

AUSTRIA: STRONGER ACTION NEEDED TO PROTECT THE HUMAN RIGHTS OF WOMEN AND ASYLUM-SEEKERS

AMNESTY INTERNATIONAL:

SUBMISSION TO THE 51ST SESSION OF THE UPR WORKING GROUP, 19-30 JANUARY 2026

SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of Austria in January 2026. In it, Amnesty International evaluates the implementation of recommendations made to Austria in its previous review.

It also assesses the national human rights framework including the status of international treaty ratifications.

Amnesty International raises concerns about women and girls' rights, the rights of refugees and asylum-seekers, freedom of expression and the right to privacy, as well as policing and the justice system, including detention.

It ends with a set of recommendations to Austria which, if implemented, would contribute to improving the human rights situation and bring the state into compliance with its treaty obligations in law and in practice.

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FOLLOW UP TO THE PREVIOUS REVIEW

1. During its last review in 2021, Austria received 317 recommendations. It supported 236 recommendations and noted 81.¹ Austria further pledged to submit a mid-term report.
2. Amnesty International welcomes Austria's efforts to include civil society in the follow-up process of supported recommendations and to prepare a mid-term report. As such, Amnesty International would like to positively remark the annual events with the human rights coordinators of all respective federal ministries, the federal states and representatives of civil society organizations.
3. There have been further positive developments with regards to the human rights situation on the ground, including the establishment of the investigation and complaints office for allegations of mistreatment by police² and the Austrian Ombudsmen Board that received A-Status in line with the Paris Principles.³
4. However, Amnesty International regrets that despite these efforts, Austria did not implement the majority of recommendations and failed to submit a mid-term report.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

5. Amnesty International welcomes that the current government programme of work foresees reinvigorating the development of a national human rights action plan,⁴ thereby taking necessary steps to implement several respective recommendations received in the previous review.⁵
6. Despite having accepted seven recommendations concerning the Optional Protocol to the Convention on the Rights of the Child on a communication procedure (CRC-OP-IC),⁶ Austria continued to fail to ratify the Optional Protocol.
7. In addition, Amnesty International regrets that Austria did not accept recommendations made during the previous review concerning the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR)⁷ and the Protocol No. 12 to the European Convention on Human Rights (ECHR).⁸
8. Austria accepted but did not implement respective recommendations to strengthen economic, social and cultural rights,⁹ and its constitution continues to fail guaranteeing economic, social and cultural rights;¹⁰ its anti-discrimination legislation remains fragmented and lacks harmonisation at federal and regional level.¹¹
9. In addition, Austria failed to adopt a binding climate protection act that includes binding measures and responsibilities for achieving emission reduction targets and ensuring a just transition based on human rights.
10. As regards Austria's national human rights institution, it received 13 recommendations during the previous review.¹² Despite having accepted all of these, the process of appointing its members is neither transparent nor does it foresee a broad consultation and participation of civil society, such as public hearings of candidates.¹³

THE HUMAN RIGHTS SITUATION ON THE GROUND

Women and girls' rights¹⁴

11. At the end of 2024, there were 27 reported cases of femicides in Austria,¹⁵ and Austria continues to lack sufficient places in women's shelters throughout the country.¹⁶ In April 2025, the government approved the development and adoption of a national action plan to combat violence against women and initiated first steps into this direction.¹⁷
12. Pregnant people continue to face barriers in accessing affordable and safe abortion care services, with the provision falling short of the standards set out in the World Health Organization (WHO) Abortion Care Guidelines (2022) and international human rights law in several key aspects.¹⁸ Abortion is still criminalized in Austria's penal code. In addition, section 97 foresees a conscientious objection for medical personnel, constituting additional barriers in accessing timely and safe abortion care as it may lead to whole clinics refusing to providing abortion care and pregnant people having to travel to areas where abortion care is being provided.¹⁹ In addition, abortion care is not part of the regular health care system and hence, not covered by Austria's health insurance, with the exception of cases where abortion is provided to save a pregnant person from imminent danger to their lives.²⁰
13. Amnesty International is concerned about a proclaimed proposal by the current government to introduce a hijab ban for girls under the age of 14 years old.²¹ The adoption of such a ban would violate multiple human rights including the rights to education, equality and non-discrimination, freedom of religion and freedom of expression of Muslim girls.

