



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Austria and welcome the constructive engagement of your Government during the 37th session of the UPR Working Group in January 2021.

As the final outcome report on the review of Austria has been recently adopted by the Human Rights Council at its 47th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Austria - the Compilation of United Nations information and the Summary of Stakeholders' submissions - which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 116 delegations and the presentation made and responses provided by the delegation of Austria. I have also considered the actions taken by the Government of Austria to implement the 158 recommendations fully supported as well as those that were partially accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the development by Austria of a number of national action plans to address different human rights issues, such as disability and trafficking in persons. I also welcome the Government's commitment to develop both a national action plan against racism and discrimination and a comprehensive strategy to prevent and combat antisemitism, racism, xenophobia, radicalization and violent extremism. I encourage Austria to continue its efforts to combat acts or advocacy of racial or religious hatred, including online.

I encourage Austria to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office.

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His Excellency
Mr. Michael LINHART
Federal Minister for European and International Affairs
Austria

I also encourage Austria to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the voluntary pledge by Austria to submit a mid-term report on follow-up to the third cycle of the review, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Austria in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights

cc: Her Excellency
Ms. Karoline EDTSTADLER
Federal Minister for the European Union and Constitutional Affairs
Austria

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the human rights instruments to which Austria is not yet a party, including the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. Also, consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).

National human rights framework

- Adopting, in consultation with all relevant stakeholders, a comprehensive national action plan on human rights with adequate budget and clear indicators for its implementation.
- Continuing efforts to strengthen the institutional framework for the promotion and protection of human rights, including by ensuring that the Austrian Ombudsman Board is provided with adequate resources and that the process of appointment of its members is in full accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Strengthening relevant laws and policies to ensure equal substantive and procedural protection against discrimination with regard to all prohibited grounds of discrimination and adopting a national plan to combat discrimination.
- Continuing efforts to investigate, prosecute and punish acts or advocacy of racial or religious hatred against Roma, Muslims, Jews, minorities, migrants and asylum seekers and combat the radicalization of extremist groups in the country.

Development, the environment, and business and human rights

- Ensuring compliance with its commitment to meet the target of 0.7 per cent of gross national income for official development assistance.
- Strengthening legislative measures to ensure that companies based in Austria comply with international and national human rights, labour and environmental standards, and considering the adoption of a national plan of action on business and human rights.

Human rights and counter-terrorism

- Ensuring that the national strategy on deradicalization and prevention of violent extremism and the accompanying measures are not focused excessively on law enforcement but also address underlying social needs, and implement a human rights-based multi-agency approach to de-radicalization.

B. Civil and political rights

Right to life, liberty and security of person

- Strengthening measures to prevent cases of torture, ill-treatment and other misconducts by law enforcement agents, including by establishing an independent mechanism to investigate all allegations of such acts, and ensuring that perpetrators are prosecuted and convicted in accordance with the gravity of their acts, and that victims obtain redress.
- Enhancing measures to combat racial profiling by law enforcement agents, including by providing all law enforcement personnel with further racial sensitivity training.
- Taking further measures aimed at alleviating overcrowding in detention centres, including by ensuring their adequate staffing.

Fundamental freedoms

- Guaranteeing the full enjoyment of the rights to freedom of religion, association and assembly, including by re-examining the 2015 Amendments to the Law on the Recognition of Islamic Religious Communities and the Basic Law with a view to determining if such legislation is discriminatory and unduly restrict the enjoyment of such rights.

Prohibition of all forms of slavery

- Continuing efforts to combat trafficking in persons by thoroughly investigating all cases of trafficking in persons, bringing perpetrators to justice and ensuring effective protection and adequate compensation to victims. Taking further measures to harmonize protection standards for victims of child trafficking throughout the country.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Adopting further measures aimed at ensuring equal opportunities for women in the labour market by eliminating horizontal and vertical occupational segregation, and addressing the gender pay gap by enforcing the principle of equal pay for work of equal value.

Right to an adequate standard of living

- Implementing a national poverty reduction strategy addressing the socioeconomic impact of the COVID-19 pandemic and enhancing measures to reduce poverty among older persons.

Right to health

- Ensuring the availability of qualified and specialized health staff in all regions, particularly paediatricians in rural areas, and continuing efforts to increase the availability and accessibility of child and adolescent mental health services.
- Guaranteeing access throughout the country to high quality sexual and reproductive health care, including affordable modern contraceptives methods, and ensuring that the exercise of conscientious objection by health-care personnel do not pose an obstacle for women who wish to terminate a pregnancy.

- Prohibiting the performance of unnecessary medical or surgical treatment on intersex children where those procedures may be safely deferred until these children are able to provide their informed consent, and implementing a rights-based healthcare protocol for intersex persons.

Right to education

- Strengthening access for all children to free, equitable and quality primary and secondary education regardless of their socioeconomic status and ensuring equal access to education for children from ethnic minorities, including Roma, and inclusive education in mainstream schools for all children with disabilities.

D. Rights of specific persons or groups

Women

- Adopting a comprehensive strategy to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, and encouraging the media to convey positive images of women and their equal status with men and to eliminate the portrayal of women as sexual objects.
- Expanding efforts to increase the participation of women in political decision-making positions, especially at the Länder and municipal levels.
- Continuing efforts to prevent, combat and punish all forms of gender based violence against women, reinforcing the protection and assistance provided to victims of such violence and prosecuting all cases of hate crimes and attacks against refugee and asylum-seeking women and girls.

Children

- Establishing an appropriate body at a high level with a clear mandate and sufficient authority to coordinate the implementation of the Convention on the Rights of the Child at cross-sectoral, national, regional and local levels. Adopting an up-to-date, comprehensive policy on children and developing an effective strategy to implement it.
- Ensuring that the Criminal Code covers all forms of cyberbullying against children. Effectively monitoring the implementation of agreements with social media platforms for the speedy removal of hate postings.

Persons with disabilities

- Taking further measures to promote the rights of persons with disabilities by developing the National Action Plan on Disability 2021–2030 in a participatory way and raising awareness to combat prejudice against persons with disabilities.

Migrants, refugees and asylum seekers

- Reinforcing the capacity of the Federal Office for Immigration and Asylum to process refugee claims, continuing to ensure the provision of systematic, free, independent, confidential and competent legal and other assistance to migrants, guaranteeing automatic suspensive effect for cases on appeal, and ensuring that the principle of non-refoulement is strictly observed in all circumstances.
- Ensuring that detention is used only as a measure of last resort, for the shortest possible period and only if considered reasonable, necessary and proportionate.



- Ensuring effective access to the labour market of asylum seekers during their asylum proceedings and reducing legal and administrative barriers to family reunification with beneficiaries of international protection in Austria.

Stateless persons

- Removing barriers to the acquisition of Austrian nationality by children born out of wedlock and according Austrian citizenship to otherwise stateless children born in the country, unless a child can acquire citizenship of one of his or her parents immediately after birth through a non-discretionary procedure.