

UN CRC	Ratification Date	Care-Related Concluding Observations
<p>CRC/C/AUT/CO/3-4</p> <p>The Committee considered the consolidated third and fourth periodic report of Austria (CRC/C/AUT/3-4) at its 1736th and 1737th meetings (see CRC/C/SR.1736 and CRC/C/SR.1737) held on 24 September 2012, and adopted, at its 1754th meeting, held on 5 October 2012, the following concluding observations.</p>	<p>6 August 1992</p>	<p>5 October 2012</p> <p>http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-AUT-CO-3-4_en.pdf</p> <p>III. Main areas of concerns and recommendations</p> <p>A. General measures of implementations (arts. 4, 42 and 44, para. 6 of the Convention)</p> <p>Training</p> <p>23. The Committee recommends that the State party take the necessary measures to ensure that all professional groups working for and with children are adequately and systematically trained on children’s rights, in particular teachers, personnel involved in juvenile justice, health workers, social workers and personnel working in all forms of alternative care.</p> <p>D. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)</p> <p>Birth registration</p> <p>Birth registration</p> <p>29. The Committee reiterates its concern about the practice of anonymous abandonment in the State party through the use of “baby flaps” or “baby nests”, which is in violation of, inter alia, articles 6, 7, 8, 9 and 19 of the Convention.</p> <p>30. The Committee strongly urges the State party to undertake all measures necessary to end the practice of anonymous abandonment and expeditiously strengthen and promote alternatives</p>

	<p>such as the possibility of anonymous births at hospitals as a measure of last resort to avoid abandonment and or death of the child, and to keep a confidential record of the parents to which the child could access at a later stage, taking into account the duty to fully comply with all provisions of the Convention. Furthermore, the Committee urges the State party to increase its efforts to address the root causes which lead to the abandonment of infants, including the provision of family planning as well as adequate counselling and social support for unplanned pregnancies and the prevention of risk pregnancies.</p> <p>Abuse and Neglect</p> <p>35. While taking note of the special training that the State party provides to law enforcement officers on violence against children, as well as of the nationwide child helpline “Rat auf Draht”, the Committee is concerned that measures to encourage child victims to report instances of violence, abuse and neglect, in particular in alternative care institutions, care institutions for children with disabilities and holding centers for migrants, remain insufficient.</p> <p>36. The Committee calls on the State party to strengthen its measures to encourage child victims to report instances of violence, abuse and neglect, in particular in alternative care institutions, care institutions for children with disabilities and holding centers for migrants, and to prosecute and punish the perpetrators of such acts.</p> <p>F. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)</p> <p>Children deprived of a family environment</p> <p>40. The Committee is concerned that no adequate statistical data is available to ensure the quality control of alternative care institutions and family type alternative care. It notes that the monitoring</p>
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	<p>of such institutions falls under the competence of the Länder which have different methods and practices. The Committee is also concerned that the right of children to quality standards of care and placement was not included in the Federal Constitutional Law on the Rights of Children.</p> <p>41. The Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009, adopt measures to regularly monitor and evaluate the conditions in alternative care settings, including by collecting adequate statistical data, disaggregated by sex, gender and geographic location. The Committee also recommends that the quality standards in alternative care settings should be strictly regulated by law and effectively enforced.</p> <p>Adoption</p> <p>42. The Committee notes with concern that the current normative framework is insufficient to ensure the rights and best interests of children in cases of inter-country adoptions when children come from countries that have not ratified the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption of 1993.</p> <p>43. The Committee calls on the State party to effectively regulate and monitor inter-country adoptions from countries that are not party to the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption 1993, with a view to ensuring that the rights and best interests of the child are observed throughout the process.</p> <p>G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)</p> <p>Children with disabilities</p> <p>44. The Committee welcomes the recent adoption of a National Plan of Action for Persons with Disabilities (2012-2020) and that article 6 of the Federal Constitutional Law on the Rights of</p>
