly takes place even later than before. Often, draft laws are kept confidential for months and years, while a draft is politically agreed upon internally only between the government parties. This is neither in line with previous political practice nor does it allow for effective civil society participation. The result of this procedure is that even if a parliamentary review procedure takes place or representatives of civil society are invited to subsequent working groups, in some cases the cornerstones of the legislative projects are already fixed in such a way that reasonable objections and proposals from civil society can no longer be taken into account. In some cases, full review procedures with sufficient time for comments are circumvented by initiative motions from MPs of the governing parties.

It would be desirable if more openness towards civil society were practised here as a fundamental principle and if its involvement were used at the beginning of legislative projects to develop better draft laws that conform to human rights right from the start.

- The funding situation, especially for general non-profit activities to improve the human rights situation, remains precarious. On a positive note, a declaration of intent by the government to at least include human rights activities in the possible requirements for charitable activities eligible for tax deductibility of donations has been issued. This has recently been followed up by a draft law open to public statements. At the time of this report, under the prevailing legal position, donor-beneficiary status is limited to "charitable" organisations, which are providing financial support to people in need. However, activity to protect and promote human rights is not sufficient to achieve donor-beneficiary status even for non-profit organisations. There is an urgent need to complete the described legislative process regarding donation privilege. Additionally, the scope of funding for socially useful civil society activities in the field of human rights must also be increased.

### **Lack of a National Human Rights Action Plan:**

Especially in view of the general deficits of the implementation process that have been identified, it seems particularly regrettable that the recommendations regarding the creation of a general National Action Plan for Human Rights have not been implemented and that no implementation is planned (recommendations 140.9 to 140.15). The comments on those recommendations during the adoption process unfortunately already pointed in this direction. It is no substitute for a general National Action Plan for Human Rights to wait for the results of topic-specific National Action Plans. Rather, the purpose of a general National Action Plan is to plan strategically and in the long term and to set priorities – and ideally allocate a budget for it. These basic principles, which have been set out in countless international recommendations outside the UPR process, are currently not being followed in Austria.

The introduction of a National Action Plan, if done appropriately, would also simultaneously address the current lack of coordination and

strategic planning for the implementation of the UPR process recommendations.

**General recommendations for the second half of the third cycle:**

We therefore recommend:

- 1) Build on the positive examples of cooperation with civil society and expand it to include more monitoring and documentation of results.
- 2) Involve civil society organisations in all measures to implement the recommendations as early as possible within the conception phase of draft legislation.
- 3) Establish and maintain a general National Human Rights Action Plan as a strategic coordination tool.
- 4) Introduce monitoring instruments on the development of the human rights situation in Austria as reflected in the UPR process and/or provide adequate financial and non-material support to independent monitoring instruments of civil society in this field.

Vienna, this 7 November 2023

UPR Recommendations/ Theme	Responsibility <sup>1</sup>	Number	Implementation measures
<b>Institutional and structural framework</b>			
<b>National Action Plan for Human Rights</b>	BKA Women, BKA-VD, BMEIA, BMSGPK	140.09, 140.10, 140.11, 140.12, 140.13, 140.14, 140.15	<p><b>No progress</b></p> <p>A National Human Rights Action Plan for Austria has not yet been finalised or adopted.</p>
<b>Ombudsman Board</b>	BKA-VD	139.8, 139.9, 139.10, 139.11, 139.12, 139.13, 139.14, 139.15, 139.16, 139.17, 139.18, 139.20	<p><b>In progress</b></p> <p>In April 2022, the Ombudsman Board was granted full A status by the Global Alliance of National Human Rights Institutions (GANHRI) in recognition of improvements in the constitutional framework. The relevant <a href="#">accreditation report</a> associates this achieved A status with the duty to further enhance the effectiveness and independence of the organisation in particular in the areas of appointment mode, intra-institutional diversity and cooperation with civil society are pointed out as a prerequisite for maintaining this status.</p> <p>Particularly in the area of cooperation, there have been significant improvements through ad hoc cooperation offers and the introduction of a permanent informal sounding board with the participation of civil society organisations.</p> <p>However, an improvement in the mode of appointment is dependent on legal changes. There is currently no significant movement in this area. GANHRI's criticisms emphasise the lack of transparency in the appointment process and an open consultation process to select from a field of possible candidates by objective criteria.</p>

<sup>1</sup> The responsible Federal Ministries are indicated by their German abbreviation. Please find a list of their translations at the end of the document.

<p><b>Ensure comprehensive mandate of the Ombudsman Board, especially with regard to children's rights</b></p>	<p>BKA-VD</p>	<p>139.19</p>	<p><b>In progress</b></p> <p>From a children's rights perspective, complementary measures should be examined, such as strengthening and harmonising the mandate of the children's and young people's ombudspersons' offices of the federal provinces as well as more far-reaching structures focussing on the implementation of children's rights in Austria, analogous to the monitoring structures under the Convention on the Rights of Persons with Disabilities, for example.</p>
<p><b>Cooperation with international protection mechanisms, international cooperation</b></p>			
<p><b>Public development cooperation</b></p>	<p>BMEIA, Government, BMF</p>	<p>139.1, 139.2, 139.3, 139.4</p>	<p><b>No progress</b></p> <p>Although a gradual increase in official development assistance (ODA) towards 0.7% of GNI has been agreed upon in the current government programme, there are no signs of ambition on the part of the responsible Foreign Ministry to seriously pursue this goal. Thus, selective progress can be noted in humanitarian aid (disbursements of the Foreign Disaster Fund) or the funds for direct project aid (implemented by the Austrian Development Agency). Positive mention should also be made of additional funds from the BMK for climate-relevant projects. A substantial increase in the Austrian ODA ratio towards 0.7% is not discernible. The temporary increase to 0.39% in 2022 (preliminary OECD figures, see also ADA: Official Development Assistance, <a href="https://www.entwicklung.at/ada/oeffentliche-entwicklungshilfeleistungen">https://www.entwicklung.at/ada/oeffentliche-entwicklungshilfeleistungen</a>) due to additional funding for Ukraine can be seen as a one-off effect. In order to reach the internationally agreed 0.7% target, a binding step-by-step plan is needed.</p>
<p><b>Twin-track approach to inclusion of persons with disabilities, with special attention to women and children with disabilities</b></p>	<p>BMEIA</p>	<p>139.194</p>	<p><b>In progress</b></p> <p>The Three-Year Programme of Austrian Development Policy 2022-2024 was approved by the Council of Ministers on 16 November 2022. With regard to the inclusion of persons with disabilities in international cooperation, an important first step has been taken in the new Three-Year Programme. We will of course observe how this strategic document is implemented in practice.</p>
<p><b>Seek a significant increase in the resources allocated to gender equality programmes in</b></p>		<p>139.5</p>	<p><b>In progress</b></p> <p>In 2019, the share of projects and programmes (co-)financed by the <i>Austrian Development Agency</i> with official development assistance funds that specifically promote gender equality as defined by the OECD Development Assistance Committee rose for the first time to one third of all funding</p>

