

AMNESTY INTERNATIONAL

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Austria: Amnesty International urges the government to establish a national preventive mechanism against torture in line with the Paris Principles and to tackle structural racism in the criminal justice system

Human Rights Council adopts Universal Periodic Review outcome on Austria

Amnesty International welcomes Austria's support of the great majority of the recommendations made to it during the review and its efforts to establish a regular substantive dialogue with civil society on their implementation. It encourages the authorities to use this dialogue to improve the human rights situation in Austria.

Amnesty International appreciates the government's efforts to involve civil society in the preparation of Austria's National Report for the Universal Periodic Review. It considers, however, that aspects of the consultation process, such as its structure, timing and inclusiveness, should be improved in future consultations, including on the occasion of Austria's mid-term report and the preparation of the National Report for the second UPR cycle.

The organization welcomes, in particular, Austria's support of recommendations on the criminalization of torture in domestic law and urges the government to set a precise timeframe for this endeavour. It also welcomes Austria's commitment to establishing a national preventive mechanism and urges the government to ensure that it meets all the criteria required by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including the requirement to give due consideration to the Paris Principles relating to the Status of National Institutions.

While noting Austria's commitment to incorporate the rights of children in the Constitution, Amnesty International regrets that the constitutional amendment adopted in January 2011 covers only some provisions of the Convention on the Rights of the Child.¹ The amendment also includes a general reservation that allows severe limitations of those rights in practice.

Similarly, while noting Austria's commitment to combat racism and xenophobia, the organization is disappointed that Austria has rejected recommendations calling for the adoption of a national action plan on racism and xenophobia.² The existing national action plan on integration does not adequately address these issues.

Amnesty International urges Austria to systematically tackle issues of impunity and structural racism in the criminal justice system.³ In this respect, it welcomes

¹ A/HRC/WG.6/10/L.6. Austria accepted recommendation 92.10

² A/HRC/WG.6/10/L.6. Austria rejected recommendation 93.20

³ See Amnesty International: *Austria: Victim or suspect - A question of colour: Racial discrimination in the Austrian justice system*, AI Index: EUR 13/002/2009, 9 April 2009. The

Austria's support of recommendations to ensure that all allegations of racist misconduct by law enforcement officials are effectively investigated and, if well-founded, appropriately punished.⁴ The organization regrets, however, Austria's rejection of a recommendation to prepare a study on the scale of direct and indirect racial discrimination in the criminal justice system, and its ambiguous stance on the collection, generation and publication of relevant data and statistics.⁵ Whereas Austria indicated its support of a number of recommendations to take practical measures to collect and publish statistics on racist incidents, it rejected a recommendation to collect and generate disaggregated data on manifestations of racism and discrimination with a view to evaluating the situation regarding minority, racial, and ethnic groups, especially as far as preliminary detention and imprisonment are concerned.⁶

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Austria on 7 June 2011 its 17th session. Prior to the adoption of the report of the review Amnesty International delivered the oral statement above. Amnesty International also contributed to the information basis of the review through its submission on Austria:

<http://www.amnesty.org/en/library/asset/EUR13/002/2010/en/e23c7e1e-a9e3-4a99-a89f-cc61f177d208/eur130022010en.pdf>

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International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK www.amnesty.org

report documents cases of racist abuse and ill-treatment by the Austrian police as well as the failure of the broader criminal justice system to treat migrants and members of ethnic minorities as they would the majority population. The persistence of such cases points to a structural failure on the part of the Austrian criminal justice system to fulfill its functions in all cases without discrimination.

⁴ A/HRC/WG.6/10/L.6. Austria accepted recommendation 92.29 and 92.50

⁵ A/HRC/WG.6/10/L.6. Austria rejected recommendation 93.45.

⁶ A/HRC/WG.6/10/L.6. Austria accepted recommendations 93.24, 93.29, 93.30, but rejected recommendation 93.31.