

**Austria Mid-Term Review**  
**UPR Recommendations, Status of Implementation**

<b>Topics</b>	<b>Recommendations accepted</b>	<b>Recommendations rejected</b>
General Human Rights Situation	92.9, 92.36, 92.37, 92.38, 92.41	93.20, 93.21
Economic, Social and Cultural Rights	92.82, 92.83, 92.91, 93.13,	93.1, 93.2, 93.7
Withdrawal of Reservations	93.3, 93.4, 93.5, 93.12, 93.34,	
National Human Rights Institutions/Paris Principles	92.19, 92.20, 92.21, 93.14, 93.17, 93.18,	93.15, 93.16
Integration	92.16, 92.17, 92.39, 92.40, 92.90, 93.6, 93.23	
Discrimination	92.14, 92.22, 92.24, 92.25, 92.26, 92.52, 92.53, 92.89, 92.95, 93.8, 93.10, 93.35, 93.36, 93.37, 93.38, 93.39, 93.44	93.19, 93.27, 93.49, 94.10
Women's Rights	92.27, 92.42, 92.43, 92.79, 92.80, 92.81	
Human Trafficking, Domestic Violence	92.15, 92.71, 92.72, 92.73, 92.74, 92.75, 93.28	
Data Collection	93.24, 93.29, 93.30	
Hate Speech	92.23, 92.30, 92.47, 92.48, 92.49, 92.93, 93.9, 93.11, 93.32, 93.43	
Racism	92.28, 92.29, 92.31, 92.44, 92.45, 92.46, 92.50, 92.51, 92.54, 92.55, 92.69, 93.22, 93.25	93.31, 93.40, 93.41, 93.42, 93.45
Education	92.33, 92.84, 92.85, 93.26	93.50
Right of the Child	92.10, 92.12, 92.13, 92.34, 92.67	93.46, 93.47
Persons with disabilities	92.35	
Minorities/Ethnic Groups	92.18, 92.87, 92.96, 92.97, 93.54,	93.53
Development Cooperation	93.33	
Police Detention/Legal Aid/Legal Assistance	92.32, 92.64, 92.65, 92.66, 92.68, 92.70, 92.76, 92.77, 93.48	
Torture/Enforced Disappearances/Ill-treatment	92.1, 92.2, 92.3, 92.4, 92.5, 92.6, 92.7, 92.8, 92.11, 92.56, 92.57, 92.58, 92.59, 92.60, 92.61, 92.62, 92.63, 92.78, 92.86	
Asylum	92.88, 92.92, 92.94, 93.51	93.52
International Convention for the Protection of the Rights of Migrants and their family members		94.1, 94.2, 94.3, 94.4, 94.5, 94.6, 94.7, 94.8, 94.9

<b>Abbreviations</b>	
AusIBG	Ausländerbeschäftigungsgesetz, BGBl. Nr. 218/1975 (Act Governing the Employment of Foreign Nationals)
AG	Arbeitsgruppe (Working Group)
AHG	Amtshaftungsgesetz, BGBl. Nr. 20/1949 (Public Liability Act)
AK	Österreichische Arbeiterkammer (Austrian Chamber of Labour)
BAA	Bundesasylamt (Independent Office for Asylum)
BAK-G	Bundesgesetz über die Einrichtung und Organisation des Bundesamts zur Korruptionsprävention und Korruptionsbekämpfung, BGBl. I Nr. 72/2009 (Federal Act on the Establishment and Organisation of the Federal Bureau of Anti-Corruption)
BAK	Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung (Federal Bureau of Anti-Corruption)
BIFIE	Bundesinstitut für Bildungsforschung, Innovation und Entwicklung des österreichischen Schulwesens (Federal Institute of Educational Research, Innovation and Development of the Austrian School Sector (BIFIE))
BKA-VD	Bundeskanzleramt-Verfassungsdienst (Constitutional Service at the Federal Chancellery)
BKA-SII	Bundeskanzleramt-Sektion II /Frauen (Federal Chancellery-Department II Women's Affairs)
BKA-SIII	Bundeskanzleramt-Sektion III /Öffentlicher Dienst (Federal Chancellery-Department III/Public Service)
BMeiA	Bundesministerium für europäische und internationale Angelegenheiten (Federal Ministry for European and International Affairs)
BMeiA-VRB	Bundesministerium für europäische und internationale Angelegenheiten-Völkerrechtsbüro (Federal Ministry for European and International Affairs – Legal Office)
BMASK	Bundesministerium für Arbeit, Soziales und Konsumentenschutz (Federal Ministry of Labour, Social Affairs and Consumer Protection)
BMG	Bundesministerium für Gesundheit (Federal Ministry of Health)
BMI	Bundesministerium für Inneres (Federal Ministry of Interior)

BMJ	Bundesministerium für Justiz (Federal Ministry of Justice)
BMUKK	Bundesministerium für Unterricht, Kunst und Kultur (Federal Ministry of Education, Arts and Culture)
BMWFJ	Bundesministerium für Wirtschaft, Familie und Jugend (Federal Ministry of Economy, Family and Youth)
BNE	Bruttonationaleinkommen (Gros National Income)
B-VG	Bundes-Verfassungsgesetz, BGBl. Nr. 1/1930 (Federal Constitutional Law, Federal Law Gazette 1/1930)
BVT	Bundesamt für Verfassungsschutz und Terrorismusbekämpfung (Federal Agency for State Protection and Counter Terrorism)
CAHVIO	Übereinkommen des Europarats zur Verhütung und Bekämpfung von Gewalt gegen Frauen und Häuslicher Gewalt (Europe Convention on preventing and combating violence against women and domestic violence)
CED	Internationales Übereinkommen zum Schutz aller Personen vor dem Verschwindenlassen, BGBl. III Nr. 104/2012 (International Convention for the Protection of All Persons from enforced disappearance)
CEDAW	Konvention zur Beseitigung jeder Form von Diskriminierung der Frau, BGBl. Nr. 443/1982 (International Convention on the Elimination of Discrimination of All Forms of Discrimination against Women)
CERD	Internationales Übereinkommen über die Beseitigung aller Formen rassistischer Diskriminierung, BGBl. Nr. 377/1972 (International Convention on the Elimination of all forms of racist discrimination)
Dublin II-VO	Verordnung (EG) Nr. 343/2003 des Rates vom 18. Februar 2003 zur Festlegung der Kriterien und Verfahren zur Bestimmung des Unterzeichnerstaates, der für die Prüfung eines von einem Drittstaatsangehörigen in einem Unterzeichnerstaat gestellten Asylantrags zuständig ist (Regulation of the Council of the EU, establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (Dublin II))
EGMR	Europäischer Gerichtshof für Menschenrechte (European Court of Human Rights)
EGVG	Einführungsgesetz zu den Verwaltungsverfahrensgesetzen, BGBl. I Nr. 87/2008 (Introductory Act to the Administrative Procedure Acts, Federal Gazette I No. 87/2008)

EMRK	Europäische Menschenrechtskonvention, BGBl. Nr. 210/1958 (European Convention for the Protection of Human Rights and Fundamental Freedoms, Federal Gazette No. 210/1958)
EU	Europäische Union (European Union)
EWR	Europäischer Wirtschaftsraum (European Economic Area EEA)
EZA	Entwicklungszusammenarbeit (Development Cooperation)
FPG	Fremdenpolizeigesetz, BGBl. I Nr. 100/2005 (Aliens Police Act, Federal Gazette I No 100/2005)
GAW	Gleichbehandlungsanwaltschaft (Office of the Ombud for Equal Treatment)
GIBG	Bundes-Gleichbehandlungsgesetz, BGBl. Nr. 100/1993 (Federal Act on Equal Treatment, Federal Gazette No. 100/1993)
GDfdöS	Generaldirektion für die öffentliche Sicherheit (Directorate-General for Public Security)
ILO	Internationale Arbeitsorganisation (International Labour Organization)
K-ADG	Kärntner Antidiskriminierungsgesetz, LGBl. Nr. 63/2004 (Carinthian Antidiscrimination Act, No.63/2004)
K-LGBG	Kärntner Landes-Gleichbehandlungsgesetz, LGBl. Nr. 56/1994 (Carinthian Equal Treatment Act, No.56/1994)
KRK	Übereinkommen über die Rechte des Kindes, BGBl. Nr. 7/1993 (International Convention of the Rights of the Child, Federal Gazette No. 7/1993)
MARAC	Multi Agency Risk Assessment Conference
NAG	Niederlassungs- und Aufenthaltsgesetz, BGBl. I Nr. 100/2005 (Settlement and Residence Act, Federal Gazette I No. 100/2005)
NAP	Nationaler Aktionsplan (National Action Plan)
NAP-I	Nationaler Aktionsplan Integration (National Action Plan Integration)
NGO	Non-Governmental Organization
ODA	Öffentliche Entwicklungszusammenarbeit (Official Development Assistance)
Oö ADG	Oberösterreichisches Antidiskriminierungsgesetz, LGBl. Nr. 50/2005 (Upper Austrian Antidiscrimination Act No. 50/2005)
Oö GGBG	Oberösterreichisches Gemeinde-Gleichbehandlungsgesetz, LGBl. Nr. 63/1999 (Upper Austrian Municipal Equal Treatment Act, No. 63/1999)

Oö L-GBG	Oberösterreichisches Landes-Gleichbehandlungsgesetz, LGBl. Nr. 8/1995 (Upper Austrian Provincial Equal Treatment Act, No. 8/1995)
OPCAT-Durchführungsgesetz	Bundesgesetz zur Durchführung des Fakultativprotokolls vom 18. Dezember 2002 zum Übereinkommen der Vereinten Nationen gegen Folter und andere grausame, unmenschliche oder erniedrigende Behandlung oder Strafe, BGBl. I Nr. 1/2012 (Federal Act on the Implementation of the Optional Protocol from 18 December 2002 to the International Convention of the United Nations against Torture and other cruel, inhuman or degrading treatment or punishment, Federal Gazette I, No.1/2012)
RL	Richtlinie (Directive)
StA	Staatsanwaltschaft (Public Prosecutor's Office)
StGB	Strafgesetzbuch, BGBl. Nr. 60/1974 (Criminal Code, Federal Gazette No.60/1974)
UN	sh. VN
UPR	Universal Periodic Review
VN	Vereinte Nationen (United Nations)
WSK-Rechte	wirtschaftliche, soziale und kulturelle Rechte (economic, social and cultural rights)

Recommendation	Lead Ministry	Status of Implementation
<p><b>92.1</b> Accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)</p> <p>and harmonize its domestic legislation with human rights treaties, and in particular, incorporate torture as a criminal offense in its domestic legislation;</p> <p>in accordance with its policy on “zero tolerance”, harmonize in a non-restrictive manner the Convention on the Rights of the Child (CRC) (Ecuador);</p>	<p><b>BKA-VD,</b> BMeiA</p> <p><b>BMJ</b></p> <p><b>BMWFJ</b></p>	<p><b>Implemented</b></p> <p>The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) was ratified on 4 December 2012 and entered into force on 3 January 2013.</p> <p>The Federal Act on the Implementation of OP-CAT which entered into force on 1 July 2012 established the Austrian Ombudsman Board (together with the commissions set up by the Board) as National Mechanism for the Prevention of Torture and clarifies that human rights abuses are part of its mandate of investigating public maladministration.</p> <p>Torture as a separate criminal offense was incorporated into the Criminal Code as § 312a and entered into force on 1 January 2013.</p> <p>An absolute prohibition of violence exists in Austria since 1989 in accordance with the Convention of the Rights of the Child. The “zero tolerance policy” is supported by awareness-raising measures.</p>
<p><b>92.2</b> Sign (Uganda) and ratify the OP-CAT (Costa Rica, Netherlands, Sweden, Uganda);</p>	<p><b>BKA-VD,</b> BMeiA</p>	<p><b>Implemented</b></p> <p>see 92.1</p>
<p><b>92.3</b> Pursue, as a matter of priority, the ratification of OPCAT, recommended in 2010 by the Committee against Torture, and include in the national Criminal Code a definition of torture as contained in the Convention against Torture (Germany);</p>	<p><b>BKA -VD,</b> BMeiA <b>BMJ</b></p>	<p><b>Implemented</b></p> <p>see 92.1</p>

<b>92.4</b> Continue implementing the OP-CAT, through its national law passed to this effect (Chile);	<b>BKA-VD</b>	<b>Implemented</b> see 92.1
<b>92.5</b> Conclude the ratification process of the OP-CAT and the Convention for the Protection of All Persons from Enforced Disappearances (CED), as early as possible (Spain);	<b>BKA-VD,</b> BMeiA  <b>BMeiA, BMJ</b>	<b>Implemented</b> see 92.1 <b>Implemented</b> The CED was ratified on 7 June 2012 and entered into force for Austria on 7 July 2012.
<b>92.6</b> Sign (Uganda ) and ratify the CED at the earliest (Republic of Moldova, Uganda);	<b>BMeiA, BMJ</b>	<b>Implemented</b> see 92.5
<b>92.7</b> Declare, upon ratification of the CED, its acceptance of the competence of the Committee on Enforced Disappearances as provided for in articles 31 and 32 of the Convention (France);	<b>BMeiA, BMJ</b>	<b>Implemented</b> Declarations according to Art. 31 and 32 CED were submitted.
<b>92.8</b> Make every effort to fulfil its voluntary pledges to include a definition of torture enshrined in CAT into the national Criminal Code (Republic of Korea);	<b>BMJ</b>	<b>Implemented</b> see 92.1
<b>92.9</b> Take the necessary measures to ensure that human rights standards, not only European but also international, are incorporated into the Austrian law (Canada);	<b>BMeiA,</b> all ministries	<b>On-going implementation</b> International human rights standards are being integrated into Austrian law on a continuous basis (e.g. Federal Act on the Implementation of OP-CAT, Federal Constitutional Act on the Rights of the Child, Federal Law Gazette Vol. I No. 4/2011).