<p><b>the framework of official development cooperation.</b></p>			<p>(33%). Unfortunately, however, no additional budget was made available for this, and this specific funding fell back to around 14% in the two subsequent years (2020 and 2021). The total share of ADA project funding that generally (partly less specifically) contributes to gender equality in the sense of gender mainstreaming was 81% in 2019, but fell to 74% by 2021 (BMEIA: ODA Report 2021, p 28, <a href="https://www.entwicklung.at/fileadmin/user_upload/Dokumente/Publikationen/ODA-Berichte/ODA-Bericht_2021_Tabellen.pdf">https://www.entwicklung.at/fileadmin/user_upload/Dokumente/Publikationen/ODA-Berichte/ODA-Bericht_2021_Tabellen.pdf</a>).</p> <p>With regard to the total bilateral development aid of all public actors, the share of funds that contribute to gender equality is significantly lower. At 32% (with 5% specific gender equality promotion), Austria is clearly below the average of 44% of the member states of the OECD Development Assistance Committee (2020/2021; OECD: Development finance for gender equality and women's empowerment, <a href="https://www.oecd.org/development/gender-development/development-finance-for-gender-equality-and-women-s-empowerment.htm">https://www.oecd.org/development/gender-development/development-finance-for-gender-equality-and-women-s-empowerment.htm</a>); this should be increased. Enhanced requirements for NGO projects in the field of gender equality as well as the strong commitment of NGOs have improved the quality of gender mainstreaming. In future, however, the requirements and feasibility should be discussed more intensively with the NGOs.</p>
<p><b>Ratification 3rd Optional Protocol CRC (Individual-complaint)</b></p>	<p>BKA-VD, BMJ</p>	<p>140.1, 140.2, 140.3, 140.4, 140.5, 140.6, 140.7</p>	<p><b>No progress</b></p> <p>11 years ago, in February 2012, Austria signed the Optional Protocol to the Convention on the Rights of the Child on a notification procedure, but has not yet ratified it - in contrast to the majority of EU Member States. Urgent action should be taken to ratify this important legal protection instrument for children and their rights.</p> <p>The Children's Rights Network urgently calls on the Federal Government to ratify this important legal protection instrument for children and their rights without delay!</p>
<p><b>Due diligence obligations of companies with regard to sustainability</b></p>	<p>BMAW, BMEIA, BMJ, BMSGPK</p>	<p>140.17</p>	<p><b>In progress</b></p> <p>On 23.02.2022, the European Commission published a draft directive "Corporate Sustainability Due Diligence" (CDSDD, <a href="#">link on EUR-LEX</a>). On 01.12.2022, the European Council agreed on its <a href="#">position</a> and on 01.06.2023, the European Parliament adopted its position. Trilogue negotiations between the three institutions are still ongoing.</p> <p>An important civil society initiative on the topic is "<a href="#">Human Rights Need Laws</a>".</p>

			<p>The BMJ and the BMAW have initiated a good consultation process following the publication of the Commission's draft directive. The government should again fully involve stakeholders in the future implementation of the Directive in Austria.</p> <p>It is to be welcomed that, according to the current state of negotiations, the directive will include civil liability and sanctions by public authorities. However, in order for the directive to effectively protect human rights and the environment along global supply chains, there needs to be an improvement in access to justice for those affected by rights violations.</p>
<b>Protection against discrimination</b>			
<b>Combating racism, discrimination, xenophobia and intolerance</b>	BKA Women, BKA Integration, BKA Austrian Jewish Culture, Government, BMAW, BMI, BMBWF, BMJ	139.24, 139.26, 139.27, 139.31, 139.57	<p><b>In progress / No progress</b></p> <p>Continue to fight racism and promote action:</p> <p>There is still a lack of political will to recognise racism as a systemic and institutional problem. There is no clearly defined responsible body at the level of the federal government responsible for combating racism. There is also no systematic and sustainable financial support for civil society and community organisations that advocate for the development of a society critical of racism.</p> <p>Protect minorities:</p> <p>In 2021, the Austrian "<a href="#">Strategy for the Continuation of Roma Inclusion in Austria</a>" was updated. One of the focal points of the strategy is the fight against antiziganism. Unfortunately, it is not clear from the financing chapter of the strategy how measures to combat hostility towards Roma and Sinti are to be supported in concrete terms.</p> <p>Counter extremist attitudes and behaviour through preventive measures:</p> <p>Since 2022, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection has had a programme to combat extremism, from which a wide range of projects are funded that include combating racism. For example, a project by 'Dokustelle Österreich: Islamfeindlichkeit und antimuslimischer Rassismus' (Documentation Centre Austria: Islamophobia and Anti-Muslim Racism), which advises and supports people affected by Muslim racism, is funded, as is a project by ZARA, which promotes counter-speech to hate on the internet in online forums of daily newspapers. The promotion of these projects is very positive, but broader and more sustainable initiatives are needed in this area.</p>



<p><b>Combating racism, discrimination, xenophobia and intolerance</b></p>	<p>BKA Women, BKA Integration, BKA Austrian Jewish Culture, Government, BMAW, BMI, BMBWF, BMJ</p>	<p>139.24, 139.31, 139.32, 139.39, 139.40</p>	<p><b>No progress</b></p> <p>Austria has largely adopted various recommendations concerning the implementation and promotion of measures to combat racism, discrimination, xenophobia and intolerance, referring inter alia to the planned National Action Plan against Racism (see also concrete adopted recommendation 139.39 and 40).</p> <p>Contrary to this assurance and contrary to the agreement in the current government programme, <b>no National Action Plan to Combat Racism has been adopted</b> and no significant other programmes in the field of anti-racism work have been implemented.</p>
<p><b>Fighting racism, racial discrimination and hate crimes</b></p>	<p>BKA Women, BKA Integration, BKA Austrian Jewish Culture, BMAW, BMI, BMBWF, BMJ</p>	<p>139.32, 139.34, 139.41, 139.44, 139.45, 139.47, 139.48, 139.50, 139.51, 139.52, 139.53, 139.56, 139.58, 139.59, 139.61, 139.62, 139.63, 139.172, 139.200</p>	<p><b>In progress / No progress</b></p> <p>It should be positively emphasised that within the framework of an EU project, the Federal Ministry of the Interior has made the systematic recording of prejudice motives in premeditated criminal offences a fixed component of police work. For this purpose, the recording of "Hate-Crime" in the police logging programme "PAD" was activated as a separate tab "Motive" with the title "Prejudice motives (Hate-Crime) according to victim groups". Since then, the data entered has been transferred to the justice system via a separate interface using "electronic legal transactions" (ERV) and subjected to quality assurance at the BMI. The 30,000 police officers throughout Austria were prepared for this task. This was done by means of e-learning seminars and training for multipliers. The police work on the basis of a victim-centred approach through listening as well as consistent investigation and prosecution.</p> <p>2022 The report of the Federal Ministry of the Interior on <a href="#">"Hate Crime" in Austria - Annual Report 2021</a> was published for the first time. In the period from January to December 2021, 5,464 bias-motivated crimes were recorded by the police.</p> <p>With the systematic recording of bias-motivated crimes and the publication of statistics on hate crimes recorded by the police, a first important step has been taken to make hate crimes visible. It is important to observe to what extent the views of the police and victim protection organisations or community organisations agree or disagree on whether an incident is to be classified as a hate crime. These observations are an important basis for the reliability of the statistics on hate crimes that are now being collected.</p> <p>Within the framework of the Systems Map project on hate crimes, which is being implemented by ZARA in cooperation with the European NGO CEJI - A Jewish Contribution to an Inclusive Europe,</p>

