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## Human Rights Council

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### **Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1**

#### **Austria**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

| <i>Universal human rights treaties<sup>2</sup></i> | <i>Date of ratification, accession or succession</i> | <i>Declarations/reservations</i>             | <i>Recognition of specific competences of treaty bodies</i>   |
|--|--|--|---|
| ICERD  | 9 May 1972   | Yes (art. 4)                                 | Individual complaints (art. 14):<br>Yes   |
| ICESCR   | 10 September 1978                                    | None   | –   |
| ICCPR  | 10 September 1978                                    | Yes (arts. 9, 10, 12, 14, 19, 21, 22 and 26) | Inter-State complaints (art. 41):<br>Yes  |
| ICCPR-OP 1   | 10 December 1987                                     | Yes (arts. 5 and 28)                         | –   |
| ICCPR-OP 2   | 2 March 1993   | None   | –   |
| CEDAW  | 31 March 1982  | Yes (art. 11)                                | –   |
| OP-CEDAW   | 6 September 2000                                     | None   | Inquiry procedure (arts. 8 and 9): Yes  |
| CAT  | 29 July 1987   | Yes (arts. 5 and 15)                         | Inter-State complaints (art. 21):<br>Yes<br><br>Individual complaints (art. 22):<br>Yes<br><br>Inquiry procedure (art. 20): Yes |
| CRC  | 6 August 1992  | Yes (arts. 13, 15, 17 and 38)                | –   |
| OP-CRC-AC  | 1 February 2002                                      | Binding declaration under art. 3: 17 years   | –   |
| OP-CRC-SC  | 6 May 2004   | None   | –   |
| CRPD   | 26 September 2008                                    | None   | –   |
| OP-CRPD  | 26 September 2008                                    | None   | Inquiry procedure (arts. 6 and 7): Yes  |

*Treaties to which Austria is not a party: OP-ICESCR,<sup>3</sup> OP-CAT (signature only, 2003), ICRMW, and CED (signature only, 2007).*

| <i>Other main relevant international instruments</i>                               | <i>Ratification, accession or succession</i> |
|--|--|
| Convention on the Prevention and Punishment of the Crime of Genocide               | Yes  |
| Rome Statute of the International Criminal Court                                   | Yes  |
| Palermo Protocol <sup>4</sup>  | Yes  |
| Refugees and stateless persons <sup>5</sup>  | Yes  |
| Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup> | Yes  |
| ILO fundamental conventions <sup>7</sup>   | Yes  |
| UNESCO Convention against Discrimination in Education                              | No   |

1. In 2010, the Committee against Torture (CAT) invited Austria to ratify OP-CAT, ICRMW and CED.<sup>8</sup>

2. The Committee on the Elimination of Discrimination against Women (CEDAW),<sup>9</sup> the Committee on Economic, Social and Cultural Rights (CESCR)<sup>10</sup> and the Committee on Elimination of Racial Discrimination (CERD)<sup>11</sup> have encouraged Austria to consider ratifying ICRMW.

## **B. Constitutional and legislative framework**

3. In 2005, CRC recommended that Austria continue and strengthen its efforts to incorporate the rights of the child into the Constitution both at Federal and Länder level. It also recommended that Austria take all necessary measures to ensure that its domestic legislation fully conformed with the Convention.<sup>12</sup>

4. In 2010, CAT noted the Criminal Procedure Reform Act and the amendments to the Code of Criminal Procedure. It welcomed the provisions regarding: the prohibition of evidence obtained by means of torture, or other unlawful interrogation methods; the express reference to the right of the defendant to remain silent; the right to contact a lawyer prior to the interrogation; the right of the defendant to be assisted by an interpreter; the right of the defendant to inspect the police files concerning the case; and the entry into force in June 2009 of the Second Violence Protection Act.<sup>13</sup>

## **C. Institutional and human rights infrastructure**

5. The Austrian Ombudsman Board was accredited with B Status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) for the first time in 2000.<sup>14</sup>