<p><b>92.10</b> Complete at the earliest the constitutional reform to incorporate in the Federal Constitution the rights of the child in accordance with the provisions of the CRC (Moldova);</p>	<p><b>BKA-VD,</b> <b>BMWFJ</b></p>	<p><b>Implemented</b></p> <p>The Federal Constitutional Act on the Rights of the Child, Federal Law Gazette Vol. I No. 4/2011, which was passed in 2011, includes constitutionally guaranteed rights („fundamental rights”) of the child, which essentially comply with the Convention of the Rights of the Child. The core of these rights is the entitlement of children to special protection and care with due regard to the best interest of the child as the primary consideration in all actions concerning children. The best interest of the child has to be carefully balanced out against other fundamental rights such as the right of the parents to privacy and family life. Also, special importance is given to the right of the child for consideration of her views, the prohibition of child labour, the protection of the child against all forms of violence as a form of punishment or exploitation or (sexual) satisfaction of adults and the rights of children with disabilities.</p>
<p><b>92.11</b> To ensure an effective national preventive mechanism, as requested in the OP-CAT, provide in its draft law for a full independence of this institution (Switzerland);</p>	<p><b>BKA-VD</b></p>	<p><b>Implemented</b></p> <p>see 92.1</p>
<p><b>92.12</b> Fully translate the CRC into its national legislation (Slovakia);</p>	<p><b>BMWFJ</b></p>	<p><b>On-going implementation</b></p> <p>The Austrian laws comply with the Convention of the Rights of the Child (see also the State Reports to the Committee of the Rights of the Child). Potential legal adaptations are constantly reviewed at simple law level taking into account new social developments.</p>



<p><b>92.13</b> Incorporate its international human rights obligations into domestic laws, in particular the rights of the child, (Egypt);</p>	<p><b>BMWFJ</b></p>	<p><b>Implemented</b> see 92.10 Implementation measures are also constantly taken at provincial level, such as in: <b>Carinthia:</b> According to § 4a of the Carinthian Youth Welfare Act the Ombudsman for Children and Young People is obliged to effectively promote, protect and publicly represent the interests of children and adolescents in compliance with the Convention of the Rights of the Child. A proposal to incorporate the rights of the Convention of the Rights of the Child into the Carinthian Constitution is currently being examined. <b>Styria:</b> According to § 13a of the Styrian Youth Welfare Act the Convention of the Rights of the Child applies to the actions of the Ombudsman for Children and Young People as a directive. <b>Vorarlberg:</b> The new Child and Youth Services Act, Federal Law Gazette No. 29/2013, explicitly states that child and youth services are obliged to take into account the Convention on the Rights of the Child when delivering their services (§ 3 para 1).</p>
<p><b>92.14</b> Ensure appropriate law enforcement and penal sanctions are in place to effectively address issues of non-equality and non-discrimination in the private and public sphere (Israel);</p>	<p><b>BMJ, BMASK</b></p>	<p><b>On-going Implementation</b> With the entry into force of Art. 1 of Federal Law Gazette Vol. I No. 103/2011 on 1 January 2012 the criminal offence of incitement to hatred (§ 283 Criminal Code) has been amended and is punishable with imprisonment for up to 2 years. With this amendment the scope of protection is expanded to groups defined in terms of sex, disability, age or sexual orientation as well as its individual members in regard to public incitement to violence. Whereas the earlier version of the paragraph had stipulated that the offence must be committed in public and in a manner liable to undermine law and order, the amended version added, as an alternative, that it must be observable or discernible by a wide section of the public (defined as about 150 persons). According to § 283 para 2 punishment shall be imposed - as was already stipulated in the old version - on whoever publicly stirs up hatred or slanders in a manner violating human dignity against one of the groups defined in para 1 . Here again, the perpetration has to be perceived by a broader public. With the amendment of the Equal Treatment Act in Federal Law Gazette Vol.</p>

		<p>I No. 7/2011 a separate provision for an administrative sanction against discriminatory housing advertisements was introduced.</p> <p>The anti-discrimination provision of Art. III para 1 (3) of the Introductory Act to the Administrative Procedure Acts by Federal Law Gazette Vol. I No. 50/2012 was amended and harmonized with CERD both in terms of content and wording.</p> <p>In order to ensure the adequate sanctioning of discrimination by judges and public prosecutors, fundamental freedoms and human rights including anti-discrimination laws are an integral part of the judge's examination (§ 16 para 4 (4) Judge and Public Prosecution Service Act). In the framework of their training, all prospective Austrian judges and public prosecutors have to complete a compulsory training module which includes anti-discrimination issues.</p> <p>Additionally, trainings are being conducted on a regular basis dealing with different forms of discrimination (on grounds of age, gender, religion, racism). The seminar "Equality Law", for instance, imparts trends and developments concerning the equality law taking also account of multiple discriminations. The seminar "Foreigners are different, Austrians too" deals with the topic of different social classes with the aim to promote understanding and respect for "the Other". The events "Men/Women: Who/What makes the difference?" and "Gender and Judiciary: Difference and Equality before the Law" discuss discrimination on grounds of gender.</p>
<p><b>92.15</b> Take measures to ensure that national laws for the protection against domestic violence are applied at all levels in a coherent and effective manner (Switzerland);</p>	<p><b>BMI, BKA-SII, BMJ</b></p>	<p><b>On-going implementation</b></p> <p>There is a strong legal framework for the protection against domestic violence in force which is continuously being improved (see especially the Second Federal Act for the Protection against Violence within the Family, Federal Law Gazette Vol. I No.40/2009): Possibility of issuing an expulsion order by the police according to § 38a Security Police Act, interim court injunctions according to § 382b Enforcement Act to prevent the perpetrator from returning to the domestic environment, § 107a Criminal Code (stalking) and § 107b Criminal Code (continued use of violence).</p> <p>For the effective implementation of these provisions appropriate measures are being taken regularly: special training and awareness-raising measures</p>

	<p>for law enforcement bodies, trainings for prosecutors and prospective judges on domestic violence and human trafficking, mandatory two-week traineeships for prospective judges in an intervention or welfare facility, creation of specialized posts for proceedings dealing with domestic violence at public prosecutor's offices with a minimum of ten prosecutors, structural improvement in the field of the Violence Protection Centres (Intervention Centres against domestic violence) by increasing the budget by 3,5% in 2012.</p> <p>Already the training programme for prospective judges offers seminars about domestic violence in collaboration with state approved institutions for victim protection and centres for the protection from violence which is mandatory for them. Topics include the Protection against Violence Act, restraining orders in this area, victim protection and the Victims of Crime Act, dealing with traumatized persons as well as legal and psychosocial assistance for victims during the proceedings. Furthermore the Judge and Public Prosecution Service Act includes a compulsory training service in an institution for victim protection or welfare with a minimum duration of two weeks.</p> <p>The programme for further judges' and public prosecutors' training also includes sessions regarding these issues, such as the following examples:</p> <ul style="list-style-type: none"> <li>• "Dealing with minor victims of abuse in civil and criminal proceedings"</li> <li>• "Assessment of the danger of a delinquent in case of domestic violence and stalking"</li> <li>• "Victim protection in the Criminal Procedure Reform Act"</li> <li>• "Protection from violence and stalking – according to the point of view of civil and criminal law"</li> </ul> <p>A central database on domestic violence is available since early 2012 (under § 58c Security Police Act) and offers law enforcement officials, who intervene in cases of domestic violence, nationwide background information about persons who have already been identified as offenders of domestic violence. In 2011 Vienna introduced the programme MARAC (Multi Agency Risk Assessment Conference) which was developed in Great Britain in 2003 as a pilot project for improved protection of high-risk victims of violence, which was continued in 2012. In the framework of MARAC those institutions</p>
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		<p>involved in the prevention of domestic violence (police, judiciary, intervention centers for women, youth welfare, child centers, health institutions, etc.) regularly discuss cases in order to take effective measures for the protection of high risk victims. From May to December 2011 altogether 13 MARAC meetings were held in two Viennese police precincts during which cases of 34 clients and measures for their security were discussed. Besides that, a MARAC steering committee works on fundamental concerns in regard to possible and necessary improvements in the area of victim protection.</p> <p>In July 2013 the Parliament unanimously voted for the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO). With this the ratification process is nearly completed. For the monitoring of the implementation of the convention an expert committee (GREVIO) will be established within one year after the entry into force at the Council of Europe.</p>
<p><b>92.16</b> Repeal section 8(2) of the Aliens Employment Act, which requires that employers, when reducing manpower or working hours of all employees, terminate, first, the contracts of foreign nationals (France);</p>	<p><b>BMASK</b></p>	<p><b>Implemented</b></p> <p>With the amendment of the Act Governing the Employment of Foreign Nationals, Federal Law Gazette Vol. I No. 25/2011, § 8 para 2 was repealed as from 1 July 2011.</p>

<p><b>92.17</b> Take further steps to fully implement a National Action Plan for better integration and protection of the rights of immigrant minorities (Turkey)</p>	<p><b>BMI</b></p>	<p><b>On-going implementation</b></p> <p>All recent integration measures are described in the annual integration reports published in 2011 and 2012 (<a href="http://www.integration.at">www.integration.at</a>). These aim at guaranteeing the participation in the labour market, housing market, public life, sports and leisure and social services and they cover in particular improvements in German language skills, recognition of qualifications, measures to prevent early school drop-out of young people and the increase of the female employment rate.</p> <p>A State Secretariat for Integration was established within the BMI for the implementation of the National Action Plan on Integration. An expert council as well as an integration council were established, also including representatives of civil society, for the evaluation and further development of integration measures. The implementation progress is being measured by indicators which were developed according to scientific standards.</p>
<p><b>92.18</b> Improve its implementation of the Constitutional Court ruling regarding the use of the Slovenian language in Carinthia province (United States of America);</p>	<p><b>BKA-VD</b></p>	<p><b>Implemented</b></p> <p>The Constitutional Court ruling regarding the topographical signs (“Ortstafeln”) was consistently and fully implemented with the amendment of the Ethnic Group Act (Federal Law Gazette Vol. I No. 46/2011). The respective topographical signs have already been put in place.</p> <p>At the same time those authorities and services were determined where the Croatian, Slovenian or Hungarian language can be used as an official language in addition to German.</p>

<p><b>92.19</b> Further enhance the mandate of the Ombudsman Board in accordance with the Paris Principles (Jordan);</p>	<p><b>BKA-VD</b></p>	<p><b>Process of Implementation</b></p> <p>The independent Ombudsman Board exercises the tasks of a National Human Rights Institution with the involvement of civil society. The OP-CAT Implementation Act, which has been in force since 1 July 2012, clarifies in the Federal Constitution that the investigation of maladministration by the Ombudsman Board also includes violation of human rights. A violation of human rights constitutes the worst form of deficiency in public administration. In Austria the independent judiciary plays the central role in the protection of human rights. This was reinforced with the amendment of the Administrative Jurisdiction Act in 2012, Federal Law Gazette Vol. I, No. 52/2012, as administrative courts of first instance were established that will be operational as of 1 January 2014.</p> <p>Furthermore, there are three academic human rights institutes in Austria, which perform manifold tasks according to the Paris Principles (e.g. awareness-raising through information and (continuous) training, assessment reports, research programs): the Ludwig-Boltzmann-Institute for Human Rights in Vienna, the European Training and Research Center for Human Rights and Democracy in Graz and the Austrian Institute for Human Rights in Salzburg. These institutes also receive research contracts and subsidies from the State.</p>
<p><b>92.20</b> Strengthen the Austrian Ombudsman Board and expand its mandate at the earliest to ensure full compliance with the Paris Principles (India);</p>	<p><b>BKA-VD</b></p>	<p><b>Process of Implementation</b></p> <p>see 92.19</p>
<p><b>92.21</b> Identify opportunities to enhance the effectiveness and independence of national human rights bodies (Australia);</p>	<p><b>BKA-VD</b></p>	<p><b>Process of Implementation</b></p> <p>see 92.19</p>

<p><b>92.22</b> Ensure that all public power is exercised with respect for the equal worth of all, and the liberty and dignity of all persons (Sweden);</p>	<p><b>BKA-VD,</b> BMeiA</p>	<p><b>Implemented</b> The Austrian legal system stipulates at the constitutional level a general principle of objectivity and a general prohibition of arbitrary action. For the implementation of these principles a comprehensive system of legal protection is provided for everyone. Judges and civil servants are specifically trained not only in the framework of their initial training but also on the basis of continuous professional development.</p>
<p><b>92.23</b> Unequivocally condemn all incitement to violence or hatred and ensure that provisions for addressing agitation against a national or ethnic group are clearly stipulated under Austrian law (Sweden);</p>	<p><b>BMJ,</b> alle Ressorts</p>	<p><b>On-going implementation</b> see 92.14</p>
<p><b>92.24</b> Continue to take measures against all forms of discrimination (Burkina Faso);</p>	<p><b>BKA,</b> Bundesländer , BMASK</p>	<p><b>On-going implementation</b> The existing anti-discrimination laws are continuously being improved. With the amendment to the Equal Treatment Act, Federal Law Gazette Vol. I No. 107/2013, which entered into force on 1 August 2013, it is made clear that all areas concerned by the EU directive on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity (for instance the founding, establishment or extension of a company as well as the start or expansion of a self-employed work) also lie within the scope of the Equal Treatment Act. Additionally the obligation to indicate minimum wage in job advertisements including sanctions was extended to all economic sectors, also where no minimum wages are defined by (collective) wage. The time limit for the judicial assertion of sexual harassment was extended from one to three years. Finally the procedure before the Commission for Equal Treatment was simplified and improved (for instance reduction of the Senate of the Commission for Equal Treatment, reinforcement of the arbitrary character of the Commission for Equal Treatment, simplification and recap of the structure of the advocates for equal treatment and their tasks). The harmonization of the level of protection for all grounds of discrimination were discussed intensely, a decision has not yet been taken.</p>