			<p>work is being done on an affected-centred referral system for people affected by hate crimes - with the involvement of civil society, as well as the Ombud for Equal Treatment, the Federal Ministry of the Interior and the Federal Ministry of Justice.</p> <p>In order to create a victim-centred, easily accessible system for people affected by hate crimes that protects them from (re)traumatisation and revictimisation, further measures are needed, such as raising awareness among police, social workers, teachers, etc. in order to quickly identify hate crimes and refer victims to the right services: Sensitisation of police, social workers, teachers, judiciary, etc., in order to quickly recognise hate crimes and refer victims to the right authorities. A victim-centred referral system linking all relevant state and civil society institutions to make it easier for those affected by hate crimes to get access to support and prosecution of perpetrators. The publication of data by the judiciary to get an insight into how much of the reported hate crimes are prosecuted and what can be learned from this for prevention measures. A detailed catalogue of recommendations is available <a href="#">here</a>.</p>
<p><b>National Action Plan against Racism - Strategy against Racism, Xenophobia, Radicalisation and Violent Extremism</b></p>	<p>BKA, BKA-VD, BKA-Integration, BMI, BMJ,</p>	<p>139.33, 139.35, 139.36, 139.37, 139.38, 139.39, 139.40, 139.41, 139.42, 139.43, 139.56, 139.62, 139.87</p>	<p><b>No progress</b></p> <p>The EU Action Plan against Racism of 2020 calls on member states to draw up National Action Plans against Racism by the end of 2022. In Austria, the Federal Minister for Women, Family, Integration and Media in the Federal Chancellery is responsible for drawing up the National Action Plan against Racism and Discrimination, which is anchored in the current government programme. However, there are no signals that such a NAP is being drafted.</p> <p>It should also be critically noted that there is no clear political will to combat anti-Black racism, anti-Muslim racism or racism in general, and therefore no clear responsibility is established at the federal level for combating all these forms of racism, nor are comprehensive measures taken.</p> <p>Some progress has been made in combating anti-Semitism. In 2021 A central coordination office for the topic of anti-Semitism was established at the Federal Chancellery, which has been reduced to a sub-division of the department on general issues. Also two implementation reports on the <a href="#">National Strategy against Anti-Semitism</a> for the years <a href="#">2021</a> and <a href="#">2022</a> have already been published. For the education sector, a <a href="#">strategy paper</a> on "Prevention of Anti-Semitism through Education" was prepared in 2022, which contains recommendations for the implementation of the National Strategy against Anti-Semitism for the Austrian education administration and teacher training institutions.</p>

			<p>These recommendations were discussed at the symposium on "Prevention of Anti-Semitism through Education" in September 2022.</p> <p>In 2022, the National Forum against Anti-Semitism was established, which is composed of representatives of the federal government, the provinces, the municipalities, the social partners, academia, the religious communities, Jewish museums and civil society. They pool their knowledge in order to combat anti-Semitism and promote Jewish life in Austria. A working group on the documentation of anti-Semitic incidents was also established with the aim of learning from the experiences of other organisations that already document racist, anti-Semitic, etc. incidents. The aim is to learn from the experiences of other organisations that already document racist, anti-Semitic, etc. incidents, in order to set up an anti-Semitism documentation centre that meets current requirements.</p> <p>In April 2023, the results of the study Anti-Semitism <a href="#">2022</a> were <a href="#">presented</a>.</p> <p>These measures to combat anti-Semitism are to be welcomed in principle. It is also positive to note that both their development and implementation were driven forward with the involvement of various civil society organisations. It should be critically noted that the public discourse often focuses on so-called "immigrant anti-Semitism" and thus accuses people with a migration history from Turkey and Arabic-speaking countries in particular of anti-Semitism.</p>
<p><b>Efforts in the framework of combating discrimination and hate speech towards foreigners, minorities, immigrants</b></p>	<p>BKA, BKA-VD, BKA Integration, BMI, BMJ</p>	<p>139.46, 139.49, 139.54, 139.59, 139.60, 139.86, 139.89</p>	<p><b>No progress</b></p> <p>The <a href="#">law to counter hatespeech on the internet</a> (<i>Hass im Netz-Bekämpfungsgesetz</i>, HiNBG) has created new opportunities to support people affected by online hate. This includes people affected by group-based misanthropy (e.g. based on ethnicity, religion, skin colour, national origin).</p> <p>However, there is no initiative for a systematic approach to preventing and combating hate speech.</p> <p>There are some points from the <a href="#">ECRI General Policy Recommendations No. 15 on Combating Hate Speech</a> (2015) that have not yet been implemented by Austria. For instance, Austria has still not ratified either the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189) or Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 177) (Recommendation No. 1). In the last <a href="#">ECRI report on Austria</a>, Austria was reminded (paragraph 43) that politicians of all political camps should "take a firm and public stance against racist hate speech and respond to any such expression with a clear</p>

			<p>message against hate speech". Similarly, all political parties should "adopt codes of conduct prohibiting the use of hate speech and urge their members and supporters to refrain from it". This is a reference to Recommendation No. 10 of <i>General Policy Recommendation No. 15</i>. Recommendation No. 9, which aims to "withdraw all financial and other support from public bodies to political parties and other organisations that use hate speech or do not sanction its use by their members", has also not been implemented.</p>
<b>UNESCO Convention against Discrimination in Education</b>	BMBWF	140.27	<p><b>No progress</b></p> <p>There is no new information regarding the ratification of the UNESCO Convention against Discrimination in Education. Austria is still not a State Party to the UNESCO Convention against Discrimination in Education.</p>
<b>Protection against discrimination / Harmonisation of anti-discrimination laws</b>	BMJ, BKA Women, BKA Integration, BKA Austrian-Jewish Culture, BMI	141.28 - 141.39	<p><b>No progress</b></p> <p>Contrary to numerous calls in the UPR process and in numerous other monitoring processes on human rights conventions, no uniform and comprehensive legal protection against discrimination has been implemented in Austria.</p> <p>Austrian equality law is still characterised by a discriminatory hierarchisation of grounds for discrimination.</p> <ol style="list-style-type: none"> <li>1. in access to goods and services, federal law (which is applicable in the majority of cases) only provides protection against discrimination on the grounds of disability, ethnicity and gender - but not on the grounds of age, religion and belief and sexual orientation.</li> <li>2. furthermore, there is no comprehensive protection against discrimination on the basis of all grounds of discrimination in the field of education.</li> <li>3. there is also a lack of comprehensive protection against discrimination in many areas of social protection.</li> </ol> <p>There is no indication in the current government programme that this discriminatory unequal treatment is to be eliminated and there are currently no political majorities to eliminate these gaps in the protection against discrimination.</p>