6. In 2008, CERD welcomed the establishment in 2005 of the Ombudsperson for Equal Treatment irrespective of ethnic affiliation, religion or belief, age or sexual orientation in employment.<sup>15</sup> In 2010, CAT recommended that Austria strengthen and expand the mandate of the Austrian Ombudsperson Board, to include protection and promotion of all human rights in accordance with the Paris Principles.<sup>16</sup> CESCR expressed similar concerns in 2006.<sup>17</sup>

## D. Policy measures

7. In 2008, CERD expressed concern about reported instances of hate speech by politicians, targeting migrants, asylum-seekers, refugees, persons of African origin and members of minorities. It recommended that Austria take resolute action to counter any tendency, especially from politicians, to target, stigmatize, stereotype or profile people on the basis of race, colour, descent and national or ethnic origin, or to use racist propaganda in politics.<sup>18</sup>

8. In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations considered that Austrian nationals with migration background might be confronted with unequal opportunities and treatment in employment and occupation, and that those situations needed to be monitored and addressed. The ILO Committee asked Austria to continue to provide information on the situation of the Roma minority, and on any initiatives undertaken to combat racism and xenophobia, as well as the adoption and implementation of the National Action Plan for Integration.<sup>19</sup>

## II. Promotion and protection of human rights on the ground

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

| <i>Treaty body<sup>20</sup></i> | <i>Latest report submitted and considered</i> | <i>Latest concluding observations</i> | <i>Follow-up response</i> | <i>Reporting status</i>                    |
|---------------------------------|---|---------------------------------------|---------------------------|--|
| CERD                            | 2007  | August 2008                           | 2009                      | Eighteenth to twentieth report due in 2011 |
| CESCR                           | 2004  | November 2005                         | –                         | Fourth report received in 2010             |
| HR Committee                    | 2006  | October 2007                          | 2008                      | Fifth report due in 2012                   |
| CEDAW                           | 2004  | January 2007                          | –                         | Seventh and eighth reports due in 2011     |
| CAT                             | 2009  | May 2010                              | Due in 2011               | Sixth report due in 2014                   |
| CRC                             | 2002  | January 2005                          | –                         | Third and fourth reports received in 2009  |
| OP-CRC-AC                       | 2004  | January 2005                          | –                         | –  |
| OP-CRC-SC                       | 2006  | September 2008                        | –                         | –  |

## 2. Cooperation with special procedures

|   |  |
|---|--|
| <i>Standing invitation issued</i>                             | Yes  |
| <i>Latest visits or mission reports</i>                       | –  |
| <i>Visits agreed upon in principle</i>                        | –  |
| <i>Visits requested and not yet agreed upon</i>               | –  |
| <i>Facilitation/cooperation during missions</i>               |  |
| <i>Follow-up to visits</i>                                    |  |
| <i>Responses to letters of allegations and urgent appeals</i> | During the period under review, three communications were sent. The Government replied to one communication. |
| <i>Responses to questionnaires on thematic issues</i>         | Austria responded to 6 of the 23 questionnaires sent by special procedures mandate holders. <sup>21</sup>    |

## 3. Cooperation with the Office of the High Commissioner for Human Rights

9. Austria has been a steady donor since 1995 and has increased its support over the last 5 years. Austria has also made annual contributions to the United Nations Voluntary Fund for Victims of Torture, with the exception of 2008.<sup>22</sup>

## B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

### 1. Equality and non-discrimination

10. In 2005, CRC was concerned at the discriminatory attitudes and manifestations of neo-Nazism, racism, xenophobia and related intolerance towards migrant communities and those of certain ethnic backgrounds, and at their impact on children belonging to these groups, as well as towards refugee and asylum-seeking children.<sup>23</sup>

11. In 2007, CEDAW urged Austria to ensure that the equal treatment of women and men was ensured in all spheres of life.<sup>24</sup>

12. In 2008, CESCR expressed its deep concern about the persistence of racist and xenophobic attitudes among some sectors of the population.<sup>25</sup> CERD recommended that Austria take steps to simplify the procedures to ensure that the complaints against racial discrimination were processed free of charge, and to offer legal assistance to persons who needed it.<sup>26</sup>

13. In 2008, CERD recommended that Austria review the effectiveness of its current legal framework on non-discrimination with a view to initiating a harmonization process. It further recommended that Austria invite civil society to participate in such a process.<sup>27</sup>

