

Statement

UPR Pre-session on Austria

Geneva, 26 November 2025

Delivered by: Austrian Ombudsman Board

1. Presentation of the Organisation

The Austrian Ombudsman Board is the Austrian National Human Rights Institution and has an A status accreditation with GANHRI. Its tasks include the examination of complaints against the Austrian public administration as classic ombuds institution, the mandate as National Preventive Mechanism under OPCAT, the mandate as independent authority under Art. 16/3 of the CRPD as well as the mandate of the independent Pension Commission under the Pensions for Victims of Children's Home Act.

2. National Consultations for the Drafting of the National Report

The Ministry of Foreign Affairs in cooperation with the Federal Chancellery led a consultation process with Civil Society Organisations and other stakeholders. The representatives could voice suggested inputs and criticism on the draft of the state report.

- 3.** In my statement I will address the latest UPR-recommendations and the respective situation in Austria regarding unaccompanied minors, correctional and forensic institutions, deinstitutionalisation and the role of the AOB itself.

4. AOB and its Compliance with the Paris Principles

In 2021 13 states issued recommendations concerning a National Human Rights Institution in Austria and the compliance of the AOB with the Paris Principles. The Austrian Federal Constitution safeguards the independence of the AOB. Its members, who need to have knowledge of human rights, act independently and impartially. The developments since then show that the AOB received an A status accreditation with GANHRI in March 2022. Furthermore, the current government plan for the period 2025 – 2029 envisages a compulsory parliamentary hearing for candidates as Ombudsperson.

5. Children Rights - Unaccompanied Minor Asylum Seekers

Many recommendations concerned the rights of children, migrants and asylum-seekers and unaccompanied minors have been addressed explicitly in 3 recommendations. The AOB wants to stress that the situation for unaccompanied minor asylum seekers is still not in line with human rights obligations. Unaccompanied minors cannot enjoy the same support in care facilities as other children in child welfare facilities. This is due to the fact that the daily rates the facilities for unaccompanied minors receive are well below the rates of other child welfare facilities. Therefore, the care situation for unaccompanied minors is worse than for children in other state care facilities. This concerns the lack of staff and the lack of its professional qualification, the housing situation and general deficits in medical and psycho-social care.

In addition, the AOB wants to stress that there is no standardised system for assuming custody of unaccompanied minors, which leads to long delays in the assignment of legal guardianship and thereby infringements of the children's human rights.

Recommendation:

Raise the daily rates per child in facilities for unaccompanied minor asylum seekers to the level of other child welfare facilities.

Introduce a standardised system for assuming custody of unaccompanied minor asylum seekers starting immediately after their arrival in Austria.

6. Prisons and Forensic Institutions

Several recommendations in 2021 concerned the human rights situation in prisons and forensic institutions. The AOB has criticized repeatedly the lack of staff in those institutions and the situation to date has hardly improved. Lock-up times are increasing, work premises are closed more often and leisure activities can often not be organised. The increased risk for violence in such situations is obvious as are deficits in medical and psycho-social care. The recruitment for staff poses a big challenge and low starting salaries seem to increase the problem.

Furthermore, overcrowding is a serious issue in correctional and forensic institutions. The law providing for the extension of electronically monitored house arrests has been improved; however, additional short and long-term measures must be taken to combat overcrowding.

Recommendation:

Intensify efforts to employ more staff in correctional and forensic institutions. To this end increase starting salaries and increase the respective budget for staff accordingly.

Take additional measures to combat overcrowding in correctional and forensic institutions.

7. Disability Rights – Deinstitutionalisation

During the 3rd cycle Austria received the recommendation to formulate a coherent strategy for deinstitutionalisation with a clear time frame and a mechanism for its effective implementation. Sadly, no substantial efforts to follow this recommendation could be observed by the AOB during the last 4 years. Due to the federal system of Austria a strategy for deinstitutionalisation is a complex endeavour. In order to be successful and draw up an urgently needed plan, the nationwide participation of all relevant stakeholders and a clear commitment by them will be necessary.

Recommendation:

Set up a process to plan for a coherent strategy for all persons with disabilities with the participation of all relevant federal deinstitutionalisation for and regional stakeholders including organisations of and for persons with disabilities.