		<p>Also, the provincial governments (“Länder”) are continuously taking implementation measures, such as:</p> <p><b>Styria:</b> In 2012 another anti-discrimination body was established as an easily accessible initial contact, clearing and monitoring point which offers support to victims irrespective of the cause of discrimination. It shall also strengthen and coordinate the existing anti-discrimination work of the public and civil society sector.</p> <p>Further tasks are capacity building, increased awareness-raising and public relations work as well as the development of recommendations for an improved protection against discrimination at the legal and structural level. The Commissioner for Equal Treatment in Styria also sets continuous measures to combat all forms of discrimination such as the publication of leaflets or the organization of awareness-raising events.</p> <p><b>Tyrol:</b> The focus of the work of the specifically established organisational unit service point equal treatment and anti-discrimination as well as the Officer for Anti-discrimination is, besides the topic people with disabilities, the topic ethnic discrimination. The priorities until 2014 are the support and information as well as the collaboration with relevant NGOs. The province Tyrol is also starting with the elaboration of a new Equal Opportunities Act.</p> <p>According to § 16 para 1 (e) of the Tyrolean Anti-Discrimination Act it is the duty of the Officer for Anti-Discrimination to examine draft laws and acts of the state that regard questions of equal treatment and non-discrimination directly. The constitutional service of the state Tyrol through its legislative experts is constantly paying attention to the compliance with the provisions of the Anti-Discrimination Act in the entire legislative process.</p> <p>According to § 16 (c) the Officer for Anti-Discrimination is obliged to keep and promoted dialogue with NGOs who according to their statutory goals have a justified interest in the promotion of equal treatment and the fight against discrimination. Linked to the focus on work in the area of people with disabilities contacts were made for instance with the Association of Deaf People, the Initiative Self-determined Life, the Network Accessibility Tyrol, the Civilian Disability Association, the Federal Social Office, the Centre for Employment and Education. In addition, regular contacts are maintained with</p>
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		<p>organisations working in the area of integration or gender, such as ZEMIT, Platform for Integration, Department for Women and Equality as well as integration at the Tyrolean Provincial Government.</p> <p><b>Vorarlberg:</b> The amendment of the Anti-Discrimination Act of Vorarlberg of 2012 extended, amongst others, the protection from discrimination to cases of discrimination through association. Furthermore it was arranged that the province and the municipalities take particular provisions to remove existing access barriers in order to enable access for people with disabilities to their offers and services. Finally, the State Ombudsman as anti-discrimination focal point was made responsible for the examination of institutions and programmes for people with disabilities.</p> <p>Another amendment of the law for the improvement of anti-discrimination protection is planned this year.</p> <p><b>Vienna:</b> In 2010 an amendment to the Viennese Anti-Discrimination Act was passed. The Anti-Discrimination Act of Vienna, which had already provided for a comprehensive protection for individuals against discrimination on the grounds of ethnic affiliation, religion, ideology, age, sexual orientation, gender identity and sex, was extended to include disability as a ground for discrimination. The Act also provides for a mediation procedure for redress of alleged discrimination and disadvantages, a prohibition of the allocation of subsidies in case of discrimination, it monitors the implementation of the UN Convention for the Rights of the Persons with Disabilities together with civil society, the (self-) commitment of the Province and the City of Vienna to guarantee a discrimination-free access to its services and offers, as well as positive measures to fully realize equal treatment.</p> <p>The Service Act 1994, Provincial Law Gazette No. 56/1994 and the Contractual Staff Act 1995, Provincial Law Gazette No. 50/1995, provide a comprehensive protection against discrimination on grounds of ethnic affiliation, religion, ideology, disability, age and sexual orientation. Both regulations are being regularly amended (last amendments in 2010 and 2011).</p>
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<p><b>92.25</b> In accordance with the recommendations of the Committee on the Elimination of Racial Discrimination, carry out public awareness-raising campaigns to fight discrimination and hate speech - these kind of policies could be complemented by adopting and implementing legislative measures;</p>	<p><b>BMI, BMJ, alle Ressorts</b></p>	<p><b>On-going Implementation</b> see also 92.14</p> <p>By implementing the National Action Plan on Integration (NAP-I) the framework conditions for integration are being continuously improved with the aim to achieve equal opportunities. The following examples which are cited in the integration report 2012 make this policy particularly visible:</p> <ul style="list-style-type: none"> <li>• Prominent personalities with migration background who are successful in Austria, visit schools as “Integration Ambassadors” with the aim to motivate young people as role models in professional career and positive examples of successful integration and to counter prejudices. The pool of Integration Ambassadors comprised 150 people as of June 2012 and is being continuously expanded.</li> <li>• This project was enlarged by the initiative “Together: Austria - It’s your turn now! Your country needs you”. It should motivate young migrants to get involved more strongly in sports and other associations.</li> <li>• As another implementation measure of the NAP-I the Dialogue Forum Islam was established to promote the dialogue between the Government and Muslims in Austria.</li> <li>• Media play a key role in the intercultural dialogue. That is why together with media organisations and journalistic representations (Press Council, Journalists Union etc.) conceptual analysis of aliens related legislation and migration-related issues is conducted for the journalistic work and a glossary for journalists is drawn up.</li> <li>• The journalistic Code of Conduct as a journalistic self-control mechanism for ethical behaviour shall also be adapted accordingly.</li> <li>• In 2012 for the first time an Austrian journalist prize on integration was awarded. Those journalists, who particularly have engaged in the topic of integration, shall be awarded.</li> <li>• With special scholarships and traineeships people with migration background shall be given incentives and funding to take up the profession of journalist.</li> </ul>
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<p>promote an inclusive educational system which does not leave behind migrant children or children with special needs (Costa Rica);</p>	<p><b>BMUKK</b></p>	<p>The Ombudsman for Equal Treatment runs a comprehensive outreach work on the topic of discrimination, informs the population through multi-lingual folders on their rights, publishes its annual reports, maintains an informative homepage on the internet and since April 2012 supports a poster campaign of the European Commission against discrimination with over 600 posters in Vienna, Graz and Linz. With five different scenes attention is being drawn to discrimination at the workplace, on grounds of age, sexual orientation, ethnic affiliation, religion and disability. The central message of the campaign is the illegality of discrimination, and it informs about the Ombudsman for Equal Treatment that provides advice and support in case of discrimination.</p> <p><b>Process of Implementation</b></p> <p>Existing initiatives for reinforced integration of children with migration background into school are being further developed, e.g. through special promotion of the German language skills. Within the framework of the “National Action Plan for People with Disabilities 2012-2020”, which was adopted in July 2012, the Ministry works, amongst others, on the implementation of the goal of an inclusive educational system for children with special needs.</p> <p>Follow-up: Both topics are being dealt with in a separate working group of the BMUKK.</p>
<p><b>92.26</b> Continue promoting initiatives which contribute to foster inter-cultural understanding, which is a central element to prevent all forms of discrimination, xenophobia and intolerance (Colombia);</p>	<p><b>BMUKK</b></p>	<p><b>Implemented</b></p> <p>Numerous existing initiatives for the promotion of intercultural understanding are being further developed, especially in the education and cultural sector. The provincial governments (“Länder”) also continuously take implementation measures, such as:</p> <p><b>Styria:</b> In 2012 a special provincial fund was established to support small projects for promoting living together in diversity and for combating prejudice and discrimination. In 2010 and 2011 more than 150 artistic projects dealing with this topic were subsidised in the framework of the cultural promotion of the provincial government.</p>

<p><b>92.27</b> Continue making progress in the implementation of the National Action Plan for gender equality in the labour market (Colombia);</p>	<p><b>BKA-SII</b></p>	<p><b>On-going implementation</b> Measures of the National Action Plan for Gender Equality in the Labour Market are being implemented, such as:</p> <ul style="list-style-type: none"> <li>• Obligation for private companies and public services to issue income reports.</li> <li>• It is mandatory to include the minimum wage in vacancy announcements and – where appropriate – the offer to overpay. This regulation was extended on 1 August 2013 as far as economic sectors that are not bound by (collective) wage agreements also have to announce the wage which is the basis of negotiation for the agreement concerning the wage.</li> <li>• Introduction of women’s quota in supervisory boards of state-affiliated companies.</li> <li>• With the Salary Calculator (<a href="http://www.gehaltsrechner.gv.at">www.gehaltsrechner.gv.at</a>) the average salary on comparable workplaces can be explored.</li> <li>• The information campaign in favour of more use of paternity leave in the private sector, initiation of the “Paternity Leave Month” in the public service since 1 January 2011.</li> <li>• In 2011 10 Million Euro and 15 Million Euro each year between 2012 and 2014 are made available by the Federal Government for expanding the number of child care facilities.</li> <li>• Labour market policy programme for women</li> <li>• Promotion of gender competences in the training of teachers, development of schools as well as headmasters.</li> </ul>
<p><b>92.28</b> Consider adopting an action plan to combat racism and xenophobia (Republic of Korea);</p>	<p><b>BMI</b></p>	<p><b>On-going implementation</b> see 92.17 Measures to combat racism and xenophobia are part of the NAP-I. However, further measures by the BMI are necessary concerning victims of human trafficking (no detention, rights concerning medical care, residence permit, etc.).</p>

<p><b>92.29</b> Pursue its efforts to ensure that victims of ill-treatment and racist behaviour by law enforcement officials receive compensation and that the perpetrators are sanctioned (France);</p>	<p><b>BMI, BMJ</b></p>	<p><b>On-going implementation</b> In the framework of the continuous enforcement of the relevant criminal and civil law provisions as well as the Public Liability Act compensation payments are being guaranteed. According to the Public Liability Act all legal entities of public law are liable under the provisions of Civil Law for damage to assets or a person caused by unlawful acts of persons at fault when implementing the law on behalf of such legal entities.</p>
<p><b>92.30</b> Take further steps to follow the recommendation of CERD in “taking resolute action to counter any tendency, especially from politicians, to target, stigmatize, stereotype or profile people on the basis of race, colour, descent and national or ethnic origin, or to use racist propaganda in politics.” (Turkey);</p>	<p><b>BMJ, alle Ressorts</b></p>	<p><b>On-going implementation</b> see 92.14 Numerous initiatives in the education and cultural sector to promote intercultural understanding are being continuously developed further. Deliberate and respectful relations with each other taking into account different cultural and religious backgrounds have been part of the education and training of judges and public prosecutors for almost a decade and have in recent years been increasingly conveyed. The attendance at international events has been useful to develop new ideas. The judiciary is committed to making these events open to people of different professional areas – such as speakers from NGOs and members of the Asylum Court, thus ensuring the participation of more variegated participants. In addition to the mandatory three-day fundamental rights module for prospective judges, "Curriculum Fundamental Rights", study trips to the European Court of Human Rights (ECHR) are possible. For a more detailed treatment of the topics of anti-Semitism, racism and Nazism the "Curriculum judicial history" is offered to prospective judges, which will be held in autumn 2013 and spring 2014 for the third time in collaboration with the Research Centre for Post-war Justice and which, amongst others, include visits to the memorials “Am Spiegelgrund” and Mauthausen. The curriculum’s aim is to transmit basic knowledge on recent judicial history of the 19th and 20th century and to contribute to raising awareness of the participants for political implications of both civil and criminal judicial decisions. As a part of this training, for instance, a seminar with the title "Foreigners are different, Austrians as well" is offered. It has been developed to illustrate the differences in social strata and to foster an understanding of and taking interest in the "other". In the seminar "Communicating with people from different cultures", judges and</p>

		<p>public prosecutors, who are increasingly dealing with people from different cultures, are sensitized with regard to this diversity. The event "Vienna is different" offers the possibility to engage with projects that deal with the cultural diversity in Vienna and to engage in dialogue with people from other cultures in Vienna.</p>
<p><b>92.31</b> Disseminate information on available domestic, inter alia, legal remedies against acts of racial discrimination, as well as facilitate the access of victims to such remedies (Egypt);</p>	<p><b>BKA-SII,</b> BMJ</p>	<p><b>On-going implementation</b></p> <p>The Ombud for Equal Treatment does comprehensive public awareness work on the topic discrimination, informs the public about their rights through multi-lingual brochures, publishes their annual reports, runs a very informative homepage on the internet and since April 2012 supports a poster campaign against discrimination in the framework of the European Commission with more than 600 posters in Vienna, Graz and Linz. With five different illustrations the posters raise awareness about discrimination in employment and occupation, on grounds of age, sexual orientation, ethnic origin, religion and disability. The central message of the campaign is the illegality of discrimination as well as a reference to the Ombud for Equal Treatment that offers counselling and support in case of discrimination.</p> <p>The BMASK operates a website on equal treatment at <a href="http://www.chancen-gleichheit.at">http://www.chancen-gleichheit.at</a>, where, amongst others, legal information, information on relevant projects, brochures, as well as contact details can be found. From a legal perspective, all measures have been taken to provide victims with the necessary information also with regard to remedies. § 66 Criminal Procedure Act governs the rights of victims, including, for example, the right to access the relevant records, the right to be present at the trial as well as the right to be represented. Victims are to be informed about these and all other rights (e.g. to join the criminal proceedings as a private party) either by the criminal police or the prosecutor's office (details can be found under § 70 Criminal Procedure Act). Apart from that the Criminal Procedure Act provides for equal treatment of all victims. A distinction in quality of the victim status is only admissible regarding the granting of psychosocial and legal assistance, given that not all victims are entitled to these services (§ 66 para 2 Criminal Procedure Act).</p>

<p><b>92.32</b> Set up the independent body in order to investigate alleged abuses of power by law enforcement officials (Czech Republic);</p>	<p><b>BMI</b></p>	<p><b>Implemented</b></p> <p>The Federal Bureau on Anti-Corruption (Bundesamt zur Korruptionsprävention – BAK) is an independent body and was established on 1 January 2010. Its federal competence concerning security police and criminal police also includes criminal offences on human rights (Federal Law Gazette Vol. I, No 72/2009). While the BAK is located within the BMI, it does not operate under the authority of the Directorate General of Public Security. Full “instruction transparency” is guaranteed (§ 7 Federal Bureau on Anti-Corruption Act); the BAK has to immediately report the suspicion of a criminal offense to the public prosecutor’s office and it acts upon orders of the Court or the Public Prosecutor. Furthermore the Commission for Legal Protection investigates legitimate charges against the BAK in accordance with §§ 8 and 9 BAK-Act.</p>
<p><b>92.33</b> Enhance provision of human rights education and training at appropriate levels of the education system and relevant public officials (Philippines);</p>	<p><b>BMUKK</b></p> <p><b>BKA-SIII, alle Ressorts, Bundesländer</b></p>	<p><b>Implemented</b></p> <p>Civic education – of which human rights education is an integral part – is a typical cross-cutting issue and is embedded widely in the education system. It is also increasingly taken into account in the curriculum for teacher’s education at the Pedagogical Universities in Austria.</p> <p>A separate working group with the participation of NGOs is established to discuss the NGO demand for strengthening of the importance of human rights education within civic education.</p> <p>Within the framework of the existing school curricula human rights education and diversity is a reality in schools.</p> <p>Human rights related courses are offered for the Ministry’s staff as part of basic and further training courses. They will also be on the agenda of future training programmes within the BMUKK.</p> <p>The BMJ offers a wide range of basic and further training programmes related directly or indirectly to human rights. Human rights naturally remain on the agenda of all training programmes within the judiciary.</p> <p>In the area of prison administration the Prison Administration Academy embraced the topic human rights in particular as of 2010 and established a “train-the-trainer human rights training” in cooperation with the BMI. In this series of workshops the Academy’s teachers were sensitized on this topic</p>

and commissioned to systematically bring this issue up with all employees of the prison administration in the coming years. In addition, a representative pool of coaches/experts was set up, composed of renowned personalities from the prosecutor's office, the police, the probation system, the media and NGOs. They were trained in substantial and communicative abilities in cooperation with the European Training and Research Centre for Human Rights and Democracy (ETC Graz). In 2012 they started first with the compulsory human rights training for educational staff (lecturers and seminar leaders) and the leadership of the Austrian penitentiary; all in all 18 training courses took place with 216 participants. For 2013 further 16 courses are planned. The compulsory training of the entire penitentiary staff will follow in the years to come.

