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Universal periodic review

### Report of the Working Group on the Universal Periodic Review\*

#### Austria

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\* The annex is being circulated in the language of submission only.

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-third session from 2 to 13 November 2015. The review of Austria was held at the 11th meeting, on 9 November 2015. The delegation of Austria was headed by the Federal Minister of Justice, Wolfgang Brandstetter. At its 17th meeting, held on 12 November 2015, the Working Group adopted the report on Austria.

2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Austria: Albania, Cuba and the Republic of Korea.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Austria:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/23/AUT/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/23/AUT/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/23/AUT/3).

4. A list of questions prepared in advance by Belgium, the Czech Republic, Mexico, the Netherlands, Norway, Sweden, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Austria through the troika. These questions are available on the extranet of the Working Group.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation reaffirmed that the protection of human rights remained a core priority of the Government. Austria had a long-standing record of active engagement in protecting human rights at the national level and in advancing the international and regional human rights systems.

6. Austria had been working continuously on the follow-up to its first universal periodic review. It had submitted a midterm report on the status of the implementation of the recommendations arising from the first review in 2013. A steering group had been established to maintain a dialogue between civil society and the federal Government during the follow-up. That dialogue had intensified during the preparation of the National Action Plan on Human Rights. The voice of representatives of civil society had been critical to overcome challenges in realizing human rights. The Government had benefited from its close interaction with all stakeholders.

7. One of the greatest challenges remained the massive influx and transit of refugees from the Syrian Arab Republic and other countries. The number of applications for asylum in Austria was expected to triple in 2015 in comparison with 2014. A number of measures had been taken by the Government, with the assistance of aid organizations and civil society representatives, to address the challenge.

8. Measures had also been taken to ensure the successful integration of many asylum seekers and refugees, including by combating racial discrimination, xenophobia and related intolerance. The Government recognized that racist prejudices and attitudes existed in parts of society and that additional measures were needed to address the phenomenon. The 2010 National Action Plan for Integration remained an important instrument to combat discrimination and prejudice. Several projects had been successfully carried out in the framework of the Action Plan.

9. While noting the importance of comprehensive statistical data in combating racial discrimination, xenophobia and intolerance, the Government recognized shortcomings with regard to the availability of concise statistical data, particularly disaggregated data. Working groups had been set up to improve the data collection system. The issue would be also addressed in connection with the National Action Plan on Human Rights, which had been developed as a result of the first universal periodic review and of recommendations made by other human rights bodies.

10. The 2015 amendments to the Criminal Code strengthened protection against hate speech, prohibiting public incitement to violence based on race, colour, language, religion, nationality, descent, gender, disability, age and sexual orientation and stipulating a punishment for such offences of up to two years' imprisonment. Public incitement to hatred through media and the Internet would also be punishable by imprisonment for a maximum of three years. Moreover, the establishment of and participation in organizations or groups whose purpose was to incite to racism, racial hatred or racial discrimination became a criminal offence. Thus, the criminal law — recognizing racist motivation as an aggravating circumstance for a long time — had been strengthened to address effectively hate crimes and hate speech.

11. Amendments to the Juvenile Court Act to ensure the use of detention as a last resort for juvenile offenders would enter into force in 2016. Several measures had been envisaged to achieve that objective.

12. A working group had been established to assess the situation of detention of persons who, because of their health, could not be held fully accountable for their actions and to identify problematic areas. The working group had made proposals on related organizational, legislative and technical matters. The current reorganization of the detention of such persons constituted the greatest reform in the area of enforcing measures involving deprivation of liberty in the past 40 years.

13. The administrative court system had been fundamentally reorganized in 2014 to meet all the standards of the Convention for the Protection of Human Rights and Fundamental Freedoms. The mandate of the Austrian Ombudsman Board had been extended so that it could fulfil the function of a national preventive mechanism in line with the Optional Protocol to the Convention against Torture.

14. The independence of the Austrian Ombudsman Board was set out in constitutional law. The members of the Board could not be removed or dismissed during their term of office, which lasted six years. They were accountable to Parliament. The Board had its own budget.

15. The delegation expressed its gratitude for advance questions and provided responses to them. Regarding questions on independent investigations into alleged abuses by law enforcement officials, the delegation explained that the procedure for investigating such allegations were regulated by criminal laws and by decrees issued by the Ministries of Justice and of the Interior.

16. The delegation noted that existing legislation provided the authorities and the courts with tools to combat acts of discrimination. At the same time, a comprehensive evaluation

of legislation addressing equality of treatment had been launched to address remaining questions.

17. While persons in same-sex relationships could have their partnership registered, measures had been taken to identify any remaining differences in the way in which same-sex and heterosexual relationships were treated in order to address them.

18. The rights of women and gender equality had been priorities for many years. The Government was committed to achieving further progress in ensuring equal rights for women in all areas of life. It had adopted gender mainstreaming and gender-based budgeting approaches in the federal administration. Despite existing legislation and continuous efforts, the Government had not yet been able to close the pay gap between men and women; a solution to the problem required other measures in addition to the legislative ones.

19. The delegation explained that the disputes on the use of bilingual topographical signs and of Slovenian as an official language in Carinthian municipalities had been settled, as a consensus had been reached between politicians and organizations staffed by members of the Slovenian ethnic group.

20. The delegation stated that human rights were taught as part of history and citizenship education classes, as well as in general education and vocational training courses. Human rights education had been also incorporated in the training of teachers, including teachers at the university level.

## **B. Interactive dialogue and responses by the State under review**

21. During the interactive dialogue, 98 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

22. The Sudan commended the adoption of new laws and policies in the area of the rights of the child and of gender equality in the labour market.

23. Sweden commended the measures taken to meet the unprecedented increase in migration, but observed the need for improvements regarding the situation of asylum seekers.

24. Switzerland noted with satisfaction that measures had been taken to implement the recommendations accepted by Austria during the first cycle of the universal periodic review.

25. Tajikistan noted measures taken by Austria to strengthen its human rights institutions and cooperate and maintain a dialogue with all stakeholders to promote and protect human rights.

26. Thailand noted with appreciation the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture. It expressed concern about discrimination against women in the labour market and incidents of xenophobic violence and racial discrimination.

27. The former Yugoslav Republic of Macedonia inquired about measures to address the rate of Roma children and children belonging to other ethnic groups dropping out from school and to improve the large number of anti-discrimination institutions.

28. Timor-Leste welcomed legal and policy measures taken to protect the rights of children and older people, combat human trafficking and designate a national preventive mechanism.