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		<p>Children provides for the equal treatment, care and protection of children with disabilities. However, it notes with concern that children with disabilities continue to be excluded from participation in various aspects of public life in the State party due to the limited accessibility of their physical environment, and the lack of appropriate services and information. The Committee is also seriously concerned about the high number of children with disabilities in institutional care in the State party. While noting the decrease in the percentage of children with disabilities attending special schools, the Committee is concerned that the decision whether a child with disabilities should attend a special school or an inclusive school rests with the parents, which may conflict with the best interests of the child. The Committee also expresses concern about the paucity of information on education for minority children with disabilities.</p> <p>45. In light of its general comment No. 9 (CRC/C/GC/9, 2006), the Committee urges the State party to:</p> <ul style="list-style-type: none">(a) Take measures to fully integrate children with disabilities in all areas of public life;(b) Ensure that their environment, including, buildings, transportation and other public areas, is physically accessible for them;(c) Take measures to de-institutionalize children with disabilities and further strengthen support to families to enable them to live with their parents;(d) Ensure that children with disabilities have full access to information, communications and other services;(e) Give priority to inclusive education of children with disabilities and ensure that the best interests of each child are a primary consideration in decisions concerning his/her school enrolment; and(f) Provide in its next periodic report information on education for minority children with
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		<p>disabilities.</p> <p>I. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)</p> <p>Asylum-seeking and refugee children</p> <p>54. The Committee notes that the Aliens Law Amendment Act of 2011 prohibits the placement of children under the age of 14 in detention pending deportation, and is concerned that such age limit is too low. It is also concerned that the age determination methods applied to unaccompanied refugee and asylum seeking children in the State party may not be in conformity with the guidance set out in general comment No. 6 (CRC/C/GC/6, 2005). The Committee is further concerned that some Länder such as Carinthia and Styria do not systematically comply with the Supreme Court decision of 2005 that unaccompanied refugee children must be provided with a legal guardian.</p> <p>55. The Committee urges the State party to ensure that children under the age of 14 are not placed in detention under any circumstances, and use administrative detention of unaccompanied refugee and asylum-seeking children above 14 years only as a measure of last resort when non-custodial alternatives to detention are unavailable. The Committee further urges the State party to ensure that detention conditions are of a non-punitive character and in line with the special status of such children as minors who are not suspected or convicted of any crime. It also urges the State party to ensure that the age determination procedure applied to unaccompanied children is based on scientifically approved methods, as recommended in general comment No. 6 (CRC/C/GC/6, 2005), and that each unaccompanied child is provided with a legal guardian.</p> <p style="text-align: right;">Country Report</p> <p>CRC/C/AUT/3-4</p>
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		<p>16 November 2011</p> <p>http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-AUT-3_4.pdf</p>
OPSC to CRC	Ratification Date	Care-Related Concluding Observations
<p>CRC/C/OPSC/AUT/CO/1</p> <p>Consideration of reports submitted by states parties Under article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography</p>	<p>6 May 2004</p>	<p>22 October 2008</p> <p>http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.OPSC.AUT.CO.1.pdf</p> <p>VI. Protection of the rights of child victims (arts. 8 and 9, paras. 3 and 4)</p> <p>Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol</p> <p>27. The Committee, while cognizant that article 195 of the Criminal Code provides for child protection centres and for special psychological rehabilitation of child victims, and of the role played by non-governmental organizations, notes that according to the Working Group on Child Trafficking under the Task Force on Human Trafficking in Austria, there is no national coordination or care and support concept for victims of child trafficking in line with international standards.</p> <p>29. The Committee is also concerned about the lack of support mechanisms for child victims of sale, prostitution and pornography, including for the purpose of sexual exploitation, from abroad and that staff at reception facilities for separated asylum-seeking children may not always be aware of traumatic experiences of children under their care.</p> <p>30. The Committee recommends that the State party:</p> <p>(a) Create a nationwide policy on coordination, care and support for</p>

		the child victims of sale, in line with the requirements under the Optional Protocol
OPAC to CRC	Ratification Date	Care-Related Concluding Observations
<p>CRC/C/15/Add.251</p> <p>The Committee considered the second periodic report of Austria (CRC/C/83/Add.8 and Corr.1) at its 1007th and 1008th meetings (see CRC/C/SR.1007 and 1008), held on 14 January 2005, and adopted at its 1025th meeting (see CRC/C/SR.1025), held on 28 January 2005, the following concluding observations.</p>	<p>1 Feb 2002</p>	<p>31 March 2005</p> <p>C. Principal areas of concern and recommendations</p> <p>4. Family environment and alternative care</p> <p>Family reunification</p> <p>35. The Committee is concerned at the length of family reunification procedures and at the fact that it is restricted through the quota system and the age-limit set for children at 15 years.</p> <p>36. The Committee recommends that the State party undertake all measures to ensure that family reunification procedures fully comply with article 10 of the Convention.</p>
ICCPR	Ratification Date	Care-Related Concluding Observations
	<p>10 Sep 1978</p>	
ICESCR	Ratification Date	Care-Related Concluding Observations