By implementing the "World Program for Human Rights Education" of the United Nations the BMWFJ trains "multipliers" in half-day in-house seminars. Basic knowledge of human rights is being taught and concrete examples are being illustrated and discussed.

Law enforcement officers undergo a mandatory human rights training in the framework of their education and training.

Human rights education is also offered to civil servants in the provinces ("Länder"), as for instance:

**Lower Austria:** Human rights education is an integral part of all training levels for civil servants.

**Upper Austria:** Human rights education takes place in the framework of the basic training.

**Salzburg:** In the framework of the events of the Salzburg Academy for Administration in October 2013 the third training course on "intercultural competence" will start for people who deal with people with migration background in their daily work, in order to improve their capacity to interact with people from different cultural background.

**Styria:** Pertinent trainings take place in the framework of basic training courses.

**Tyrol:** In addition to the regular basic training and in-service training, additional external training can be made use of.



		<p><b>Vorarlberg:</b> Pertinent trainings take place in the framework of basic training courses.</p> <p><b>Wien:</b> Comprehensive training courses are available, that take into account the different in-house assignments. Human rights are part of the curricular within courses especially designed for the individual departments and services and are also part of general training modules.</p>
<p><b>92.34</b> Expedite action to allow for the full realization and protection of all children in Austria (Ghana);</p>	<p><b>BMWFJ</b></p>	<p><b>On-going implementation</b></p> <p>All measures within the framework of the education-, family- and health policy of the Federal and provincial governments including a wide range of cultural events (children's university, Youth Theatre, arts- radio- and film projects, etc.) and after-school youth work financed through the Youth Promotion Act, aim at the development of the child's personality. Measures of the Youth Welfare authorities serve the protection of the child as do training and awareness-raising programmes of the BMWFJ (like parents' training, family counselling, information campaigns), BMUKK and BMG (see concrete 3<sup>rd</sup>/4<sup>th</sup> state report 2009).</p>
<p><b>92.35</b> Continue measures for adoption of the "National Action Plan for Persons with Disabilities" (Azerbaijan);</p>	<p><b>BMASK</b></p>	<p><b>Implemented</b></p> <p>The Austrian Federal Government adopted the National Action Plan on Disabilities on 24 July 2012. The National Action Plan Disabilities (NAP-D) was broadly discussed in a participatory process with the provinces ("Länder"), the social partners and civil society, especially with the organizations for persons with disabilities.</p> <p>The NAP-D foresees eight priorities with 250 measures to be implemented by 2020.</p> <p>In accordance with the UN Convention on the Rights of Persons with Disabilities it is the explicit aim to realize an inclusive society until 2020, in which all persons with disabilities may participate in all activities of society.</p> <p>The monitoring and guiding of the NAP-D will be done by a steering group, which held its constituent meeting on 23 October 2012. The steering group will particularly also draft a list of priority measures and appropriate indicators to benchmark the progress.</p>

<p><b>92.36</b> Continue its UPR consultation process in cooperation with civil society organizations following the adoption of the UPR reports (Norway);</p>	<p><b>BKA-VD,</b> BMeiA, alle Ressorts</p>	<p><b>On-going implementation</b></p> <p>In the framework of the structured dialogue with civil society a number of public events with many interested NGOs already took place at the invitation of the Legal Service of the BKA and the Legal Office of the BMeiA which will continue in the future. Parallel to these meetings there is an on-going “thematic dialogue” that takes place with the line ministries which is being supported by the BKA and the BMeiA. A Steering Committee comprised of representatives of civil society and the Legal Service of the BKA and the Legal Office of the BMeiA was established which regularly deals with general questions of this dialogue.</p> <p>The regular dialogue of the Federal Chancellor with representatives of civil society on issues of equality that is already taking place is being institutionalized through the amendment to the Equality Act, Federal Law Gazette, Vol. I No. 107/2013 of 1 August 2013.</p>
<p><b>92.37</b> Facilitate the active involvement of civil society stakeholders, including human rights non-governmental organizations in the follow-up to this review (Portugal);</p>	<p><b>BKA-VD,</b> BMeiA, alle Ressorts</p>	<p><b>On-going implementation</b></p> <p>see 92.36</p>
<p><b>92.38</b> Take advantage of the substantial expertise that civil society organizations represent, and consult regularly with them on human rights related policy documents (Norway);</p>	<p><b>BKA-VD,</b> BMeiA, alle Ressorts</p>	<p><b>On-going implementation</b></p> <p>see 92.36</p>
<p><b>92.39</b> Ensure its immigration system’s compliance with international human rights standards (Slovakia);</p>	<p><b>BMI</b></p>	<p><b>On-going implementation</b></p> <p>Human rights standards are being taken into account within the framework of the Immigration/Aliens Act (Legislation and enforcement). New developments are being taken into account on an on-going basis.</p>
<p><b>92.40</b> Pursue adoption and implementation of efficient policies to promote economic and social participation of migrants (Slovakia);</p>	<p><b>BMI, BMASK</b></p>	<p><b>Process of Implementation</b></p> <p>see. 92.17</p>

<p><b>92.41</b> Renew its efforts to ensure follow-up to and the systematic implementation of the recommendations of the treaty bodies and of the Austrian Constitutional Court (Canada)</p>	<p><b>BKA-VD,</b> BMeiA, alle Ressorts</p>	<p><b>Implemented</b> see 92.36</p>
<p><b>92.42</b> Follow-up the recommendations of the Committee on the Elimination of Discrimination against Women to resolve the issue of inequality between women and men, particularly in the area of employment, and to intensify its efforts to eliminate violence against women (Mexico);</p>	<p><b>BKA-SII,</b> BMASK</p> <p><b>BMI,</b> BKA-SII, BMASK, BMJ, BMWFJ</p>	<p><b>On-going implementation</b> see 92.15, 92.27, 92.71, 92.72</p> <p>The first Austrian violence prevalence survey in 2011 provided insights into the nature and extent of violence against women, serves as a basis to tackle the problem (<a href="http://www.oif.ac.at/fileadmin/OEIF/gewaltpraevalenz_12122011.pdf">www.oif.ac.at/fileadmin/OEIF/gewaltpraevalenz_12122011.pdf</a>)</p> <p>The regular budget of the Domestic Abuse Intervention Center Vienna, of the Violence Protection Centres and the Intervention Center for Trafficked Women was increased by 3,5 % in 2012 (50% BMI, 50 % Minister for Women's Affairs). Since 2000 the BMJ supports victim assistance facilities that provide legal and psycho-social assistance in criminal procedures. As part of this assistance, victims of violence - mostly women who are victims of sexual offenses, but also children and young people - who are in need of support, are being provided with psycho-social support and legal representation, free of charge. Since 1 January 2006 there is a legal entitlement to process-support for certain victims of criminal offenses and their relatives. The psycho-social assistance includes strengthening the stakeholders to prepare them for the trial and the associated emotional stress as well as accompanying them to pre-trial hearings and to the main trial. Legal assistance includes legal advice and representation by a lawyer. The lawyers providing legal support are entitled to make claims for damages in criminal proceedings (rights of private parties). The BMJ covers the expenses that are incurred by the process monitoring facilities. In 2012, around 4.9 million Euros were spent on the assistance of 4.553 persons by 45 victim support organizations. 4 million Euro of this amount were spent on the support of 3,861 female victims.</p>

<p><b>92.43</b> Improve gender representation at all levels of society (Bosnia and Herzegovina);</p>	<p><b>BKA-SII</b>, alle Ressorts</p>	<p><b>Process of implementation</b></p> <p>Quotas for women were established in supervisory bodies of companies in which the federal government holds a 50% or larger stake. As of 2013 25% , as of 2018 35% of the government nominated supervisory board members shall be women. As of March 2013 the women quota at the federal level in these companies is already at an average of 33%. The quota for affirmative action directed at women in the civil service was raised from 45% to 50%.</p>
<p><b>92.44</b> Intensify measures to tackle racism and xenophobia (Australia);</p>	<p><b>BMI</b>, BKA-SII, BMASK</p>	<p><b>On-going implementation</b></p> <p>see 92.14</p> <p>The Austrian legal system provides for a whole range of legal instruments for law enforcement bodies and courts to effectively combat right-wing extremist, xenophobic, anti-Semitic and racist offences.</p> <p>Besides consequent prosecution a range of preventive measures are being applied.</p> <p>The authorities give special attention to those groups within the right-wing extremist scene who seek more public awareness in form of demonstrations or public events. Many pertinent events were prevented in advance or controlled within the legal boundaries in order to secure a safe course of the gatherings.</p> <p>Since 2010 a pilot project was initiated in a province in which law enforcement officials are being trained in their capacity as so-called “prevention officials” (“PräventionsbeamtInnen”) on the topic of right-wing extremism at the district level (Bezirksebene). Subsequently, this project should be expanded to the other provinces (“Länder”).</p> <p>Furthermore, the State Protection Authorities organize awareness-raising and information campaigns for the public in different educational facilities at their invitation.</p> <p>Regular contacts are being maintained between the Provincial Offices for the Protection of the Constitution and Counterterrorism and the provincial and municipal educational authorities, in order to support their efforts of countering the spread of racist, xenophobic and anti-Semitic ideologies in schools.</p> <p>Security police measures in this context are mainly focussed on international</p>

		<p>cooperation with European law enforcement officials, sensitizing event organisers, reinforcing police control of sensitive locations and meeting points of the scene.</p> <p>Federal Law Gazette Vol. I No. 50/2012 provides for an amendment that extends criminal culpability of the criminal offense in Art. III para 1 (3) EGVG.</p>
<b>92.45</b> Take adequate measures to combat racial discrimination in order to combat all forms of such discrimination (Uzbekistan);	<b>BMI, BKA-SII, BMASK</b>	<b>On-going Implementation</b> see 92.44
<b>92.46</b> Redouble its efforts to overcome the hurdles of racial discrimination and intolerance (Trinidad and Tobago);	<b>BMI, BKA-SII, BMASK</b>	<b>On-going Implementation</b> see 92.44
<b>92.47</b> Systematically condemn all manifestations of racism and xenophobia in political discourse and adopt effective measures to fight against this phenomenon (Algeria);	<b>BMJ, alle Ressorts</b>	<b>On-going Implementation</b> see 92.14 Numerous initiatives, especially in the area of education and culture, to improve intercultural understanding are continually being developed.
<b>92.48</b> In line with the CERD recommendations, take resolute action to counter any tendency, especially from politicians, to target, stigmatize, stereotype or profile people on the basis of race, colour, descent and national or ethnic origin, or to use racist propaganda in politics (Pakistan);	<b>BMJ, alle Ressorts</b>	<b>On-going Implementation</b> see 92.14
<b>92.49</b> Take targeted measures to fight the use by political parties or their representatives of statements inciting racial hatred and xenophobia (Russian Federation);	<b>BMJ, alle Ressorts</b>	<b>On-going Implementation</b> see 92.14

<p><b>92.50</b> Take effective legal measures to prevent and combat all forms and manifestations of Islamophobia by political parties and media;</p> <p>ensure that all allegations of racist misconduct by law enforcement officials are effectively investigated and appropriately punished (Islamic Republic of Iran);</p>	<p><b>BMJ</b>, alle Ressorts</p> <p><b>BMI</b></p>	<p><b>On-going Implementation</b> see 92.1</p> <p>In 2010 the „Association for the Self-control of the Austrian Press – the Austrian Press Council“ (<a href="http://www.presserat.at">www.presserat.at</a>) was founded or rather re-founded.</p> <p>The Austrian Press Council is a modern institution for self-regulation of the press that relies on the principle of voluntary action and that assures the editorial quality as well as freedom of the press. The Austrian Press Council has elaborated a code of honour for journalistic work that builds on the media law and that should be seen as ethical guiding principles for people working in the media field. This code is the basis for decisions taken by the senate of the Austrian Press Council and includes rules for the work of journalists that should assure the maintenance of professional ethics in the journalistic field. Therefore, for instance, general suspicion and general denigration of people and groups have to be avoided under all circumstances. Furthermore, any discrimination based on racial, religious, national, sexual or other grounds are not allowed.</p> <p>On the legislative level funding for the self-control of the Austrian press was put in place in 2009 (see § 12a Press Subsidies Act 2004).</p> <p><b>Implemented</b> sh. 92.32</p> <p>The Federal Bureau of Anti-Corruption acts upon instructions given by a court or the public prosecutor in cases of judicially punishable acts.</p>
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<p><b>92.51</b> Work to combat the danger of Islamophobia in society and political discourse and</p> <p>establish a comprehensive system for recording and monitoring racist crimes committed in Austria (United Kingdom);</p>	<p><b>BMJ</b>, alle Ressorts</p> <p><b>BMI</b>, BMJ</p>	<p><b>On-going Implementation</b> see 92.17, 92.24</p> <p>Numerous initiatives, especially in the area of education and culture, to promote intercultural understanding are continually being developed further.</p> <p>The Federal Office for the Protection of the Constitution and Counter Terrorism (.BVT), which is also responsible for the criminal offenses of incitement to hatred and those criminal offenses under the law banning national socialist activities, records xenophobic/racist grounds for these crimes in the annual report on state security. Additionally, the BVT keeps statistics concerning other criminal or administrative offenses if they have visibly been racially motivated. Furthermore, the .BVT keeps a collection on police complaints regarding xenophobic/racist, anti-Semitic as well as islamophobic or anti-Muslim cases (“Meldespiegel Rechtsextremismus”).</p> <p>When the complaint is being made, the data of the victims (according to offense, age, gender, citizenship, relationship between traitor and victim) are recorded statistically.</p> <p>The Federal Ministry for Justice (BMJ) explicitly indicated in a decree on the reporting duties of the public prosecution that in all cases in which the conviction included the aggravating factor of racist motivation, there is a responsibility to report to the Ministry. Additionally a working group on “reporting duties” was established in the BMJ in order to, amongst others, improve the quality of the data in the reports. Furthermore an inter-ministerial working group deals with the harmonisation of data.</p>
<p><b>92.52</b> Strengthen its policies and programmes aimed at combating discrimination, xenophobia, racism and intolerance (Canada);</p>	<p><b>BMI</b>, alle Ressorts</p>	<p><b>On-going implementation</b> see 92.24, 92.25</p> <p>Numerous initiatives, especially in the area of education and culture, to improve intercultural understanding are continually being developed further.</p>
<p><b>92.53</b> Continue its work to combat societal discrimination and xenophobia (United States of America);</p>	<p><b>BMI</b>, alle Ressorts</p>	<p><b>On-going implementation</b> see 92.25 and 92.52</p>