			Demand: Introduction of uniform protection against discrimination on the basis of all grounds of discrimination (levelling-up).
<b>MR and state organs - state misconduct and law enforcement; persons in state custody</b>			
<b>Establishment of an independent mechanism to investigate cases of ill-treatment and excessive use of force by law enforcement officials</b>	BMI	139.65, 139.66, 139.67, 139.68, 139.69, 139.70, 139.71, 139.72, 139.73, 139.74	<p><b>In progress</b></p> <p>In March 2023, the <a href="#">proposal to amend the law on the Federal Bureau of Anti-Corruption (BAK) was</a> presented, which was passed by parliament in July 2023 (<a href="#">Federal Law Gazette I No. 107/2023</a>). It includes the establishment of an Investigation and Complaints Office (EBS) for allegations of abuse against police officers, which is to start its work on 22 January 2024. It is to be established as a separate organisational unit within the Federal Office for the Prevention of and Fight against Corruption. In principle, it is to be welcomed that an EES is finally to be established. The establishment of an "<i>independent</i>" advisory board as a quality-assuring advisory body is also to be welcomed, as is the fact that the EES is to be staffed in an interdisciplinary and multi-professional manner.</p> <p>However, according to <a href="#">statements</a> by civil society organisations as well as academics, the independence of the EES is not considered to be given in this draft law, as the body will be located in the BAK, an institution of the Federal Ministry of the Interior, which - just like the police itself - is subject to the instructions of the Federal Minister of the Interior. The <a href="#">demands for</a> an independent investigation and complaints body - as required by international law - are not met by the law, as it was finally enacted.</p>
<b>Protection in places of deprivation of liberty</b>	BMI, BMJ	139.79	<p><b>In progress</b></p> <p>In March 2023, the Minister of Justice presented a draft for an independent complaints office for allegations of abuse against police officers, which was passed by parliament in July; however, this institution is not to be established as an independent investigation and complaints office, but as part of the Federal Office for the Prevention of and Fight against Corruption (BAK), an institution of the Ministry of the Interior. Regrettably not included - although required by international law - is the inclusion of allegations of abuse against judicial guards. This is despite the fact that they are also state employees who have command and coercive power and are also clearly included under international law according to Art 12/13 CAT and Art 3 ECHR.</p>

<p><b>Preventive Detention</b></p>	<p>BMI, BMJ, BMSGPK</p>	<p>139.80, 139.81, 139.82, 139.83, 139.85</p>	<p><b>In progress</b></p> <p>After years of criticism of the enforcement of preventive detention in Austria, the first package of a reform was passed by parliament in December 2022 through the law "Maßnahmenvollzugsanpassungsgesetz 2022" (<a href="#">Federal Law Gazette I No. 223/2022</a>). In the interest of strengthening the guarantee of the right to personal freedom, this is intended, for example, to tighten the conditions for admission; however, a study by the LBI-GMR on alternatives to depriving children of their liberty, published in March 2023, referred to further problem areas (e.g. complete removal of juveniles from preventive detention, capacities of juvenile psychiatry); another ongoing project is dedicated, among other things, to the necessary strengthening of procedural rights of persons with psychosocial impairments in measure enforcement (<a href="https://gmr.lbg.ac.at/forschung/menschenwuerde-und-oeffentliche-sicherheit/">https://gmr.lbg.ac.at/forschung/menschenwuerde-und-oeffentliche-sicherheit/</a>).</p> <p>In addition, the absolutely necessary second reform package on preventive detention concerning adequate therapeutic care for patients in preventive detention is still outstanding.</p>
<p><b>Legal protection in the event of deprivation of liberty</b></p>	<p>BMI, BMJ, BMSGPK</p>	<p>139.85</p>	<p><b>In progress</b></p> <p>Legal protection regarding restrictions on personal freedom in the care facilities and compulsory hospitalization is offered in particular by the Compulsory Hospitalization Act (<i>Unterbringungsgesetz</i>, <a href="#">Federal Law Gazette No. 155/1990 as amended</a>) and the Residential Homes Act (<i>Heimaufenthaltsgesetz</i>, <a href="#">Federal Law Gazette I No. 11/2004 as amended</a>). However, in order to avoid repeated compulsory referrals to an institution by a court, there is a need for a dynamic expansion of social psychiatric support systems oriented towards the needs of society.</p> <p>Beyond the amendment of the Compulsory Hospitalization Act , there are currently no known measures of systematic and comprehensive reviews of legal provisions.</p> <p>Measures going beyond the Residential Homes Act to ensure that coercive measures are only used as a last resort are currently not known.</p>
<p><b>Protection of those persecuted for their religious beliefs</b></p>	<p>BKA Integration BMI, BMJ</p>	<p>139.88</p>	<p><b>No progress</b></p> <p>While there is a National Strategy against Anti-Semitism, there is no political will to approach anti-Muslim racism in the same strategic and systematic way.</p>

			<p>Rather, steps are taken which lead to a prejudgement of people who are read as Muslim in an undifferentiated public discourse. This includes, for example, the establishment and publications of the Documentation Centre for Political Islam, as well as the extremely problematic procedures surrounding Operation Luxor. The so-called "<a href="#">Islamlandkarte</a>", i.e. a publicly sponsored project to exclusively make visible Muslim organisations on a map with addresses and other data also against their will, which is both questionable in terms of data protection and motivated by racism, is still publicly accessible. People who are read as Muslim see themselves exposed to general suspicion through these measures and are often put in situations where they have to distance themselves from so-called political Islam / Islamism, or no longer dare to express their opinion on politically or socio-politically relevant issues. This is a form of silencing, i.e. people are silenced and shown by various means that their opinion is undesirable. This phenomenon leads to people withdrawing from social discourse both on and offline, which in turn leads to less diversity of opinion.</p> <p>Participation for all is a cornerstone of a democratic system. This opportunity for participation is dwindling in certain areas of social life due to restrictions on freedom of expression. Among other things, through the practice of <i>silencing</i> already mentioned. Freedom of expression, freedom of the press, freedom of religion and freedom of assembly of individuals or groups can be restricted on the basis of their actual or ascribed affiliation.</p>
<b>Human trafficking</b>	BMI, BMJ, BKA Women, BMAW	139.91, 139.92, 139.93, 139.94, 139.95, 139.96, 139.97, 139.98, 139.99, 139.100, 139.101, 139.102	<p><b>In progress</b></p> <p>With regard to measures to combat human trafficking, including child trafficking, the Federal Government has set itself extensive goals in the areas of prevention, victim protection, prosecution and monitoring in its National Action Plan 2021-2023.</p> <p>However, challenges remain, for example, in the identification of trafficked persons in the field of labour exploitation, in the security of residence for trafficked persons and in measures against child trafficking.</p> <p>A working group on child trafficking coordinated by the Federal Chancellery (Family division), within the framework of the interministerial task force against human trafficking, has already presented a concept for an Austria-wide accessible protection facility for trafficked children in 2021, which has not yet been implemented. However, a revision of "action guidelines" for actors in identification and victim protection in cases of child trafficking, which is planned by the WG on Child Trafficking in 2023, depends on this in particular, which should enable a more harmonised approach throughout</p>

