Mr. President,
Excellencies,
Ladies and Gentlemen,

I am grateful for this opportunity to engage with the world's central human rights body in this unique peer review and I thank you for your kind welcoming. At the outset, let me reaffirm with full conviction what I have said on other occasions: The support of human rights is a core concern to the Austrian Government.

Austria has a long-standing record of active engagement not only to ensure the protection of human rights at the national level, but also to advance the international system for the promotion and protection of human rights at the UN and at regional organisations such as the Council of Europe, the OSCE and the European Union.

Austria's international human rights engagement has always been guided by a spirit of cooperation and dialogue. Dialogue and partnerships are crucial for turning the promises of the Universal Declaration of Human Rights into reality for all people around the globe. Austria has consistently worked with all actors towards this goal.
As non-permanent member of the UN Security Council in 2009 and 2010, Austria continuously and actively advocated the advancement of human rights, the adherence to the rule of law, the protection of civilians in armed conflict and the promotion of the contribution of women as a measure to preserve peace and security.

Mr. President,

Austria’s international engagement on human rights is based on a firm commitment to ensure full respect of human rights domestically. Austria has acceded to all major international human rights treaties and has extended a standing invitation to all Special Procedures’ Mandate holders and regularly presents her periodic reports before the various treaty bodies.

Preparing our National Report has given us an opportunity to assess the situation of human rights. It was prepared by the Human Rights Coordinators of all federal Ministries and of the Governments of the federal regions. It involved an intensive dialogue with civil society – including workshops with all major NGOs. It became clear to us that it must be our goal to work for constant improvements and clearly to avoid complacency. The compilation of the reports of treaty bodies and special procedures as well as the Summary of stakeholder’s submissions were a valuable tool in this process, I would like to thank the Office of the High Commissioner for Human Rights for their preparation.

As I have said before, the full realization of human rights is by definition an ongoing challenge and process. Civil society with its high expectations has an important function. Their criticism is crucial in pushing governments forward. I am convinced that our close and transparent engagement with civil society across Austria has lent additional credibility to the report I am presenting to you today. We learnt a lot in this preparation. But we will not stop there and will try to make things better, where necessary. It is the Austrian Government’s intention to continue this fruitful dialogue with civil society in the follow-up to this review. In fact, a follow-up meeting with NGO representatives concerning the UPR process is already scheduled to take place in February in Vienna.

Allow me to take this occasion to extend a warm welcome to the representatives of Austrian NGOs, who made the huge effort to travel to Geneva, and also of international human rights NGOs who are present in this room. Their role and contribution is indeed crucial, for all of us.
Mr. President,

Austria is currently a candidate for membership of the UN Human Rights Council for the period beginning in June 2011. On the basis of the voluntary pledges and commitments made by Austria in the context of this candidacy, it was possible to achieve notable progress in their implementation. In this regard, I would like to highlight in particular that the Austrian Parliament adopted just a few days ago the incorporation of children’s rights into Austria’s constitution.

Considerable progress could also be made with regard to the ratification of the Optional Protocol to the Convention against Torture and in this context the creation of a national prevention mechanism, which will be incorporated into the Austrian Ombudsman Board. This will expand the already existing Human Rights Advisory Board. I would like to seize this opportunity to underline my particular satisfaction welcoming Mrs. Teresia Stoitsis, Member of the Austrian Ombudsman Board, as member of this delegation here in this room. In addition, Austria will soon deposit the ratification document for the Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse.

Equally on the way is the introduction of separate definitions of torture in the Austrian Penal Code. We also started the ratification process of the Convention on Enforced and Involuntary Disappearances, and accordingly the inclusion of enforced disappearances as a criminal offense in the Austrian Penal Code. Finally the Austrian Parliament will discuss this spring the approval of the ratification of the UNESCO Convention against Discrimination in Education.

Mr. President,

I would not like to conclude these introductory remarks without taking the opportunity to thank the delegations of the Czech Republic, Denmark, Germany, the Netherlands, Finland, Sweden, Switzerland, the United Kingdom, Slovenia, Norway and Namibia who have sent a number of written questions in advance. Some of the questions I have already referred to as they coincide with our pledges and commitments. In addition, I would like to inform you as follows:

Racism, xenophobia and intolerance on grounds of ethnic origin, gender, age, sexual orientation or religion – to name but one of the major human rights challenges that we face in our globalised world – concern all of us and need a comprehensive approach. Austria is aware of its specific historical responsibility and is committed to the fight against xenophobia, anti-Semitism, discrimination against Muslims and all other forms of
racism and intolerance. The State Report refers to the Austrian government’s efforts to overcome certain gaps between the well-established anti-discrimination legislation and its implementation.