<p><b>92.54</b> Take necessary steps to combat manifestation of neo-Nazi, right-wing extremist and xenophobic incidents directed against members of minority groups (Czech Republic);</p>	<p><b>BMI</b></p>	<p><b>Implemented</b> see 92.44 The BMI and its subordinate security offices fight all criminally relevant manifestations of right-wing extremism consequently and with all available legal means. The security offices also put a special focus on preventive measures in addition to the repressive ones.</p>
<p><b>92.55</b> Ensure the full respect of the rights of migrants and minorities such as the Roma, including by strengthening the measures against acts of racial discrimination, xenophobia and intolerance (Cuba);</p>	<p><b>BMI, alle Ressorts</b></p>	<p><b>On-going implementation</b> In this context reference is made to the Office of the State Secretary on Integration which was founded on 21 April 2011 and to the on-going measures provided for in the NAP-I. Within the framework of the EU strategy for the inclusion of the Roma, national measures in the key areas of education, employment, health and housing will be continuously implemented until 2020. A National Contact Point was established, which set up a platform for dialogue for the national monitoring. Periodical meetings are held at which representatives of Roma associations in cooperation with the competent authorities of federal and provincial governments and scientific experts to discuss these key areas and develop concrete measures. The adult education centers of the City of Vienna ("Volkshochschulen") e.g. offer free "Roma learning aid" classes for students with the active involvement of Roma associations, with regular training meetings for small groups and parents' evenings to inform them on educational matters. Since autumn 2000 the Roma Association "Romano Centro" leads a multilingual Roma school-assistance and school-mediation in order to improve communication between schools and parents. Regarding employment, members of the Roma ethnic group are supported e.g. through the project "Thara: Romani Butji - Roma New Labour" by the Austrian "Volkshilfe" (National Support) in order to help them gain access to the labour market. The project's activities are divided into three aspects: structural awareness, individual promotion and institutional mediation. A package of anti-discrimination work, public awareness, community work, empowerment and training opportunities is offered in five modules and overlapping project phases in order to sustainably secure Roma and Sinti access to the labour market as well as to the services of the Employment Service.</p>



<p><b>92.56</b> Noting with concern that the crime of torture does not exist in its national legislation, define this crime and ensure that victims receive economic and legal compensation according to international standards (Spain);</p>	<p><b>BMJ</b></p>	<p><b>Implemented</b> see 92.1 A separate offence on torture was introduced in the Criminal Code through Federal Law Gazette Vol. I No. 120/2012. The terms of § 312a Criminal Code entered into force on 1 January 2013. In synopsis with the BAK under the leadership of the Office of the Public Prosecutor a thorough and impartial investigation is thereby assured.</p>
<p><b>92.57</b> Uphold the total prohibition against torture and reform its laws in accordance with its international obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Sweden);</p>	<p><b>BMJ, BMI</b></p>	<p><b>Implemented</b> see 92.1</p>
<p><b>92.58</b> Ensure prompt, thorough and impartial investigations into allegations of torture and ill-treatment (Netherlands);</p>	<p><b>BMJ, BMI</b></p>	<p><b>On-going implementation</b> see 92.64 A separate offence on torture was introduced in the Criminal Code through Federal Law Gazette Vol. I No. 120/2012. The terms of § 312a Criminal Code entered into force on 1 January 2013. In synopsis with the BAK under the leadership of the Office of the Public Prosecutor a thorough and impartial investigation is thereby assured.</p>
<p><b>92.59</b> Take all the necessary measures to ensure prompt, thorough and impartial investigations into allegations of torture and ill-treatment (Uzbekistan);</p>	<p><b>BMJ, BMI</b></p>	<p><b>On-going implementation</b> A separate offence on torture was introduced in the Criminal Code through Federal Law Gazette Vol. I No. 120/2012. The terms of § 312a Criminal Code entered into force on 1 January 2013. In synopsis with the BAK under the leadership of the Office of the Public Prosecutor a thorough and impartial investigation is thereby assured. see 92.64</p>
<p><b>92.60</b> Take prompt action against the use of excessive force by the police (Sweden);</p>	<p><b>BMI</b></p>	<p><b>Implemented</b> Training measures are taking place on a continuous basis.</p>

<p><b>92.61</b> Urgently conduct thorough and impartial investigation into all allegations of excessive force and abuse by law enforcement officials and bring to justice anyone suspected of having committed excessive use of force, torture or other human rights violations (Sweden);</p>	<p><b>BMI</b></p>	<p><b>Implemented</b></p> <p>The Federal Bureau against Corruption (BAK) is an independent body and was established on 1 January 2010. Its nationwide jurisdiction over security and criminal police includes also human rights offences (Federal Law Gazette Vol. I No. 72/2009). Despite the fact that the BAK is based in the BMI, in terms of organisation it is outside the scope of the Directorate General for Public Security (GDfdöS); § 7 of BAK-Act guarantees full “transparency of instructions”; it reports the suspicion of a criminal offence immediately to the Public Prosecutor’s Office and takes action upon instruction of the court or the Public Prosecutor’s Office; additionally a commission for legal protection examines justified allegations against the BAK according to §§ 8 and 9 BAK-Act.</p>
<p><b>92.62</b> Establish an independent mechanism for investigating allegations of torture and ill-treatment by law-enforcement officials, and ensure justice and reparation to victims of such human rights violations (Norway);</p>	<p><b>BKA-VD, BMI, BMJ</b></p>	<p><b>Implemented</b></p> <p>see 92.1</p>
<p><b>92.63</b> Continue to pursue its commendable efforts in handling complaints regarding alleged acts of ill-treatment committed by law-enforcement authorities (Botswana);</p>	<p><b>BMI</b></p>	<p><b>On-going implementation</b></p> <p>see 92.64</p>
<p><b>92.64</b> Further address the issue of treatment by law enforcement personnel towards criminal suspects, detainees and prisoners, in line with relevant human rights standards (Indonesia);</p>	<p><b>BMI, BMJ</b></p>	<p><b>On-going implementation</b></p> <p>Coordinated decrees of 6 November 2009 between the BMI and the BMJ ensure, amongst others, that the cases will be dealt with in an objective way and in one that excludes any appearance of bias.</p> <p>A separate offence on torture was introduced in the Criminal Code through Federal Law Gazette Vol. I No. 120/2012. The terms of § 312a Criminal Code entered into force on 1 January 2013. In synopsis with the BAK under the leadership of the Office of the Public Prosecutor a thorough and impartial investigation is thereby assured.</p>

<p><b>92.65</b> Consider alternatives to pre-deportation detention (Brazil);</p>	<p><b>BMI</b></p>	<p><b>Implemented</b></p> <p>§ 77 of the Aliens Police Act (FPG) provides for the use of “milder measures” instead of custody pending deportation which restricts freedom of movement. It is to be used if the purpose of custody pending deportation can be achieved through different means (accommodation in a specific place, periodic reporting to a police station, deposit of an adequate financial amount with the authority). When it comes to minors until the age of 16 the authority are primarily to use the “milder measure”. Positive example: Expansion of the family center “Zinnergasse” and the extensive efforts towards the voluntary return of persons concerned.</p>
<p><b>92.66</b> Speed up the development of the “open-doors-regime” project to accommodate persons awaiting deportation (Norway);</p>	<p><b>BMI</b></p>	<p><b>Process of Implementation</b></p> <p>With the establishment of the Federal Office for Foreigners and Asylum on 1 January 2014 the implementation of the custody pending deportation will be effectuated differently. Most likely the enforcement of custody pending deportation will be done in five police detention centers in which an “open door regime” will be put in place.</p>
<p><b>92.67</b> Provide special protection and assistance to unaccompanied children (Brazil);</p>	<p><b>BMI, BMWFJ</b></p>	<p><b>Implemented</b></p> <p>The institution „Youth Project Traiskirchen“ (“Verein Menschen Leben”) is an institution for the needs of unaccompanied minor foreigners. Special care in the Service Center East: unaccompanied minors are taken care of in housing facilities of the youth welfare authority.</p> <p>The working group on trafficking in children is discussing options for an improved protection of unaccompanied children.</p>
<p><b>92.68</b> Take appropriate measures to prevent investigations, arbitrary detentions, searches and interrogations by judicial authorities or police agents on the basis of physical appearance, skin colour or ethnic or national origin; impose severe sentences on authorities which get involved in these abuses and ill-treatment (Ecuador);</p>	<p><b>BMI, BMJ</b></p>	<p><b>On-going implementation</b></p> <p>see 92.64, 92.30</p>

<p><b>92.69</b> Investigate, prosecute and redress cases of racially motivated illtreatment and discrimination, including hate speech and incitement to hatred (Egypt);</p>	<p><b>BMJ, BKA-SII, BMI</b></p>	<p><b>On-going implementation</b> see 92.14 and 92.44</p>
<p><b>92.70</b> Make further efforts to improve conditions in penitentiary institutions (Bosnia and Herzegovina);</p>	<p><b>BMJ</b></p>	<p><b>Implemented</b></p> <p>Continuous improvement of detention conditions in the penitentiary system is taking place within existing budgetary means. In particular, an on-going construction program aims at correcting existing shortfalls in all detention centres. Furthermore, the care of inmates is continuously being improved within existing budgetary means.</p> <p>A new prison (Korneuburg) is operational since September 2012. After successful completion of the planning of the new prison in Salzburg the construction will start once the building permits have been received. Changes in planning also have to reflect changes in the population of inmates. Thus, a new women's ward was established at Korneuburg prison and in Eisenstadt prison a women's ward is planned. For the juvenile prison at Gerasdorf the construction of an outdoor tract and "measures department" is being planned. Additionally, the construction of a new prison in the area of Vienna is being planned. Furthermore, the continuous improvement in the care of prison inmates is a priority. The necessary human resources are provided by the judicial service agency within the limits of the budget.</p> <p>As of 1 July 2012, the Austrian Ombudsman Board, with its commissions, took over the functions of a national preventive mechanism in accordance with OP-CAT and regularly visits places where people are deprived of their liberty, including prisons, in order to examine them and, if applicable, to elaborate recommendations for the attention of the highest responsible authorities.</p>
<p><b>92.71</b> Step up efforts aimed at establishing efficient protection measures to prevent, combat and punish perpetrators of violence against women and children, including domestic violence and sexual abuse (Malaysia);</p>	<p><b>BMJ, BKA-SII, BMI, BMWFJ</b></p>	<p><b>On-going implementation</b> see 92.72, 92.15</p>

<p><b>92.72</b> Strengthen its efforts to ensure that effective protection measures are promptly in place in order to prevent, combat and sanction acts of violence against women and children, notably domestic violence and sexual violence (Canada)</p>	<p><b>BMI, BKA-SII, BMJ, BMWFJ</b></p>	<p><b>On-going implementation</b>  see also 92.15  As of 1 January 2008 specialized prosecutors with the responsibility for dealing with cases concerning violence in the social context have been established in Public Prosecutor's Offices with at least ten systemized permanent posts. These public prosecutors are specially trained for this purpose.  Additionally, the training for prospective judges includes sessions on the topic of domestic violence. Furthermore, since 1 January 2009 prospective judges have to complete an at least two-week long traineeship with a victim protection or welfare organisation.  On 1 January 2012 harsher sentences for these kinds of criminal acts were put in place (Amendment to the Criminal Code 2011, Federal Law Gazette I No. 130/2011) as a consequent continuation of measures of the 2nd Protection against Violence Act.  Furthermore, commitments arising from the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse as well as from the recommendations of the UN Committee on the Rights of the Child of 3 October 2008 regarding the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography were implemented. The implementation of the directive of the European Parliament and the Council on combating sexual abuse, sexual exploitation of children and child pornography, which has not yet been adopted, was partly anticipated through the amendment of the Criminal Code in 2011. § 208a of the Criminal Code introduces a new criminal offence against the initiation of sexual contacts with under-aged. § 215a para 2a of the Criminal Code criminalizes also the deliberate observation of pornographic acts of minors. Furthermore the extraterritorial jurisdiction of § 64 para 1 (4a) of the Criminal Code was extended to include further criminal offences and the link for the application of national jurisdiction was broadened regarding acts committed abroad to include crimes no matter if it is punishable in the state where it was committed.  In July 2013 the Parliament unanimously adopted the decision to ratify the</p>
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		Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO). The ratification process is thus almost concluded. Measures to create awareness, for the prevention and the protection of victims in regard to the fight against domestic violence are put in place on a regular basis.
<b>92.73</b> Further strengthen the measures to combat human trafficking (Azerbaijan);	<b>BMeiA</b>	<b>Implemented</b> On 20 March 2012 the Austrian Federal Government adopted the third NAP on the fight against human trafficking. Important areas such as information campaigns, sensitizations and training for concerned professional groups, victim support and international cooperation were further strengthened. The national coordination mechanism “Task Force Human Trafficking” serves as an important platform. A working group within the Human Rights Advisory Body was put in place for the question of identifying victims of human trafficking.
<b>92.74</b> Continue to share at the international level its national practices of its Second National Action Plan against Human Trafficking (Portugal);	<b>BMeiA</b>	<b>Implemented</b> Representatives of the Austrian Federal Government, especially the national coordinator for the fight against human trafficking and the members of the Task Force Human Trafficking, took part in international and national conferences/seminars/workshops concerning human trafficking on a regular basis nationally and internationally. Often they acted as speakers in the framework of panel discussions or events. At the high-level meeting of the UN General Assembly on human trafficking on 13 May 2013 Austria was represented at ministerial level.
<b>92.75</b> Take effective measures to prevent sex tourism, and combat the sale and trafficking and sexual exploitation of children (Egypt);	<b>BMI, BMeiA, BMJ, BMWFJ</b>	<b>Process of Implementation</b> see 92.72 Measures to protect children are being discussed by and implemented through three inter-institutional working groups of the BMWFJ. Effective measures against sex tourism and child trafficking will continue to be discussed in the three working groups. A framework agreement with the provinces (“Länder”) is required (regarding safe housing, etc.). Follow-up: Continuation of the discussion in the three working groups of the Task Force Human Trafficking.