29. Trinidad and Tobago noted with satisfaction the legislative changes made to improve opportunities for women in the workplace and ensure equal protection against discrimination on all grounds.
30. Tunisia encouraged Austria to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Convention against Discrimination in Education and to intensify efforts in combating racial violence, racism, xenophobia and intolerance.
31. Turkey noted with appreciation the active cooperation of Austria with the United Nations human rights mechanisms and civil society and efforts to foster tolerance and respect among different parts of society.
32. Uganda noted with concern that hundreds of girls were being subjected to female genital mutilation. It noted the decrease in official development assistance (ODA).
33. Ukraine noted with appreciation the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture, and the ongoing process of withdrawing reservations to the Convention on the Rights of the Child. It welcomed the reforms aimed at eliminating hate speech and discrimination.
34. The United Arab Emirates made three recommendations.
35. The United Kingdom of Great Britain and Northern Ireland welcomed measures against Islamophobia and a decision on the adoption of children by same-sex couples. It encouraged Austria to combat all forms of discrimination.
36. The United States of America recognized the work of the Austrian Development Agency in promoting human rights. It encouraged Austria to continue treating migrants humanely and to provide protection in line with its international obligations.
37. Uzbekistan noted measures taken to implement the recommendations from the first review, including on administrative reforms, amendments to the Criminal Code and broadening the mandate of the Austrian Ombudsman Board.
38. Viet Nam noted with appreciation the achievements in protecting the rights of, and combating discrimination against, vulnerable groups, including women, children and persons with disabilities.
39. Afghanistan commended Austria for strengthening the rights of children and protecting children from violence. Afghanistan encouraged Austria to ensure that children under 14 years of age, in particular refugees and asylum seekers, were not placed in detention centres.
40. Albania noted the ratification of several international human rights conventions and commended Austria for extending the mandate of the Austrian Ombudsman Board to carry out preventive monitoring of places of detention.
41. Algeria congratulated Austria for reforming labour laws and welcomed the adoption of a national plan of action for the protection of women against violence (2014-2016).
42. Angola encouraged Austria to continue implementing measures against discrimination and to remove all obstacles undermining equality of rights of women, particularly women belonging to minority groups.
43. Argentina congratulated Austria for ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. It noted concerns expressed by the United Nations treaty bodies regarding cases of discrimination and xenophobia against asylum seekers, refugees and members of ethnic and religious minorities.

44. Armenia welcomed the accession to four international human rights instruments. It noted the amendment to the Criminal Code aggravating criminal liability for hate speech and the leading role played by Austria in fighting impunity.
45. Australia commended enhancements made to the mandate of the Austrian Ombudsman Board. It looked forward to the adoption of a national action plan for integration to strengthen cooperation across the country in areas such as intercultural dialogue, education and employment.
46. Azerbaijan welcomed the ratification of the Optional Protocol to the Convention against Torture. It noted concerns expressed by the United Nations human rights bodies regarding discrimination and racism against migrants, refugees and asylum seekers.
47. Bahrain commended Austria for the implementation of recommendations arising from the first cycle of the universal periodic review. It expressed concern at the situation of migrant workers and the inability of asylum seekers to receive housing benefits.
48. Bangladesh regretted that despite the recommendation it made during the first cycle of the review that Austria increase its ODA, that assistance had decreased. It noted the contribution of Austria to the dialogue between cultures and religions.
49. Belarus noted the concern expressed by the Committee on the Elimination of Racial Discrimination at the resurgence of far-right-wing and other groups inspired by extremist nationalist ideologies and neo-Nazism. It also noted existing intolerance towards migrants, refugees and persons belonging to some ethnic groups.
50. Belgium welcomed the withdrawal of reservations to the Convention on the Rights of the Child, the budget allocated to combat hate speech and domestic violence and improvements in the detention conditions of juveniles.
51. Benin noted the standing invitation to all special procedure mandate holders of the Human Rights Council. It urged Austria to improve quotas applied to migrant workers for family reunification and increase the level of ODA, as recommended during its first review.
52. Bhutan noted that the Austrian aid programme had made progress in the areas of poverty reduction, conservation of natural resources and promotion of peace and human security. It noted measures to combat human trafficking.
53. The Plurinational State of Bolivia acknowledged the progress made by Austria in the area of human rights since its first universal periodic review.
54. Bosnia and Herzegovina acknowledged efforts to accommodate a significant number of people seeking refuge and asylum and asked about efforts made by Austria to ensure respect for the rights of refugees and asylum seekers.
55. Botswana noted amendments to the federal act on the Austrian Ombudsman Board and to the provisions of the Criminal Code related to hate speech. It commended efforts to increase the participation of women in the workforce. It noted reports of racism, xenophobia and related intolerance, and overcrowding in prisons.
56. Brazil commended Austria on its initiatives related to refugees and asylum seekers, including unaccompanied minors. It highlighted a need to collect and maintain disaggregated data on racism and discrimination.
57. Bulgaria commended the implementation by Austria of recommendations from the first review. However, reservations to important instruments remained. It supported the recommendation by the Committee on the Elimination of Discrimination against Women to focus on gender equality in its human rights action plan.

58. Burkina Faso commended the introduction of a specific definition of torture and the strengthened penalties for incitement to hatred. It noted the establishment of a mechanism to implement the recommendations arising from the universal periodic review.
59. Canada encouraged Austria to continue to promote equality, counteract discrimination and improve the status of lesbian, gay, bisexual, transgender and intersex persons, and to strengthen policies and programmes to combat discrimination, xenophobia and racism.
60. Chile highlighted the ratification of important international instruments and the continuous dialogue with civil society reflected in a national human rights action plan.
61. China noted the ratification of several human rights instruments and the plans to promote equality, to protect women against violence and the rights of persons with disabilities and to combat human trafficking.
62. Costa Rica noted the strengthening of norms related to torture and the role of the Ombudsman. It highlighted the commitment of Austria to human rights in the face of the current refugee crisis.
63. Croatia noted the adoption of new laws and the ratification of important international human rights instruments. It asked about measures to promote the participation of women in corporate boards and about the participation of civil society in the preparation of the national human rights action plan.
64. Cuba commended the progress achieved in human rights. It noted that challenges in achieving gender equality and combating racial discrimination remained, and the resurgence of groups inspired by extremist nationalist ideologies.
65. The Czech Republic made a statement and recommendations.
66. The Democratic Republic of the Congo asked for more information on the “mother-child passport” programme regarding the national strategy for the health of children and youth.
67. Denmark welcomed the progress made in closing the gender pay gap, as well as efforts regarding the elimination of discrimination based on sexual orientation.
68. Djibouti appreciated the financial contribution of Austria to OHCHR.
69. The delegation stated that the Federal Constitutional Act on the Rights of the Child had been adopted in 2011. Thus, in Austria constitutional provisions and other laws guaranteed the rights of children and the Government would continue to advance the protection of those rights. The ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure had been the subject of discussion and of a careful assessment in past years. As soon as the process was completed and all obstacles to ratification were identified, Austria would decide on the matter. A high-level conference on the elimination of corporal punishment against children would be held in 2016 in Vienna.
70. The delegation also stated that a national dialogue and assessment on the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights was under way. The process had not been completed but would be on a good way.
71. In respect of the protection of migrant workers, the delegation stated that Austria, as a member of the European Union, had participated in the ongoing discussions in the region on regulating migration. There had been different interpretations of and overlap in the regulations in force in the European Union. Austria and the other member States needed to implement regulations on migration, concerning which some legal issues remained, which was an important factor to take into account.

72. The delegation also stated that the 2015 reform of the Criminal Code provided stronger measures to prevent violence against women, including sexual violence, and protect women. In response to questions on gender equality, the delegation stated that legal measures were necessary but not sufficient and that additional measures and time were required to raise public awareness and change attitudes. The Government had taken steps to advance gender equality in the labour market. Equality between men and women was guaranteed in the legislation and progress had been achieved in the public sector. However, more progress was required to achieve goals on equal treatment between men and women in all sectors.

73. The delegation reported that the Government held regular discussions with minorities. With the Slovenian minority, it had achieved solid consensus on all issues, including on the use of minority languages and bilingual topographical signs. The Government was committed to continue promoting the cultural identity of minorities. The Austrian legal order provided the necessary guarantees for the full enjoyment of the rights of persons belonging to minorities.