E/C.12/AUT/CO/3	10 Sep 1978	<p>25 January 2006</p> <p>http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/402/33/PDF/G0640233.pdf?OpenElement</p> <p>D. Principal subjects of concern</p> <p>13. The Committee is concerned about the lack of childcare facilities for children under the age of 3 years and of effective measures to facilitate the re-entry of women into the labour market following parental leave.</p> <p>26. The Committee urges the State party to adopt effective measures to reconcile professional and family life for women and men by increasing the capacity of childcare facilities for children under the age of 3 years, promoting training measures to facilitate the re-entry of women into the labour market following parental leave, and providing incentives for the use of parental leave by fathers.</p>
CEDAW	Ratification Date	Care-Related Concluding Observations
CEDAW/C/AUT/CO/6	31 Mar 1982	<p>2 February 2007</p> <p>http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/243/44/PDF/N0724344.pdf?OpenElement</p> <p>21. While recognizing the steady increase in childcare facilities and of new legal and policy measures to encourage the sharing of family responsibilities, the Committee remains concerned about challenges women continue to face in reconciling family and professional life and responsibilities.</p> <p>22. The Committee recommends that further measures to facilitate the reconciliation of family and professional responsibilities be adopted and implemented, including the provision of additional childcare facilities for</p>

CRPD	Ratification Date	Care-Related Concluding Observations
<p>CRPD/C/AUT/CO/1</p> <p>Concluding observations on the initial report of Austria, adopted by the Committee at its tenth session (2–13 September 2013)</p>	<p>26 Sep 2008</p>	<p>children of different age groups, and that greater involvement of men in domestic and family tasks be promoted with the aim of balanced participation of women and men in both the private and public spheres.</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Austria-CRPD</p> <p>30 September 2013</p> <p>III. Principal areas of concern and recommendations</p> <p>A. General principles and obligations (arts. 1–4)</p> <p>6. The Committee is concerned that the German translation of the Convention on the Rights of Persons with Disabilities does not accurately represent the meaning of the Convention and may give rise to decisions that are incompatible with the Convention. For example, the German word for “integration” is used instead of the word for “inclusion”. The translation of “living independently” does not accurately reflect the meaning of the concept for the purposes of the Convention and may in fact lead to disabled persons being denied the opportunity of living in the community. During the constructive dialogue, the Austrian delegation hinted at the possibility of revisiting the German translation of the Convention.</p> <p>7. The Committee recommends that the State party revise the German translation of the Convention in line with the Convention. The Committee further recommends that the State party ensure that persons with disabilities and disabled persons’ organizations be involved in the revision process.</p> <p>8. The Committee noted that there are differing concepts of disability across the State party’s laws and policies. The Committee is concerned that the State party misunderstands the difference between defining disability and identifying groups of persons to whom different kinds of services</p>

	<p>should be provided. The Committee is concerned that some of the definitions are based on the medical model of disability.</p> <p>9. The Committee recommends that the relevant laws be amended to include the concept of disability in accordance with the Convention.</p> <p>10. The Committee notes that Austria has a federal system of government and is concerned that this has led to undue fragmentation of policy, especially as the Länder (regions) are the providers of social services. Such fragmentation can be seen in the development of the National Disability Action Plan, in which the participation of the Länder was intermittent and uneven, as well as in the different definitions of disability, different accessibility standards and different types of protection against discrimination across the various Länder. The Committee recalls that article 4, paragraph 5, of the Convention clearly states that the administrative particularities of a federal structure do not allow a State party to avoid its obligations under the Convention.</p> <p>11. The Committee recommends that the State party ensure that federal and regional governments consider adopting an overarching legislative framework and policy on disability in Austria, in conformity with the Convention. It further recommends that such policy include frameworks for real and genuine participation by persons with disabilities through their representative organizations with respect to the development and implementation of legislation and policies concerning persons with disabilities, in accordance with article 4, paragraph 3, of the Convention.</p> <p>B. Specific rights (arts. 5–30)</p> <p>Women with disabilities (art. 6)</p> <p>16. While much has been achieved, the Committee notes that substantive equality between women and men has not yet been achieved in the State party. Women with disabilities face multiple forms of discrimination because of their gender and disability, and may also be at risk of sexual violence</p>