<p><b>92.76</b> Take necessary measures to ensure that all persons detained by the police are fully informed of their fundamental rights from the very outset of their deprivation of liberty (Czech Republic);</p>	<p><b>BMI</b></p>	<p><b>Process of Implementation</b> An information leaflet in 42 languages was elaborated. Legal counselling is being assured in cases concerning the immigration authorities and computers with specific information regarding descent have been put in place in the police detention centres in Salzburg, Klagenfurt and Vienna. The establishment of the Federal Office for Foreigners and Asylum furthermore assures better information and legal counselling.</p>
<p><b>92.77</b> Ensure the proper functioning of the juvenile justice system in compliance with international standards and to guarantee that minors are always heard in the presence of a legal representative (Islamic Republic of Iran);</p>	<p><b>BMJ, BMI</b></p>	<p><b>On-going implementation</b> The Austrian juvenile jurisdiction operates at a high level. Potential requirements for improvement are being examined on a regular basis. Following a request by the Federal Minister for Justice the work of the round table on “pre-trial detention for minors – prevention, reduction, enforcement” was commenced on 16 July 2013; it should deal with possibilities to avoid, shorten, or at least to improve the execution of pre-trial detention for minors in as many cases as possible. Results of the round table should be available within a short time.</p>
<p><b>92.78</b> Ensure that all allegations of serious human rights violations by law enforcement officials are investigated in full and dealt with appropriately (United Kingdom);</p>	<p><b>BMJ, BMI</b></p>	<p><b>On-going implementation</b> see 92.64</p>
<p><b>92.79</b> Continue moving forward in the empowerment of women, and in particular ensure that the salary gap between men and women is overcome (Cuba);</p>	<p><b>BKA-SII, BMASK</b></p>	<p><b>On-going implementation</b> see 92.27</p>
<p><b>92.80</b> Proceed with the preparation and implementation of the National Action Plan for the Equality of Women and Men in the Labor Market (Trinidad and Tobago);</p>	<p><b>BKA-SII, alle Ressorts</b></p>	<p><b>On-going implementation</b> see 92.27</p>

<p><b>92.81</b> Take all the necessary measures to ensure de jure and de facto gender equality, with special attention to narrowing gaps in the participation in the public sphere and labour market (Republic of Korea);</p>	<p><b>BKA-SII,</b> <b>BMASK</b></p>	<p><b>On-going implementation</b> See 92.27 Since 1 January 2013 the Federal Ministries, in accordance with Article 51 para 9 (1) Federal Constitutional Act (B-VG) and in the framework of their budget have to evaluate in advance what likely impact the intended project has, amongst others, on the equality of women and men (impact orientated administration). Whether or not the impact actually took place has to be examined retroactively.</p>
<p><b>92.82</b> Continue to provide well-coordinated financial and other appropriate assistance to sections of its society, such as single-parent families, large families and families of foreign origin (Malaysia);</p>	<p><b>BMWFJ,</b> <b>BMASK, BMF</b></p>	<p><b>On-going implementation</b> In accordance with the constitutional principle of equal treatment, the mentioned supporting benefits are allocated to the mentioned target groups without regard to the type of family or its origin, in the same way as it is provided for other families; the former may be supported specifically according to their needs. This is for example done by the sibling scale or the multiple child supplement concerning family allowance.</p>
<p><b>92.83</b> Continue the implementation of measures to improve the access to health services by all children (Chile)</p>	<p><b>BMG</b></p>	<p><b>Implemented</b> On 29 September 2011, as a result of an initiative for Dialogue on Children's Health by the Federal Minister of Health, a strategy for the children's health was presented. The strategy foresees a number of measures that should be implemented on a short, medium and long-term basis. Promotion of health and prevention are of particular significance. The collaboration of all important partners in the health area and all policy areas ("Health in All Policies") is an important pre-condition for the successful implementation. Follow-up: see 92.33</p>
<p><b>92.84</b> Incorporate human rights education and training as a cross-cutting subject at all levels of the formal educational system, in particular at primary and secondary education (Costa Rica);</p>	<p><b>BMUKK,</b> <b>BMWF</b></p>	<p><b>Process of Implementation</b> Given its cross-cutting nature, political education, of which human rights education is an integral part, is placed in many parts of the educational system. It is, for instance, increasingly included in the training of teachers at tertiary educational facilities. Follow-up: These issues are being dealt with in the working group of the BMUKK which met for the first time in June 2012.</p>



<p><b>92.85</b> Consider appropriate education system reforms to ensure its more inclusive social accessibility (Slovakia);</p>	<p><b>BMUKK</b></p>	<p><b>Process of Implementation</b></p> <p>Allowances for financial assistance to visit school are also accessible for non-Austrians. This applies to EU citizens and citizens of the European Economic Area, for refugees and to all other foreigners after a five-year-stay in Austria. In individual cases exceptional support can be given.</p> <p>The question of indicators for the evaluation of the implementation will be discussed in a working group that has been put in place by the BMUKK. Further steps are being considered (for instance the question of grade average and exceptions).</p>
<p><b>92.86</b> Investigate complaints of all ill-treatment by ethnic minorities, including Africans and Roma, and hold perpetrators responsible (Namibia).</p>	<p><b>BMJ, BKA, BMI</b></p>	<p><b>On-going implementation</b></p> <p>see 92.64</p>
<p><b>92.87</b> Along with the ILO recommendation, continue providing information about the situation of Roma minority; adopt effective measures to integrate Roma minority into the economic, social and cultural life of the country (Ecuador);</p>	<p><b>BKA-VD, BMASK, BMI, BMUKK</b></p>	<p><b>On-going implementation</b></p> <p>Within the framework of the EU strategy for the inclusion of the Roma, national measures in the key areas of education, employment, health and housing will be continuously implemented until 2020. In order to coordinate the efforts a National Contact Point was established, which set up a platform for dialogue for the national monitoring. Periodical meetings are held at which representatives of Roma associations in cooperation with the competent authorities of federal and provincial governments as well as with experts from the scientific research to discuss these key areas and develop concrete measures together. Regarding education, for example, the adult education centers of the City of Vienna ("Volkshochschulen") with the active involvement of Roma associations offer a free "Roma learning aid" class for students, with regular training meetings for small groups and parents' evenings to inform them on educational matters. Furthermore, since autumn of 2000 the Roma Association "Romano Centro" leads a multilingual Roma school-assistance and school-mediation in order to improve communication between the school and the parents. Regarding employment, for example, members of the Roma ethnic group are supported through the project "Thara: Romani Butji - Roma New Labour" by the Austrian "Volkshilfe" (National Support) in order to help them gain access to the labour market. The</p>

		<p>project's activities are divided into three aspects: structural awareness, individual promotion and institutional mediation. A package of anti-discrimination work, public awareness, community work, empowerment and training opportunities is offered in five modules and overlapping project phases in order to sustainably secure Roma and Sinti access to the labour market as well as to the services of the Employment Service.</p> <p>In August 2012, Austria reported to the Convention 111 and submitted to the ILO the document of the BKA "Roma in Austria - An EU Framework for National Roma Integration Strategies up to 2020 - Political and Legal Measures". The report focused particularly on the initiative THARA of the Viennese "Volkshilfe" that has implemented several projects since 2005 relating to the labour market. The report mentioned the project "THARA NOVI VIDICI" (1 February 2012 - 31 January 2013) that focused on the specifics of the Viennese labour market and was exclusively financed by the BMASK with 100,000 Euro. The report also included facts about the advisory office of the AMS for Roma in Burgenland with its headquarters in Oberwart that complements the AMS' range of services. The staff of the advisory office assists its clients in their personal life and career planning, in establishing contact with authorities, in the search for child-care, in problems regarding social security legislation and in encouraging education and professional training.</p>
<p><b>92.88</b> Consider implementing, as appropriate, the recommendations of human rights treaty bodies and special procedures with respect to asylum-seekers and irregular immigrants, especially children (Jordan);</p>	<p><b>BMI</b></p>	<p><b>Implemented</b> see 92.67</p>
<p><b>92.89</b> Further fight discrimination of persons with an immigrant background (Bosnia and Herzegovina);</p>	<p><b>BMI, alle Ressorts</b></p>	<p><b>On-going implementation</b> see 92.25, 92.52</p>

<p><b>92.90</b> Ensure full enjoyment of human rights and fundamental freedoms by immigrants within the immigration procedure, including their rights for adequate remedies in case of an excess of power by immigration authorities (Czech Republic);</p>	<p><b>BMI</b></p>	<p><b>Implemented</b> see 92.39</p>
<p><b>92.91</b> Fully respect the economic and social rights of migrant workers and their families and ensure their inclusion in the society (Bangladesh);</p>	<p><b>BMI, BMASK</b></p>	<p><b>On-going implementation</b> The main points are already implemented, especially through the Act Governing the Employment of Foreign Nationals. Additionally the harmonisation with national law is being examined on a regular basis and necessary legislative amendments are being made. Examples for integration measures in the framework of the NAP-I:</p> <ul style="list-style-type: none"> <li>• Expansion of language competences (German courses, studying aid, homework supervision, tandems)</li> <li>• Qualification for the labour market (professional jargon courses, coaching, preparation courses)</li> <li>• Inter-cultural dialogue and exchange (fora for dialogue, events, buddy-network)</li> <li>• Inner-state network and building of capacities (communal, regional, trans-regional and national networks)</li> <li>• Mobile integration support (housing agency, communal contact points)</li> <li>• Women-specific measures (social support, health advice)</li> <li>• Need-based development of integration measures (studies, indicators)</li> </ul> <p>see 92.17</p>
<p><b>92.92</b> Implement the constitutional court ruling on a “right of abode” and prevent deportation of migrant children separating them from their families (Bangladesh);</p>	<p><b>BMI</b></p>	<p><b>Implemented</b> This recommendation was implemented with the Aliens Amendment Act 2009, Federal Law Gazette Vol. I No. 122/2009 with regard to Art. 2, 3 and 8 ECHR with § 11 para 3 of the Settlement and Residence Act as well as §§ 13 and 61 of Aliens Police Act.</p>

<p><b>92.93</b> Take further resolute action to deal with the problems of reported instances of hate speech by politicians, targeting migrants, asylum-seekers, refugees, and persons of African origin in a comprehensive manner (Indonesia);</p>	<p><b>BMJ</b>, alle Ressorts</p>	<p><b>On-going implementation</b> see 92.14</p>
<p><b>92.94</b> Provide for an unhindered access of asylum-seekers to justice (Slovakia);</p>	<p><b>BMI</b></p>	<p><b>Implemented</b> Austria has fully implemented the Geneva Convention relating to the Status of Refugees. Basic supply is secured; asylum applications are examined in the asylum procedure on a case-by-case basis; the asylum court is the second instance; additionally an appeal against the decision to the Constitutional Court is permitted. All fundamental rights obligations are implemented in an objective procedure. As of 1 January 2014 the Federal Administrative Court (Bundesverwaltungsgericht) replaces the Asylum Court. Against its decision an objection to the Constitutional Court and an appeal to the Administrative Court are permitted.</p>
<p><b>92.95</b> Strengthen cooperation with civil society on promoting non-discrimination and protecting the rights of migrants, refugees and asylumseekers (Philippines);</p>	<p><b>BMI</b>, alle Ressorts</p>	<p><b>On-going implementation</b> see 92.25, 92.36 Also the provincial governments (“Länder”) continuously take implementation measures, such as: <b>Styria:</b> see 92.24; the cooperation with all actors engaged in non-discrimination work is an essential objective of the Anti-Discrimination Office.</p>
<p><b>92.96</b> Take immediate steps to implement all decisions of the Constitutional Court concerning bilingual topography and Slovenian as an official language in the province of Carinthia (Slovenia);</p>	<p><b>BKA-VD</b></p>	<p><b>Implemented</b> see 92.18</p>

<p><b>92.97</b> Ensure full implementation of the rights of minorities on its territory in accordance with the provisions of the Treaty of Saint-Germain and Austrian State Treaty (Slovenia).</p>	<p><b>BKA-VD</b></p>	<p><b>Implemented</b> see 92.18</p>
<p><b>93.1</b> [Rejected] Accede to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Ecuador);</p>	<p><b>BMeiA,</b> BMASK, BMUKK, BMWfJ, BMWf</p>	
<p><b>93.2</b> [Rejected] Sign and ratify the Optional Protocol to International Covenant on Economic, Social and Cultural Rights (Portugal, Spain, Uganda); allowing for individual complaints of alleged violations of these rights to be heard by the Committee on Economic, Social and Cultural Rights (Portugal);</p>	<p><b>BMeiA,</b> BMASK, BMUKK, BMWfJ, BMWf</p>	
<p><b>93.3.</b> Consider lifting reservations on a number of articles of the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention against Torture (CAT) (Indonesia);</p>	<p><b>BMeiA,</b> BKA-VD, BMASK, BMI, BMJ</p>	<p><b>Process of implementation</b> A dialogue process with the relevant ministries and representatives of the civil society is on-going. Withdrawing the remaining reservation regarding Art. 11 of CEDAW concerning the “special protection of female workers” is under examination.</p>

<p><b>93.4</b> Consider withdrawing reservations with respect to article 4 of ICERD, articles 9, 10, 12, 14, 19, 21, 22 and 26 of ICCPR, ICCPR-OP 1, CEDAW, CAT and CRC (Uganda);</p>	<p><b>BMeiA</b>, BKA-VD, BMASK, BMI, BMJ, BMWFJ</p>	<p><b>Process of implementation</b> see 93.3</p>
<p><b>93.5</b> Envisage withdrawing its reservations to ICERD (Burkina Faso);</p>	<p><b>BMeiA</b>, BKA-VD, BMI, BMJ</p>	<p><b>Process of implementation</b> see 93.3</p>
<p><b>93.6</b> For a better integration and protection of the rights of immigrant minorities, follow ILO recommendations (Turkey) The recommendation made during the interactive dialogue reads as follows: “Take further steps to fully implement a National Action Plan for better integration and protection of the rights of immigrant minorities and in this connection sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and follow ILO recommendations (Turkey)</p>	<p><b>BMASK</b>, BMI</p>	<p><b>Implemented</b> see also 92.17 Austria has reported to ILO in August 2011 and in August 2012 (State report C 111)<sup>1</sup>. With regard to access to the labour market, it was stressed that migrants have access to the same instruments as Austrian workers, provided that the relevant pre-conditions are met (in particular the existence of a valid work permission). To assist migrants ideally and sustainably at the labor market and to offer reasonable measures of labor market policy, the migration background of unemployed people or people seeking work is recorded since 2012 pursuant to the amendment to the Employment Service Act (Arbeitsmarktservicegesetz, Federal Law Gazette No. 313/1994 version of Federal Law Gazette I No. 122/2011). Persons with a migration background in the job center (AMS) context are defined as: People who have or used to have a foreign nationality and people whose change of nationality has been documented (1<sup>st</sup> generation) and people co-insured with people of the 1<sup>st</sup> generation (2<sup>nd</sup> generation). In 2012 Austria also reported to the ILO on measures of the AMS for people with migration background (mentoring of migrants, ongoing German courses in the training of professionals,</p>

<sup>1</sup> Austria agreed to recommendation 93.6 under the assumption that it refers to the ILO recommendation regarding the implementation of Convention No. 111 on Non-Discrimination in Employment and Occupation according to Article 8 of the document „Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 – Austria“ (A/HRC/WG.6/10/AUT/2). It says: “8. In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations considered that Austrian nationals with migration background might be confronted with unequal opportunities and treatment in employment and occupation, and that those situations needed to be monitored and addressed. The ILO Committee asked Austria to continue to provide information on the situation of the Roma minority, and on any initiatives undertaken to combat racism and xenophobia, as well as the adoption and implementation of the National Action Plan for Integration.”