74. The delegation stated that the Government had been taking specific measures to ensure that the rights of persons with disabilities were ensured in practice. There had been plans to ensure that persons with disabilities could access all public buildings by 2019.

75. Regarding the situation of refugees, the delegation stated that Austria had not closed its borders, had taken special care of unaccompanied minors and provided some asylum seekers with employment opportunities at the municipal level. The delegation also recalled measures taken to improve juvenile justice, the penitentiary system and data protection and privacy, as well as to ensure human rights education in schools.

76. The delegation highlighted the involvement of civil society in the process of preparing the national report. In addition, the representatives of civil society contributed to another report for the universal periodic review that was put together by OHCHR.

77. Discussions and steps had been initiated to assess the possible ratification of the Convention against Discrimination in Education. The Government had been working to address the remaining issues that same-sex partners faced, including the adoption of children. The Ministries of Justice and of the Interior had been working closely to ensure that any violence or ill-treatment by law enforcement bodies was appropriately investigated and that perpetrators were punished.

78. Ecuador congratulated Austria for ratifying the Optional Protocol to the Convention against Torture. It encouraged Austria to continue its efforts on excessive use of force, persons deprived of their liberty, discrimination and trafficking.

79. Egypt expressed concern about racism and xenophobia, particularly against migrants, Muslims, Roma and persons of African descent, and about the increasing use of hate speech in the context of politics and elections.

80. Estonia commended Austria for ratifying the Optional Protocol to the Convention against Torture, withdrawing reservations to the Convention on the Elimination of All Forms of Discrimination against Women, successfully implementing a gender equality policy and increasing women's participation in the federal civil service and as judges and prosecutors.

81. Finland encouraged Austria to continue its discussion on how to incorporate social rights into the Constitution and how to continue improving anti-discrimination institutions, including their efficiency and accessibility.

82. Georgia welcomed the establishment of a national preventive mechanism under the Optional Protocol to the Convention against Torture, the elaboration of a national human rights action plan and the implementation of human rights education activities.
83. Germany welcomed the ratification of the Optional Protocol to the Convention against Torture. It noted shortcomings in the area of non-discrimination against women and minorities, including the Slovenian and Roma minorities. It was concerned about discrimination against lesbian, gay, bisexual, transgender and intersex persons.
84. Ghana noted the ratification of the Optional Protocol to the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance. It appreciated efforts by Austria to accommodate a large number of migrants. It expressed concern about domestic violence and urged Austria to address the situation.
85. Greece highlighted the amendment of the penal code to conform with the recommendations of the first review to prevent torture. It acknowledged the challenges posed by the unprecedented refugee crisis.
86. Guatemala noted the ratification of the Optional Protocol to the Convention against Torture and concerns expressed by the United Nations human rights bodies regarding resurgence of far-right-wing groups, and reports of discrimination against Muslims and persons of African descent.
87. The Holy See acknowledged efforts on the protection of human rights, including the expansion of the competencies of human rights institutions and the creation of a support system for unaccompanied children.
88. Honduras welcomed the implementation of the National Action Plan for Gender Equality in the Labour Market and the National Action Plan on Disability.
89. Hungary noted that Austria had ratified important conventions and withdrawn its reservations to several human rights treaties. It also noted that the Austrian Ombudsman Board was not fully independent.
90. Iceland called for independent investigations into the use of excessive force by law enforcement officials. It regretted the vote by the National Assembly against same-sex marriage in 2015.
91. India noted the comprehensive administrative reforms. It called for improvement in the investigations of alleged human rights violations by law enforcement officials and alternatives to pretrial detention for juveniles.
92. Indonesia encouraged Austria to continue efforts to protect the rights of migrants. It noted the expansion of the mandate of the Austrian Ombudsman Board and the progress in formulating the National Action Plan on Human Rights.
93. The Islamic Republic of Iran welcomed the efforts of Austria to expand the normative and institutional framework for the protection of human rights.
94. Ireland expressed concern that women continued to be disproportionately represented in poorly paid jobs and received lower remuneration than men. It noted that Austria did not recognize marriage between same-sex partners despite the adoption of the Registered Partnership Act.
95. Israel commended Austria for clarifying the mandate of the Austrian Ombudsman Board, defining hate speech and amending the Security Police Act. It welcomed the national action plans regarding persons with disability, human trafficking and violence against women.

96. Italy noted the strengthening of the legislative provisions to combat discrimination and a project to harmonize statistics on criminal acts motivated by racism, discrimination and xenophobia.
97. Japan noted efforts to improve gender equality in employment and expected further efforts to decrease the gender-pay gap. It noted insufficient support for minorities.
98. Libya made a statement and recommendations.
99. Malaysia noted the measures taken concerning the rights of children, gender equality, older persons and persons with disabilities. It noted the remaining challenges in human rights, including negative attitudes and prejudice against minorities.
100. Mexico acknowledged efforts by Austria to address the increase in the arrival and transit of refugees and migrants through its territory. It appreciated the Government's respect for diversity and encouragement for social cohesion.
101. Montenegro noted the concern expressed by the Committee on the Rights of Persons with Disabilities about lack of advocacy and support for women with disabilities and asking for the elaboration of measures to mainstream a gender perspective into disability-related legislation and policies.
102. Morocco welcomed efforts to improve support for the press, to promote quality journalism. It also congratulated Austria on the role of the Ombudsman as a national preventive mechanism.
103. Mozambique appreciated the contribution of Austria to the handling of mixed-migration flows into Europe. It praised the withdrawal of reservations to article 11 of the Convention on the Elimination of All Forms of Discrimination against Women and the process initiated to withdraw reservations to the Convention on the Rights of the Child and the Convention relating to the Status of Refugees.
104. Namibia welcomed the creation of an administrative penal provision for discriminatory housing advertisements and the enactment of provisions to extend criminal culpability for discrimination.
105. The Netherlands welcomed the ruling of the Constitutional Court allowing adoption by same-sex couples, while noting that such couples were still barred from marriage. It welcomed the steps taken to establish an independent mechanism to investigate allegations of excessive use of force and ill-treatment.
106. Nicaragua commended the progress made, including modifications in the national legislation on children, and trusted that Austria would continue to work to eliminate remaining legal or institutional gaps.
107. Norway noted the important efforts in handling the challenges linked to the large influx of refugees and migrants, including measures such as providing separate detention facilities for asylum seekers awaiting deportation and granting them the right to free legal counselling.
108. Pakistan commended Austria for passing legislation aimed at strengthening the protection of human rights and for ratifying international human rights instruments.
109. Panama welcomed achievements in ensuring accessibility for persons with disabilities. It congratulated efforts by Austria to guarantee that older persons can fully enjoy their rights.
110. The Philippines noted the adoption of an action plan to combat human trafficking and measures to advance the rights of persons belonging to disadvantaged and minority

groups. It noted the concerns about the treatment of child victims of prostitution as offenders.

111. Poland welcomed the steps taken to withdraw reservations and declarations to the Convention on the Rights of the Child, as well as the amendments to the Parenting and Naming Act.

112. Portugal welcomed the ratification of the Optional Protocol to the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance. It expressed concern about children born out of wedlock facing limitations in accessing Austrian nationality.

113. The Republic of Moldova welcomed the ratification of the Optional Protocol to the Convention against Torture and the legal and policy measures taken in the areas of the rights of the child and human trafficking.

