

**Questionnaire of the Special Rapporteur on the human rights of migrants:  
Pushback practices and their impact on the human rights of migrants**

***REPLY AUSTRIA***

In response to the questionnaire of 22 December 2020 on "pushback practices and their impact on the human rights of migrants", Austria would like to stress the fact that the Austrian legislation on aliens and migrants complies with international standards and EU-law.

In Austria, one of the central norms in this context – the prohibition of refoulement as laid down in Article 3 of the European Convention on Human Rights – has constitutional status and must therefore always be observed. The relevant provisions of the pertinent United Nations conventions and of the European Convention on Human Rights, as well as the applicable jurisprudence of the European Court of Human Rights, are strictly respected. This is confirmed by the low number of Austrian cases before the European Court of Human Rights.

Most of the issues raised in the questionnaire are regulated in the legislation of the European Union and the provisions within the Schengen cooperation. The Dublin regime concerning the responsibility of individual EU Member States for the examination of asylum applications as well as the various EU directives and regulations in the field of migration, asylum and border management are particularly relevant in this context. Austria is bound by and complies with this *acquis*. The fact that Austria is only surrounded by states that belong to the Schengen system must be considered in this context.

Regarding the implementation of EU law, reference can be made to the studies of the EU's Fundamental Rights Agency.