14. CERD was also concerned about the frequent denial of access to places intended for use by the general public to persons of African and Latin-American origin and Roma.<sup>28</sup>

15. CERD noted that Austria has adopted measures to combat racism, stereotyping and racial prejudice in the media, such as the incorporation into the Federal Act for Austrian Broadcasting of provisions prohibiting racial incitement. However, CERD was concerned

that some media contributed to the creation of an atmosphere of hostility and rejection towards non-citizens in Austria. It encouraged Austria to work towards the reactivation of the mechanism of self-regulation of print media through the Austrian Press Council.<sup>29</sup>

16. In 2010, the ILO Committee of Experts noted that “social origin” was absent from the existing equal treatment legislation and recalled that it was one of the prohibited grounds of discrimination in the Discrimination (Employment and Occupation) Convention (No. 111), to which Austria is a party.<sup>30</sup>

## **2. Right to life, liberty and security of the person**

17. In 2007, CEDAW was concerned about the absence of a comprehensive strategy to combat all forms of violence against women and the lack of an effective institutional mechanism to coordinate, monitor and assess actions at the governmental level to prevent and address this scourge.<sup>31</sup>

18. In 2010, CAT recommended that Austria increase its efforts to ensure that urgent and efficient protection measures are put in place to prevent, combat and punish perpetrators of violence against women and children, including domestic violence and sexual abuse.<sup>32</sup>

19. In 2007, the HR Committee was concerned about reports that Austria had repeatedly failed to initiate a prompt investigation and that only lenient sentences and disciplinary sanctions had been imposed in cases of death and abuse in police custody. It was particularly concerned about the cases of Cheibani Wague and Bakary Jassay.<sup>33</sup>

20. In 2008, CERD strongly recommended that Austria take the necessary steps to prevent questioning, arrests, searches and interrogations which are based on physical appearance, colour or membership of a racial or ethnic group, or any profiling. It further urged Austria to severely punish acts of ill-treatment committed by law enforcement officials against non-citizens.<sup>34</sup> CERD recommended that Austria consider the establishment of a fully independent monitoring body with powers to investigate complaints about police misconduct.<sup>35</sup>

21. In 2010, CAT continued to be concerned about the high level of impunity in cases of police brutality, including that perceived to be racially motivated.<sup>36</sup> It recommended that Austria ensure prompt, thorough and impartial investigations into allegations of torture and ill-treatment.<sup>37</sup>

22. CAT recommended that Austria strengthen its efforts to alleviate the overcrowding of penitentiary institutions. It urged Austria to investigate promptly, thoroughly and impartially all deaths of detainees.<sup>38</sup>

23. CAT was concerned at the continuing use of net beds as a measure of restraint in psychiatric and social welfare establishments.<sup>39</sup>

24. In 2010, the ILO Committee of Experts referred to the Law on the Execution of Sentences and stated that contracts for the hiring of prison labour to private enterprises in Austria correspond to what is expressly prohibited by the ILO Forced Labour Convention (No. 29). It reiterated its hope that Austria would take the necessary measures to grant prisoners working for private enterprises a legal status with rights and conditions of employment that are compatible with basic human rights standards.<sup>40</sup>

25. In 2005, CRC appreciated that corporal punishment has been prohibited by law in all settings, including in the family, the penal system and institutions of childcare. However, it was concerned that corporal punishment may still be practised in the family.<sup>41</sup>

26. In 2005, CRC recommended that Austria continue to take measures to prevent sex tourism. It urged Austria to strengthen cooperation with the tourism industry, NGOs and

civil society organizations in order to promote responsible tourism by the dissemination of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism of the World Tourism Organization among employees within the tourism industry and awareness-raising campaigns for the general public.<sup>42</sup> CRC recommended that Austria allocate sufficient resources to preventive measures against the sale and trafficking in children and that those measure be carried out in collaboration with relevant international and civil society organizations.<sup>43</sup>

27. In 2008, CEDAW invited Austria to ensure that the newly drafted national action plan against human trafficking contained a comprehensive strategy to combat trafficking in women and girls and included prevention measures, to ensure the effective prosecution and punishment of offenders and victim support. It also recommended that Austria further strengthen bilateral, regional and international cooperation with countries of origin, transit and destination so as to further curb this phenomenon.<sup>44</sup>