114. The Russian Federation noted the administrative reforms, cooperation with the international and regional human rights mechanisms and the national action plans concerning gender equality in employment and violence against women.

115. Rwanda noted progress in aligning national legislation with international obligations and called for those positive steps to be translated into practical measures to combat discrimination, among other issues.

116. Senegal welcomed the reforms to the Criminal Code to combat incitement to hatred. It regretted difficulties relating to family reunification for migrants and the slow pace of the asylum process.

117. Serbia commended Austria for its efforts to ensure equal treatment for all and to eliminate discrimination against marginalized groups. Austria should harmonize its anti-discrimination laws.

118. Sierra Leone urged the expeditious establishment of a national human rights action plan. It encouraged measures to increase women's representation in decision-making positions and improve the situation of migrants and asylum seekers.

119. Singapore welcomed the commitment of Austria to combating racism, discrimination and xenophobia and efforts to improve the lives of persons with disabilities through the National Action Plan on Disability.

120. Slovakia welcomed the comprehensive administrative reform. It noted amendments to the Criminal Code to strengthen the definition of hate speech and encouraged law enforcement authorities to implement the Code in its entirety.

121. Slovenia appreciated the improvements in finding solutions to issues related to the Slovenian minority under the new Carinthian government. However, it noted that the financial support to the Slovenian minority had been reduced by a third owing to inflation over the previous 20 years.

122. South Africa noted efforts to implement the recommendations arising from the first cycle, particularly on the withdrawal by Austria of its reservation to article 11 of the Convention on the Elimination of All Forms of Discrimination against Women and on beginning a process to withdraw reservations to the Convention on the Rights of the Child.

123. Spain highlighted the promotion of the rights of persons with disabilities, particularly the adoption of the National Action Plan on Disability, and the inclusion of the crime of torture in legislation.

124. Sri Lanka welcomed the national action plan on the protection of women against violence and the expansion of the mandate of the Austrian Ombudsman Board.

125. The State of Palestine welcomed the National Action Plan on Human Rights and measures taken on integration and on business and human rights.
126. France welcomed the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture.
127. The Republic of Korea welcomed the inclusion in the Criminal Procedure Code of more human rights-based provisions.
128. Uruguay welcomed the withdrawal by Austria of its reservation to article 11 of the Convention on the Elimination of All Forms of Discrimination against Women and efforts on gender equality and domestic violence, and encouraged Austria to continue such efforts.
129. The delegation reiterated that criminal provisions against hate speech and hate crimes had been amended to make penalties harsher. Criminal provisions on anti-Semitism had been strictly implemented. Thus, progress had been achieved in combating hate crimes and it was expected that further measures would be taken.
130. Austria provided protection to all recognized religions, including Islam, and supported the teaching of those religions by the relative communities. In that respect, legal measures and public awareness campaigns were necessary to combat discrimination.
131. In view of the increasing number of asylum seekers, the Government had every intention to ensure the same human rights standards as it had in the past. However, the asylum-processing support staff had been overloaded and the ability to provide shelters and health care had become limited owing to the increasing demand. Furthermore, the delegation reported on measures taken to ensure equal access to quality health care to all, including children and persons with disabilities, irrespective of their legal status.
132. The delegation reiterated that protection against violence, especially against children, remained a core priority of the Government. Corporal punishment was prohibited by domestic constitutional legislation. All relevant agencies, teachers and health officials had a legal obligation to report any violence against children, including psychological and physical violence.
133. Ombudsman boards for children and young people had been established in each of the nine states and had been working to assess the sociopedagogical situation in children's homes and foster families to ensure that children were protected against violence, abuse and neglect. The Government had been studying changes in public awareness and attitudes on domestic violence; the results of the study would be presented during a high-level global conference on the theme "Towards a childhood free from corporal punishment", to be held in 2016.
134. The delegations reported on measures taken to ensure adequate investigation into allegations of ill-treatment, including measures addressing conflicts of interest during investigations and involving the Austrian Ombudsman Board.
135. The delegation reiterated the commitment of Austria to reach the international target of allocating 0.7 per cent of its gross domestic product to ODA but said that that could not be achieved overnight, taking into account current budget constraints and the need to direct funds to address the refugee situation. The development cooperation activities of Austria were based on a human rights-based approach and the rule of law.
136. The delegation stated that a task force on human trafficking that included civil society representatives had been very active. It had created several working groups on issues related to human trafficking, including the exploitation of children, and prepared a guidebook for the identification and handling of potential victims of child trafficking.

137. The delegation reported that new plans had been developed to improve the penitentiary system. Responding to concerns that the Austrian Ombudsman Board did not comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), the delegation reassured that Austria remained open to addressing questions and concerns related to the Board and would study the questions raised in further detail.

138. The delegation expressed its gratitude to all delegations that had made statements and inquiries during the interactive dialogue and reiterated the commitment of the Government to continue improving the human rights situation.

## **II. Conclusions and/or recommendations\*\***

**139. The recommendations formulated during the interactive dialogue and listed below have been examined by and enjoy the support of Austria:**

**139.1 Consider ratifying human rights conventions to which it is not yet party (Plurinational State of Bolivia);**

**139.2 Continue to improve legislative mechanisms in the area of human rights (Tajikistan);**

**139.3 Ensure that the legal framework on religious societies continues to be applied in an equal and transparent manner (Mexico);<sup>1</sup>**

**139.4 Continue to harmonize its national legislation on children with the international standards contained in the Convention on the Rights of the Child and its Protocols, and any other relevant instrument to which it is party (Nicaragua);**

**139.5 Address the limitations for children born out of wedlock in accessing Austrian nationality and ensure non-discrimination (Portugal);**

**139.6 Ensure the protection of the rights of children, including juveniles who are incarcerated in overcrowded prisons (Botswana);**

**139.7 Continue to strengthen the mandate of the Austrian Ombudsman Board in order to ensure full compliance with the Paris Principles (Croatia);**

**139.8 Ensure that the Austrian Ombudsman functions with full independence and in conformity with the Paris Principles (Egypt);**

**139.9 Continue taking measures to ensure that the Austrian Ombudsman Board, as its National Human Rights Institution, to be fully in line with the Paris Principles (Indonesia);**

**139.10 Ensure that the national human rights institution and the national preventive mechanism envisaged by the Optional Protocol to the Convention against Torture comply fully with the Paris Principles (Germany);**

**139.11 Ensure that the national human rights institutions and the national preventative mechanism comply with the Paris Principles (Hungary);**

**139.12 Adopt a comprehensive human rights action plan (Timor-Leste);**

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\*\* Conclusions and recommendations have not been edited.

<sup>1</sup> Mexico articulated “suggest” instead of “recommend” for recommendation Nos. 139.3, 139.72, 140.8 and 140.23.