Amnesty International recalls that all women and girls should be free to wear clothing that expresses their identity or beliefs, free from coercion by the state or private actors.

Refugees and Asylum-seekers

14. Despite having accepted relevant recommendations, Austria failed to implement legislation that would assign unaccompanied minors a legal guardian to provide support upon arrival in Austria.²² There were cases of children abandoning their asylum proceedings, with their whereabouts subsequently unknown, demonstrating a failure to sufficiently protect refugee children.²³
15. Regrettably, since 2018, Austria has not participated in any international programmes for refugee resettlement or other complementary safe pathways.²⁴
16. In July 2025, Austria carried out the first deportation to Syria despite serious risks to human rights and the volatile situation in the country. Furthermore, asylum procedures for people from Syria have been suspended since December 2024.²⁵ These measures risk violating the principle of non-refoulement and other international human rights obligations.
17. At the same time, the government has proposed measures with third countries to stop irregular migration and accelerate returns. This could lead to violations of human rights for asylum seekers.
18. In April 2025, the Austrian parliament enacted legislation authorizing the issuance of a regulation to temporarily suspend the processing of family reunification applications, thereby violating international human rights obligations, in particular Art. 8 ECHR.²⁶

Social Rights

19. As a result of the Covid-19 pandemic and rising living costs, the percentage of individuals at risk of experiencing poverty increased to 14.3%,²⁷ particularly impacting single parents and children. In 2024, 2% of the Austrian population or 206,000 individuals experienced poverty and social exclusion, which constitutes a significant increase since 2020, where 155,000 individuals were affected.²⁸ While the government made efforts to tackle increasing living costs, including by adopting mitigating measures for people with low income or living in poverty, in particular with respect to housing,²⁹ it failed to fulfil its legal obligations under the right to social security, in particular with respect to the Basic Act on Social Assistance.³⁰
20. In addition, Austria continues to lack a national housing strategy to ensure adequate and affordable housing throughout the country.

Policing

21. While the government established an investigation and complaints office for allegations of mistreatment by police, concerns regarding its full independence persist.³¹
22. Obstacles also remain in identifying perpetrators of ill-treatment and excessive use of force, as police officers are still not required to wear individual identification badges.³²
23. Amnesty International is also concerned about the use of body-worn-cameras by police, as information regarding procedures is not accessible to the general public, and also by the expansion of the use of taser, especially with so-called “drive-stun” mode.³³

Justice system and detention

24. Concerns exist regarding the state of the justice system and prison conditions, including prison conditions for juveniles and reports that children in detention are restrained in ways that are potentially dangerous and held in solitary confinement.³⁴ Amnesty International reminds the government of the principles of juvenile justice, including the best interests of the child, with deprivation of liberty being the last resort.
25. In its previous UPR, Austria accepted a recommendation to reform preventive detention measures for offenders with mental illness.³⁵ While adjustments regarding the criteria for confinement, including juveniles, were adopted in December 2022, further announced reforms on the conditions of detention and therapeutical measures are still pending.³⁶

26. Amnesty International is further concerned about the conditions for individuals held for prolonged periods in police detention centres while awaiting their deportation, as some of the facilities are not of adequate standard.³⁷

