

Universal Periodic Review Austria

Joint submission by the Austrian NGO Platform on Human Rights for the 10th Session of the UPR Working Group in January 2011 30 June 2010

I. Introduction

1. This joint submission was drawn up by the Austrian NGO Platform on Human Rights, “United Action at the United Nations”, created for this purpose. It consists of 270 NGOs (see Annex 1), coordinated by the Austrian League for Human Rights.¹ The report is supported by a further 90 organizations (see Annex 2); overall roughly 360 organizations.²

2. The platform was established on the basis of an information event, supported by the Ombudsman Office, which was attended by roughly 100 participants from NGOs, politics and academia in September 2009. The Ministry for Foreign Affairs back then advocated for active **participation of civil society** in the government’s UPR preparations and announced a UPR-road map for spring 2010, which is still inexistent. A consultation process with support by academic human rights institutes was initiated only in late June 2010. This course of action confirms NGOs’ call for fundamental improvement of civil society participation in Austrian human rights policy. Currently, there is a lack of clear and coordinated structures for qualitative, result oriented and evaluation-based participation of civil society.

→ Establishment of a transparent, structured and regular NGO dialogue based on the government’s decision “Standards for Public Participation”³

II. Summary

3. **Structural human rights deficits** are a primary concern, highlighting significant need for reforms: the absence of a national human rights institution, the lack of ascertaining human rights as a cross-cutting issue, the handling of equal opportunities for women, refugees, migrants, minorities, children, LGBT⁴ or persons with disabilities. In spite of participation in international monitoring mechanisms, concrete, efficient and systematic **implementation of international recommendations** is wanting. While the protection of human rights is a factor in Austria’s international policy,⁵ systematic implementation of the **human rights based approach** at national level is lacking, despite frequent commitments to the 1993 Vienna Declaration and Programme of Action.

→ Structural and specific action in various areas to implement the fundamental principle of „all human rights for all“

III. Background and Framework

A. Scope of international obligations

4. The platform demands the adoption of the following treaties:⁶

→ **Signature and ratification:** UN Convention on the Rights of All Migrant Workers, Optional Protocol to the Covenant on Economic, Social and Cultural Rights

→ **Ratification:** Optional Protocol CAT, UN Convention for the Protection of All Persons from Enforced Disappearances, CoE Convention on Cybercrime and Additional Protocol, Protocol No. 12 ECHR, Revised European Social Charta and Additional Protocol, CoE Convention on the Protection of Children Against Sexual Exploitation

5. Austria has ratified most treaties⁷ with a series of **reservations**, which are outdated or contradict international law⁸ and have repeatedly been criticized by UN bodies.⁹

→ Withdrawal of reservations to UN treaties

B. Constitutional and legislative framework

6. In spite of amendment initiatives, discussions about constitutional and administrative reforms respectively¹⁰ as well as recommendations by international bodies,¹¹ various human rights are not recognized by the Constitution: e.g. **child rights, economic and social rights, the right to asylum** or a **general prohibition of discrimination**. Austria adopts UN treaties with **implementation provisos** (Article 50 (2) Constitutional Act)¹² and fails to transform them into national law,¹³ rendering direct application impossible.¹⁴ This is also evident from jurisprudence, where UN standards are by and large ignored. The rights catalogue of the ECHR is enshrined as part of the Constitution and therefore has to be directly applied by courts and administrative bodies. There is no comprehensive set of fundamental rights.

7. The lack of consideration of **human rights as a cross-cutting** issue in legislation and administration compounds to a structural problem. Because the examination by the Constitutional Court is ex-post-facto, the non-compliance of draft legislation with fundamental rights is often tolerated until a possible repeal by the Court.¹⁵ A further issue is the **fragmented and confusing nature of rules and competences** in areas such as social and juvenile welfare or aliens- and anti-discrimination law, which is also due to federalism. This leads to legal uncertainty, lack in legal protection and injustice, e.g. due to the place of residence.

→ Enactment of a comprehensive fundamental rights catalogue in the Constitution

→ National implementation of UN treaties in accordance with Art 50 (2) Constitutional Act

→ Enshrining of human rights as a cross-cutting issue for legislation and administration

→ Reform and unification of fragmented legislation

C. Institutional and human rights infrastructure

8. Austria has numerous institutions,¹⁶ which are among others in charge of the protection and promotion of human rights. Their independence, efficiency, resources, public profile and regional distribution, however, are highly improvable. Austria has no independent **national human rights institution** based on the Paris Principles.¹⁷ Discussions about a reform of the Human Rights Advisory Board in order to establish a **national preventive mechanism** (NPM) based on OP-CAT,¹⁸ raise doubts about the independence and resources of the new body. There is no Article 16 (3) CRPD authority. A number of academic human rights institutes¹⁹ carry out excellent work but they can neither replace a human rights institution nor should their work be compared to advocacy work of NGOs.

9. **Human rights coordinators** have been named in various federal ministries and provincial governments; their role, mandate, resources and influence remain unclear. The coordination of human rights rests with the Federal Chancellery; the Ministry for Foreign Affairs has a department for human rights issues. The human rights competence of the federal and provincial governments is unclear, the establishment of human rights as a cross-cutting issue is lacking completely.

→ Establishment of a national human rights institution based on the Paris Principles²⁰

- Establishment of a NPM/OP-CAT²¹ as well as an Article 16 (3) CRPD authority
- Creation and strengthening of clear structures for human rights in the executive, judiciary and legislative branches at the federal and provincial level

D. Policy measures

10. Due to a lack of awareness about the **human rights based approach** in the political sphere, policy measures in the area of human rights are uncoordinated and incoherent. The paradigm shift from welfare to a rights based approach in social policy is not implemented. A **national action plan for human rights** as well as thematic action plans on anti-racism, human rights education, CEDAW, CRPD or prevention of violence, particularly for women, is wanting.²² The lack of human rights awareness is also evident in weak public discourse and flaws in systematic human rights education.

- Implementation of the human rights based paradigm
- National action plan on human rights²³ as well as thematic action plans
- Measures for awareness raising and systematic human rights education
- Adequate financial resources for NGOs for infrastructure and capacity building purposes

IV. Promotion and protection of human rights

A. Cooperation with human rights mechanisms

11. Whereas Austria in principle cooperates well with international monitoring mechanisms, it does occasionally report late. **Follow-up** and **implementation of international recommendations** are insufficient. The Concluding Observations and Views of Committees are neither translated, nor widely disseminated, nor are they regarded as binding; they therefore have no repercussions at the national level compare, e.g. CCPR²⁴ and CEDAW.²⁵

- Structured and sustainable follow-up of recommendations with civil society participation
- Translation, dissemination and implementation of international recommendations
- Strengthening of public discourse about international human rights mechanisms

B. Implementation of international human rights obligations

1. Equality and non-discrimination

12. Austrian societal structures are dominated by patriarchal patterns and stereotypes. Equality for **women** and equal opportunities for **migrants, refugees, minorities, particularly Roma, children, persons with disabilities** and **LGBT** are not fulfilled.²⁶ Anti-discrimination legislation is confusing, scattered over various federal and provincial laws and provides varying degrees of protection for different grounds of discrimination²⁷ in the areas of work, access to goods and services, social security and education. The **hierarchy of grounds of discrimination** creates injustice, leads to legal uncertainty and hinders access to justice.²⁸ The risk of high legal fees compounds the enforcement of rights in court. Protection of ethnic groups is inconsistent and discriminates individual ethnic groups²⁹ as well as various members of ethnic groups. Equality bodies, such as the Equal Treatment Commission and the Ombud for Equal Treatment are insufficiently resourced and lack independence.³⁰