- 139.13 **Adopt an overarching national action plan on human rights (Georgia);**
- 139.14 **Adopt a comprehensive national human rights action plan and implement the national action plan on the protection of women against violence 2014-2016 (Sudan);**
- 139.15 **Finalize and adopt before the end of 2015 the national human rights action plan in order to further stimulate the promotion and protection of human rights in the country (Democratic Republic of the Congo);**
- 139.16 **Adopt a national action plan on human rights in line with OHCHR guidelines (India);**
- 139.17 **Adopt, in close consultation with the Ombudsman Board and civil society, a national action plan on human rights containing specific implementation targets and measurable indicators (Republic of Moldova);**
- 139.18 **Continue its efforts at the international level directed towards the prevention of massive, gross and systematic violations of human rights and promote educational programmes and projects to that effect (Armenia);**
- 139.19 **Reinforce its policies for the protection of women taking into account the vulnerability of women refugees (Holy See);**
- 139.20 **Give due consideration to human rights, particularly those of children and persons with disabilities, and continue to make efforts to ensure transparency in all procedures related to its treatment of immigrants and refugees (Japan);**
- 139.21 **Protect the rights of indigenous peoples, peasants and other persons working in rural areas (Plurinational State of Bolivia);**
- 139.22 **Expand its human rights education campaign, especially that on the rights of women, children, the elderly and minorities, to law enforcement officers (Viet Nam);**
- 139.23 **Submit the overdue report to the Committee on Enforced Disappearances (Sierra Leone);**
- 139.24 **Take effective measures to strengthen gender equality, in particular eliminate occupational segregation (Uzbekistan);**
- 139.25 **Take further action in order to encourage equal opportunities for both men and women, for instance through more equal salary levels and enhanced childcare services in order to improve reconciliation of work and family life. The National Action Plan on Gender Equality in the Employment Market ought to be fully implemented without delay (Sweden);**
- 139.26 **Take measures to ensure equal opportunities for women in the labour market (United Arab Emirates);**
- 139.27 **Strengthen efforts to ensure gender equality in the workplace and implement measures to enhance representation of women at senior-level and managerial positions in government and other sectors (Sri Lanka);**
- 139.28 **Take all necessary measures to put an end to all forms of discrimination against women in the labour market (Libya);**
- 139.29 **Ensure equal opportunities for women in the labour market by eliminating occupational segregation and narrowing the gender pay gap and**

increase the participation of women in the political sphere, in particular at the higher levels (Republic of Korea);

139.30 Ensure equal opportunities for women in the labour market, including by strengthening equal access of migrant women to effective job training and placement services in order to alleviate the concentration of qualified migrant women in low-paying jobs (Ireland);

139.31 Continue efforts in ensuring gender equality in all the spheres of the society, including making efforts to narrow the gender pay gap (Estonia);

139.32 Strengthened measures to promote gender equality, particularly with regard to the gender pay-gap and women's representation in leadership positions and regional politics (Norway);

139.33 Take action to narrow the gender pay gap and to ensure equal opportunities for women on the labour market (Israel);

139.34 Step up efforts to close the gender pay gap (Thailand);

139.35 Adopt further measures to reduce the gender pay gap in all sectors of the economy (Viet Nam);

139.36 Take concrete measures to reduce the gender pay gap (Canada);

139.37 Ensure equal remuneration to men and women (South Africa);

139.38 Take measures to combat inequality between men and women and to improve the representation of women in economic and political life (France);

139.39 Rectification of the underrepresentation of women in public services as well as the decision-making positions in the private sector (India);

139.40 Step up the fight against racism and adopt adequate measures for the reduction of discrimination and social exclusion (Angola);

139.41 Strengthen measures against acts of racism and discrimination, xenophobia and intolerance (Plurinational State of Bolivia);

139.42 Put in place measures to combat all forms of racial discrimination (France);

139.43 Strengthen the legislation against discrimination and adopt effective measures to combat racism, racial discrimination and xenophobia (China);

139.44 Strengthen its current work to combat racism and xenophobia, by condemning manifestations of intolerance and populism in the political sphere and in the media (Cuba);

139.45 Step up efforts to fight racism, racial discrimination, xenophobia and associated intolerance (Senegal);

139.46 Continue to take action-oriented measures to counter racial discrimination and intolerance, including through education and awareness-raising efforts at all levels (Singapore);

139.47 Take the necessary steps to combat racial hatred and promote tolerance towards persons of different ethnic origins (Thailand);

139.48 Continue its efforts to raise public awareness and give special attention to the fight against racism, discrimination, xenophobia and intolerance (Sudan);

- 139.49 **Review the effectiveness of existing legislation to combat racism, hate crime and hate speech (Islamic Republic of Iran);**
- 139.50 **Promote policies and programmes to combat racial hatred and discrimination against minorities and refugees, as well as to sanction such acts (Costa Rica);**
- 139.51 **Strengthen efforts to alleviate social discrimination against Muslims, Roma, Jews and foreigners of African origin (United States of America);**
- 139.52 **Assess the effectiveness of existing legislation to combat racism, hate crime and hate speech (South Africa);**
- 139.53 **Step up measures in combating discrimination, xenophobia and related intolerance against persons belonging to religious and ethnic minorities, particularly Muslims (Malaysia);**
- 139.54 **Proceed with the implementation of the National Action Plan on Integration to strengthen measures to tackle xenophobia, racism and intolerance, and increase intercultural understanding, including through community-based programmes (Canada);**
- 139.55 **Establishing a comprehensive system for recording and monitoring developments in the area of prevention of xenophobia and discrimination, including hate crimes (Norway);**
- 139.56 **Effectively combat all manifestations of Islamophobia, neo-Nazism, and investigate, prosecute and punish all hate crimes against minorities (Azerbaijan);**
- 139.57 **Eliminate discrimination against Roma and other minorities, including Muslims in law and practice, and protect their rights (Pakistan);**
- 139.58 **Continue its efforts in addressing the increasing anti-Semitic incidents (Israel);**
- 139.59 **Strengthen the promotion of understanding of a dialogue between cultures and religions as a means for the realisation of human rights (Tajikistan);**
- 139.60 **Carry out work on the promotion of racial, national and religious tolerance, especially among the youth (Tajikistan);**
- 139.61 **Double its efforts in promoting understanding and tolerance among people of different faiths and ethnic backgrounds (Malaysia);**
- 139.62 **Continue promoting tolerance towards persons of different ethnic origins (the former Yugoslav Republic of Macedonia);**
- 139.63 **Take further effective measures to ensure ethnic and religious harmony in the country (Indonesia);**
- 139.64 **Implement public awareness campaigns to promote tolerance and respect for cultural diversity and to counter prejudice, stereotypes, discrimination, racism and Islamophobia (United Arab Emirates);**
- 139.65 **Take all appropriate measures to promote tolerance, intercultural dialogue and respect for diversity in the society (Azerbaijan);**
- 139.66 **Intensify awareness-raising campaigns aimed at changing existing prejudices and stereotypes against ethnic minority groups (Guatemala);**

