



**International covenant
on civil and
political rights**

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**Human Rights Committee
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**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE FOURTH PERIODIC REPORT OF AUSTRIA**

**Constitutional and legal framework within which the Covenant and the Optional
Protocol are implemented (art. 2)**

1. Given that the Covenant has not been incorporated into domestic legislation, please indicate if and how individuals can invoke its dispositions before the Courts. Have there been any cases in which the Covenant has been applied by the Courts?
2. Is there any jurisdiction in which rights under the Covenant may be invoked?

**Constitutional and legal framework within which the Covenant is implemented
(art. 2)**

3. Please provide information on the complaints received, and the recommendations adopted, by the Ombudspersons for Equal Treatment and the Austrian Ombudsman's Board, as well as on any action taken in response to such recommendations. Are there any plans to establish a broad-based national human rights institution, in accordance with the Paris Principles (General Assembly resolution 48/134, annex)?

Non-discrimination and equal rights of men and women (arts. 2 (1), 3, and 26)

4. What measures, including systematic and continuous training, are being taken to combat discrimination by the police against persons of different ethnic background, including Roma and people of African descent?
5. Please provide information on the representation of women in the Federal and Länder Parliaments and in public service, including in senior positions. Are there

statutory quotas or goals to achieve an equal representation of women in Parliament and in public service, including in the judiciary?

6. Please provide information on complaints about gender discrimination, including sexual harassment, received by the Commission for Equal Treatment. Please also provide information on cases in which compensation was awarded by the courts on the basis of the Commission's findings.

Right to life, prohibition of torture and cruel, inhuman or degrading treatment and treatment of prisoners (arts. 6, 7 and 10)

7. Please provide updated statistical data on reported incidents of torture and ill-treatment of detainees, in particular foreign nationals, disaggregated by age, gender and ethnic origin of victims, the number of convictions and the types of sanctions imposed on perpetrators of such acts.

8. What measures, including mandatory training of judges, prosecutors and law enforcement officers, have been taken to ensure a more effective investigation and prosecution of allegations of torture and ill-treatment, particularly of detainees and foreign nationals? What action is being taken to prevent that the strict application of slander laws discourages victims from reporting such acts?

9. Please provide information on the outcome of the criminal proceedings against the Austrian CIVPOL officer charged with serious ill-treatment of an ethnic Albanian detainee during his service at the United Nations Interim Administration Mission in Kosovo (UNMIK).

10. Please provide updated information on the number of juvenile prisoners who are not separated from adults, the daily hours of exercise and other purposeful recreational activities for juvenile and adult prisoners.

11. What measures have been taken to improve the conditions of detention for foreign nationals awaiting enforcement of a removal order? Please report on any progress achieved in accommodating these persons in centres specifically designed for that purpose, preferably in open-regime units, and without separating families. Has the State party considered releasing such persons into the community pending their removal?

Elimination of slavery and servitude (art. 8)

12. Please provide updated statistical data on the number of women and children trafficked for sexual exploitation and forced labour, and indicate whether the State party intends to adopt a national action plan to combat trafficking. Please also provide information on the requirements for victims of trafficking to obtain residence permits on humanitarian grounds or humanitarian visa (see report, para. 123). How many such permits and visa have been granted so far and in what cases?

Expulsion of aliens (art. 13)

13. Please indicate whether any legal remedies are available to asylum-seekers for challenging an accelerated expulsion procedure by means of a file note, which has allowed detention of asylum-seekers pending a decision on their status.

14. Please explain why appeals against an expulsion order issued in conjunction with the rejection of an asylum application normally have no suspensive effect. (see report, para. 175) Please indicate the number of cases in which the Federal Asylum Review Board granted/denied suspensive effect.

15. Has the State party taken any steps to act on the opinion of the Human Rights Advisory Board that the possibility of issuing a residence ban on foreigners who grew up and are permanently established in Austria in case that they are sentenced to a prison term of at least two years amounts to “double jeopardy” and may give rise to human rights violations.

Right to a fair trial (art. 14)

16. What steps have been taken to ensure that the right of access to a lawyer is enjoyed by all persons deprived of their liberty from the outset of police custody? Please indicate whether legal aid is available to all indigent criminal suspects from the moment of their arrest.

17. Please provide information on measures taken to reimburse the full amount of costs for indigent complainants in proceedings before the Administrative Court and to reduce the length of delays in proceedings before the Court and other courts.

Freedom of religion (art. 18)

18. Please explain why, in order to be recognized and granted the status of a public law corporation, a registered religious community must prove (a) that it has existed for a minimum of 20 years, 10 of which as a registered religious community with legal status under the Registered Religious Communities Act (1998), and (b) that its membership comprises at least 0.2 percent of the total population. Please comment on reports that 9 out of the 13 currently recognized religious societies reportedly do not meet these criteria. (see report, paras. 290 et seq.)

19. Please indicate the measures taken to combat acts of violence, verbal harassment and discrimination against Jews, Muslims and members of unrecognized belief groups, which are reportedly often stigmatized.

Freedom of opinion and expression; incitement to racial hatred (arts. 19 and 20)

20. Please provide information on any measures taken to avoid that media concentration affects negatively plurality of opinion, especially with regard to the printed media, in accordance with the Committee's general comment No. 10 on freedom of expression (art. 19).

21. Please explain the low number of complaints, prosecutions and convictions under article 283 of the Criminal Law Code (see report, paras. 327-334), which penalizes incitement to racial and religious hatred, despite numerous reports about racist political and media discourse.

Rights of persons belonging to minorities (art. 27)

22. Please provide information on the measures, and their results, taken to implement the decision of the Constitutional Court that bilingual street signs must be displayed in municipalities where a national minority constitutes more than 10 percent of the total population. Please provide information on the enjoyment of linguistic rights by the Slovenian minority in Carinthia.

23. Please provide additional information on measures taken to ensure adequate opportunities for minority children to receive instruction in and about their language, religion and culture, at primary and secondary levels, in particular as concerns the Hungarian, Czech and Slovak minorities, the Croats in Vienna and the Roma outside Burgenland.

Dissemination of information relating to the Covenant and the Optional Protocol (art.2)

24. Please provide information on the steps taken to disseminate information on the Covenant and on the submission of the present report. Please also provide information on the involvement of representatives of all minority groups, the Ombudsman's Board, the Human Rights Advisory Board and civil society in the preparatory process.