13. Societal perceptions of women, foreigners, migrants, asylum seekers, LGBT and persons with disabilities is formed through political commentary, media coverage and advertisement, which utilizes **clichés**, confirms **stereotypes** and compounds **role images**.³¹ Social barriers are strengthened and equal opportunities abated. This furthers the undermining of the social

status of women³² (which results in an average wage gap of 18%)³³ as well as openly xenophobe resentment against foreigners, migrants, asylum seekers and Muslims.³⁴ Public discourse tends to use the cliché of „problems with foreigners“ as a problem or threat of „**Islamization**.“ In addition to Muslims it is particularly Africans who are bullied, harassed and openly discriminated against.³⁵ There are indications that **structural racism** is prevalent in administrative practice, it is manifest in the police force.³⁶ Persons with disabilities tend to be portrayed as needy of charity; this is also due to a donation campaign supported by public broadcasting.³⁷

- Revision and harmonization of anti-discrimination laws to ensure equal protection on all grounds of discrimination for all areas of life³⁸
- Country-wide improvement of the resources and competencies of equality bodies³⁹ as well as improved access to courts (e.g. sharing of legal fees)
- Awareness raising on equality and equal opportunities, particularly for political leadership
- Measures against Islamophobia and structural racism (e.g. National Action Plan)

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

14. The flawed implementation of the **Protection from Domestic Violence Act** through shortcomings in the collection of evidence leads to insufficient prosecution and frequent acquittals. Criminal charges for the violation of immediate injunctions are partly improvable; the CEDAW Committee has found flaws in the imposition of custody.⁴⁰ Judgements reveal a lack of information by judges on the causes and consequences of violence against women.⁴¹ Despite pertinent guidelines health care services frequently fail to recognize injuries sustained from violence.⁴² Dependency on spouses for a residence permit decreases the level of protection from violence for migrant women.⁴³

15. In spite of a legal prohibition of corporal punishment, **children** are exposed to violence in various areas (e.g. family, school, private and church institutions); the prevention and appraisal of incidences of violence is flawed due to a lack of cooperation among the involved institutions.⁴⁴ There is a lack of data, systematic identification and care for victims of child trafficking and child prostitution.⁴⁵

16. **Persons with disabilities**, particularly women and girls with disabilities, especially those with intellectual impairments, are frequently victims of (also sexual) violence. This is also due to the stereotype of being “a-sexual”, which prevents persons with disabilities from receiving adequate sex education and is compounded by living arrangements in e.g. institutions, which abet violence structurally.

17. The 2010 reform of the **Hospitalization Act** (“*Unterbringungsrecht*”) eliminates the second psychiatric expert assessment evaluating the psychic impairment, the degree of endangerment for others and the lack of alternative means of care, due to a shortage of expert personnel. The degree of endangerment can now be assessed with a *pro-futuro* “estimate”, which makes the prolongation of the treatment possible.

18. Problems in **criminal detention** are largely due to a shortage of personnel.⁴⁶ The closing of the Juvenile Court in 2003 has weakened the standards of detention for juveniles.⁴⁷ Asylum seekers in **detention pending deportation** are held in police detention centers - for up to 10 months without regular ex-officio review of remand - largely in closed cells without any

occupation.⁴⁸ Medical services by police doctors (“*AmtsärztInnen*”) acting on instructions of public authorities are inadequate.⁴⁹

19. The Criminal Code lacks a **provision against torture**.⁵⁰ The usage of **electroshock weapons** (“*Taser*”) is partially permissible in detention facilities and generally allowed as a “less dangerous weapon” for police, where it is also in use; the inadequate evaluation of the perilousness in the license procedure was heavily criticized,⁵¹ the usage in detention facilities is opposed internationally.⁵² In 2008 1.850 export licenses were issued for weapons, the War Material Act (“*Kriegsmaterialiengesetz*”) does not conform with international standards;⁵³ the Foreign Trade Act („*Außenhandelsgesetz*“) has a loop hole on smooth-bore weapons.

- Improvement of implementation measures to increase protection from violence
- Creation of open, adequate administrative measures for asylum seekers⁵⁴
- Introduction of a criminal provision prohibiting torture in accordance with CAT⁵⁵
- General prohibition of usage of „Taser“-weapons

3. Administration of justice and the rule of law

20. **Structural independence** is lacking: The latest reforms have transferred tasks from the independent judiciary to the public prosecutors, who are subject to directives from the Minister for Justice; thus the **dependency on the Ministry for Justice** has increased further. Structural problems are also compounded by a lack of judges, public prosecutors and administrative staff in the judiciary. This also has repercussions for the handling of complex corporate crime cases with political implications. The slow progress of some of these cases as well as the publication of draft directives of the Ministry for Justice in cases, which also involved political leadership figures, have raised doubts about transparency standards as well as the implementation of rule of law principles and increase the appearance of fraudulent tendencies.

21. Cases of **sexist or racist trials or judgements** are a given.⁵⁶ Human rights, equality and gender issues are part of the curriculum for judges’ training,⁵⁷ however, they are not sufficiently included in continued education of incumbent judges.⁵⁷ Structural issues also mar the provision of adequate interpretation services,⁵⁸ including sign language interpretation. The selection, role and weight given to the work of court experts are criticized regularly.

22. The application of a **provision against criminal organizations** - Section 278a Criminal Code⁵⁹ - to a group of animal rights activists (trial pending) has opened a discussion on the precision of the provision, its compliance with rule of law principles and its basic purpose.

23. Various findings of the Constitutional Court, which determined violations of the 1955 State Treaty (two official languages, bilingual topography) and **grave shortcomings in rule of law principles**, have not been implemented in spite of continued political discussions.⁶⁰

24. The establishment of the **Asylum Court** in 2008 nullified the possibility to appeal to the Higher Administrative Court; a resort open to all other administrative proceedings. The abolishment of the **Juvenile Court** has weakened the trial standards for juveniles. Attempts to reform the administrative jurisdiction to conform with “tribunals” in line with Article 6 ECHR have repeatedly failed.

25. As of June 1, 2010 journalists, attorneys and psychiatrists can be observed acoustically and visually, contrary to their professional secrecy and their right to refuse testimony in trials

according to the Code of Criminal Procedure. Following the launch of **wiretapping and eavesdropping measures**, a large scale police operation in 1999 (“*Operation Spring*”) led to a lengthy court procedure concerning allegations of an international drug cartel, which only ended in 2005; questions concerning the safeguarding of the rule of law remain open.

26. The first inquiry and establishment of evidence in the aftermath of allegations of **ill-treatment by police** are not conducted by an independent office; there is no independent body to monitor police action. Public prosecutors tend to dismiss criminal inquiries against police staff; of 1.047 complaints on grounds of ill-treatment and similar arguments against security personnel only two ended with a conviction.⁶¹ In addition to excess use of force, particularly against Africans,⁶² verbal transgressions are a given: „*Kofi Annan is the only of your leaders who is not a f**** dealer*“, etc.⁶³ The course of action with alleged human rights violations is exemplified by the inadequate compensation for torture victim Bakary J.,⁶⁴ lacking police protection for the murdered Umar Israilov in January 2009⁶⁵ as well as flawed independence in examining the fatal use of a weapon against a juvenile in August 2009.