Freedom of expression and right to privacy³⁸

27. In 2023, the Austrian government adopted a Freedom of Information Act. While this is a positive step towards ensuring the right to access to information, municipalities with less than 5,000 inhabitants are exempted from proactively publishing information.
28. The Austrian penal code criminalizes forms of expression falling short of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.³⁹ Media outlets, journalists and activists exercising their freedom of expression on matters of public interest increasingly face criminal procedures or threats based on these provisions – while also being exposed to an increase of Strategic Lawsuits against Public Participation (SLAPP).⁴⁰ These SLAPP proceedings do not only violate the right to freedom of expression of those directly targeted, but also the right of others to receive information and ideas.
29. In July 2025, a law was adopted providing the legal basis for the monitoring of encrypted communications through the use of highly invasive spyware, raising severe human rights concerns. In particular, the use of highly invasive spyware would not only violate the right to privacy but also pose a serious risk for the work of activists and human rights defenders, having a potential chilling effect on their rights to freedom of expression and assembly.⁴¹
30. Concerns exist regarding police's use of facial recognition technology.⁴²

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Austria to:

The National Human Rights Framework

31. Develop a national human rights action plan with concrete and measurable objectives ensuring meaningful participation of civil society.
32. Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.
33. Take immediate steps to give full effect to the International Covenant on Economic, Social and Cultural Rights in national legislation, for instance by initiating a *Verfassungskonvent*, as foreseen in the current government programme of work 2025-2029.
34. Ensure equal protection from all forms of discrimination, including by harmonising national legislation and extending its scope to include as protected grounds, such as age, religion and belief, sexual orientation, and gender identity, in particular in the context of access to goods and services.
35. Adapt a human rights-based climate protection act, including binding measures for federal and regional public authorities.
36. Review and amend the appointing procedure, including public hearings, for the representatives of the national human rights institutions.

Women and girls' rights

37. Adopt a national action plan to combat gender-based violence with the meaningful participation of civil society and ensure it is properly resourced including with adequate financial and human resources to guarantee accessible and adequate emergency shelter accommodation for survivors of gender-based violence throughout Austria.
38. Ensure pregnant people have full access to affordable, timely, safe abortion and post-abortion care. To this end, ensure the provision of comprehensive abortion care to all who need it without discrimination, ensuring services are affordable, and removing all access barriers including fully decriminalizing abortion in the Penal Code, in compliance with the 2022 WHO Abortion Care Guidance and CEDAW's concluding observations on Austria's ninth periodic review.

39. Ensure that any legislation concerning restrictions on religious clothing is in compliance with human rights standards including the rights to freedom of expression and religion and the right to be free from discrimination.

Refugees and asylum-seekers

40. Adopt legislation ensuring a system of legal guardianship for unaccompanied children immediately upon arrival, in order to guarantee their protection, well-being and fulfilment of their human rights, in line with children's rights and the best interest of the child.
41. Reinstatement humanitarian admission programmes in cooperation with the UN Refugee Agency, UNHCR.
42. Revise section 36a of the Asylum Act which allows the government to deviate from EU law regarding family reunification until September 2026.
43. Ensure that no-one is forcibly returned to a country where there is a real risk of human rights violations including torture or other ill-treatment, as defined under international human rights law.
44. Immediately revoke the suspension of asylum procedures for asylum seekers from Syria and ensure that all asylum claims are assessed promptly and effectively, in accordance with international law.

Social Rights

45. Repeal section 4 and revise section 5 of the Basic Act on Social Assistance in light of Austria's obligation to progressively realize the right to social security and ensure the right to be free from discrimination is respected and protected.
46. Evaluate existing barriers in the access of social assistance benefit, in particular those stemming from sections 3 and 7 of the Basic Act for individuals living with disabilities as well as women with childcare responsibilities and/ or survivors of gender-based violence.
47. Implement a national housing strategy as recommended by the Committee on Economic, Social and Cultural Rights that effectively addresses structural causes of homelessness and foresees adequate measures to end homelessness.

Policing

48. Ensure that the investigation and complaints office for allegations of mistreatment by police has sufficient financial and human resources to carry out its work to investigate cases of alleged police abuse independently and according to international human rights standards.
49. Require all police officers to wear individual identification badges.
50. Prohibit the so-called "drive-stun" mode with respect to taser, and adopt directives for law enforcement strictly limiting the potential use of taser to a threshold close to the use of firearms, i.e. in situations involving a threat to life or of serious injury which cannot be contained by less extreme options.