			<p>the country. There are also deficits in the area of legal protection for children, including access to compensation.</p> <p>Every year on the occasion of the European Day against Trafficking in Human Beings, the Austrian Task Force against Trafficking in Human Beings/BMEIA, in partnership with Liechtenstein, organises a conference on current implementation challenges (<a href="https://www.bmeia.gv.at/themen/menschenrechte/kampf-gegen-den-menschenhandel/">https://www.bmeia.gv.at/themen/menschenrechte/kampf-gegen-den-menschenhandel/</a> ).</p> <p>An inventory commissioned by the Ministry of the Interior from the LBI-GMR and submitted in 2021 has not yet been published by the BMI.</p>
<b>People with disabilities</b>			
<b>People with disabilities in the labour market</b>	BMAW, BMSGPK	139.103, 139.104, 139.193	<p><b>No progress</b></p> <p>In Austria, a distinction is made between people who are fit for work and those who are not. The determination of the ability or inability to work is made purely on the basis of medical criteria (often already directly after school). The Länder are responsible for people who are unable to work and the federal government for people who are able to work.</p> <p>For the group of persons unable to work, hardly any measures have been taken since the last UPR cycle. They continue to work in day and employment structures and receive no wages for their work and have no independent social insurance (except for accident insurance), which leads to increased old-age poverty. There are no data on any transfers to the general labour market. In any case, it can be stated that there are no uniform measures throughout Austria to make this possible. The measures envisaged for this in the National Action Plan 2022-2030 have not yet been addressed.</p> <p>Support benefits for people who are able to work are for the most part linked to the determination of a certain degree of disability (GdB), which means that people who do not have a GdB determined by the state are excluded from the corresponding support measures.</p> <p>The measures of the Public Employment Service (AMS) are not fully accessible to people with disabilities. As a result, unemployed persons with disabilities participate in AMS qualification measures significantly less often than unemployed persons without disabilities. Measures to combat the gender-specific employment imbalance and the wage gap do not exist, except for the</p>



			higher wage subsidy for women with disabilities within the framework of the "Inclusion SupportPlus". There are no specific labour market policy measures for women with disabilities.
<b>Promoting inclusive education for children with disabilities in the mainstream school system</b>	BMBWF	139.143	<p><b>No progress</b></p> <p>In general, there is a lack of political will to implement a comprehensively inclusive education system in Austria. Furthermore, there is no detailed information on the extent of budgetary resources allocated to provide children with adequate provisions based on their individual needs and thus enable equal access to (inclusive) education in the general education system.</p> <p>Due to large protests by parents in the media, Vienna initially only promised a compulsory kindergarten year and an 11th and 12th school year for all children with disabilities for the coming school year. However, the whole thing has a disadvantage because the children are largely redistributed regionally. They often lose their after-school care (and parents their jobs) and sometimes have to travel long distances, whereas before they often had a place with after-school care at their place of residence. In addition, recreational teachers will continue to be cut or demoted, they will become assistant teachers. This endangers the quality of the profession and the inclusive multi-grade classes. Civil society is demanding the right to a kindergarten place.</p> <p>The 2nd National Action Plan on Disability 2022-2030 also does not promise any effective changes towards an inclusive education system in Austria. None of the 31 measures in the chapter on education, which defines inclusive education as a goal, has its own budget. Inclusion is also only mentioned in those cases where it is about achieving predefined learning content and educational goals of the respective types of schools. However, this is in contrast to the human rights-based model of disability, according to which the provisions of the UN Convention on the Rights of Persons with Disabilities apply to all persons with disabilities - and not only to those who are fit for mainstreaming. Thus, for example, children and young people with learning difficulties and cognitive disabilities continue to be largely excluded from educational opportunities after compulsory education.</p>
<b>Discrimination against women and girls with disabilities</b>	BMDW, BKA Women, BKA Integration, BMAW, BMI, BMBWF, BMJ, BMSGPK	139.154, 139.156	<p><b>No progress</b></p> <p>No systematic measures have been taken to prevent multiple and/or intersectional discrimination against women and girls with disabilities. There is still no comprehensible mainstreaming of the</p>

			<p>gender perspective in disability legislation and enforcement, nor of the disability perspective in women's legislation and enforcement.</p> <p>The Ombud for Equal Treatment, which is a state institution located at the Federal Chancellery and whose task is to enforce the right to equal treatment and equality, is responsible for all grounds of discrimination with the exception of disability. Women with disabilities must contact the Social Ministry Service (SMS) in the case of multiple forms of discrimination or multiple discrimination and apply for conciliation. This prior conciliation procedure is obligatory and must be carried out at the SMS before an action can be brought before the civil court. The problem here is that the SMS does not have any special expertise on women with disabilities or is not trained for a gender-sensitive approach.</p>
<b>Awareness-raising campaigns to combat stigma and prejudice, of which children with disabilities are possible victims</b>	BMSGPK	139.184	<p><b>No progress</b></p> <p>No specific campaigns are observed to raise awareness on the rights of children with disabilities, especially those focusing on self-empowerment and human rights.</p>
<b>Modalities of the National Disability Action Plan 2022-2030</b>	BMSGPK	139.185, 139.186, 139.192	<p><b>No progress</b></p> <p>Regarding the development of the National Action Plan on Disability 2022-2030 in a participatory process: Compared to the first National Action Plan on Disability 2012-2020, gradual progress was made in the development of the second National Action Plan on Disability 2022-2030. The basic intention of the Ministry of Social Affairs was to develop the NAP in a broad participatory process in 26 teams. The Ministry of Social Affairs and a few other federal ministries have set up corresponding processes for the elaboration of their contributions. Unfortunately, however, many federal ministries did not respond to this call, and contributions to essential thematic areas (e.g.: education, children and youth or women) were drafted without real participation, despite numerous attempts at contact from the civil society side. How much participation took place in the teams of the Länder is not comprehensible.</p> <p>Even the editorial team, in which representatives of civil society and state monitoring mechanisms were represented, could not compensate for the original lack of participation, since at this point it was only a matter of combining contributions that had already been approved by the respective</p>