28. In 2009, the ILO Committee of Experts noted from the Government's report that, in the past few years, over 1,300 children, mostly from Eastern Europe, had been picked up by the police, youth welfare institutions and private organizations. The Committee of Experts requested Austria to provide the number of children withdrawn from the worst forms of child labour and rehabilitated, in conformity with the ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.<sup>45</sup>

29. In 2005, CRC was concerned at the suicide forums accessible on the Internet where young people can exchange experiences and suicidal thoughts. It recommended that Austria undertake practical measures to prevent access through the Internet to information inciting suicide.<sup>46</sup>

30. CRC also recommended that Austria consider the possibility of increasing the minimum age for voluntary recruitment to 18 years.<sup>47</sup>

### **3. Administration of justice**

31. In 2010, CAT was concerned at the restrictions placed by Austria on the exercise of the right of an arrested or detained person to communicate with counsel and have counsel present during interrogations. It noted with concern that, pursuant to section 59 (1) of the amended Code of Criminal Procedure, police officers can monitor contacts between the arrested or detained person and counsel and exclude the presence of counsel during interrogations if "it appears necessary to prevent interference in ongoing investigations or corruption of evidence". It was also concerned at the content of paragraph 24 of Internal Instruction (Erlass) Ref. BMI-EE1500/0007-II/2/a/2009 issued by the Federal Ministry of Interior on 30 January 2009, which would seem to imply that there is no obligation on the part of the police to delay questioning to allow the lawyer to arrive at the place of interrogation.<sup>48</sup>

32. In 2005, CRC was concerned about the increasing number of persons below 18 placed in detention, disproportionately affecting those of foreign origin, and that persons below 18 are not always separated from adults.<sup>49</sup> CAT recommended that Austria should take the necessary measures to ensure the proper functioning of the juvenile justice system in compliance with international standards and to guarantee that minors are always heard in the presence of a legal representative.<sup>50</sup>

33. In 2010, CAT reiterated its recommendation that Austria should consider establishing a fully fledged and properly funded system of legal aid. It also recommended that Austria should take the necessary measures to provide an effective free legal aid system, in particular for indigent criminal suspects.<sup>51</sup>

34. CAT recommended Austria should continue its efforts to diversify the composition of its police force and correction services and to extend recruitment drives amongst ethnic minority communities throughout the country.<sup>52</sup>

**4. Right to privacy, marriage and family life**

35. In 2005, CRC was concerned at the practice of anonymous birth in Austria (also known as “baby flaps” or “baby nests”) and noted the information that some data on the parent(s) were collected in an informal manner. It recommended that Austria, as a matter of urgency, introduce and implement legal provisions and regulations for the separate registration of all relevant medical and other data, in particular the name and date of birth of the parent(s) and allow the child at an appropriate time to have access to these data.<sup>53</sup>

**5. Right to participate in public and political life**

36. In 2007, CEDAW recommended that Austria take measures, in particular temporary special measures, in accordance with the Convention, so as to accelerate the achievement of women’s full and equal participation in all elected and appointed bodies, especially at the decision-making level. It encouraged Austria to work towards strengthening women’s position in leadership roles in academia and in decision-making posts in economic life.<sup>54</sup>

**6. Right to work and to just and favourable conditions of work**

37. In 2005, CRC remained concerned that domestic legislation continues to permit children from the age of 12 to be involved in light work. It reiterated its previous recommendation that Austria amend its domestic legislation by raising this age.<sup>55</sup>

38. In 2006, CESCR recommended that Austria adopt measures to enforce the principle of equal pay for equal work, as well as enact legislation to strengthen the protection of persons working under atypical employment contracts, and that it intensify its efforts in the field of qualification programmes for women working in low-paid jobs and unemployed women.<sup>56</sup>

39. In 2007, CEDAW was concerned that women remain disadvantaged in the labour market. It noted with concern the impact of women’s unequal situation in the labour market on their poverty levels.<sup>57</sup>