Justice System and Detention

51. End prison overcrowding by ensuring prisons are provided with adequate financial resources to fulfil their aim of rehabilitation and social reintegration, and consider alternatives to detention.
52. Ensure that the juvenile justice system is fully in line with the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).
53. Reform the preventive measures of detention in accordance with international standards and take into account the recommendations made by the working group and continue the reform plans regarding the enforcement of measures especially regarding the therapeutic treatment.
54. Ensure that the rights of individuals awaiting deportation are fully respected and protected, including by using detention only when it is necessary and proportionate. Detention facilities must be safe and suitable, with adequate sanitation, and access to social, educational, as well as mental and physical health services.

Freedom of expression and right to privacy

55. Extend the proactive information obligation to small municipalities under 5,000 inhabitants and establish an independent freedom of information body that advises citizens about their rights. Shorten the response period of freedom of information requests to ensure that they meet international standards.
56. Evaluate legislation restricting freedom of expression to ensure alignment with international human rights law and the Rabat Plan of Action.
57. Enact anti-SLAPP legislation with a broad scope to protect all those potentially targeted by state and non-state actors and include all abusive actions. As a minimum, establish an accelerated early dismissal mechanism that places the burden of proof on the initiator of the alleged SLAPP. Ensure that any legislation provides for dissuasive measures and that victims of SLAPP have access to comprehensive and effective remedies.
58. Implement non-legal instruments against SLAPPs, such as support mechanisms, awareness raising and trainings of judges, lawyers.
59. Ban highly invasive spyware. Refrain from purchasing and using any kind of spyware until an adequate system of human rights safeguards is in place that prevents abuse.

ANNEX 1

KEY AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE

"We just want some rights!": Migrant care workers denied rights in Austria, 1 July 2021, <https://www.amnesty.org/en/documents/eur13/4326/2021/en/>

"If housing was a human right, I would not live like this": Barriers to accessing homeless assistance services in Austria, 7 April 2022, <https://www.amnesty.org/en/documents/eur13/5458/2022/en/>

"As if you were going to the enemy": Access to Social Assistance Benefits in Austria, 28 June 2024, <https://www.amnesty.org/en/documents/eur13/8223/2024/en/>

Europe: Under Protected and Over Restricted: The state of the right to protest in 21 European countries, 8 July 2024, <https://www.amnesty.org/en/documents/eur01/8199/2024/en/>

The State of the World's Human Rights 2024/25, Austria, 29 April 2025, <https://www.amnesty.org/en/location/europe-and-central-asia/western-central-and-south-eastern-europe/austria/report-austria/>

¹ Report of the Working Group on the Universal Periodic Review, Austria, Addendum, 7 May 2021, A/HRC/47/12/Add.1,

²² Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, 9 April 2021, A/HRC/47/12, Recommendations 139.65, 139.69, 139.70, 139.71, 139.72, 139.73, 139.74; See also Amnesty International, 2023, <https://www.amnesty.at/presse/amnesty-stellungnahme-zur-ermittlungsstelle-bei-polizeigewalt/>; <https://www.amnesty.at/presse/ein-jahr-ermittlungsstelle-gegen-polizeigewalt-guter-start-aber-unabhaengigkeit-muss-sichergestellt-sein-kennzeichnungspflicht-fehlt-weiterhin/>

³ Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, 9 April 2021, A/HRC/47/12, Recommendations, 139.10-139.20

⁴ Government Programme of Work, *Jetzt das Richtige Tun. Für Österreich. Regierungsprogramm 2025-2029*, p. 135, <https://www.bundestkanzleramt.gv.at/bundestkanzleramt/die-bundesregierung/regierungsdokumente.html>