			<p>political level into an overall work. A significant influence on the content on the part of civil society was no longer possible.</p> <p>Reasons for the lack of participation include a lack of understanding of what full and effective participation means and what conditions are necessary for it, as well as a lack of resources for participation processes.</p> <p>Regarding a coherent strategy for de-institutionalisation: There is no such strategy! However, such a strategy - apart from the goal of self-determination and inclusion in society - would also be of great importance e.g. for the prevention of exploitation, violence and abuse of persons with disabilities in institutions.</p>
<b>National Action Plan on Disability 2012-2021</b>	BMSGPK	139.187, 139.189, 139.190	<p><b>Finished with partial success</b></p> <p>Regarding the implementation of the National Action Plan on Disability 2012-2021 in consultation with persons with disabilities and their representative organisations: Regarding the participation of persons with disabilities and their organisations in the implementation of the National Action Plan on Disability 2012-2021, there is still much room for improvement. The reasons for this are a lack of understanding of what full and effective participation means and what preconditions are necessary for it, as well as the lack of resources for participation processes. Moreover, political participation in Austria is highly formalised and has grown historically. Accordingly, well-developed and politically networked civil society organisations have an advantage. Targeted "capacity building", as required by the UNCRPD, has not taken place systematically enough in the course of implementation.</p> <p>Another example of success is the participatory drafting of the 2nd Adult Protection Act in 2016. This process, which was accompanied by the Ministry of Justice, can be described as exemplary for Austrian practice, although it has not yet found any imitators.</p>
<b>Conclusion of a National Disability Action Plan 2022-2030</b>	BMSGPK	139.188	<p><b>Success</b></p> <p>The National Action Plan on Disability 2022-2030 was adopted by the Austrian Federal Government on 6 July 2022.</p> <p>However, it is important to note here that the actual goal of the National Action Plan on Disability 2022-2030 (NAP) is NOT to promote the effective social inclusion of persons with disabilities. Instead, the NAP is the central national instrument for the implementation of the UN Convention on</p>

			<p>the Rights of Persons with Disabilities (CRPD) in Austria; the CRPD aims at the full and effective participation and inclusion in society of persons with disabilities.</p> <p>However, the NAP cannot meet this demand!</p>
<b>Measures to fulfil the National Action Plan on Disability</b>	BMSGPK	139.191	<p><b>In progress</b></p> <p>The implementation of the measures to fulfil the National Action Plan 2022-2030 is continuously monitored by the established NAP Monitoring Group, in which representatives of the federal ministries, the Länder and stakeholders from the organisations of persons with disabilities and from the Monitoring Committee for the Implementation of the UN Disability Rights Convention are represented. This group also reports orally on the implementation status of the 375 measures. The extent to which persons with disabilities and their organisations are involved in the implementation is not always evident and also depends on the respective measures. The written implementation reports for the years 2021 and 2022, in which the status of implementation is to be presented in detail and thus made comprehensible, have still not been published.</p>
<b>Raising public awareness, with a particular focus on combating discrimination against people with disabilities</b>		140.16	<p><b>No progress</b></p> <p>Targeted public awareness-raising activities (going beyond individual, one-off actions) focusing on combating discrimination against persons with disabilities or combating rejectionism, in the design and implementation of which persons with disabilities and their organisations are effectively involved, and which aim at self-empowerment and human rights, are not known.</p>
<b>Restrictions on liberty</b>		140.18	<p><b>No progress</b></p> <p>Legal protection in the case of restrictions on liberty is provided in particular by the Compulsory Hospitalization Act (<i>Unterbringungsgesetz</i>, <a href="#">Federal Law Gazette No. 155/1990 as amended</a>) and the Residential Homes Act (<i>Heimaufenthaltsgesetz</i>, <a href="#">Federal Law Gazette I No. 11/2004 as amended</a>). However, in order to avoid repeated compulsory referrals to an institution by a court, there is a need for a dynamic expansion of social psychiatric support systems oriented towards the needs of society. Beyond the amendment of the Accommodation Act, no measures of systematic and comprehensive reviews of legal provisions are observed.</p>

<p><b>Reduce the gender pay gap and promote access to education, health care and the labour market for women with disabilities, ethnic minorities, migrants, refugees and asylum seekers.</b></p>	<p>BKA Women, BKA Integration, BMAW, BMBWF, BMSGPK</p>	<p>140.21, 140.26</p>	<p><b>No progress</b></p> <p>Women with disabilities are not a separate target group at the Austrian Public Employment Service. However, there are efforts on the part of the Ministry of Social Affairs and the Social Ministry Service to promote the occupational inclusion of women and girls with disabilities. They are working on a concept titled: "Measures to improve the occupational participation of women with disabilities".</p> <p>Thus, since there are no programmes for the targeted inclusion of women and girls with disabilities in the labour market, there are also no corresponding evaluations.</p> <p>Regarding the promotion of access to the labour market for women with disabilities, see comments on 140.21</p> <p>Regarding access to education for women with disabilities, see 139.143.</p> <p>Regarding access to health care for women with disabilities: In general, the collected data on the situation of people with disabilities is insufficient, which makes it difficult to estimate target group-specific needs in the area of health care. In addition, many health care facilities in Austria are still not comprehensively barrier-free (physically, communicatively, socially and economically). There is a particularly large shortage in psychiatric care for adults and especially for children and adolescents due to the lack of resources in health care facilities as well as due to the lack of specialists in private practice. Women and girls with disabilities are particularly affected by this overall situation.</p>
<p><b>Economic, social and cultural rights</b></p>	<p>BMSGPK</p>	<p>140.25</p>	<p><b>No progress</b></p> <p>In recent years, many welfare state regulations, including access to affordable social housing, have been tightened for migrants and refugees. Social protection and social participation are thus discriminatorily withheld from immigrants.</p> <p>The Basic Social Assistance Act (Federal Law Gazette I 2019/41) was finally repealed by the Constitutional Court in central points (including qualified German language skills as a prerequisite for receiving social assistance) also due to a violation of the CERD requirements.</p> <p>However, numerous other regulations at the federal and provincial level contain explicit discrimination against asylum seekers and persons entitled to asylum, including beneficiaries of</p>

			<p>subsidiary protection, as well as non-EU citizens (third-country nationals) who have been legally living in Austria for a long time:</p> <p>For example, the Upper Austrian Housing Subsidy Act, which contains special obstacles to access to housing subsidies for third-country nationals and refugees who are long-term residents, or the Federal Non-Profit Housing Act, according to which subsidised housing may only be granted to foreign citizens after 5 years of residence and a successful integration test.</p> <p>In line with current political discourses on exclusion and the attribution of foreigners, the restrictions on various social benefits are primarily aimed at putting third-country nationals and asylum seekers and beneficiaries at a disadvantage.</p> <p>Demand: Implementation of a social welfare system that conforms to human rights. Entitlement to social benefits for migrants and refugees without discrimination based on citizenship and legal status to ensure a dignified life.</p> <p>Furthermore, economic, social and cultural human rights are not enshrined in the Constitution and the International Covenant on Economic, Social and Cultural Rights (ICCPR) (<a href="#">Federal Law Gazette No. 590/1978</a>) is subject to fulfilment as defined in Article 50 (2) of the Federal Constitution. This means that relevant laws and measures are not directly subject to review by the Supreme Court. In addition, Austria has also failed to adopt the Optional Protocol to the ICCPR within the framework of the third universal human rights review, which would have enabled an individual complaints procedure, an enquiry procedure and a state complaints procedure.</p>
<b>LGBTIQ+ rights</b>			
<b>Prohibition of all practices by which the sexual characteristics of a person are altered without sound medical reasons or without that person's full consent</b>	BMJ, BMSGPK	139.128, 139.130, 139.131, 139.132	<p><b>No progress</b></p> <p>In June/July 2021, the Austrian National Council unanimously passed <a href="#">Resolution 1594/A(E)</a> on the "Protection of intersex children and adolescents from medically unnecessary treatment of their sexual characteristics". The Federal Ministry of Justice (BMJ) then set up a working group - with the involvement of civil society, psychotherapists and doctors - to draft a bill. The working group ended its work in November 2021. Since then, a corresponding draft has been pending. Self-representation organisations such as the Association of Intersex People Austria (VIMÖ/OII Austria) <a href="#">demand</a> a law for the protection of intersex children and adolescents or children and adolescents</p>