		<p>integration language classes, multi-lingual information, sensitization of companies for diversity management and for the advantages of employing migrants).</p> <p>Employees and managers of the AMS are sensitized on diversity management and gender mainstreaming in trainings. Furthermore, in the recruitment of staff particular consideration is given to the issue of migrants. The number of employees with knowledge of at least one of the major language groups (Serbian / Croatian / Bosnian, Turkish, Polish, Romanian, Hungarian) has increased by a third in one year.</p>
<p><b>93.7 [Rejected]</b> Speed up the process of incorporation of fundamental social rights to the Constitution (Azerbaijan);</p>	<p><b>BKA-VD,</b>  <b>BMASK,</b>  <b>BMG,</b>  <b>BMWFJ</b></p>	

<p><b>93.8</b> Concretize in the domestic legal order, the process of harmonization of the protection against all grounds of discrimination (Honduras);</p>	<p><b>BKA,</b> <b>BMASK,</b> <b>Bundesländer</b></p>	<p><b>Process of implementation</b> see 92.24</p> <p>Also the provincial governments (“Länder”) continuously take implementation measures, such as:</p> <p><b>Carinthia:</b> The K-ADG (Carinthian Anti-Discrimination Act) applies to all grounds of discrimination (Provincial Law Gazette No. 63/2004), with the exception of discrimination on grounds of sex, for which the K-LGBG (Carinthian Equal Treatment Act) stipulates special regulations, in particular, promotion schemes.</p> <p><b>Lower Austria:</b> The protection against all forms of discrimination is legally guaranteed.</p> <p><b>Upper Austria:</b> The Anti-Discrimination Act of Upper Austria protects against all forms of discrimination. In the public service sector there are regulations (L-GBG and GGBG) which also stipulate special promotion schemes for women.</p> <p><b>Salzburg:</b> A coherent protection scheme and comprehensive protection against discrimination are provided for in the Equal Treatment Act of Salzburg (Provincial Law Gazette No. 31/2006) regarding all forms of discrimination.</p> <p><b>Styria:</b> A coherent protection level regarding all forms of discrimination exists in Styria.</p> <p><b>Tyrol:</b> The Tyrolean Anti-Discrimination Act of 2005 and the Tyrolean State-Equality Act of 2005 forbids a materially non-justified discrimination on the basis of gender, age, disability, religion, ideology, ethnic origin or sexual orientation.</p> <p><b>Vorarlberg:</b> A coherent protection level regarding all forms of discrimination exists in Vorarlberg.</p> <p><b>Vienna:</b> see 92.24</p>
<p><b>93.9</b> Draft or amend national legislation to prevent incitement to hatred and attacks against all minority groups (Israel);</p>	<p><b>BMJ</b></p>	<p><b>On-going implementation</b> see 92.14</p>



<p><b>93.10</b> Review the effectiveness of its current legal framework on non-discrimination with a view to initiating a harmonization process, as recommended by the Committee on the Elimination of Racial Discrimination (Israel);</p>	<p><b>BKA,</b> <b>BMASK,</b> <b>Bundesländer</b></p>	<p><b>Process of implementation</b> see 92.24</p> <p>The provincial governments (“Länder”) also continuously take implementation measures, such as:</p> <p><b>Carinthia:</b> From the point of view of Carinthia all four points are being complied with as the K-ADG (Carinthian Anti-Discrimination Act) applies equally to discriminations on ground of ethnic affiliation, religion, ideology, disability, age or sexual orientation. Discrimination on grounds of sex is also covered by the K-LGBG (Carinthian Equal Treatment Act) with specific financial promotion schemes.</p> <p><b>Lower Austria:</b> see 93.8</p> <p><b>Upper Austria:</b> see 93.8</p> <p><b>Salzburg:</b> see 93.8</p> <p><b>Styria:</b> see 93.8</p> <p><b>Tyrol:</b> From the point of view of the state all points are fulfilled. The Tyrolean Anti-Discrimination Act of 2005 applies equally to discrimination on the grounds of belonging to an ethnic group, religion or ideology, disability, age and sexual orientation.</p> <p>Regarding discrimination based on gender and equality without regard to belonging to an ethnic group, religion, ideology, disability, age or sexual orientation and the particular promotion of people with disability in the public service the Tyrolean State-Equality Act of 2005 applies in addition.</p> <p><b>Vorarlberg:</b> see 93.8</p> <p><b>Vienna:</b> see 92.24</p>
<p><b>93.11</b> Review and update its anti-hate speech legislation to provide equal protection to all religious minorities (Egypt);</p>	<p><b>BMJ</b></p>	<p><b>On-going implementation</b> see 92.14</p>
<p><b>93.12</b> Withdraw its reservation to articles 13, 15, 17 and 18 of CRC (Slovakia);</p>	<p><b>BMeiA, BKA-VD, BMWFJ</b></p>	<p><b>Process of implementation</b> see 93.3</p>

<b>93.13</b> Incorporate its international human rights obligations into domestic laws, in particular with regard to economic, social and cultural rights (Egypt);	<b>BMeiA,</b> BMASK, BMG, BMUKK, BMWfJ	<b>On-going implementation</b> Consistency of national law with relevant international obligations is continuously being reviewed and necessary amendments in national law are carried out if necessary.
<b>93.14</b> Establish a national human rights institution, in accordance with Paris Principles (Costa Rica);	<b>BKA-VD</b>	<b>Process of implementation</b> see 92.19
<b>93.15</b> [Rejected] Explore the possibility of consolidating existing Ombudsmen institutions and mechanisms into a single National Human Rights Institution in accordance with the Paris Principles and seek A-status accreditation by the ICC for NHRIs (Malaysia);	<b>BKA-VD</b>	
<b>93.16</b> [Rejected] Bring its national human rights institution in line with the Paris Principles (Spain);	<b>BKA-VD</b>	
<b>93.17</b> Consider establishing an independent national human rights institution in conformity with the Paris Principles (Philippines);	<b>BKA-VD</b>	<b>Process of implementation</b> see 92.19
<b>93.18</b> Strengthen and broaden the mandate of the Austrian Ombudsman Board in order to include the protection and promotion of all human rights, in line with the Paris Principles (Canada);	<b>BKA-VD</b>	<b>Process of implementation</b> see 92.19
<b>93.19</b> [Rejected] Increase human and financial resources of the Office of the Ombudsperson for Equal Treatment (Honduras);	<b>BKA</b>	

<p><b>93.20</b> [Rejected] Start developing a National Action Plan on Human Rights as well as a National Action Plan against Racism, Racial Discrimination, Xenophobia and other related intolerances (Namibia);</p>	<p><b>BKA-VD, BMI, BMJ</b></p>	<p>While a general national action plan should not replace the existing thematic action plans, Austria will start an exchange among the interested services to explore how an overarching national action plan could complement the existing action plans and thus benefit Austria's national system for the promotion and protection of human rights.</p>
<p><b>93.21</b> [Rejected] Establish a national programme on human rights that fully brings in the rights provided for in the international instruments to which Austria is a State party (Mexico);</p>	<p><b>BKA-VD</b></p>	<p>see 93.20</p>
<p><b>93.22</b> As a mechanism to avoid the rise of intolerance, discrimination or xenophobia, adopt effective measures to fight and punish every form of intolerance, discrimination, xenophobia, and racism against persons of certain descent, specially refugees, asylum-seekers, and migrants, regardless of their status (Ecuador);</p>	<p><b>BMI, BKA-SII, BMASK, BMJ</b></p>	<p><b>On-going implementation</b> see 92.14, 92.44</p>
<p><b>93.23</b> Continue to pursue its efforts to achieve the integration of immigrants and their participation in political and cultural and economic life through the National Action Plan for Integration which was adopted in 19 January 2010 (Palestine);</p>	<p><b>BMI</b></p>	<p><b>On-going implementation</b> see 92.17</p> <p><b>Salzburg:</b> Since 2007 an integration plan which comprehensively (ten areas) deals with social, cultural and occupational integration. Political participation in terms of the right to vote and the right to be elected is, however, linked to citizenship but granted within this framework.</p> <p><b>Styria:</b> In October 2010 a separate integration department was established within the Provincial Government. A <a href="#">Charta of living together in diversity</a> in Styria was adopted, forming the framework of the country's diversity policy. In the meantime measures and processes were already initiated for the consolidation of a modern and professional approach to diversity (implementation of diversity mainstreaming) and a series of cooperation projects were developed.</p>

<p><b>93.24</b> Take practical measures to collect and publish statistics on racist incidents, and based on data collection (Republic of Korea);</p>	<p><b>BMI</b></p>	<p><b>Process of implementation</b> see 92.51 Comprehensive data on reported xenophobic, racially motivated offences are published in the framework of the annual report of the Federal Agency for State Protection and Counter Terrorism and are accessible through the website of the BMI. In the annual joint security report of the BMJ and the BMI the results of xenophobe/racist criminal proceedings are published. The report is accessible on the website of the Austrian Parliament. All convictions, including those on racially motivated criminal offences are published in the annual court criminal statistics of the Statistik Austria, disaggregated by age, sex, nationality, perpetrators and sentence. Data on the victims are part of the police criminal statistics and are published by the BMI after having anonymized the data.</p>
<p><b>93.25</b> Take further steps to follow the recommendations of the Committee on the Elimination of Racial Discrimination in “reviewing its legislation on racial discrimination to ensure adequate protection of discrimination” (Turkey);</p>	<p><b>BMJ, BMASK, BMI</b></p>	<p><b>Implemented</b> see 92.14, 92.44</p>
<p><b>93.26</b> Take further steps to strengthen social, economic and educational support provided to school children from immigrant minorities (Turkey);</p>	<p><b>BMI, BMUKK</b></p>	<p><b>Process of implementation</b> see 92.25 Austria further develops existing initiatives for better integration of children with migration background into school, e.g. through special promotion of German language skills. In the framework of the NAP Integration numerous measures to support the integration of students with a migration background are being realized:</p> <ul style="list-style-type: none"> <li>• Learning aid and homework supervision (tutoring, studying cafes, project “Austrian Grannies and Grandpas study with migrant children”)</li> <li>• Language and education or work and profession (language tandems for young people, coaching regarding education and profession, German classes in connection with graduating from secondary</li> </ul>

		<p>modern school, integration into the labour market, qualification measures and support when searching for an apprenticeship position for minors)</p> <ul style="list-style-type: none"><li>• Sport integration</li><li>• Scholarships for dedicated students</li><li>• Centres for girls</li><li>• Role-models as Ambassadors for integration at schools</li></ul>
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<p><b>93.27</b> [Rejected] Take further steps to increase awareness-raising campaigns and enhance education of the principles of non-discrimination and tolerance in school curriculums, including teaching of mother tongue for immigrant minorities (Turkey);</p>	<p><b>BMUKK</b></p>	<p>The principle of non-discrimination and tolerance is inherent to the Austrian education system. According to § 2 para 1 of the School Organisation Act the promotion of tolerance and non-discrimination is anchored in the curricular and the teaching principles and is implemented in every day school life. Native language education – on a voluntary basis – underlines the basic approach of the Austrian education system for tolerance and non-discrimination. In 2012 native language education was offered in 24 languages, 403 teachers instructed 32000 students.</p>
<p><b>93.28</b> Ensure that victims of human trafficking are never detained and that their rights relating to medical follow-up, residence and work permit are respected (Switzerland);</p>	<p><b>BMI, BMeiA, BMASK</b></p>	<p><b>Implemented</b></p> <p>The corresponding regulations are stipulated in the Settlement- and Residence Act (see § 69a) and in the Aliens Police Act of 2005. Access to the labour market has been considerably eased with the amendment to the Act Governing the Employment of Foreign Nationals (Federal Law Gazette Vol. I No. 25/2011): Holders of a residence permit under § 69a of the Settlement and Residence Act (including victims and witnesses of human trafficking) require a work permit in order to start working in Austria. However, a work permit for employment in a specific workplace issued by the employer, can be granted under significantly simpler pre-conditions, namely without prior labour market test. Work permits serve to control the lawful employment in advance and thus also protect the respective foreign employees.</p> <p>Follow-up: Under the coordination of the BMeiA a task force was established, that coordinates the activities of the concerned governmental bodies in interaction with civil society.</p>
<p><b>93.29</b> Create a comprehensive system for the collection of data that would allow assessing the situation of vulnerable groups and minorities (Russian Federation);</p>	<p><b>BKA, BMASK, BMI, BMUKK</b></p>	<p><b>On-going implementation</b></p> <p>A wide range of corresponding data is available in the statistical part of the integration reports by the BMI (latest report 2012). These data are evaluated by using indicators. Furthermore, a series of scientific studies for the assessment of the situation of particularly vulnerable groups and minorities are carried out and relevant data collected (e.g. violence prevalence study, examination of the educational standards with the objective to establish a monitoring system for the assessment of any discrimination of groups). In 2012/2013 on the basis of a compilation of the latest recommendations of the</p>