- 139.67 Enact adequate legal measures to prohibit incitement to racial hatred and to fight against racism, xenophobia and Islamophobia (Turkey);
- 139.68 Prohibit incitement to hatred and violence, and eliminate hate speech and discrimination in the media (United Arab Emirates);
- 139.69 Take necessary measures to tackle hate speech carried out by politicians targeting members of minorities, migrants, asylum seekers, refugees and so on (Republic of Korea);
- 139.70 Criminalize hate speech and incitement to hatred which leads to imminent violence (Pakistan);
- 139.71 Take all necessary measures to prohibit hate speech against asylum seekers, refugees and foreigners (Namibia);
- 139.72 Continue with efforts to counter hate speech, as well as incitement to xenophobia and discrimination for nationality or religious reasons (Mexico);
- 139.73 Take more resolute action to combat hate speech and incitement to hatred, including in the media, against members of religious and ethnic minorities (Malaysia);
- 139.74 Strengthen the current legislation regarding criminalization of incitement to hatred (Morocco);
- 139.75 Carry out in-depth investigations of actions of some politicians during their electoral campaigns and statements that incite hatred (Guatemala);
- 139.76 Prohibit incitement to hatred and undertake thorough investigations into incitement to hatred and racism in the media and bring perpetrators to justice (Bahrain);
- 139.77 Prohibit incitement to racial hatred, including take effective measures to prevent hate speech against ethnic and religious minorities during election campaigns and in the media (Uzbekistan);
- 139.78 Strengthen measures to ensure the investigation and sanctioning of hate speech against minorities, including those made in the media and during political discourse (Argentina);
- 139.79 Undertake further work as soon as possible to combat the danger of Islamophobia in society and political discourse, including the establishment and effective implementation of a national system for the recording, independent monitoring and punishment of hate crimes committed within Austria (United Kingdom of Great Britain and Northern Ireland);
- 139.80 Step up adoption of necessary amendments to its legislation and the judicial practice in order to combat more effectively extremism, xenophobia and racism (Belarus);
- 139.81 Adapt the integration measures by taking into account the current migration situation in order to prevent cases of intolerance on the grounds of religion and of ethnic belonging (Belarus);
- 139.82 Continue to provide greater human rights and anti-discrimination training to law enforcement personnel and include measures to address racism in the National Action Plan for Integration (Australia);

- 139.83 Steps to counter negative attitudes and stereotypes towards disabled persons (India);
- 139.84 Take further action against the use of excessive force by the police (Sweden);
- 139.85 Undertake effective actions to continue the fight against violence regarding women and children in the family setting (Angola);
- 139.86 Continue to promote measures to eradicate violence against women, including domestic violence, and expand support services and psychological support for victims, taking especially into account the vulnerability of migrant women (Chile);
- 139.87 Continue combating violence against women and domestic violence, taking into account the vulnerability of migrant women and adopting new legislative measures in support of this group (Cuba);
- 139.88 Develop a comprehensive national strategy to prevent and address all forms of violence against children with a view to strengthen measures to encourage child victims to report instances of violence, abuse and neglect (Poland);
- 139.89 Take effective measures to prevent violence against women, including domestic violence (Russian Federation);
- 139.90 Implement expeditiously the law prohibiting female genital mutilation and bring the perpetrators to justice (Uganda);
- 139.91 Combat violence against women and trafficking of child victims of prostitution (Djibouti);
- 139.92 Continue to strengthen institutional mechanisms to address violence against women and children and to further ongoing efforts in the field of combating human trafficking (Sri Lanka);
- 139.93 Take further measures aimed at the protection of women and children's rights, in particular in order to raise awareness of, prevent and protect them from all forms of violence and human trafficking, including among migrants, refugees and asylum seekers (Ukraine);
- 139.94 Continue to ensure that its anti-human-trafficking programmes remain victim-oriented and provide effective access to legal and psychological support to child victims of trafficking (Philippines);
- 139.95 Continue with its efforts in raising awareness and knowledge on human trafficking, including through trainings and awareness-raising measures for law enforcement organs, judges and public prosecutors (Bhutan);
- 139.96 Continue to improve the national infrastructure to assist victims of trafficking and develop a national system for the recognition and support of child victims of trafficking (Chile);
- 139.97 Investigate incidents of human trafficking and offer full assistance to child trafficking victims (Sierra Leone);
- 139.98 Further promote protection of victims of human trafficking, including measures of more effective investigations and prosecution of perpetrators (Greece);

- 139.99 **Introduction of new concrete measures to protect child victims of trafficking and minors in custody and detention (Norway);**
- 139.100 **Ensure that law enforcement officials conduct their duties in line with Austria's international obligations, particularly in relation to migrants, asylum seekers and minorities (Rwanda);**
- 139.101 **Ensure transparent and effective investigation and prosecution where appropriate of alleged human rights violations by law enforcement officials, particularly in reference to the treatment of members of minority groups (United States of America);**
- 139.102 **Establish a comprehensive system for recording and monitoring racist crimes committed in Austria (Iceland);**
- 139.103 **Investigate all cases of ill-treatment, human rights violations committed by law enforcement agencies and prosecute those responsible (Azerbaijan);**
- 139.104 **Ensure that police investigations are carried out in an impartial and non-discriminatory manner and not based on ethnic profiling (Iceland);**
- 139.105 **Comprehensively investigate incidents and allegations of hate crimes and xenophobic attacks and bring their perpetrators to justice (Sierra Leone);**
- 139.106 **Investigate all allegations of racial profiling, of the practice of unlawful detention and of searches of persons belonging to ethnic and religious minorities, and penalise strictly law enforcement officers who were engaged in such actions (Uzbekistan);**
- 139.107 **Bring the penitentiary system of juveniles in full compliance with the international norms and standards (Uzbekistan);**
- 139.108 **Consider the recommendation by the Committee on the Rights of the Child regarding the detention of minors under the age of 14 years, particularly refugee and unaccompanied children and child asylum seekers (Nicaragua);**
- 139.109 **Ensure the constitutionality of the new Islam Law and guarantee that its implementation safeguards the full enjoyment of the freedom of religion and belief (Turkey);**
- 139.110 **Undertake measures in building an equal and adequate pension system mainly for women's childcare (Albania);**
- 139.111 **Continue to enhance senior citizens' workforce participation, as advocated under the Federal Plan for Senior Citizens, adopted in 2012 (Australia);**
- 139.112 **Redouble efforts to eliminate discrimination against older people in access to financial services, which sometimes are not available or are too costly in reason of the undue use of age as a criteria (Panama);<sup>2</sup>**
- 139.113 **More vigorously enhance provisions of human rights education in schools (Georgia);**

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<sup>2</sup> Panama articulated "exhort" instead of "recommend".

- 139.114 **Make progress in the modifications of relevant laws to include a concept of disability in accordance with the Convention on the Rights of Persons with Disabilities (Argentina);**
- 139.115 **Continue to ensure the full implementation of the National Action Plan on Disability and strengthen coherence across laws and policies to ensure that persons with disabilities are able to lead fulfilling and productive lives (Singapore);**
- 139.116 **Continue its efforts to provide full access to education, the labour market and public life for persons with disabilities (Holy See);**
- 139.117 **Continue improving accessibility for persons with disabilities in a global and inclusive manner in accordance with the Convention on the Rights of Persons with Disabilities (Panama);**
- 139.118 **Consider extending additional support to linguistic and ethnic groups other than those officially recognised as ethnic minorities, with the aim to further promote diverse cultural identities and practice of multiculturalism (Serbia);**
- 139.119 **Continue to raise awareness to eradicate existing prejudices and stereotypes against people with a migration background and foreigners (Turkey);**
- 139.120 **Pay specific attention to its human rights obligations in the context of the significant influx of migrants from the Middle East and Northern Africa to the country (Russian Federation);**
- 139.121 **Take all necessary steps to ensure that children with a migration background have unhindered and equal access to education (Turkey);**
- 139.122 **Continue ensuring an environment conducive to the full respect and protection of the rights of refugees and asylum seekers within Austrian society at large (Sweden);**
- 139.123 **Continue working to provide asylum and refugee status to all of those persons who need it (Plurinational State of Bolivia);**
- 139.124 **Ensure that camps and centers for migrants and refugees have sufficient shelter and health facilities to handle current increased numbers (United States of America);**
- 139.125 **Improve the situation of asylum seekers and guarantee their rights to an adequate standard of living and remedy their housing conditions (Albania);**
- 139.126 **Make every effort to guarantee the right to seek asylum and to provide adequate housing for refugees (Holy See);**
- 139.127 **Ensure adequate living conditions for migrants, refugees and asylum seekers for the effective promotion and protection of their rights (Ecuador);**
- 139.128 **Provide proper assistance for the increasing number of unaccompanied minor refugees during their initial reception in Austria (Brazil);**
- 139.129 **Put forward further efforts to guarantee the rights of asylum seekers, migrants and refugees with a view to delivering an adequate standard of living and access to affordable public services (Republic of Korea);**