- Measures to further strengthen the independence of the judiciary, restructuring and increase of resources also in the field of corporate crimes
- Awareness raising and mandatory training on human rights for the judiciary
- Upholding of rule of law principles in legislation, implementation of High Court judgements and judicial reform
- Independent inquiry bodies for cases of police ill-treatment and adequate handling of cases of ill-treatment (including compensation)

4. Right to privacy, marriage and family life

27. **Migrants**, particularly partners of migrants are wronged due to the fact that family reunification (“*Familiennachzug*”) requires an income above the minimum level of existence. This concerns also Austrians and their foreign partners. The same problem arises in the context of the income requirement to apply for citizenship, where older women and mothers of multiple children are disadvantaged. A quota system for family reunification is in place, which has been criticized repeatedly.⁶⁶ **Asylum seekers** are limited in their mobility by predetermined places of accommodation, sometimes located in very remote areas.⁶⁷

28. **Lesbians and gays** have a right to a registered partnership, which does not include the same set of rights as a marriage. Lesbians and gays do not have a possibility to adopt children, including stepchildren; they are also barred from reproductive medical assistance. The denial of a legal relationship to their partner’s child also violates child rights.

29. The desire of women with disabilities, particularly those with intellectual impairments, to have children, is a taboo issue. **Persons with disabilities**, particularly those with severe impairments, are denied a choice over their living arrangement due to a lack of assistive support systems and access to adequate financial resources. Frequently, living in an institution is the only option, also due to the lack of a comprehensive personal assistance scheme.

30. **Surveillance** in public space is standard, including the establishment of video-controlled “protection zones.” The right to privacy is continuously undermined in the area of **data protection**; judicial oversight and other monitoring mechanisms are insufficient. A draft law foresees the reversal of a principle storage prohibition and obligations to delete into a general obligation to store data.⁶⁸

- Protection of the right to family life for migrants (abolishment of quota system for family reunification)⁶⁹
- Rights for same-sex partnerships according to international standards
- Development of comprehensive personal assistance for persons with disabilities
- Measures to protect human rights in surveillance schemes

5. Freedom of expression and peaceful assembly

31. A **high level of media concentration** compounds to a structural problem, as a select few publishers have secured market dominance, also with public support (media endowment).⁷⁰ The media's contribution to an "ethnicisation" of criminal acts by way of sensationalist coverage has been criticized internationally.⁷¹ The lack of quality standards also concerns the inadequate **communication accessibility** where norms on Braille, sub titles, sign languages, voice-over and other alternative forms of communication are missing.

32. There is an alarming degree of **hate speech**. Targets are particularly foreigners, migrants, asylum seekers and minorities (Carinthian Slovenes). In a 2006 campaign a political party vowed that "*Carinthia will be monolingual.*"⁷² Election campaigns use slogans such as „*home instead of Islam*“. Other statements by political figure-heads such as "*the rule of law is one thing, the healthy public sentiment ('Volksempfinden') is another*"⁷³ or „*I will open a bottle of champagne, when the Israeli Ambassador won't be in Vienna anymore,*"⁷⁴ expose tendencies and have no consequences. Anti-Semitic tendencies prevail.⁷⁵ The application - and especially non-application - of the provision against hate speech,⁷⁶ which does not include religion and belief, age, sex, sexual orientation or disability, is a cause of concern.

33. Austria's obligations in line with ILO Conventions No. 87 and No. 98⁷⁷ protecting the **right to strike** are strained by developments, which strengthen economic liberties over trade union rights.⁷⁸

- Measures to protect diversity of media outlets (according to Section 10 and 13 (2) Anti-Trust Act) and to prevent ethnicized media coverage
- Measures to ensure comprehensive communication accessibility of the media
- Improvement and effective application of the provision on hate speech
- Protection of the right to strike

6. Right to work and to just and favourable conditions of work

34. Structural issues are largely due to an average 18% lower wage level for women.⁷⁹ In addition to patriarchal societal patterns, the lack of childcare facilities is a significant factor in the insufficient realization of **equal opportunities in the labour market**. Part time jobs for women, precarious working conditions with systemic tendencies particularly in the construction sector, and high levels of youth unemployment are increasing problems; also, the amount of "working poor" has increased.⁸⁰ Access to the employment market is wrought with difficulties for young migrants and Muslima wearing headscarves. **Asylum seekers** have no right to work and de facto no chance for vocational training, further increasing the risk of poverty and inadequate integration.

35. According to a judgement of the High Court ("*Oberster Gerichtshof*") **sex work** is "immoral"; Section 216 Criminal Code renders the conclusion of work contracts impossible. Insufficient labour rights, flawed social security protection and a compounding of stigma, which can result in exclusion from society, are some of the consequences. Federalist

structures lead to scattered and varying regulations of sex work; administrative charges are disproportionately high, whereas the use of sex workers' services is exempt from punishment.

36. 19.000 persons, particularly with intellectual impairments, work in “**sheltered workshops**”, without social security and income; the introduction of inclusive employment, particularly by providing comprehensive personal assistance, is lacking.⁸¹ Working conditions for criminal prisoners, particularly the cession to private entities, are problematic.⁸²

- Implementation of the recommendations of CEDAW and CESCR on the right to work
- Promotion of the participation of socially and economically marginalized groups, persons in precarious work, juveniles, „working poor“ and migrants
- Right to work for asylum seekers
- Establishment of inclusive employment for persons with disabilities

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

37. Approximately 1 Million persons live on the margins of poverty, approximately half are impoverished.⁸³ The paradigm shift from charity to the **human rights based approach** is not implemented. Social security for older women is inadequate due to a lack of recognition of unpaid domestic and care work; many only have a right to a minimum pension, often below the poverty line.⁸⁴ The social security of migrants is also inadequate.⁸⁵ The so-called „basic services“ for asylum seekers provide insufficient financial support.⁸⁶ Sex workers are not protected by social security.

38. **Social assistance acts** of the provinces („*Länder*“) provide varying standards and leave too much leverage for authorities. The application is flawed and violates the law; social service agencies frequently provide inaccurate information.⁸⁷ Oral decisions render an appeal impossible. The amount of social assistance often does not cover the margin of existence;⁸⁸ many potential beneficiaries void their application due to fear of potential regress.

39. Access to **social housing** is below international standards.⁸⁹ Data on homelessness are in need of improvement⁹⁰ to enable targeted measures.⁹¹ The living arrangements of women after divorce are a cause of concern, particularly in areas with high rent. Health care services, especially for children and juveniles do not take age-related risks adequately into account; there is a lack of therapy possibilities.⁹² The fight against **child poverty** is marred by a lack of coordination; there is no minimum income for children.⁹³ Recently a number of begging prohibitions were enacted,⁹⁴ justified, among others with the need to protect the “subjective sense of security” of the majority population.

40. Structural **shortcomings in social work** and **juvenile welfare**, compounded by a lack of resources, were recently made obvious in the “Fritzl case”, where the biological daughter was raped and held in slavery in a cellar together with her children for years.