		<p>UN treaty bodies and UPR concerning data collection a group of government experts discussed with Statistics Austria and NGO representatives which data are already being collected, in what way existing data can be made available and what need for additional data exists. Furthermore, an inter-ministerial working group was established to discuss possibilities to improve and combine the systematic data collection of cases of discrimination relevant under criminal law with the relevant data of the court statistics.</p> <p>A comprehensive system of data collection on minorities, for example in the framework of regular school relevant data collection, is, however, not permissible due to the freedom of professing oneself to an ethnic minority under Art. 3 para 1 of the Framework Convention of the Council of Europe for the Protection of National Minorities as well as under the National Ethnic Groups Act.</p>
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<p><b>93.30</b> Establish a comprehensive data collection system to better assess the level of discrimination that exists against different minority groups in Austria (Israel);</p>	<p><b>BKA,</b> BMASK, BMI, BMUKK</p>	<p><b>On-going implementation</b> see 93.29</p>
<p><b>93.31</b> [Rejected] Collect and generate disaggregated data on manifestations of racism and discrimination with a view to evaluating the situation regarding minority, racial, and ethnic groups in Austria (Brazil);</p>	<p><b>BMI, BMJ,</b> BMUKK</p>	
<p><b>93.32</b> Include a sexual orientation and gender identity perspective with regard to measures against incitement to hatred (Spain);</p>	<p><b>BMJ</b></p>	<p><b>Implemented</b> see 92.14</p>
<p><b>93.33</b> Bring ODA up to the internationally committed 0.7 per cent of GNI especially to support developing countries in the areas of poverty reduction, gender equality, children, persons with disabilities and climate challenges (Bangladesh);</p>	<p><b>BMeiA, alle</b> Ressorts</p>	<p><b>Process of implementation</b> Austria stays committed to allocate 0.7 % of GNI to development cooperation and has reaffirmed this on several occasions (most recently in the three year programme of the Austrian Development Agency 2013 – 2015). The three year programme has also established a qualitative improvement of the development cooperation with a special focus on three priority themes, among them “Human Security, Human Rights and Rule of Law”. Furthermore, the Austrian Development Cooperation cooperates with other policy areas and ministries (“beyond-aid” approach) with the aim to reinforce the “shapeable” development cooperation. Within existing resources Austria continues to support development countries in poverty reduction, in handling the challenges of climate change and in peace building. Austrian particularly promotes equal treatment of women and takes into account the special needs of children and persons with disabilities.</p>
<p><b>93.34</b> Withdraw reservations to United Nations treaties and ensure that all international treaties are fully transformed into national law (Netherlands);</p>	<p><b>BMeiA, BKA-</b> VD, BMASK, BMI, BMJ, BMWFJ</p>	<p><b>On-going implementation</b> see 93.3</p>



<p><b>93.35</b> Harmonize all anti-discrimination laws to ensure equal protection on all grounds of discrimination (United Kingdom);</p>	<p><b>BKA,</b> BMASK, Bundesländer</p>	<p><b>On-going implementation</b> see 93.36 The provincial governments (“Länder”) also continuously take implementation measures, such as: <b>Carinthia:</b> see 93.10 <b>Lower Austria:</b> see 93.8 <b>Upper Austria:</b> see 93.8 <b>Salzburg:</b> see 93.8 <b>Styria:</b> see 93.8 <b>Tyrol:</b> sh. 93.8, 93.10 <b>Vorarlberg:</b> see 93.8 <b>Vienna:</b> see 92.24</p>
<p><b>93.36</b> Revise and harmonize anti-discrimination laws to ensure equal protection on all grounds of discrimination (Islamic Republic of Iran);</p>	<p><b>BKA,</b> BMASK, Bundesländer</p>	<p><b>On-going implementation</b> see 92.24 The provincial governments (“Länder”) also continuously take implementation measures, such as: <b>Carinthia:</b> see 93.10 <b>Lower Austria:</b> see 93.8 <b>Upper Austria:</b> see 93.8 <b>Salzburg:</b> see 93.8 <b>Styria:</b> see 93.8 <b>Tyrol:</b> see 93.8, 93.10 <b>Vorarlberg:</b> see 93.8 <b>Vienna:</b> see 92.24</p>

<p><b>93.37</b> Review the effectiveness of its current legal framework on non-discrimination with a view to initiating a harmonization process, by including the participation of civil society in this process, as well as simplifying the procedures to ensure that the complaints against racial discrimination are being processed effectively (Uzbekistan);</p>	<p><b>BKA,</b> <b>BMASK,</b> <b>Bundesländer</b></p>	<p><b>On-going implementation</b> see 92.24</p> <p>The provincial governments (“Länder”) also continuously take implementation measures, such as:</p> <p><b>Carinthia:</b> From the point of view of the provincial government this recommendation is implemented through the expansion of the protection against discrimination by introducing of new equal treaty bodies (expansion of the mandate of the Equal Treatment Commission and inauguration of Equal Treatment Officers also for teachers of the provinces [“Länder”]) and the previously mentioned extended scope of application of the K-ADG and the K-LGBG (the Carinthian Anti-Discrimination Act and the Carinthian Equal Treatment Act).</p> <p><b>Lower Austria:</b> see 93.8 <b>Upper Austria:</b> see 93.8 <b>Salzburg:</b> see 93.8 <b>Styria:</b> see 93.8 <b>Tyrol:</b> see. 92.24 <b>Vorarlberg:</b> see 93.8 <b>Vienna:</b> see 92.24</p>
<p><b>93.38</b> Move forward with the proposal to amend the Equal Treatment Act to harmonise existing legislation, especially when it comes to providing equal protection on all discrimination grounds (Norway);</p>	<p><b>BMASK</b></p>	<p><b>On-going implementation</b> see 92.24 <b>Vorarlberg:</b> see 93.8</p>
<p><b>93.39</b> Take effective measures to efficiently implement the 55 concrete measures identified by the Government towards the elimination of obstacles for women in accessing the labour market (Algeria);</p>	<p><b>BKA-SII,</b> <b>BMASK,</b> <b>BMWFJ</b></p>	<p><b>On-going implementation</b> see 92.27</p>

<p><b>93.40</b> [Rejected] Elaborate a National Plan of Action against racism and xenophobia (Russian Federation);</p>	<p><b>BMI, BMJ</b></p>	
<p><b>93.41</b> [Rejected] Adopt a National Action Plan on combating racism and xenophobia, in close consultation with civil society (Islamic Republic of Iran);</p>	<p><b>BMI, BMJ</b></p>	
<p><b>93.42</b> [Rejected] Adopt a national plan against racism, racial discrimination, xenophobia and intolerance that includes aspects such as education and training in human rights for all levels of public administration and a system of data collection for overseeing and controlling xenophobic and racist acts; carry out a comprehensive analysis on the effectiveness of legislative measures which seek to prohibit and punish using xenophobic messages or the incite to racial discrimination by political parties; and establish a simplified and flexible mechanism to process and deal with claims based on possible acts of discriminatory treatment by security forces and bodies (Spain);</p>	<p><b>BMI, BMJ</b></p>	

<p><b>93.43</b> Adopt legislative measures that would prohibit public funding of parties that engage in propaganda of racism and xenophobia (Russian Federation);</p>	<p><b>BKA-VD</b></p>	<p><b>Implemented</b> According to government plans, subsidies under the Journalism Subsidies Act 1984 (Federal Law Gazette No. 369/1984 in the current version of Federal Law Gazette Vol. I No. 130/1997) can be withdrawn if an organ of a subsidised institution (e.g. political party) or an individual attributable to this institution has committed a punishable offence for libel or incitement to hatred against sections of the population (e.g. offence of decrying religious teachings) or an offence under the Prohibition Act of 1947 (see <a href="#">889 BlgNR 24. GP</a>).</p>
<p><b>93.44</b> Ensure equal protection against all forms of discrimination, including on the basis of age, religion, sexual orientation and gender identity (Canada);</p>	<p><b>BKA, BMASK, Bundesländer</b></p>	<p><b>On-going implementation</b> see 92.24 <b>Carinthia:</b> see 93.37 <b>Lower Austria:</b> see 93.8 <b>Upper Austria:</b> see 93.8 <b>Salzburg:</b> see 93.8 <b>Styria:</b> see 93.8 <b>Tyrol:</b> see 93.8, 93.10 <b>Vorarlberg:</b> see 93.8 <b>Vienna:</b> see 92.24</p>
<p><b>93.45</b> [Rejected] Prepare a study on the scale of direct and indirect racial discrimination in the criminal justice system, especially as far as preliminary detention and imprisonment are concerned (Russian Federation);</p>	<p><b>BMJ</b></p>	
<p><b>93.46</b> [Rejected] Ensure that no children are held in detention (Brazil);</p>	<p><b>BMI, BMJ</b></p>	
<p><b>93.47</b> [Rejected] Raise the age for all enrolments into armed forces to the age of at least 18 years in line with the CRC recommendation (Ghana, Slovakia);</p>	<p><b>BMLVS</b></p>	

<p><b>93.48</b> Develop a fully fledged legal aid system in the context of policy custody, to ensure that persons who are not in a position to pay for a lawyer can effectively benefit, if they so wish, from the assistance of a lawyer throughout their police custody (Czech Republic);</p>	<p><b>BMI, BKA-VD, BMJ</b></p>	<p><b>Process of implementation</b> Free legal counselling in detention pending deportation has been implemented with § 66 of the Asylum Act 2005, amended through the Austria Aliens' Amendment Act 2011, Federal Law Gazette Vol. I No. 38/2011.</p>
<p><b>93.49</b> [Rejected] Treat equally same-sex relationships with opposite-sex relationships, including the right to equal consideration for adoption and access to reproductive medicine (Netherlands);</p>	<p><b>BMJ</b></p>	<p>The Civil Union Act (EPG), Federal Law Gazette Vol. I No. 135/2009 puts same-sex partnerships on equal footing with heterosexual ones. As a follow-up to the finding of the ECHR, Objection Number 19.010/07 X amongst others against Austria, the so-called stepchild adoption is also made possible in same-sex relationships with the amendment to the Adoption Act passed in July 2013 by the Parliament.</p>
<p><b>93.50</b> [Rejected] Adopt measures to guarantee Roma children the right to education in their own language and in a relevant way with their own culture (Ecuador);</p>	<p><b>BMUKK</b></p>	<p>Native language education is also offered in Romanes. Furthermore, education in Romanes is included in the Minority School Act of Burgenland.</p>
<p><b>93.51</b> Provide asylum seekers and persons awaiting deportation with free legal counsel and provide necessary funding and access to institutions that can provide such counsel (Norway);</p>	<p><b>BMI</b></p>	<p><b>Implemented</b> The Austrian Aliens' Amendment Act 2011 (Fremdenrechtsänderungsgesetz, Federal Law Gazette Vol. I No. 38/2011) revised legal counselling in asylum and immigration procedures. Now legal entitlement to legal counselling in the admission procedure, for the period after the decision of the Austrian Asylum Office (Asylum Court) and in the context of immigration procedures of 1<sup>st</sup> and 2<sup>nd</sup> instance; optionally before the Asylum Office from the admission to the decision of the Court.</p>
<p><b>93.52</b> [Rejected] Prohibit the practice of asylum-seekers – non-crime offenders - detention in police custody by paying special care to minors and victims of human trafficking (Slovakia);</p>	<p><b>BMI</b></p>	

<b>93.53</b> [Rejected] Increase financial support for the Slovenian minority in the provinces of Carinthia and in Styria to the 1995 level in real terms (Slovenia);	<b>BKA-VD</b>	
<b>93.54</b> Provide financial support to the Slovenian-language music school in the province of Carinthia on the basis of the same criteria as applied to the German-language music school (Slovenia).	<b>BKA-VD</b>	<b>Implemented</b> The Slovene Music School is financially being supported by the Federal Chancellery with funds of the “Subsidies for Ethnic Groups” to the highest possible extent (no association of the Slovene ethnic group receives higher subsidies). Furthermore, between 2011 and 2015 a total amount of 500 000 Euro is being granted to the province of Carinthia by the Federal Government for the Slovene Music School under the Federal Law concerning Donations for Referenda (“Abstimmungsspende”), Federal Law Gazette Vol. I No.48/2011.
<b>94.1</b> [Rejected] Accede to the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), (Ecuador, Guatemala), as an essential step in the protection of human rights (Guatemala);	<b>BMASK</b>	The substantive rights are essentially implemented in national law, in particular in the Act Governing the Employment of Foreign Nationals (AuslBG).
<b>94.2</b> [Rejected] Sign and ratify ICMW (Turkey, Uganda);	<b>BMASK</b>	
<b>94.3</b> [Rejected] Ratify ICMW (Honduras);	<b>BMASK</b>	
<b>94.4</b> [Rejected] Ratify ICMW as early as possible (China);	<b>BMASK</b>	
<b>94.5</b> [Rejected] Take progressive measures to consider accession to ICMW (Philippines);	<b>BMASK</b>	
<b>94.6</b> [Rejected] Become party to ICMW (Pakistan);	<b>BMASK</b>	

<b>94.7</b> [Rejected] Adhere to the principles of ICMW in view of its possible ratification (Mexico);	<b>BMASK</b>	
<b>94.8</b> [Rejected] Reconsider its position relating to the ratification of ICMW in line with Recommendation 1737 of 17 March 2006 of the Parliamentary Assembly of the Council of Europe (Algeria);	<b>BMASK</b>	
<b>94.9</b> [Rejected] Consider acceding to ICMW (Azerbaijan);	<b>BMASK</b>	
<b>94.10</b> [Rejected] Amend the legal status of same-sex partnerships to enable the right to adopt and have children (United Kingdom);	<b>BMJ</b>	As a follow-up to the finding of the ECHR, Objection Number 19.010/07 X amongst others against Austria, the so-called stepchild adoption is also made possible in same-sex relationships with the amendment to the Adoption Act passed in July 2013 by the Parliament.