⁵ Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, 9 April 2021, A/HRC/47/12, Recommendations 140.9 - 140.15

⁶ Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, 9 April 2021, A/HRC/47/12, Recommendations 140.1-140.-7

⁷ Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, 9 April 2021, A/HRC/47/12, Recommendations 141.15 – 141.21

⁸ Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, 9 April 2021, A/HRC/47/12, Recommendation 141.24

⁹ See Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, 9 April 2021, A/HRC/47/12, recommendations, 141.12, 141.15, 141.16 – 141.21. Austria has accepted recommendation 140.25 to respect economic, social and cultural rights as well as 139.201 to ensure that obligations of the International Covenant on Economic, Social and Cultural Rights are fully met in regards to migrants and refugees, in particular, the rights to liberty and personal freedoms and the rights of unaccompanied refugee minors

¹⁰ Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, 9 April 2021, A/HRC/47/12, Recommendation 141.25

¹¹ Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, 9 April 2021, A/HRC/47/12, Recommendations 141.27, 141.28, 141.31, 141.32

¹² Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, 9 April 2021, A/HRC/47/12, Recommendations 139.10-139.20

¹³ Amnesty International Austria, *Unabhängigkeit der Volksanwaltschaft stärken*, May 2025, <https://www.amnesty.at/presse/unabhaengigkeit-der-volksanwaltschaft-staerken-bestellmodus-reformieren/>

¹⁴ Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, 9 April 2021, A/HRC/47/12, Recommendations 139.105 – 139.126, 139.158–139.160, 139.164., 140.15, 140.26,

¹⁵ See Autonome Österreichische Frauenhäuser, Zahlen und Daten, <https://www.aof.at/index.php/zahlen-und-daten>

¹⁶ See Committee on the Elimination of Discrimination against Women, List of issues and questions prior to the submission of the tenth periodic report of Austria, CEDAW/C/AUT/QPR/10, March 2025, para 9

¹⁷ See Social Democratic Party of Austria <https://www.spoe.at/aktuelles/regierung-beschliesst-aktionsplan-gegen-gewalt-an-frauen/>

¹⁸ Austria supported a respective recommendation made by France during its previous UPR. Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, 9 April 2021, A/HRC/47/12, Recommendation 139.126

¹⁹ See Austrian Society for Family Planning (Österreichische Gesellschaft für Familienplanung), Positionspapier: Schwangerschaftsabbruch in Österreich, <https://oefg.at/wp-content/uploads/2024/01/Positionspapier-OeGF-PSYGYN.pdf#:~:text=Die%20%E2%80%9EGewissensklausel%E2%80%9C%20ist%20im%20Rahmen%20der%20Fristenregelung,%C3%84rzt:innen%2C%20sondern%20kollektiv%20von%20ganzen%20Kliniken%20angewendet.> And CEDAW, Concluding observations on the ninth periodic report of Austria, CEDAW/C/AUT/CO/9, para. 34

²⁰ See Government of Austria, Information on abortion, <https://www.oesterreich.gv.at/en/themen/gesundheit/schwangerschaftsabbruch.html>; See Amnesty International Austria, “Es ist mein Job“. Gesundheitspersonal als Verteidiger*innen des Rechts auf Schwangerschaftsabbruch in Österreich, 2024, https://cdn.amnesty.at/media/11919/amnesty-briefing_es-ist-mein-job_gesundheitspersonal-als-verteidiger_innen-des-rechts-auf-schwangerschaftsabbruch-in-oesterreich_062024.pdf

²¹ See Government Programme 2025, page 92 as well as the official website of the Ministry of the Interior, which includes the 2024 statistics and figures on procedural absconding:

https://www.bmi.gv.at/301/Statistiken/files/2024/Detailstatistik_BFA_Kennzahlen_1-4_Quartal_2024_final.pdf

²² Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, 9 April 2021, A/HRC/47/12, Recommendations 139.199, 139.201, 141.67