- Establish a human rights based approach in social policy
- Introduction of a minimum wage, which covers minimum existence and is rights based
- Repeal of the begging prohibitions and effective measures against poverty
- Increase of resources and human rights standards in juvenile welfare and social work

8. Right to education

41. The education system, understood here as covering life-long learning, is marred by a number of **barriers**: social access to higher education is not ensured because the primary

school system segregates based on social attributes. There are separate education institutions for persons with “special pedagogical education needs,” who in principle do not have a right to education beyond the 8th grade. Cutbacks in resources have lowered the standards for **primary and tertiary education**. The inclusion of migrants is insufficient, leading to a ghettoization in schools. Possibilities of minorities and deaf people to acquire minority languages are inadequate. There is a clear preference for particular foreign languages.⁹⁵ The amount of functionally illiterate persons is estimated to be 300.000 minimum.⁹⁶ **Human rights education** is not a crosscutting issue, if implemented it is unsystematic and uncoordinated both in schools as well as in vocational training, particularly the public sector.⁹⁷

- Reform of the education system and safeguarding of social inclusion and accessibility
- Increase of the education budget in the primary and tertiary sector to 7% GNP
- Establishment and promotion of Austrian sign language as language of instruction
- Mandatory human rights education in all areas of education, particularly in the public sector, also by way of a National Action Plan for human rights education

9. Minorities

42. The **inconsistent protection of minority rights** and the **inadequate implementation of the 1955 State Treaty**, which undermines the right to organise independently,⁹⁸ the right to use minority languages, adequate education in and promotion of minority culture, among others, are the basic structural issues in this area.⁹⁹ Various findings of the Constitutional Court are not implemented.¹⁰⁰ Ethnic group rights are allotted based on “historic settlement rights”, urbanization and rural depopulation are not taken into account. Various ethnic groups, among them Poles and Yenische are not recognized. The **promotion of Austrian sign languages and deaf culture** is insufficient; despite recognition in the Constitution, bilingual education and sign language interpreters are lacking.¹⁰¹ While there is a high representation of different colloquial languages, there are no corresponding services.¹⁰²

- Implementation of the 1955 State Treaty and the Constitutional Court jurisprudence on minorities
- Unification of the Ethnic minority rights based on the 2009 expert draft¹⁰³
- Promotion of sign languages and deaf culture

10. Migrants, refugees and asylum seekers

43. **Access to asylum procedures** is significantly impaired by the restrictive application of the EU „Dublin II“ Directive; deportation to countries, which do not provide adequate protection and decent accommodation are commonplace.¹⁰⁴ Asylum proceedings are complicated and difficult to understand; effective legal protection, particularly in detention pending deportation (police custody) is not ensured due to short appeal periods and lack of independent legal counsel.¹⁰⁵ These procedural shortcomings are compounded by the establishment of the Asylum Court and the subsequent abolition of recourse to the Higher Administrative Court.

44. The latest amendment of the Asylum and Aliens law in 2009 further augmented the grounds for imposing **detention pending deportation** (“*Schubhaft*”). Independent social and legal counselling services have gradually been replaced by a partial “return preparation service.” Detention pending deportation is implemented in police detention centres, which are unfit for an administrative measure of this sort.¹⁰⁶ **Minors** are also held in detention, often without access to legal counselling and due consideration of alternative measures.¹⁰⁷ Recently,

regular age assessments by medical (radiological) means have been initiated; there is frequently inadequate information or lack of appropriate explanation of the risks involved, the method's scientific validity is highly disputed.¹⁰⁸ **Victims of human trafficking** are in many cases not recognized as such and therefore also subject to detention pending deportation.

45. The structural disadvantages of **migrants** are largely due to the lack of a clear immigration system. Migration policy is limited to a few “key workers”, whose skills are needed for the employment market as well as a small quota for family reunification.¹⁰⁹ Persons without a residence permit who often have lived in the country for years and have developed family ties, are frequently deported without due consideration of their family or private interests. This includes asylum seekers whose application has been pending for up to eight years. The Constitutional Court's ruling on a “**right to stay**” (“*Bleiberecht*”) is not implemented;¹¹⁰ asylum seekers have to provide a declaration by third parties vouching for the security of existence for three years. Aliens regulations are extremely complex, causing massive shortcomings in legal security (compare e.g. the different responsibilities and levels of appeal in case of deportation in the context of the “right to stay”). The reform of the **Citizenship Act** has largely increased the residency requirement to 15 years, language tests and tests on “basic democratic knowledge” were also introduced.

- Improvement of the legal protection in asylum proceedings (appeal to Higher Administrative Court)
- Abolition of detention pending deportation for asylum seekers, particularly victims of human trafficking; independent social- and legal counselling¹¹¹
- Amendment of the asylum and aliens legislation in line with international standards
- Migration and integration policy based on human rights obligations (e.g. “right to stay” for long-term residents, right of residence for victims of human trafficking)

11. International Cooperation

46. Austria's **ODA** is **0,3% of the GNP**, it includes disproportionate levels of debt relief, peace keeping operations, scholarships and exchange programmes for foreign students as well as the costs of care for asylum seekers.¹¹² Targeted promotion of women in the context of ODA is inadequate.¹¹³ The status of humanitarian aid is too low, it is fragmented and under resourced.¹¹⁴ The exemplary implementation plan for Security Council Resolution S/RES/1325 (2000)¹¹⁵ is poorly implemented. Measures in the context of Millennium Development Goal # 6 (HIV/AIDS) contradict the „*New Guidelines 2009*“,¹¹⁶ accessibility for an inclusion of persons with disabilities is not ensured.¹¹⁷

47. **Policy coherence** is in need of vast improvement: Austria's CO₂ Emissions have increased significantly – contrary to international obligations,¹¹⁸ the awarding of export loans is not transparent and does not follow human rights, social or environmental standards;¹¹⁹ potential negative consequences of trade agreements are not assessed.

- Increase of ODA to 0,7% GNP, reduction of indirect measures
- Implementation of cross-cutting issues such as gender, children and accessibility in ODA
- Implement Action Plan for S/RES/1325 and the New Guidelines on HIV/AIDS
- Establishment of indicators for policy coherence and road map for fulfilment

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² Due to membership in different NGO networks some organizations may be listed multiply.

³ Decision of the Austrian Ministerial Council, July 2, 2008: Standards of Public Participation, see also: www.partizipation.at; see also Council of Europe, Commissioner for Human Rights, Recommendation on Systematic Work for Implementing Human Rights at the National Level, CommDH(2009)3, 18 Feb 2009.

⁴ Lesbian, Gay, Bi-sexuals and Transgender.

⁵ Compare, among others, the pledges and commitments of the Austrian Federal Government for the candidacy to the Human Rights Council in 2011.

⁶ See further Report by the Commissioner for Human Rights, Mr. Hammarberg, on his visit to Austria, CommDH(2007)26, 12 Dec 2007, recommendation 1; CESCR, E/C.12/AUT/CO/3, para 33; CAT/C/AUT/CO/4-5, para 28; CERD/C/AUT/CO/17, para 27; CEDAW/C/AUT/CO/6, para 33.

⁷ CERD, CCPR, OP-CCPR, CEDAW, CAT, CRC.

⁸ The reservations include Article 4 (a), (b) and (c) CERD; Articles 9, 10(3), 12(4), 14, 19, 21, 22, 26 CCPR; CCPR First Optional Protocol; Article 11 CEDAW; Articles 5 and 15 CAT; Articles 13, 15, and 17 CRC.

⁹ Cf e.g. CRC/C/15/Add.251, para 7; CEDAW/C/AUT/CO/6, para 4.

¹⁰ E.g. in the context of a plan for constitutional reform (Austrian Convent), which foresaw the constitutional recognition of child rights and social rights, but ultimately failed (cf www.konvent.gv.at).

¹¹ See report Hammarberg, CommDH(2007)26, para 15, recommendation 3; CRC/C/15/Add.251, para 9.

¹² Article 50 B-VG (Constitutional Act):

(1) The conclusion of

1. Political treaties and treaties, which result in legislative amendments or legislative additions and which do not fall under Article 16 (2), as well as

2. State Treaties, which alter the contractual basis of the European Union, require the sanction of the House of Representatives.