			<p>with variations in gender characteristics (VdG) - and thus also the implementation of the UPR recommendations 139.128, 139.130, 139,131, 139,132, all of which Austria has adopted.</p> <p>Background: As early as 2020, the UN Committee on the Rights of the Child called on Austria to <a href="#">ban</a> non-emergency and non-consensual medical interventions and treatments on intersex children. The Committee explicitly stated that this was a "harmful practice" and referred to the statements of the UN Committee against Torture (CAT). In 2015, the CAT reprimanded Austria for such practices, which it classified as cruel, inhuman and degrading treatment under the UN Convention against Torture. (Reprimands against Austria in the <a href="#">position paper of VIMÖ/PIÖ</a>)</p> <p><a href="#">The European Commission's LGBTIQ Equality Strategy 2020-2025</a> also calls for an end to harmful medical interventions, which it calls "Intesex Genital Mutilation", i.e. genital mutilation of intersex people. Similarly, numerous international organisations from the UN to the European Parliament and the European Commission are calling for an end to these practices. Other European countries such as <a href="#">Malta</a>, <a href="#">Greece</a>, Portugal or <a href="#">Germany</a> have already passed a corresponding law.</p>
<b>Timely access to adequate health care for all</b>	BMSGPK	139.129	<p><b>No progress</b></p> <p>In its Concluding Observations on the situation of children's rights in Austria of March 2020, the UN Committee on the Rights of the Child called for "prohibiting the performance of medically unnecessary treatments or surgical interventions on children with a variant of sex development (intersex children) [if] such treatments or interventions can be safely postponed until the children are able to give their consent on the basis of an informed decision" (para 27. lit a). Concrete implementation measures are not known.</p>
<b>Guarantee inter- and transgender and non-binary people unhindered access to legal recognition of their gender on the basis of self-identification and to all options of gender expression.</b>	BMJ, BMSGPK	141.45	<p><b>No progress</b></p> <p>In June 2018, the Austrian Constitutional Court <a href="#">ruled</a> that intersex people have the right to an adequate designation in the civil status register:</p> <p>"The decision of 15 June 2018 is based on Article 8 of the European Convention on Human Rights (ECHR), which guarantees respect for private and family life. This includes the protection of the human personality in its identity, individuality and integrity and thus gender identity. This right to individual gender identity also includes that people only have to accept those gender ascriptions by state regulation that correspond to their gender identity."</p>

			<p>However, the Federal Ministry of the Interior subsequently <a href="#">issued</a> a <a href="#">decree</a> in which trans*, inter* and non-binary people are again discriminated against despite the decision of the Constitutional Court, in which the decree states that only intersex people may receive one of the specified gender entries (inter, diverse, open, deletion) and this only by means of a medical expert opinion.</p> <p>VIMÖ/OII Austria demands that inter*, trans* and non-binary people are guaranteed unhindered access to legal recognition of their gender on the basis of self-identification and that gender entries can be chosen self-determinedly without pathologising hurdles.</p>
<b>Ethnic groups</b>			
<b>Media coverage of nationally recognised ethnic groups</b>	BKA Integration	140.32	<p><b>In progress</b></p> <p>After almost 3 decades, the funding for the national minority groups was actually increased again in 2021. In fact, this increase only covered the loss due to inflation. In addition, more than 10% was earmarked for the language media of the national minority groups. Since the funding for the national minority groups is not indexed, as is the case with the funding for political parties, for example, less is available for language-cultural activities year after year. Therefore, it would be appropriate and egalitarian to systematically secure the language media of the ethnic groups by adjusting the press and journalism funding accordingly.</p> <p>Likewise, the proportion of the language of the ethnic groups in public broadcasting should be continuously increased.</p>
<b>Access to education</b>	BKA Integration, BMBWF	139.136 - 139.141	<p><b>No progress</b></p> <p>A functioning mother-tongue school system is the basis and primary means of securing the existence of ethnic groups and plays a supporting role in their development. The language of the ethnic groups is a central component of the culture of the ethnic groups, which the Austrian state has undertaken in the Federal Constitution to preserve and respect. It is the responsibility of the federal government and the legislator to create non-discriminatory access to education for the ethnic groups in their mother tongue.</p> <p>However, partial bilingual education only exists in the area of application of the (federal) minority school laws for Burgenland and Carinthia. Here, too, there is a lack of legal framework conditions in the area of primary education, crèches, after-school care and afternoon care. In the transition to</p>



			secondary education, the languages of the ethnic groups lose a great deal of their functionality. The ethnic groups outside the scope of the minority school laws, i.e. mainly in Styria and Vienna, remain completely without bilingual education in the public education system.
<b>Bilingual education</b>	BMBWF	140.28	<p><b>No progress</b></p> <p>This recommendation was only taken note of by the Austrian government in the 3rd cycle of the UPR, but not accepted. In the eyes of civil society, it would be desirable to also adopt such recommendations in the next cycle and to envisage implementation already now.</p> <p>It would be urgently necessary to ensure, among other things, through the provision of financial and other resources, that the people groups outside the scope of the Minority Schools Acts (see comment on 139.136 - 139.141) could avail themselves of adequate bilingual education without discrimination.</p>
<b>Language education from Kindergarten to the end of secondary school</b>	BMBWF, Federal states	140.29	<p><b>No progress</b></p> <p>This recommendation was only taken note of by the Austrian government in the 3rd cycle of the UPR, but not accepted. In the eyes of civil society, it would be desirable to also adopt such recommendations in the next cycle and to envisage implementation already now.</p> <p>There is a lack of legal framework conditions and offers in the field of primary education, crèches, after-school care and afternoon care. In addition, the language of the ethnic group loses a great deal of its functionality in the transition to secondary education.</p> <p>In Styria and Vienna, apart from a few private initiatives, there is no adequate bilingual education offer.</p>
<b>Ethnic group advisory councils</b>	BKA Women, BKA Integration, BMI	141.57 - 141.60	<p><b>No progress</b></p> <p>This recommendation was only taken note of by the Austrian government in the 3rd cycle of the UPR, but not accepted. In the eyes of civil society, it would be desirable to also adopt such recommendations in the next cycle and to envisage implementation already now.</p> <p>The so-called ethnic group advisory boards are de lege not representatives of the ethnic groups, but advisory bodies of the federal government appointed by the Federal Chancellor. A more effective and less paternalistic possibility for the participation of the ethnic groups beyond the</p>