²³ In 2023, 4,715 asylum applications were discontinued without knowing what happened to these children. In 2024, there were 477 case withdrawals (in this year, the total number of asylum applications was also much lower)

<https://www.infomigrants.net/en/post/57019/un-criticizes-austrias-treatment-of-asylum-seekers>

²⁴ Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, 9 April 2021, A/HRC/47/12, Recommendations 139.205

²⁵ For more information see: <https://www.reuters.com/world/austria-stops-processing-syrians-asylum-applications-after-assad-falls-2024-12-09/> and <https://euromedmonitor.org/en/article/6706/Europe:-Thousands-of-Syrian-lives-on-hold-amid-asylum-application-freeze>

²⁶ For more information see: <https://ecre.org/central-europe-austria-to-suspend-family-reunification-%E2%80%95-czech-government-plans-to-tighten-asylum-policy-%E2%80%95-german-government-coalition-talks-pave-way-for-stricter-migration-policy/> and <https://www.euronews.com/my-europe/2025/03/12/austria-to-temporarily-halt-family-reunification-for-migrants>

²⁷ Armutskonferenz, Aktuelle Armuts- und Verteilungszahlen, <https://www.armutskonferenz.at/armut-in-oesterreich/aktuelle-armuts-und-verteilungszahlen.html>

²⁸ In 2020, 155.000 individuals experienced poverty and social exclusion in Austria. See <https://www.armutskonferenz.at/armut-in-oesterreich/aktuelle-armuts-und-verteilungszahlen.html>

²⁹ Wohnschirm, <https://wohnschirm.at/>

³⁰ Social assistance benefits are capped and do not guarantee a minimum level of support for a life in dignity and societal inclusion. This provision raises concerns about Austria's obligation to progressively realize economic, social and cultural human rights under Article 2(1) ICESCR. Additionally, Section 4 of the Basic Act of Social Assistance foresees that persons entitled to subsidiary protection status are only eligible for core elements of social assistance benefits that do not exceed the level of benefits granted to asylum-seekers (so-called '*Grundversorgung*'). This violates Austria's obligation to ensure non-discriminatory access to social security and European Union legislation. Lastly, Amnesty International raises concerns about the existing practical barriers to social assistance benefits in the *Laender* affecting women as well as individuals with disabilities disproportionately. Individuals with disabilities may face specific and additional challenges when applying for social assistance due to how the issue of 'maintenance', that is stipulated in the Austrian General Civil Code (Sections 231 to 234), is enforced when they apply for social assistance benefits, and the principle of subsidiarity that is inherent to social assistance in Austria (Section 3 Basic Act on Social Assistance). Section 7 BAOSA clarifies that „[s]ocial assistance benefits are to be made dependent on the person claiming these benefits pursuing needs-covering claims against third parties, unless this is obviously futile or unreasonable". Following this, if a person living with a disability is declared "*selbsterhaltungsunfähig*" ("incapable of self-support"), they are required to claim their maintenance (in form of financial support) from their parents first. Amnesty International raises concerns about this practice as it creates further barriers for independence for individuals with disabilities. These barriers may also affect women who survived gender-based violence and are living in separation. Section 7 of the BAOSA further requires individuals to claim financial support by ex-partners in cases of divorce and separation. This provision may force women to contact their ex-partners, creating potential further distress. Women with childcare responsibilities for children above the age of three also face barriers as individuals receiving social assistance benefits are required to prove their "willingness to work". See Amnesty International, *As If You Were Going To The Enemy: Access to Social Assistance Benefits in Austria*, 28 June 2024, Index Number: EUR 13/8223/2024, <https://www.amnesty.org/en/documents/eur13/8223/2024/en/>; See also Recommendations 139.119, 139.123, 139.177, 139.180