(2) For State Treaties under Para (1) lit (1) the following applies in addition:

1. If a State Treaty foresees a simplified modification, such a modification does not require the sanction of the House of Representatives in line with Para (1), save that the House of Representatives has reserved the right to do so;

2. State Treaties in accordance with Para (1) lit (1) require the sanction of the Federal Council inasmuch as they modify the independent sphere of the Länder;

3. On the occasion of ratification of State Treaties the House of Representative can define the extent to which the State Treaty has to be implemented by legislation.

¹³ Exception thereto is e.g. the Federal Constitutional Act on the Elimination of racial discrimination, BGBl. 390/1973, which transforms CERD.

¹⁴ Compare the repeated refusal to acknowledge the rights enshrined in the CCPR as binding (e.g. case Perterer); see further: CESCR, E/C.12/AUT/CO/3, para 8.

¹⁵ Compare for example the jurisprudence by the Constitutional Court related to Asylum and Alien legislation.

¹⁶ Compare the Austrian Ombudsman Board, two regional Ombudsman Offices, Human Rights Advisory Board, Equal Treatment Commission, Ombud for Equal Treatment, Ombudsman for persons with disabilities, Anti-discrimination bodies of the "Länder", Data Protection Commission, Child and Youth Ombudspersons of the "Länder", Patient Advocate, Monitoring Committee for the CRPD.

¹⁷ Report Hammarberg, CommDH(2007)26, para 20-26.

¹⁸ Compare the commitment stated during the exchange of views with the CAT Committee, May 5/6, 2010.

¹⁹ Ludwig Boltzmann Institute for Human Rights (Vienna), European Training and Research Centre for Human Rights and Democracy (Graz), Austrian Institute for Human Rights (Salzburg).

²⁰ Report Hammarberg, CommDH(2007)26, recommendation 5; CESCR, E/C.12/AUT/CO/3, para 19.

²¹ CAT/C/AUT/CO/4-5, para 19, 28.

²² A NAP for child rights was developed in 2004, implementation is lacking; the NAP Integration from 2010 uses questionable language and does not replace the missing NAP against racism; a NAP on equality for women and men in the employment sector was adopted in June 2010; the development of a NAP on persons with disabilities is planned for autumn 2010.

²³ Report Hammarberg, CommDH(2007)26, recommendation 7; CESCR, E/C.12/AUT/CO/3, para 19.

²⁴ CCPR Communication, CCPR/C/81/D/1015/2001 (Perterer case).

²⁵ CEDAW Communication CEDAW/C/39/D/5/2005; CEDAW/C/39/D/6/2005.

²⁶ Report Hammarberg, CommDH(2007)26, para 44 ; CEDAW/C/AUT/CO/6, para 18.

²⁷ Gender, ethnic origin, religion and belief, age, sexual orientation and disability.

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- ²⁸ CERD/C/AUT/CO/17, para 12; CCPR/C/AUT/CO/4, para 8; ECRI Report, CRI(2010)2, para 33, 39; Report Hammarberg, CommDH(2007)26, para 50, 53, 61.
- ²⁹ Compare on the different ethnic groups, below chapter 9, „minorities.“
- ³⁰ CERD/C/AUT/CO/17, para 13; ECRI Report, CRI(2010)2, para 34-38, Report Hammarberg, CommDH(2007)26, para 51, 54.
- ³¹ Cf e.g. Report Hammarberg, CommDH(2007)26, para 44ff, 56ff.
- ³² Report Hammarberg, CommDH(2007)26, para 56; CEDAW/C/AUT/CO/6 para 18.
- ³³ Federal Ministry for Women, Report on the Status of Women 2010 (see: www.frauen.bka.gv.at/site/7207/default.aspx).
- ³⁴ ECRI Report, CRI(2010)2, para 71-76.
- ³⁵ Cf ECRI Report, CRI(2010)2, para 90-93; Report Hammarberg, CommDH(2007)26, para 44.
- ³⁶ Cf ECRI Report, CRI(2010)2, para 134, 142; Amnesty International Austria, Victim or suspect: A question of colour. Racist discrimination in the Austrian justice system, 2009.
- ³⁷ The charity campaign “Licht ins Dunkel” relies on a charity and welfare model based on deficits of impairment, fostering a negative image of persons with disabilities.
- ³⁸ CERD/C/AUT/CO/17, para 12; ECRI Report, CRI(2010)2, recommendation 40; Report Hammarberg, CommDH(2007)26, recommendation 14, 15.
- ³⁹ CERD/C/AUT/CO/17, para 13; ECRI Report, CRI(2010)2, recommendation 41; Report Hammarberg, CommDH(2007)26, recommendation 13.
- ⁴⁰ CEDAW Communication CEDAW/C/39/D/5/2005; CEDAW/C/39/D/6/2005.
- ⁴¹ Report Hammarberg, CommDH(2007)26, para 19.
- ⁴² See Health Care Service for female victims of violence: A Guidelines for hospitals and medical practice, Federal Ministry for Economy, Family and Youth, Vienna, 2010, http://bmwa.cms.apa.at/cms/content/attachments/3/5/8/CH0617/CMS1263827099785/gewalt_gegen_frauen.pdf; Austrian Women’s Health Report 2005 Federal Ministry for Health, Family and Youth, Vienna, 2005 <http://www.bmg.gv.at/cms/site/standard.html?channel=CH0774&doc=CMS1114154451979>.
- ⁴³ Report Hammarberg, CommDH(2007)26, recommendation 25.
- ⁴⁴ See Violence Report by the Federal Ministry for Economy, Family and Youth 2009 (<http://bmwa.cms.apa.at/cms/content/standard.html?channel=CH0560&doc=CMS1056453530966>).
- ⁴⁵ CRC/C/OPSC/AUT/CO/1, para 6, 7.
- ⁴⁶ CPT Report, CPT/Inf(2010)5, para 71-74; CAT/C/AUT/CO/4-5, para 17.
- ⁴⁷ CPT Report, CPT/Inf(2010)5, para 80-91.
- ⁴⁸ CPT Report, CPT/Inf(2010)5, para 36; CAT/C/AUT/CO/4-5, para 16; Report Hammarberg, CommDH(2007)26, para 71ff.
- ⁴⁹ CPT Report, CPT/Inf(2010)5, para 45-52; Report Hammarberg, CommDH(2007)26, para 87; Annual Reports of the Human Rights Advisory Board and its Commissions (see: www.menschenrechtsbeirat.at).
- ⁵⁰ Definition, sentence, compensation (Article 1 and 4 CAT); universal jurisdiction (Article 5 (2) CAT).
- ⁵¹ Report by the Human Rights Advisory Board’s Commissions 2006, 83.
- ⁵² CAT/C/AUT/CO/4-5, para 17.
- ⁵³ Cf Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, 8 December 2008.
- ⁵⁴ Report Hammarberg, CommDH(2007)26, recommendation 23.
- ⁵⁵ CPT Report, CPT/Inf(2010)5, para 17; CAT/C/AUT/CO/4-5, para 8.
- ⁵⁶ Report Hammarberg, CommDH(2007)26, para 19.
- ⁵⁷ Report Hammarberg, CommDH(2007)26, para 33; Compare, however, awareness raising activities for members of the judiciary on the jurisprudence of the ECtHR on Article 10 ECHR, Report Hammarberg, CommDH(2007)26, para 43.
- ⁵⁸ Report Hammarberg, CommDH(2007)26, para 19; Institute for African Studies University of Vienna, Case Study Mandinka, Interpreters at Court and Asylum bodies in Vienna for Clients with African countries of origin (2008).
- ⁵⁹ Criminal organization: § 278a Criminal Code describes the long time commitment as a member to an enterprise of a larger group of persons, which also conspires to commit grave criminal acts, which constitute a threat to the life, physical integrity, liberty or property among others in areas such as sexual exploitation, trafficking or trade with nuclear material, dangerous waste, laundered money or illicit drugs. Enrichment or significant influence on politics or the economy has to be the aim as well as the intention to corrupt or threaten others. Imprisonment from six months to five years is foreseen.
- ⁶⁰ Report Hammarberg, CommDH(2007)26, para 98.