While we have achieved some progress in this field, as found by the European Commission on Racism and Intolerance last year, we are fully aware that we have to do more. We cannot overlook the fact that societal tensions, prejudices against migrants and asylum-seeker are on the rise. In our current government programme, we have committed ourselves to a series of measures to enhance the protection against racism and discrimination, including a commitment to the implementation of the EU Framework Decision against Racism and Xenophobia as well as the recommendations of the UN-Committee on the Elimination of Discrimination. The experts’ recommendations are an important basis for our next steps.

More concretely, in response to the questions by the Netherlands, Finland, Sweden and the Czech Republic concerning racism, xenophobia and intolerance, Austria applies a two-fold approach in combating this human rights challenge – a high standard of protection against racism and the effective prevention of racism. We have tightened up our anti-discrimination laws in recent years. The Equal Treatment Commission, the Ombud for Equal Treatment and the relevant bodies in the provinces provide for protection against discrimination in employment and access to goods and services. Our tools to pursue and prosecute hate crimes and racial discrimination are comprehensive and effectively applied. We strive towards prompt and thorough investigations to ensure an effective implementation of our laws combating racial discrimination and hate crimes. Sanctions for all forms of discrimination have continuously been extended and are being applied consistently by Austrian courts. This includes also compensation for material and immaterial damage. These efforts have contributed to an ever increasing awareness and public sensitivity about discrimination issues.

As regards the questions by several delegations on independent investigations of alleged abuses by law-enforcement officials, I would like to emphasise that Austria has a strict “zero tolerance” policy towards all forms of discrimination and ill-treatment. An independent body, the Federal Anti-Corruption Bureau, was established in January 2010 to examine alleged ill-treatment by law enforcement officials. Criminal police and public prosecutor are obliged to investigate any suspicion of ill-treatment by law.
On the preventive side, we are working towards reinforcing a tolerant and open social climate which remains the best method to combat racism at its roots. We are fully aware, we have to do our homework, particularly by following an inclusive approach and by integrating all people living in Austria. The National Action Plan on Integration, adopted in January 2010, is another tool to support this policy. Based on comprehensive social studies, we have identified different areas of action and concrete measures. The areas include language, education, employment, rule of law, social services and health, intercultural dialogue, leisure and sports, housing and the regional dimension. An expert commission including civil society organisations was set up within the competent ministry and will closely follow up on the implementation of the Action Plan.

To ensure the protection of migrants’ human rights, Austrian immigration legislation provides them with the possibility to use the full spectrum of legal instruments and appeal procedures – including appeals to the Constitutional and Administrative Courts and access to effective remedy. Austria has also enhanced human rights training for justice and law enforcement sector.

In response to the questions of Slovenia concerning the Slovenian minority in Austria I would like to reiterate our commitment to further advance the protection and promotion of the rights of the Slovenian and the other five autochthonous national minorities in Austria. The educational, socio-economic and legal situation of minorities in Austria is presently reviewed by different expert groups with all relevant stakeholders. Our aim is to amend and adapt the National Minority Act. We hope to finish by next year. The ongoing reform envisages to reinforce the Advisory Councils. Concerning the bilingual topographical signs in Carinthia, I would like to underline the Government’s commitment to fully implement Austria’s obligations under the State Treaty of 1955. Constructive negotiations are being held between all parties involved. We are optimistic that by next year we will find a sustainable solution soon.

Gender equality, including in the labour market, is another major issue which we are addressing in our State Report – and was also the subject of a question of the United Kingdom. Despite existing legislation we have still not been able to fully close the income gap between men and women. We believe that the gap is mainly due to structural inequalities such as segregation in work sectors and have therefore taken measures to end these inequalities. After a National Action Plan was presented in June 2010, the Law on Equal Treatment is currently being revised in
Parliament to ensure greater transparency with regard to incomes in the private sector. In addition, 50% of the national budget for labour market policy is being spent on specific programmes to improve women's chances on the labour market amongst others through capacity building and training.

As to the Swiss and UK questions about domestic violence, victims of domestic violence receive free legal and psychosocial support to guarantee their rights in criminal procedures. Domestic violence cases are covered by prosecutors with special training. Victims can also rely on a well-established system of crisis intervention centres in all provinces, 21 state-financed women’s shelters with 750 places and a 24-hour hotline. The revised Violence Protection Law of 2009 has furthermore introduced new and stricter sanctions for continuous violence. Migrant women, who have come to Austria on the basis of family reunification, are in a particularly vulnerable position in case of domestic violence. Austrian legislation therefore provides for the possibility of granting them a separate residence permit to protect them from further violence.

Mr. President,

I will provide answers on additional issues raised in the written questions in the following rounds of reply. I am looking forward to additional questions by all delegations and to the recommendations, of which we certainly hope to accept as many as possible. We are here to listen, to learn and to inform.

I thank you and look forward to our discussion.