40. In 2010, the ILO Committee of Experts noted that the gross annual income of women employed full-time for 2007 was some 22 per cent lower than men’s. In the same year, women’s gross hourly wage was 25.5 per cent lower than men’s. Similarly, wide gender remuneration gaps existed in respect of average hourly wages received by full-time and part-time workers.<sup>58</sup>

**7. Right to social security and to an adequate standard of living**

41. In 2005, CRC remained concerned at the high rate of poverty, mainly affecting single-parent families, large families and families of foreign origin. It recommended that Austria continue to provide well-coordinated financial assistance to provide support to economically disadvantaged families.<sup>59</sup>

42. In 2006, CESCR recommended that Austria strengthen its support for families with many children and to consider introducing a minimum guaranteed income for everyone without a sufficient source of income.<sup>60</sup>

43. On drug abuse, CESCR recommended that Austria educate young people about the risks of drug, tobacco and alcohol consumption.<sup>61</sup>



**8. Right to education and to participate in the cultural life of the community**

44. In 2006, CESCR noted with concern the low representation of women in university teaching posts.<sup>62</sup> It recommended that Austria take initiatives in providing more opportunities for women, with a view to encouraging them to undertake academic careers.<sup>63</sup>

**9. Minorities and indigenous peoples**

45. In 2007, the HR Committee recommended that Austria intensify its efforts to provide adequate opportunities for Roma children to receive instruction in or on their language and culture, wherever there is sufficient demand, and ensure adequate training and recruitment of qualified teachers for that purpose.<sup>64</sup>

46. In 2008, CERD was concerned about the distinction between autochthonous minorities and other minority groups. The Committee was further concerned about the application of a different treatment to individuals belonging to “autochthonous national minorities” residing in the so called “historical settlement areas”, inter alia, the Slovene minority in Carinthia and the Roma and Croat minorities in Burgenland, and individuals who did not reside in those settlement areas, such as Slovenes outside Carinthia and Roma and Croats outside Burgenland. The Committee considered that those distinctions might lead to unjustified differential treatment.<sup>65</sup>

47. CERD recommended that Austria review the relevant laws and provisions regarding Autochthonous National Minorities Advisory Councils and their structure, in order to ensure that national minority members of these Councils were freely elected by their respective minority and also to ensure that these Councils represent a real dialogue partner for the different bodies of Austria.<sup>66</sup>

**10. Migrants, refugees and asylum-seekers**

48. In 2005, CRC remained concerned that the existing reception facilities were still insufficient compared to the number of applicants, and that unaccompanied and separated asylum-seeking children were not systematically assigned guardians.<sup>67</sup>

49. In 2007, the HR Committee recommended that Austria ensure adequate medical supervision and treatment of detainees awaiting deportation who were on hunger strike.<sup>68</sup>

50. The HR Committee also recommended that Austria review its detention policy with regard to asylum-seekers, in particular traumatized persons, give priority to alternative forms of accommodation for asylum-seekers and full access to free and qualified legal counselling and adequate medical services.<sup>69</sup>

51. In 2007, CEDAW expressed concern that some groups of women and girls, including migrants, asylum-seekers and refugees, might be subject to multiple forms of discrimination. It called upon Austria to keep under review and carefully monitor the impact of its laws and policies on women migrants, refugees and asylum-seekers, including the clear adoption of a gender perspective in the action plan for migrants.<sup>70</sup>

52. In 2010, CAT was concerned that persons basing their repeat applications for international protection on new grounds could not be granted a stay of their expulsion if they lodged their application within two days prior to the date set for deportation. Furthermore, persons whose first asylum application was not found admissible according to the European Council’s Dublin II Regulation were, in case of repeat application, now excluded from de facto protection against removal. It was concerned that an appeal of a decision denying asylum based on a procedural issue did not have automatic suspensive effect.<sup>71</sup>

53. CAT was concerned at the detention policy applied to asylum-seekers, including reports that they are held in police detention centres for criminal and administrative offenders, in some cases confined in their cells for 23 hours a day.<sup>72</sup>