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- ⁶¹ Compare CEDAW/C/AUT/Q/6/Add.1,38; Statistic from 2005, no new data available; compare also Report Hammarberg, CommDH(2007)26, para 86.
- ⁶² Report Hammarberg, CommDH(2007)26, para 85; ECRI Report, CRI(2010)2, para 134ff.
- ⁶³ Further examples: „Niggers are all dealers“, “We’ll place you in a cell with rapists”, Report of the Commissions of the Human Rights Advisory Board, 2006, 82.
- ⁶⁴ Report Hammarberg, CommDH(2007)26, para 87f.
- ⁶⁵ C.J.Chivres, Slain Exile Detailed Cruelty of Chechnyan Leader, NYTimes, January 31, 2009, <http://www.nytimes.com/2009/02/01/world/europe/01torture.html>.
- ⁶⁶ Report Hammarberg, CommDH(2007)26, para 80-83; ECRI Report, CRI(2010)2, para 100.
- ⁶⁷ Compare the accommodation of largely prejudged asylum seekers on the remote „Saulalm“ in Carinthia, which, due to complete isolation amounts to confinement.
- ⁶⁸ Expert Opinions on the Draft Legislation: http://www.parlinkom.gv.at/PG/DE/XXIV/ME/ME_00117/pmh.shtml.
- ⁶⁹ Report Hammarberg, CommDH(2007)26, recommendation 24; ECRI Report, CRI(2010)2, para 107.
- ⁷⁰ International Helsinki Federation Report 2006, 34.
- ⁷¹ ECRI Report, CRI(2010)2, para 78; see also International Helsinki Federation Report 2007, 19.
- ⁷² See the campaign by BZÖ: <http://kaernten.orf.at/stories/133897>
- ⁷³ Deputy Prime Minister of Carinthia Gerhard Dörfler, Kärntner Tageszeitung, 30 December, 2006.
- ⁷⁴ Member of Parliament Harald Stefan (FPÖ), Der Spiegel, Nr. 41/08, 143.
- ⁷⁵ The Stephen Roth Institute for the Study of Anti-semitism and Racism, Austria 2008/09, Government sources reported 333 extreme right criminal (2007: 280), 56 racist (2007: 48) and 23 (2007: 15) antisemitic acts in 2008. In 2008 eight individuals were injured as a result of racist or antisemitic motives (2007: 5). According to the Forum against Antisemitism, there were 46 antisemitic incidents in 2008 (2007: 62), including one physical assault (2007: 1), 2 acts of vandalism to property (2007: 2) and 7 incidents of threats and abuse (2007: 12), <http://www.tau.ac.il/Anti-Semitism/asw2008/austria.html>.
- ⁷⁶ Section 283 Criminal Code.
- ⁷⁷ Convention concerning Freedom of Association and Protection of the Right to Organise (No. 87) 1948 and Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (No. 98) 1949.
- ⁷⁸ Compare the submission by the Federal Chamber of Labour, 21.8.2009 contained in BMASK-464.102/0019-III/10a/2009, ILO: Reports on ratified conventions 2009; additional comments on Conventions No. 87 and No. 98.
- ⁷⁹ ILO-CEACR, observation <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayAllComments.cfm?hdoff=1&ctry=0050&conv=C100&Lang=EN#2007>; CEDAW/C/AUT/CO/6, para 19, 20Government’s Report on the Status of Women 2010; Report Hammarberg, CommDH(2007)26, para 56; on the right to work in Austria generally: ILO Country profile: http://www.ilo.org/wcmsp5/groups/public/@dgreports/@integration/documents/publication/wcms_115784.pdf.
- ⁸⁰ CESCR, E/C.12/AUT/CO/3, para 10, 22.
- ⁸¹ Decision by the Monitoring Committee based on Article 33 (2) CRPD, 24.3.2010, http://www.monitoringausschuss.at/cms/monitoringausschuss/attachments/2/8/6/CH0914/CMS1276526308845/ma_sn_beschaeftigungstherapie_final.pdf.
- ⁸² ILO-CEACR observation Austria: “.. to take the necessary measures to ensure legal status for prisoners working for private entities, which are compatible with the foundational human rights instruments (ILO Convention on Forced Labour (No. 29).
- ⁸³ Measured on the basis of the income poverty line of EU-SILC (http://www.bmask.gv.at/cms/site/attachments/5/8/4/CH0104/CMS1218527491861/studienreihe_-_armutsgefaehrung_in_oesterreich.pdf).
- ⁸⁴ Chamber of Labour, Women’s Report 1995-2005, http://www.arbeiterkammer.at/bilder/d37/Frauen_Bericht.pdf.
- ⁸⁵ CESCR, E/C.12/AUT/CO/3, para 25.
- ⁸⁶ CESCR, E/C.12/AUT/CO/3, para 15.
- ⁸⁷ Armutskonferenz, Requirements for a reform of social assistance in Austria 2008 (see also www.armutskonferenz.at).
- ⁸⁸ Particularly as the amount is determined without due regard to cost structures: the introduction of the planned minimum living wage (“Bedarfsorientierte Mindestsicherung“) would not change this.
- ⁸⁹ European Committee for Social Rights, Conclusions XVII-1, 44; see also Article 31 RESC.
- ⁹⁰ CESCR, E/C.12/AUT/CO/3, para 28.

