

### **UPR Info Pre-Session on Austria 2020**

Written Statement on the issue of Business and Human Rights

Speaker for DKA Austria: Ingrid Pintaritsch

Excellencies, Esteemed Representatives of Member states!

My name is Ingrid Pintaritsch and I am speaking on behalf of DKA Austria/Dreikönigsaktion. We are a Catholic development organization working among other things together with partners from the global south and advocating for the implementation of a legal framework for Austrian businesses to respect human rights abroad.

The UN Guiding Principles will soon be celebrating their 10<sup>th</sup> anniversary. The UNGPs underline the States duty to protect and the corporate responsibility to respect human rights and the possibility to have access to remedy. From this point on we have seen the launch of an intergovernmental open-ended working group for a treaty on business and Human rights (the so called TNC Treaty) in 2014 and legislations in several countries.

In the second UPR cycle in 2015 Austria received the recommendation to strengthen oversight of Austrian companies operating abroad with regard to any negative impact of their activities on the enjoyment of human rights.<sup>1</sup>

Austria received two similar recommendations the first one from the Committee on Economic, Social and Cultural Rights in 2013<sup>2</sup> and the second one from the Committee on the Rights of the Child in 2020<sup>3</sup>.

Not much has happened at national level despite the various international developments and the recommendations. Austria has not released a national Action plan on business and human rights, has not been actively contributing to the TNC treaty sessions and is not planning on having a mandatory legislation on supply chain due diligence any time soon.

In its pledges and commitments on the candidacy for the UN Human Rights Council<sup>4</sup>, Austria presented the implementation of the OECD Guidelines for Multinational Enterprises and the strengthening of the OECD National Contact Point as measures in connection with human rights issues related to cross border activities of Austrian companies. We believe that it is not the way to go due to the voluntary nature of the OECD guidelines, the lack of independence of the Austrian National Contact Point and the uncertainty to obtain satisfactory remediation even after long years of mediation which cannot be considered as true access to justice.

Therefore, our organisation asks that Austria implements the three outstanding recommendations of regulating the human rights responsibilities of Austrian companies operating abroad

- by playing an active and constructive role in the UN Treaty on Business and Human Rights Process and
- by providing a mandatory legal basis on how businesses should respect human rights when operating abroad
- and by establishing a system for victims of human rights abuses through Austrian companies abroad to have access to justice and to remedy in Austria.

Thank you for your attention!

---

<sup>1</sup> <https://upr-info-database.uwazi.io/en/entity/6hg20q9sdgy>

<sup>2</sup> <https://www.refworld.org/publisher/CESCR/AUT/52d3df864,0.html>, 12.

<sup>3</sup> [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/AUT/CRC\\_C\\_AUT\\_CO\\_5-6\\_41509\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/AUT/CRC_C_AUT_CO_5-6_41509_E.pdf), 14.

<sup>4</sup> [https://www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Aussenpolitik/Menschenrechte/Pledges\\_and\\_commitments\\_AT\\_HRC\\_candidacy\\_edited.pdf](https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/Pledges_and_commitments_AT_HRC_candidacy_edited.pdf)