### III. Achievements, best practices, challenges and constraints

N/A

### IV. Key national priorities, initiatives and commitments

#### Specific recommendations for follow-up

54. In 2010, CAT recommended that Austria include in its next periodic report information concerning compliance with its obligations under the Convention by Austrian Armed Forces deployed abroad.<sup>73</sup> It requested Austria to provide information, within one year, in response to recommendations in paragraphs 9 (fundamental safeguards), 16 (detention conditions) and 19 (impartial investigations) of its concluding observations.<sup>74</sup>

### V. Capacity-building and technical assistance

N/A

#### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E.26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

|            |   |
|------------|---|
| ICERD      | International Convention on the Elimination of All Forms of Racial Discrimination                             |
| ICESCR     | International Covenant on Economic, Social and Cultural Rights  |
| OP-ICESCR  | Optional Protocol to ICESCR   |
| ICCPR      | International Covenant on Civil and Political Rights  |
| ICCPR-OP 1 | Optional Protocol to ICCPR  |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty                               |
| CEDAW      | Convention on the Elimination of All Forms of Discrimination against Women                                    |
| OP-CEDAW   | Optional Protocol to CEDAW  |
| CAT        | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment                      |
| OP-CAT     | Optional Protocol to CAT  |
| CRC        | Convention on the Rights of the Child   |
| OP-CRC-AC  | Optional Protocol to CRC on the involvement of children in armed conflict                                     |
| OP-CRC-SC  | Optional Protocol to CRC on the sale of children, child prostitution and child pornography                    |
| ICRMW      | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD       | Convention on the Rights of Persons with Disabilities   |
| OP-CRPD    | Optional Protocol to the Convention on the Rights of Persons with Disabilities                                |
| CED        | International Convention for the Protection of All Persons from Enforced Disappearance                        |

<sup>3</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17,

- paragraph 1, of OP-ICESCR states that “the present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
- <sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- <sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>8</sup> Concluding observations of the Committee against Torture (CAT), CAT/C/AUT/CO/4-5, 20 May 2010, para. 28.
- <sup>9</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), CEDAW/C/AUT/CO/6, 2 February 2007, para. 33.
- <sup>10</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights (CESCR), E/C.12/AUT/CO/3, 25 January 2006, para. 33.
- <sup>11</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD), CERD/C/AUT/CO/17, 21 August 2008, para. 27.
- <sup>12</sup> Concluding observations of the Committee on the Rights of the Child (CRC), CRC/C/15/Add.251, 31 March 2005, paras. 8–9.
- <sup>13</sup> CAT/C/AUT/CO/4-5, para. 5.
- <sup>14</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- <sup>15</sup> CERD/C/AUT/CO/17, para. 13.
- <sup>16</sup> CAT/C/AUT/CO/4-5, para. 19.
- <sup>17</sup> E/C.12/AUT/CO/3, para. 19.
- <sup>18</sup> CERD/C/AUT/CO/17, para. 16.
- <sup>19</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 092010AUT111, seventh paragraph.
- <sup>20</sup> The following abbreviations have been used for this document:
- |              |  |
|--------------|--|
| CERD         | Committee on the Elimination of Racial Discrimination        |
| CESCR        | Committee on Economic, Social and Cultural Rights            |
| HR Committee | Human Rights Committee                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women |
| CAT          | Committee against Torture                                    |
| CRC          | Committee on the Rights of the Child CRPD                    |
|              | Committee on the Rights of Persons with Disabilities         |