- 139.130 Take effective measures to increase its official development assistance to achieve the internationally agreed target of 0.7 per cent of its gross domestic product as expeditiously as possible (Uganda);
- 139.131 Bring official development assistance up to the internationally committed 0.7% of GNI (Bangladesh);
- 139.132 Increase the level of its official development aid to achieve the internationally set level of 0.7 per cent of GDP (Senegal);
- 139.133 Increase the ODA to 0.7 per cent of the GNI, as agreed internationally, to strengthen the developing countries against poverty and to achieve development (China);
- 139.134 Continue and strengthen Austria's aid programmes and projects to improve the conditions of people in developing countries (Bhutan);
- 139.135 Adopt a human-rights approach when designing projects under the Austrian Development Cooperation (Trinidad and Tobago).
140. The recommendations below did not enjoy the support of Austria and would thus be noted:
- 140.1 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Sudan);
- 140.2 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Azerbaijan);
- 140.3 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Egypt);
- 140.4 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras);
- 140.5 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Senegal);
- 140.6 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);
- 140.7 Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Bosnia and Herzegovina);
- 140.8 Sign and ratify International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Turkey) (Mexico);
- 140.9 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Timor-Leste);
- 140.10 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Bangladesh);
- 140.11 Consider acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Sri Lanka);

140.12 Consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Plurinational State of Bolivia);

140.13 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and take the necessary steps towards realising the effective protection of migrant workers and members of their families (Bahrain);

140.14 Take concrete steps towards accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ILO Convention No. 189 (Philippines);

140.15 Include all the rights protected under the Convention on the Rights of the Child, particularly social and cultural rights, in the Federal Constitutional Law on the Rights of Children (Poland);

140.16 Reintroduce the possibility of dual citizenship (Turkey);

140.17 Strengthen the legislative framework to better support migrants and migrant workers, particularly through the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Algeria);

140.18 Bring its Ombudsman Board into compliance with the Paris Principles (Malaysia);

140.19 Increase financial support for the Slovenian minority in the provinces of Carinthia and Styria to the 1995 level in real terms, as previously recommended (Slovenia);<sup>3</sup>

140.20 Abolish the quota requirement for family reunification (Turkey);

140.21 Abolish the quota system requirement in relation to family reunification (Egypt);

140.22 Consider issuing, upon request, provisional work permits in favor of asylum seekers (Brazil);

140.23 Reconsider the concession of refugee centers to private businesses taking into account the impact such a policy has on the right to access to justice, as well as the practical consequences of the financial incentives that this creates (Mexico).

141. The following recommendations will be examined by Austria, which will provide responses in due time but no later than the thirty-first session of the Human Rights Council, in March 2016:

141.1 Consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the third Optional Protocol to the Convention on the Rights of the Child (Ghana);

141.2 Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as previously recommended (Portugal);

<sup>3</sup> The recommendation read: "Reiterate our previous recommendation No. 93.53".

- 141.3 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and accept the competence of the Committee as regards the inquiry procedure and inter-State communications (Finland);
- 141.4 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Slovakia) (Uruguay) (Montenegro);
- 141.5 Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Italy);
- 141.6 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, accede to the inquiry procedure and inter-State communications, and ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (France);
- 141.7 Take steps to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Slovakia);
- 141.8 Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Uruguay);
- 141.9 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Spain);
- 141.10 Ratify the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Montenegro);
- 141.11 Swiftly ratify the Optional Protocol to the the Convention on the Rights of the Child on the involvement of children in armed conflict (Portugal);
- 141.12 Ratify the Convention against Discrimination in Education (Trinidad and Tobago);
- 141.13 Withdraw reservations to the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture (Pakistan);
- 141.14 Withdraw reservations to the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture (Hungary);
- 141.15 Withdraw its reservations to the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture as these reservations undermine their key objectives (South Africa);
- 141.16 Withdraw the reservations made to the Convention against Torture, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (Spain);
- 141.17 Withdraw its reservations to the Convention against Torture (Netherlands);
- 141.18 Harmonize anti-discrimination laws by broadening their application scope so as to include the grounds of religion, belief, age and sexual orientation (Belgium);

- 141.19 **Harmonise anti-discrimination laws and broaden their scope to include as grounds religion, age and sexual orientation (Uruguay);**
- 141.20 **Review and harmonize the existing anti-discrimination laws in order to ensure effective and comprehensive protection against all forms of discrimination in law and in practice (Czech Republic);**
- 141.21 **Take further action to harmonize anti-discrimination laws to ensure equal protection on all grounds of discrimination in all spheres of life (Namibia);**
- 141.22 **Harmonize the Austrian legislation on combating all forms of discrimination with international instruments in this area (Ecuador);**
- 141.23 **Revise and harmonize its anti-discrimination laws to ensure effective protection against all forms of discrimination (Finland);**
- 141.24 **An early harmonization of anti-discrimination legislation along with adequate action to address racism, xenophobia and related intolerance against migrant communities and ethnic minorities, including the Roma community (India);**
- 141.25 **Make progress in harmonizing its legislation on the rights of women, non-discrimination and gender equality (Honduras);**
- 141.26 **Promote incorporating into the national legislation all the rights protected under the international conventions and covenants, in particular economic, social and cultural rights (Ukraine);**
- 141.27 **Ensure that the appointment of its Ombudsman Board's members is in compliance with the Paris Principles (India);**
- 141.28 **Adopt specific measures at the legislative and policy levels to ensure the full inclusion of children from minorities, asylum seekers and migrant backgrounds, and boys and girls with disabilities, in its educational system (Honduras);**
- 141.29 **Put in place specific human rights training and education programmes in the different education cycles (Morocco);**
- 141.30 **Ensure that everyone enjoys the same protection against all forms of discrimination, in all circumstances (Switzerland);**
- 141.31 **Continue efforts in promoting gender equality, including ensuring equal pension entitlements for women (Malaysia);**
- 141.32 **Ensure equal protection from all forms of discrimination, including by extending the scope of anti-discrimination regulations, by including the grounds of religion and belief, age and gender identity (Bulgaria);**
- 141.33 **Increase measures to combat discrimination in all forms (Rwanda);**
- 141.34 **Intensify efforts to combat discrimination on all grounds, including age, religion and sexual orientation (Canada);**
- 141.35 **Scale up its efforts to ensure equal protection against all forms of discrimination (Trinidad and Tobago);**
- 141.36 **Ensure equal protection from all forms of discrimination, including by harmonizing and extending the scope of anti-discrimination laws to include the grounds of religion and belief, age and sexual orientation (Germany);**

