

1. The Austrian National Platform of Social Services for Homeless People (BAWO) welcomes the opportunity provided by the Office of the High Commissioner to submit a report to be considered as an input to the Universal Periodic Review of Austria.

2. BAWO is increasingly concerned that in Vienna, Austria there are a few hundred EU citizens who are homeless and have no right to basic shelters. Estimates vary between 300-400 people. Under the legislation of the city of Vienna¹, persons who cannot prove more than five years of continuous residence in Austria and access to the Austrian labour market are excluded from the system of social support including access to homeless institutions. The same applies to EU citizens who entered Austria seeking work and to EU citizens who for some reason have not registered with the relevant authorities or did not fulfil the criteria for registration certificate, namely having sufficient income (more than EUR 744) and proper residence.

3. Austria has a legal obligation under Article 11 of the International Covenant of Economic, Social and Cultural Rights to recognise “the right of everyone to an adequate standard of living, for himself and his family including adequate food, clothing and housing”. The Committee on Economic, Social and Cultural Rights has asserted that no group shall be denied this right: “Individuals, as well as families, are entitled to adequate housing, regardless of age, economic status, group or other affiliation or status and other such factors.” In its General Comment Number 20 from 2009 the Committee reasserted the principle of non-discrimination and stated that “the ground of nationality should not bar access to Covenant rights,..., that apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation.”

4. The current policy and practice in Austria which sets rigid and high conditions to access basic social assistance is in violation of its obligation under article 11 of ICESCR and increases the risk of exclusion of those already in a particularly vulnerable situation from the housing and labour market and from society in general.

5. BAWO recommends the Human Rights Council to call upon Austria to remove obstacles that prevent the enjoyment of economic, social and cultural rights by non-citizens notably in the area of housing.

6. BAWO recommends the Human Rights Council to call upon Austria to ratify the International Protection on the Protection of the Rights of All Migrant Workers and Members of their Families and the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights.

¹ Fonds Soziales Wien, Durchführungsbestimmungen zur Gewährung von Unterkunft für Fremde im Rahmen des Wiener Sozialhilfegesetzes; gültig ab 1. Juli 2006