- <sup>21</sup> The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para.120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para.2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- <sup>22</sup> OHCHR, *2006 Annual Report: Activities and Results* (Geneva, OHCHR, 2006), p. 158; OHCHR, *2007 Annual Report: Activities and Results* (Geneva, OHCHR, 2007), pp. 147, 151, 154 and 162; OHCHR, *2008 Annual Report: Activities and Results* (Geneva, OHCHR, 2008), pp. 174, 179, 181 and 191; OHCHR, *2009 Annual Report: Activities and Results* (Geneva, OHCHR, 2009), pp. 190, 195, 197 and 205; OHCHR, *2010 Annual Report: Activities and Results* (forthcoming).
- <sup>23</sup> CRC/C/15/Add.251, para. 20.
- <sup>24</sup> CEDAW/C/AUT/CO/6, para. 12.
- <sup>25</sup> E/C.12/AUT/CO/3, para. 9.
- <sup>26</sup> CERD/C/AUT/CO/17, para. 24.
- <sup>27</sup> *Ibid.*, para. 12.
- <sup>28</sup> *Ibid.*, para. 23.
- <sup>29</sup> *Ibid.*, para. 26.
- <sup>30</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 092010AUT111, fourth paragraph.
- <sup>31</sup> CEDAW/C/AUT/CO/6, para. 23.
- <sup>32</sup> CAT/C/AUT/CO/4-5, para. 24.
- <sup>33</sup> Concluding observations of the Human Rights Committee (HR Committee), CCPR/C/AUT/CO/4, 30 October 2007, para. 11.
- <sup>34</sup> CERD/C/AUT/CO/17, para. 18.
- <sup>35</sup> *Ibid.*, para. 19.
- <sup>36</sup> CAT/C/AUT/CO/4-5, 20 May 2010, para. 19.
- <sup>37</sup> *Ibid.*, para. 20.
- <sup>38</sup> *Ibid.*, paras. 17–18.
- <sup>39</sup> *Ibid.*, para. 25.
- <sup>40</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Forced Labour Convention, 1930 (No. 29), 2009, Geneva, doc. No. (ILOLEX) 062009AUT029, fourth to seventh paragraphs.
- <sup>41</sup> CRC/C/15/Add.251, para. 39.
- <sup>42</sup> Concluding observations of CRC under OPSC, CRC/C/OPSC/AUT/CO/1, 22 October 2008, para. 19.
- <sup>43</sup> *Ibid.*, para. 17.
- <sup>44</sup> CEDAW/C/AUT/CO/6, para. 26.
- <sup>45</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2010, Geneva, doc. No. (ILOLEX) 092009AUT182, third paragraph.
- <sup>46</sup> CRC/C/15/Add.251, 31 March 2005, paras. 41–42.
- <sup>47</sup> Concluding observations of CRC under OPAC, CRC/C/OPAC/CO/2, January 2005, para. 6.
- <sup>48</sup> CAT/C/AUT/CO/4-5, para. 9.
- <sup>49</sup> CRC/C/15/Add.251, para. 53.
- <sup>50</sup> CAT/C/AUT/CO/4-5, para. 10.
- <sup>51</sup> *Ibid.*, para. 11.
- <sup>52</sup> *Ibid.*, para. 12.
- <sup>53</sup> CRC/C/15/Add.251, paras. 29–30.
- <sup>54</sup> CEDAW/C/AUT/CO/6, para. 28.
- <sup>55</sup> CRC/C/15/Add.251, paras. 49–50.

- <sup>56</sup> E/C.12/AUT/CO/3, para. 22.
- <sup>57</sup> CEDAW/C/AUT/CO/6, para. 19.
- <sup>58</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Equal Remuneration Convention, 1951 (No. 100), 2010, Geneva, doc. No. (ILOLEX) 062010AUT100, second paragraph.
- <sup>59</sup> CRC/C/15/Add.251, paras. 45–46.
- <sup>60</sup> E/C.12/AUT/CO/3, para. 27.
- <sup>61</sup> *Ibid.*, para. 30.
- <sup>62</sup> *Ibid.*, para. 18.
- <sup>63</sup> *Ibid.*, para. 32.
- <sup>64</sup> CCPR/C/AUT/CO/4, para. 21.
- <sup>65</sup> CERD/C/AUT/CO/17, para. 10.
- <sup>66</sup> *Ibid.*, para. 22.
- <sup>67</sup> CRC/C/15/Add.251, para. 47.
- <sup>68</sup> CCPR/C/AUT/CO/4, para. 12.
- <sup>69</sup> *Ibid.*, paras. 17–18.
- <sup>70</sup> CEDAW/C/AUT/CO/6, paras. 29–30.
- <sup>71</sup> CAT/C/AUT/CO/4-5, 20 May 2010, para. 13.
- <sup>72</sup> *Ibid.*, para. 16.
- <sup>73</sup> *Ibid.*, para. 27.
- <sup>74</sup> *Ibid.*, para. 31.
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