³¹ Amnesty International Austria, *Ein Jahr Ermittlungsstelle gegen Polizeigewalt: Guter Start, aber Unabhängigkeit muss sichergestellt sein – Kennzeichnungspflicht fehlt weiterhin*, January 2025, <https://www.amnesty.at/presse/ein-jahr-ermittlungsstelle-gegen-polizeigewalt-guter-start-aber-unabhaengigkeit-muss-sichergestellt-sein-kennzeichnungspflicht-fehlt-weiterhin/>

³² The European Committee for the Prevention of Torture expressed in its report in June 2023 a respective recommendation to the Austrian government. Cf. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Austrian Government on the periodic visit to Austria, CPT/Inf (2023) 03, para 19, <https://rm.coe.int/1680abc16d>

³³ Tasers used with drive-stun mode do not have an incapacitating effect but only inflict extreme pain. Therefore, this mode does not fill a significant and relevant operational gap in policing. Amnesty International Austria, *Strafverfolgungsbehörden verwenden Elektroschockgeräte missbräuchlich*, March 2025, <https://www.amnesty.at/presse/strafverfolgungsbehoerden-verwenden-elektroschockgeraete-missbraeuchlich/>

³⁴ See derStandard, *Warum in Österreich Jugendliche mit Erwachsenen in Haft sitzen*, <https://www.derstandard.at/story/3000000262945/warum-in-oesterreich-jugendliche-mit-erwachsenen-in-haft-sitzen> CAT, Concluding observations on the seventh periodic report of Austria, CAT/C/AUT/CO/7, June 2024, para 28 <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=5jKl8sOq2TGGHLCy8gJ4qsU%2F5b39n4%2FKn9YL46MjOtKhlkqdtiQCxSvBSEBGDOnLWtwmulYmKDb99km1vOufQ%3D%3D>

³⁵ Report of the Working Group on the Universal Periodic Review on Austria, A/HRC/47/12, 9 April 2021, A/HRC/47/12, Recommendation 139.83

³⁶ Amnesty International Austria, *Europarat kritisiert Haftbedingungen in Österreich: Amnesty International fordert Reformen*, June 2023, <https://www.amnesty.at/presse/europarat-kritisiert-haftbedingungen-in-oesterreich-amnesty-international-fordert-reformen/>

³⁷ The Committee on the Prevention of Torture described the condition's in a detention center during its visit as following "parts of the accommodation and communal areas were in an appalling state of repair with corridors, cells and their sanitary annexes dilapidated and dirty. Such conditions are not suitable for holding foreign nationals in Schubhaft for prolonged periods.: <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-report-on-its-2021-visit-to-austria>.

³⁸ See recommendations 139.90

³⁹ These provisions include but are not limited to blasphemy, defamation, insult, disrespect of state and state symbols.

⁴⁰ See City of Vienna vs Lobau protest camp, 2021; Holzer vs Scheuba, 2023-2024; Blümel vs Pechlarner, 2023; Benko vs. ZackZack, 2021; multiple lawsuits of FPÖ vs journalist Florian Klenk; OMV vs Dossier, 2021; ICMPD vs SOS Balkanroute, 2023; City of Vienna vs BDS Austria, 2021-ongoing; Spar vs. VGT, 2022-ongoing

⁴¹ Highly invasive spyware is malicious software that allows complete access to a device and whose functionality can't be limited to only allow proportional use; or spyware whose use cannot be independently audited or verified. Amnesty International Austria, Written Submission to the Draft Bill May 2025, <https://cdn.amnesty.at/media/fp4bx0nf/stellungnahme-amnesty-international-oesterreich-messenger-ueberwachung-mai-2025.pdf>

⁴² Amnesty International Austria, *Warum Gesichtserkennungstechnologie in Österreich und weltweit verboten werden muss*, June 2021, https://cdn.amnesty.at/media/8397/amnesty_gesichtserkennungstechnologie-in-oesterreich_bericht-mai-2021.pdf and <https://www.amnesty.at/themen/gesichtserkennungstechnologie/warum-gesichtserkennungstechnologie-in-oesterreich-und-weltweit-verboten-werden-muss/>