- 141.37 Further pursue its efforts to establish equal conditions for the participation of men and women in the labour market, including by enhancing the availability of affordable full-day childcare centres and introducing legal entitlements for these services (Denmark);
- 141.38 Adopt a national plan of action against racism (Algeria);
- 141.39 Adopt a national action plan against racism (Botswana);
- 141.40 Develop a comprehensive national action plan on combating racism and discrimination (Uzbekistan);
- 141.41 Adopt a national action plan against racism in accordance with the Durban Declaration and Programme for Action, and ensure that racism and hate speech, including in the context of elections and politics, are appropriately and explicitly criminalized and penalized (Egypt);
- 141.42 Consider adopting a national action plan against racism, xenophobia and related intolerance (Italy);
- 141.43 Combat all forms of racism by adopting a national action plan against racism (Djibouti);
- 141.44 Work towards establishing and adopting a national strategy aimed at combating all forms of racism and xenophobia (Bahrain);
- 141.45 Harmonize anti-discrimination laws (Bahrain);
- 141.46 End discrimination in law and practice against religious and ethnic minorities, in particular against Muslims, and ensure full protection of their rights (Islamic Republic of Iran);
- 141.47 Prevent candidates from promoting racial discrimination (Guatemala);
- 141.48 Improve the investigation of alleged human rights violations by law enforcement officials, including by establishing an independent mechanism to investigate such allegations with the power to order disciplinary proceedings and refer cases directly to the judicial authorities (Islamic Republic of Iran);
- 141.49 Prosecute perpetrators of hate crimes and xenophobic acts and prevent misuse of information and communications technologies for this purpose (Pakistan);
- 141.50 Ensure independent and effective investigation and prosecution of all cases of alleged human rights violations by law enforcement officials (Czech Republic);
- 141.51 Revise the draft State Protection Act so that it contains robust safeguards with respect to the full enjoyment of the right to privacy and other human rights in compliance with international human rights law (Czech Republic);
- 141.52 Provide protection for the family as the natural and fundamental unit of the society (Egypt);
- 141.53 Adjust regulation so that same-sex partners enjoy the same rights as other married couples as recommended in the report of the European Commission against racism and intolerance published on 13 October 2015 (Denmark);

- 141.54 **Ensure the equal rights of people by legally recognizing same-sex marriage (Iceland);**
- 141.55 **Abolish all legal inequalities between registered same-sex partnership and marriage (Ireland);**
- 141.56 **Ensure further equality by allowing same-sex couples the right to marriage according to international standards (Netherlands);**
- 141.57 **Amend the legal status of same-sex partnerships to ensure full equality in the eyes of the law (United Kingdom of Great Britain and Northern Ireland);**
- 141.58 **Ensure the freedom of religious minorities, in particular Muslims, in exercising their religious practices, and respect their right to choose the language of their own, used in their religious scripts, and also respect their right to financial supports and services provided by their brothers of faith from other countries (Libya);**
- 141.59 **Ensure the establishment of an inclusive education system (Israel);**
- 141.60 **Regarding persons with disabilities, replace the substituted decision-making system with a supported decision-making one (Israel);**
- 141.61 **Ensure that people with severe mental disorders and/or in poor health, especially those whose state of health is at risk of further deterioration due to their incarceration, are not imprisoned (France);**
- 141.62 **Provide increased support for minorities (Japan);**
- 141.63 **Legally regulate the protection of the Slovenian minority in Styria in line with international legal commitments undertaken by Austria and adopt and implement concrete solutions to benefit the Slovenian minority in Styria, such as increasing the teaching of the Slovenian language in Styrian public and high schools (Slovenia);**
- 141.64 **Invest further efforts in political empowerment of representatives of minority communities with a view to encourage their meaningful participation in political processes at the local, regional and national levels, and thus provide for their better integration in the society (Serbia);**
- 141.65 **Prevent further closing of bilingual public schools in Carinthia and take additional measures to improve the quality of bilingual education (Slovenia);**
- 141.66 **Create specific protection institutions that provide a voice and protection for the integration and development of refugees and asylum seekers (Costa Rica);**
- 141.67 **Strengthen programmes providing equal access to health, education and social services for migrants and asylum seekers and their children (Philippines);**
- 141.68 **Protect rights of migrants, asylum seekers and refugees in accordance with international human rights standards with a view to combat discrimination against them (Pakistan);**
- 141.69 **Take further steps to promote integration of asylum seekers, migrants and refugees and their participation in political, cultural and economic life, including by increasing their access to affordable health-care services and to the employment market (State of Palestine);**

141.70 Strengthen oversight of Austrian companies operating abroad with regard to any negative impact of their activities on the enjoyment of human rights, particularly in conflict areas, where there are heightened risks of human rights abuses (State of Palestine);

141.71 Set up an effective statistical data collection system, including with regards to complaints, investigations, proceedings, sentences and reparations related to cases of ill-treatment by law enforcement officials, in order to fully implement the Convention against Torture and its Optional Protocol (Belgium).

142. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Austria was headed by the Federal Minister of Justice, Wolfgang Brandstetter, and composed of the following members:

- H.E. Mr. Thomas Hajnoczi, Deputy Head of Delegation, Ambassador and Permanent Representative of Austria to the United Nations Office at Geneva;
- Ms. Karoline Edtstadler, Cabinet of the Minister of Justice, Vienna;
- Ms. Katharina Holzinger, Cabinet of the Minister of Justice, Vienna;
- H.E. Mr. Helmut Tichy, Ambassador, Federal Ministry for Europe, Integration and Foreign Affairs, Vienna;
- Mr. Christian Pilnacek, Ministry of Justice;
- Mr. Gerhard Aigner, Federal Ministry of Health;
- Mr. Michael Girardi, Federal Ministry for Europe, Integration and Foreign Affairs;
- Mr. Max Rubisch, Federal Ministry of Labour, Social Affairs and Consumer Protection;
- Ms. Jacqueline Niavarani, Federal Ministry of Education and Women's Affairs;
- Mr. Christian Ruhs, Federal Ministry of Education and Women's Affairs;
- Mr. Ewald Filler, Federal Ministry for Family and Youth;
- Ms. Brigitte Ohms, Federal Chancellery, Constitutional Service;
- Ms. Eva-Maria Fehringer, Federal Ministry of Labour, Social Affairs and Consumer Protection;
- Mr. Michael Fruhmann, Federal Ministry of Justice;
- Ms. Martina Klein, Federal Ministry of Justice;
- Ms. Linda Mittnik, Federal Ministry of Justice;
- Mr. Walter Ruscher, Federal Ministry of the Interior;
- Mr. Albert Grasel, Federal Ministry of the Interior;
- Ms. Eva Pflieger, Federal Ministry of the Interior;
- Ms. Eva Schöfer, Federal Ministry for Europe, Integration and Foreign Affairs;
- Mr. Manfred Nowak, Ludwig Boltzmann Institute for Human Rights;
- Mr. Karl Prummer, Minister plenipotentiary, Deputy Permanent Representative of Austria to the United Nations Office at Geneva;
- Mr. Michael Pfeifer, Attaché, Permanent Mission of Austria in Geneva;
- Mr. Yannis Fotakis, Attaché, Permanent Mission of Austria in Geneva;
- Ms. Miriam Baghdady, Permanent Mission of Austria in Geneva.

Interpreters:

- Ms. Roswitha Ginglas-Poulet, freelance translator;
- Ms. Regula Pickel, freelance translator.