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- ⁹¹ Armutskonferenz, Requirements for a reform of social assistance in Austria, 2008 (see also www.armutskonferenz.at).
- ⁹² Österreichische Liga für Kinder- und Jugendgesundheit, Report on the situation of children and juvenile health in Austria, 2010
www.kinderjugendgesundheit.at/fileadmin/files/TopThema/Pressekonferenz/Bericht_zur_Lage_der_Kinder-_und_Jugendgesundheit_2010_72dpi_Online.pdf.
- ⁹³ Hackl et al., Armut aus Kinderperspektive - Eine interdisziplinäre Annäherung an das Phänomen Kinderarmut, Institut für Kinderrechte und Elternbildung, 2009,
http://www.kinderrechte.gv.at/home/upload/10%20news/2010_-_ikeb_-_armut_aus_kinderperspektive.pdf.
- ⁹⁴ “General Begging Prohibition” in Tyrol, Styria – Tiroler Landes-Polizeigesetz, LGBl. Nr. 56/2007, Steiermärkisches Landes Sicherheitsgesetz, LGBl. Nr. 19/2009; “intrusive begging and begging by children” in Styria, “intrusive or aggressive begging, organized begging and begging by children” in Vienna, Wiener Landes-Sicherheitsgesetz, LGBl. Nr. 33/2008.
- ⁹⁵ English, French, Spanish or Russian, however not Turkish, Hungarian or other primarily Slavik languages.
- ⁹⁶ Estimate by UNESCO, a OECD PIAAC study is underway until 2013.
- ⁹⁷ Report Hammarberg, CommDH(2007)26, para 29ff.
- ⁹⁸ CERD/C/AUT/CO/17, para 22.
- ⁹⁹ Article 27 CCPR; State Treaty 1955, BGBl. 1955/152 and State Treaty of Saint Germain, StGBL. 1920/303; see also Brüner Treaty, BGBl. 1921/163.
- ¹⁰⁰ Report Hammarberg, CommDH(2007)26, para 97, 98.
- ¹⁰¹ See also above, 21, see also Article 2, 9 (2)(e), 13, 19 (c), 21 (b) & 30 (4) CRPD.
- ¹⁰² According to the last census (2001) the following colloquial languages are spoken: Turkish (183.445), Serbian (177.320), Croatian (131.307), English (58.582), Hungarian (40.583), Bosnian (34.857), Polish (30.598), Albanian (28.212), Slovenian – without Windisch (24.855), Burgenland-Croatian (19.412), Arabic(17.592), Romanian (16.885), etc.
- ¹⁰³ See: http://static2.orf.at/vietnam2/files/volkgruppen/200940/B-VGNov_u_VGG_u_Fonds_-_Broschur_93042.pdf.
- ¹⁰⁴ E.g. deportation of – mainly Chechnyan asylum seekers to Poland, where they have no relatives or to Greece, which does not provide adequate protection against Refoulement (cf Third party intervention by Human Rights Commissioner Mr. Hammarberg, 10 March 2010).
- ¹⁰⁵ Report Hammarberg, CommDH(2007)26, para 76.
- ¹⁰⁶ See also above, 18.
- ¹⁰⁷ Cf Report of the Human Rights Advisory Board on “Detention of Minors”, 2000; see also CRC/C/15/Add.251 para 47, 48.
- ¹⁰⁸ Cf <http://www.fluechtlingsrat-nrw.de/2759/index.html> with further references.
- ¹⁰⁹ Report Hammarberg, CommDH(2007)26, recommendation 24; ECRI Report, CRI(2010)2, recommendation 107; see also above 27.
- ¹¹⁰ See also the initiative to implement the “right to stay”: <http://www.bleiberecht.at>.
- ¹¹¹ CAT/C/AUT/CO/4-5, para 16; Report Hammarberg, CommDH(2007)26, recommendations 20-22.
- ¹¹² OECD Development Cooperation Report 2010, <http://www.oecdilibrary.org/oecd/content/book/dcr-2010-en>.
- ¹¹³ OECD: “Austria simply does not have the means to implement its gender equality policy,” OECD, Austria, Development Assistance Committee (DAC) Peer Review Organisation, 2009, 43;
<http://www.oecd.org/dataoecd/3/39/42857127.pdf>.
- ¹¹⁴ Compare also “Evaluation of Humanitarian Assistance by the Austrian Development Assistance between 2004 and 2008,” Final Report, Independent Evaluation Report on mandate by Department VII Ministry for Foreign Affairs and the Directorate for Evaluation of ADA,
http://www.entwicklung.at/uploads/media/Evaluierung_HuHi_2004-2008_Endbericht_Mai2010_01.pdf, 7. June 2010, 14-15.
- ¹¹⁵ Security Council Resolution S/RES/1325 Women, Peace & Security (2000).
- ¹¹⁶ UNAIDS Monitoring the Declaration of Commitment on HIV/AIDS (2010),
http://data.unaids.org/pub/Manual/2009/jc1676_core_indicators_2009_en.pdf.
- ¹¹⁷ Article 32 (1)(a) CRPD, see also § 1 (4) International Cooperation Act (EZA-G) (BGBl. 65/2003).
- ¹¹⁸ Increase since 1990: 10,9%; the Kyoto Protocol foresees a decrease of 13%.
- ¹¹⁹ ECA Watch Austria: ECA Reform Campaign, <http://www.eca-watch.at/reform/index.html>.

ANNEX 1: Member Organizations and Networks

The following organizations contributed to the submission as members of the Platform:

1. Agenda Asyl

(5 member organizations: Asylkoordination Österreich, Diakonie Österreich, Volkshilfe Österreich, Verein Projekt Integrationshaus, SOS Mitmensch)

2. Arbeitsgemeinschaft Globale Verantwortung

(43 member organizations: AAI Wien, ADRA, AMREF, ARGE Weltläden, Ärzte ohne Grenzen, Austrian Doctors for Disabled, CARE Österreich, Caritas, Das Mali Projekt, Diakonie Auslandshilfe, Dreikönigsaktion - Hilfswerk der Katholischen Jungschar, Entwicklungshilfeclub, EWA - Entwicklungswerkstatt Austria, EZA Fairer Handel GmbH, Fairtrade Österreich, Frauensolidarität, GEZA Gemeinnützige Entwicklungszusammenarbeit GmbH, Hilfswerk Austria International, HOPE'87, HORIZONT3000, ICEP, Jugend Eine Welt, Katholische Frauenbewegung Österreich, Klimabündnis Österreich, Label STEP, Licht für die Welt, Oikocredit Austria, Ökosoziales Forum, Österreichisches Rotes Kreuz, Society for International Development, Sonne-International, SOS Kinderdorf Österreich, Südwind Agentur, Tierärzte ohne Grenzen, Unsere Kleinen Brüder und Schwestern, VIDC - Wiener Institut für internationalen Dialog und Zusammenarbeit, Welthaus Graz, Welthaus Linz, Welthaus Wien, Weltumspannend Arbeiten, WIDE - Women in Development Europe, World University Service Austria, World Vision)

3. Asyl in Not

4. Asylkoordination Österreich

(33 member organizations: Asyl in Not, Caritas Eisenstadt, Deserteurs- und Flüchtlingsberatung, Diakonie Flüchtlingsdienst, Don Bosco Flüchtlingswerk, Europäischtschetschenische Gesellschaft, Fluchtpunkt Innsbruck, Flughafensozialdienst, Hemayat, Aktion Mitmensch Wiener Neustadt, SOS Mitmensch Burgenland, Hilfsforum Judenburg, Zebra, Projektgruppe "Integration von Ausländern", SOS Kinderdorf Salzburg Clearinghouse, SOS Menschenrechte, Unterstützungskomitee zur Integration von Ausländern, Volkshilfe OÖ Flüchtlingsbetreuung, Verein Projekt Integrationshaus, Verein Zeit!Raum, ISOP, SOS Mitmensch, Initiative Minderheiten, Interkulturelles Zentrum, Evangelische Studentengemeinde, Südwind, Weltladen Amstetten, VIDC fair play, Alternative und Grüne GewerkschafterInnen, Grüne BG 10, Grüne Alternative BG 15, Aktion Kritischer SchülerInnen, Verein Maiz)

5. Bundesarbeitskammer (BAK)

6. DÖW - Dokumentationsarchiv des österreichischen Widerstandes

7. ECPAT Österreich - Arbeitsgemeinschaft zum Schutz der Rechte von Kindern vor sexueller Ausbeutung

(11 member organizations: Dreikönigsaktion - Hilfswerk der Katholischen Jungschar, Missio Austria, Jugend Eine Welt, respect - Institut für Integrativen Tourismus & Entwicklung, Kindernothilfe Österreich, Katholische Frauenbewegung Österreichs, Ludwig Boltzmann Institut für Menschenrechte, ejö - Burg Finstergrün, Salzburger Landesjugendbeirat, Österreichische Kinderfreunde und Rote Falken, World Vision)