			general freedom of association is demanded. For example, through the right of associations to sue, the establishment of a public-law body, the right to be heard, etc.
<b>Modernisation of the regulations</b>	BKA Integration, BMI, BMJ	141.64, 141.65	<p><b>No progress</b></p> <p>This recommendation was only taken note of by the Austrian government in the 3rd cycle of the UPR, but not accepted. In the eyes of civil society, it would be desirable to also adopt such recommendations in the next cycle and to envisage implementation already now.</p> <p>Although promised in writing by the then federal government in 2011 and solemnly declared by the current federal government in the government declaration of 2020, the protection of ethnic groups in Austria has not yet been re-codified and modernised, although joint detailed proposals of all ethnic groups have been available for years. This contributes to the rapid assimilation of the non-German-speaking population.</p>
<b>Children's rights</b>			
<b>Child and adolescent mental health services and programmes</b>	BMSGPK	139.124	<p><b>In progress</b></p> <p>The free programme "Healthy out of the Crisis" was introduced after several organisations demanded it. At the moment, psychological therapy is typically granted only to the extent of 10 to 15 hours, which is not sufficient for most children and youths. The offer is well received and should be extended and further financed. More such low-threshold free therapy programmes are needed.</p>
<b>Impact of the COVID-19 pandemic</b>	BMAW, BMSGPK	139.120	<p><b>In progress</b></p> <p>The COVID-19 pandemic also led to far-reaching impairments of fundamental human and children's rights in Austria (personal freedom, freedom of movement, education, health, etc.). However, a review of the experience is still lacking; the federal government announced an analysis process in May 2023 under the leadership of the Academy of Sciences; however, the involvement of civil society in the process remains unclear.</p> <p>With the support of the Ministry of Social Affairs, the Children's Rights Network Austria published a "Corona Special Report" in March 2023, which deals in detail with the many adverse consequences of the pandemic for children (in the areas of freedom rights, information and participation,</p>

			<p>education, teaching, leisure, mental health, poverty, protection against violence and children's rights monitoring, cf. <a href="https://www.kinderhabenrechte.at/">https://www.kinderhabenrechte.at/</a> - News).</p> <p>The LBI-GMR is implementing two projects in 2023 on the context of crisis management and children's rights, including a series of workshops with children and young people on their learning from the pandemic (<a href="https://gmr.lbg.ac.at/forschung/menschenwuerde-und-oeffentliche-sicherheit/">https://gmr.lbg.ac.at/forschung/menschenwuerde-und-oeffentliche-sicherheit/</a>).</p>
<b>Compliance with and implementation of children's rights</b>	BMSGPK, BKA Integration, BKA Women, BKA Family & Youth, BMBWF, BMI, BMJ, BMAW	139.127, 139.133, 139.134, 139.139, 139.140, 139.142, 139.152, 139.168, 139.176, 139.177, 139.178, 139.179, 139.180, 139.181	<p><b>In progress</b></p> <p>In its Concluding Observations on Austria in March 2020, the UN Committee on the Rights of the Child made more than 60 recommendations to improve the situation of children's rights, including protection against violence, education, non-discrimination, health and inclusion. The Federal Government does not have a structured implementation programme (e.g. strategy, action plan); only within the framework of the Children's Rights Board established in the Federal Chancellery/Family does an exchange with relevant stakeholders take place, albeit with non-binding results.</p> <p>On the far-reaching consequences of the COVID-19 pandemic, the Children's Rights Network produced a comprehensive "Corona Special Report" in March 2023, with support from the Ministry of Social Affairs.</p> <p>With regard to children seeking asylum, an independent "Child Welfare Commission" was set up by the Minister of Justice in 2021 to examine the compatibility of Austrian asylum and aliens law with children's rights standards (<a href="https://www.bmj.gv.at/themen/Fokusthemen/Kindeswohlkommission.html">https://www.bmj.gv.at/themen/Fokusthemen/Kindeswohlkommission.html</a>). The report presented in July 2021 showed far-reaching deficits in the substantive examination of the best interests of the child in asylum procedures, in the design of procedures (e.g. participation of children) as well as in ensuring custody when it comes to unaccompanied refugee children and the basic care of children and their families. Since then, training and internal organisational improvement measures have taken place within the framework of the Federal Administrative Court; the Ministry of the Interior/BFA has not provided any further feedback on the implementation of the recommendations.</p> <p>In the area of UMF, the Federal Ministry of Justice (BMJ) has already presented a draft for a nationwide uniform custody regulation for unaccompanied refugee children (among other things by amending the General Civil Code). With this regulation, the competent child welfare agency is to be</p>

		<p>entrusted by law with the custody of an unaccompanied refugee child immediately after its apprehension. However, this new provision has not yet been adopted by parliament.</p> <p>Following reports of alleged assaults or sexualised violence and exploitation of children in kindergartens, schools, sports and film 2022/23, the federal government decided in January 2023 to introduce a package of measures against violence against children; in particular, all institutions are to submit child protection concepts for prevention and victim protection. However, there is no uniformly binding legal framework for this.</p> <p>In implementation of the EU Child Guarantee</p> <p>the Child Opportunities Programme was initiated in Austria (<a href="https://www.sozialministerium.at/Themen/Soziales/Soziale-Themen/Europäische-Garantie-für-Kinder.html">https://www.sozialministerium.at/Themen/Soziales/Soziale-Themen/Europäische-Garantie-für-Kinder.html</a> ) to ensure basic services for children, especially in disadvantaged circumstances (early childhood education, health, child poverty reduction); however, the required action plan, which has been overdue for more than a year, is not yet available from the federal government.</p> <p>In addition, reference is made to current statements on developments by members of the Children's Rights Network, for example with regard to flight/asylum coordination, inclusion of children with disabilities/Austrian Council for the Disabled and protection against violence/association of child protection centres or "Die Möwe".</p>
--	--	---

## Glossary:

Abbreviation	Name of Ministry in English	Name of Ministry in German
BKA / BKA-Austrian Jewish Culture	Federal Chancellery	Bundeskanzleramt
BKA Women / BKA Integration / BKA Family & Youth	Office of the Minister for Women, Family, Integration and Media at the Federal Chancellery	Bundesministerin für Frauen, Familie, Integration und Medien im Bundeskanzleramt
BKA VD	Office of the Minister for EU and Constitution, Constitutional Service at the Federal Chancellery	Bundesministerin für EU und Verfassung, Verfassungsdienst im Bundeskanzleramt
BMAW	Federal Ministry for Labour and Economy	Bundesministerium für Arbeit und Wirtschaft
BMBWF	Federal Ministry for Education, Science and Research	Bundesministerium für Bildung, Wissenschaft und Forschung
BMEIA	Federal Ministry for European and International Affairs	Bundesministerium für europäische und internationale Angelegenheiten
BMF	Federal Ministry for Finance	Bundesministerium für Finanzen
BMI	Federal Ministry for the Interior	Bundesministerium für Inneres
BMJ	Federal Ministry for Justice	Bundesministerium für Justiz
BMK	Federal Ministry for Climate Action, Environment, Energy, mobility, Innovation and Technology	Bundesministerium für Klimaschutz, Umwelt, Energie, Mobilität, Innovation und Technologie
BMSGPK	Federal Ministry for Social Affairs, Health Care and Consumer Protection	Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz