



Austrian League for Human Rights

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The Austrian League for Human Rights is the Austrian member of the International Federation of Human Rights Leagues (fidh). Within the UPR-process, the League is giving not only its own views but has been coordinating a large part of Austrian civil society. This cycle, we were working with around 30 umbrella organisations, representing around 300 Austrian NGOs. Additionally, in 2023 the League was able to establish an independent online monitoring tool, which gives an ongoing detailed progress report of all and any state recommendations within the UPR procedure.

Regarding the large number of participating organisations, I may refer to Annex 1 of our very comprehensive Joint Submission. Additionally, we have also individually filed a short technical submission, which covers the functioning of the follow-up procedure and necessary procedural improvements.

In my talk today, after a short overview about the formal setting of the national follow-up, I will be focusing on three material topics, namely 1) the need for a National Action Plan for Human Rights, 2) setbacks in the inclusion of children with disabilities in the educational system, and 3) corporate responsibility for human rights.

Civil society has been consulted in the drafting of the current state report. Statements of civil society organisations have also been published in full text on the website of the Foreign Ministry, which gives an additional independent and objective view to some of the topics covered in the national report.

Within the last cycle, the formal follow-up process was concentrated in annual plenary meetings between interested civil society organisations, the federal ministries and some of the regional administrations. The benefit of those sessions was a very open exchange of views directly with specialist officers of the participating government organisations. It is our view that this approach has strengthened cooperation. Nevertheless, the actual policy outcomes of these sessions remained limited and needs further improvement.

The first material issue, which I wish to address, is the need for a National Action Plan for Human Rights and thereby strategic planning of human rights policy. In the last cycle, Austria has already received 8 recommendations for a National Action Plan for Human Rights by a wide variety of states after a previous attempt for such a national action plan ended without result in 2017. These recommendations were adopted, but no progress was made. This mirrors a general lack of strategic planning, which includes the fact that in many fields statistical data is missing to even develop reasonable human rights policy.

While human rights are upheld by the Austrian courts, in legislation it is our experience that human rights enter the discussion oftentimes only as an after-thought, after a legislative



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project has progressed. This leads to laws which are revoked by the constitutional court for human rights violations and to a status where many relevant issues are not addressed at all. Instead, a new approach would be needed, which considers human rights first in any legislative and administrative project.

There is a promise in the current government program to “revive” the National Action Plan for Human Rights. To motivate the last step to implementation the support of more State parties would be extremely helpful to include into their recommendations that

- *a general National Action Plan for human rights shall be developed and maintained as a strategic coordination tool in close cooperation with civil society.*

Secondly, there is a serious situation regarding the inclusion of children with disabilities in the general education system. In our assessment, there were considerable setbacks on this topic and Austria still favours a system of separate school (“Sonderschulen”). While in recent years at least some lip service had been paid to follow modern education science to aim for common education of all children, even this has been abandoned now and projects for new separate school buildings are advanced, instead of putting these funds into improving inclusion into the general education system.

A common argument for this system used to be that those facilities would be more efficient to serve the special needs for those children. In reality this system only reinforces segregation of children with disabilities from their peers without disabilities, which then translates to continued discrimination in their adult lives.

We therefore call on State parties to recommend that Austria

- *shall stop funding for the construction of segregated schools for children with disabilities, but ensure a comprehensively inclusive school system based on the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities.*

And third, I want to shortly mention the issue of corporate responsibility for human rights. Unfortunately, Austria has not adopted any of the recommendations in the last cycle, which called for the development for a national action plan on business and human rights. We were however able, to establish a dialogue supported by one adopted recommendation to regulate the activity of transnational companies with a human rights-based approach.

This discussion was conducted with good participation of civil society organisations which influenced the Austrian approach on the European Union level on corporate sustainability due diligence. Now that the results on the European Union level are lacking it would be important to strengthen Austrias individual efforts beyond the European Union standards.



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We therefore call on State parties to recommend that Austria

- *shall participate constructively in the Open Ended Inter-Governmental Work Group on transnational corporations and other business enterprises with respect to human rights and develop a national action plan on business and human rights*

Apart from these three issues, I also invite you, to read the other items in both submissions, which are published in full text also on our website (<https://liga.or.at/universal-periodic-review-upr-en/>). I may point in particular to Annex 3, where we give an extensive table of current Points of Action of the Joint Submission combined with past recommendations of state parties and still needed additional support.

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UPR-Tool, 3rd cycle: <https://liga.or.at/upr-en/?assignee=UPR-Empfehlungen&cycle=3>

Written submissions: <https://liga.or.at/universal-periodic-review-upr-en/>