8. European Training and Research Centre for Human Rights and Democracy Graz

9. Helping Hands

10. Homosexuelle Initiative (HOSI) Wien

11. Klagsverband zur Durchsetzung der Rechte von Diskriminierungsopfern

(19 member organizations: BIZEPS - Zentrum für Selbstbestimmtes Leben, dabei - Dachverband berufliche Integration Austria, Helping Hands Graz, HOSI Wien, ISOP - Innovative Sozialprojekte, LEFÖ, Ludwig Boltzmann Institut für Menschenrechte, maiz - Autonomes Zentrum von und für Migrantinnen, Österreichischer Gehörlosenbund, Plattform Menschenrechte Salzburg, Rechtskomitee Lambda, Reiz - Selbstbestimmt Leben, Selbstbestimmt Leben Innsbruck, Selbstbestimmt-Leben-Initiative Oberösterreich, SOMM - Selbstorganisation von und für Migrantinnen und Musliminnen, SOPHIE - Bildungsraum für Prostituierte, TransX - Verein für TransGender Personen, Verein österreichischer Juristinnen, ZARA - Zivilcourage und Anti-Rassismus-Arbeit)

12. LEFÖ - Beratung, Bildung und Begleitung für Migrantinnen

13. Licht für die Welt

14. Netzwerk Kinderrechte

(33 member organizations: 9 Österreichische Kinder- und Jugendanwaltschaften, Österreichische Bundesjugendvertretung, Kinderfreunde/Rote Falken, Katholische Jungeschar Österreichs, Kinderbüro Steiermark, Akzente Salzburg, Pfadfinder und Pfadfinderinnen Österreichs, SOS-Kinderdorf Österreich, Ludwig Boltzmann Institut für Menschenrechte, Kuratorium Kinderstimme, Österreichisches Komitee für UNICEF, Pro Juventute, Asylkoordination Österreich, Fice Austria/Kinderrechtbüro Österreich, Welt der Kinder, Österreichische Gesellschaft für Kinder- und Jugendheilkunde, KiB Children Care, Österreichische Gesellschaft für Kinder- und Jugendpsychiatrie, Österreichische Liga für Kinder- und Jugendgesundheit, Österreichischer Kinderschutzbund/Verein für gewaltlose Erziehung, ECPAT Österreich, Don Bosco Flüchtlingswerk Austria, Verein wienXtra, Österreichisches Institut für Kinderrechte & Elternbildung, boJA - Bundesweites Netzwerk Offene Jungendarbeit)

15. NGO-CEDAW-Komitee

(9 partner organizations: Verein autonome österreichische Frauenhäuser, Interventionsstelle gegen Gewalt in der Familie, Verein Österreichischer Juristinnen, LEFÖ, International Alliance of Women, ÖPA - Österreichische Plattform für Alleinerziehende, Europäische Frauenunion, Ludwig Boltzmann Institut für Menschenrechte, WIDE - Women in Development Europe)

16. Österreichische Arbeitsgemeinschaft für Rehabilitation

(78 member organizations: Allgemeine Unfallversicherungsanstalt, Ambulatorium Sonnenschein, ASSIST, assista Soziale Dienste GmbH, Balance, Bandgesellschaft, BBRZ Reha GmbH - BBRZ Österreich, Behinderten-Förderungsverein Neusiedl am See, Behindertenhilfe Bezirk Korneuburg, Behindertenhilfe Klosterneuburg, Behindertenintegration Ternitz Gemeinnützige GmbH, Caritas Österreich, CBMF - Club behinderter Menschen und ihrer Freunde, Club Handikap, Dachverband berufliche Integration Austria, debra-austria, design for all - Zentrum für barrierefreie Lebensräume, Diakonie Österreich, Die Steirische Behindertenhilfe, Elternselbsthilfe sehgeschädigter Kinder Österreich, Förderverein Odilien, Gesellschaft für ganzheitliche Förderung und Therapie NÖ GmbH, Gewerkschaft der Post- und Fernmeldebediensteten, Grete Rehor-Hilfsfonds für behinderte Menschen, Hilf selbst mit, Hilfgemeinschaft der Blinden und Sehschwachen Österreichs, HPE-Österreich, Initiativ für behinderte Kinder und Jugendliche, Institut für Sozialdienste Vorarlberg, Institut für Soziales Design, Jugend am Werk, Kriegsoffer- und Behindertenverband, Lebenshilfe Österreich, Multiple Sklerose Gesellschaft Wien, Musische Arbeitsgemeinschaft, OÖZIV - Oberösterreichischer Zivil-Invalidenverband, Österreichische

Multiple Sklerose Gesellschaft, Österreichische Autistenhilfe, Österreichische Blindenwohlfahrt, Österreichische Gesellschaft für Muskelkranke, Österreichische Hämophilie-Gesellschaft, Österreichische Vereinigung Morbus Bechterew, Österreichischer Behindertensportverband, Österreichischer Blinden- und Sehbehindertenverband, Österreichischer Gehörlosenbund, Österreichischer Schwerhörigenbund, Österreichischer Verband für Spastiker-Eingliederung, Österreichisches Hilfswerk, Österreichisches Hilfswerk für Taubblinde und hochgradig Hör- und Sehbehinderte, ÖZIV - Österreichischer Zivil-Invalidenverband, Physio Austria, PlatO - Plattform anthroposophischer therapeutischer Organisationen in Österreich, pro mente austria, pro mente Wien, RollOn Tirol, Selbsthilfegruppe Down Syndrom, Seraphisches Liebeswerk der Kapuziner, SOB 31 Verein zur Förderung kultureller Aktivitäten von Menschen mit Behinderung, Sozialtherapeutikum Eggersdorf, Sprachrohr für Menschen in anthroposophisch orientierten Lebens- und Werkstätten, Steirische Vereinigung für Menschen mit Behinderung, Therapiezentrum für halbseitig Gelähmte, UNIABILITY - Arbeitsgemeinschaft zur Gleichstellung von Menschen mit Behinderungen und chronischen Erkrankungen an Österreichs Universitäten und Hochschulen, Verband aller Körperbehinderten Österreichs, Verband der Querschnittgelähmten Österreichs, Verein der Ganzheitsmedizin für Menschen mit und ohne Behinderung, Verein für berufliche Ausbildung und soziale Integration, Verein KoMiT, Vereinigung zugunsten körper- und mehrfachbehinderter Kinder und Jugendlicher, VertretungsNetz, Wien Work - Integrative Betriebe und AusbildungsgmbH, Wiener Hilfswerk)

17. Österreichischer Gehörlosenbund

18. Österreichische Liga für Menschenrechte

19. Österreichisches Volksgruppenzentrum

(8 member organizations: Artikel-VII-Kulturverein für Steiermark - Pavelhaus / Kulturno društvo člen 7 za avstrijsko Štajersko - Pavlova hiša, Minderheitsrat der tschechischen und slowakischen Volksgruppe in Österreich / Menšinová rada české a slovenské větve v Rakousko, Österreichisch-Slowakischer Kulturverein / Rakúsko-slovenský kultúrny spolok, Burgenländisch-Ungarischer Kulturverein / Burgenlandi Magyar Kultúregyesület, Verein Roma, Kulturverein österreichischer Roma, Kroatischer Kulturverein in Burgenland / Hrvatsko kulturno društvo u Gradišću, Rat der Kärntner Slowenen / Narodni svet koroških Slovencev)

20. ÖZIV - Österreichischer Zivil-Invalidenverband

21. Rechtskomitee Lambda

22. WIDE - Netzwerk Women in Development Europe (18 member organizations)

23. ZARA - Zivilcourage und Anti-Rassismus-Arbeit

ANNEX 2: Supporting Organizations and Networks

The following organizations support the submission:

1. Amnesty International Austria associates itself with the issues we focus on the submission; however, is making its own submission
2. ARGE Evangelischer Gefängnisseelsorger
3. ARGE Katholischer Gefängnisseelsorger
4. Armutskonferenz

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