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		<p>and abuse.</p> <p>17. The Committee is concerned about a lack of advocacy and support structures for women with disabilities. The Committee notes with concern that there is only one organization representing women and it does not cover all women with disabilities in the State party.</p> <p>18. The Committee recommends that the State party adopt effective and specific measures to ensure equality and to prevent multiple forms of discrimination against women and girls with disabilities. The Committee encourages the State party to mainstream a gender perspective in its disability legislation and policy, and to facilitate advocacy by and on behalf of women and girls with disabilities. The Committee also encourages the State party, including the Länder, to offer services which are targeted and accessible to women with disabilities.</p> <p>Children with disabilities (art. 7)</p> <p>19. In its 2012 concluding observations on Austria (CRC/C/AUT/CO/3-4), the Committee on the Rights of the Child expressed concern about a number of ways in which the rights of children with disabilities were at risk of being abrogated.</p> <p>20. The Committee endorses the recommendations of the Committee on the Rights of the Child and requests the State party to implement those recommendations as speedily as possible.</p> <p>Liberty and security of the person (art. 14)</p> <p>29. The Committee is deeply concerned that Austrian law allows for a person to be confined against his or her will in a psychiatric institution if he or she has a psychosocial disability and is considered to be a danger to himself or herself or to others. The Committee is of the opinion that the legislation is in conflict with article 14 of the Convention because it allows a person to be deprived of liberty on the basis of actual or perceived disability.</p>
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	<p>30. The Committee urges the State party to take all necessary legislative, administrative and judicial measures to ensure that no one is detained against their will in any kind of mental health facility. It further urges the State party to develop de-institutionalization strategies based on the human rights model of disability.</p> <p>31. The Committee also urges the State party to ensure that all mental health services are provided with the free and informed consent of the person concerned. It recommends that the State allocate more financial resources to persons with intellectual and psychosocial disabilities who require a high level of support, in order to ensure that there are sufficient community-based outpatient services to support persons with disabilities.</p> <p>Freedom from exploitation, violence and abuse (art. 16)</p> <p>34. The Committee commends the Austrian Ombudsman Board for the work done to investigate allegations of mistreatment in institutional settings. However, the Committee remains concerned at reports of exploitation, violence and abuse of persons with disabilities.</p> <p>35. The Committee recommends that the State party take further measures to ensure protection of women, men, girls and boys with disabilities from exploitation, violence and abuse.</p> <p>Living independently and being included in the community (art. 19)</p> <p>36. The Committee notes with concern that over the last 20 years the population of Austrians with disabilities living in institutions has increased. The Committee is particularly concerned at this phenomenon because placing in institutions is contrary to article 19 of the Convention, and leaves persons with disabilities vulnerable to violence and abuse.</p> <p>37. The Committee recommends that the State party ensure that the federal Government and the governments of the Länder step up efforts towards de- institutionalization and allowing persons</p>
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	<p>with disabilities to choose where they live.</p> <p>38. The Committee commends Austria on its various personal assistance programmes (at the federal and Länder levels) for persons with disabilities. However, it notes with concern that personal assistance programmes are not available to persons with psychosocial disabilities and that not all cover persons with intellectual disabilities.</p> <p>39. The Committee recommends that the State party ensure that the personal assistance programmes provide sufficient financial assistance to ensure that a person can live independently in the community. The Committee further recommends that the State party harmonize and broaden its personal assistance programmes by making personal assistance available to all persons with intellectual and psychosocial disabilities.</p> <p>Education (art. 24)</p> <p>40. The Committee is concerned that progress towards inclusive education in Austria is stagnant. The Committee notes with concern reports suggesting that the number of children in special schools is increasing and that insufficient efforts are being made to support inclusive education of children with disabilities. It further notes that there is some confusion between “inclusive” education and “integrated” education. However, the Committee commends the establishment of inclusive education models in several Länder.</p> <p>41. The Committee is disappointed that there are very few university graduates with disabilities in Austria. It commends Austria for offering sign language interpretation to students at the tertiary level, however, it noted, as mentioned by the State party during the constructive dialogue, that there have only been 13 students with hearing impairment, of whom only three have graduated from university.</p> <p>42. It appears that there is a lack of teacher training for teachers with disabilities and teachers who use sign language. Without sufficient teachers with sign language skills, deaf children are at a</p>
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		<p>significant disadvantage.</p> <p>43. The Committee recommends that greater efforts be made to support students with disabilities in all areas of inclusive education from kindergarten to secondary school. It particularly recommends that the State party ensure that persons with disabilities, including children with disabilities and their representative organizations, are involved in the day-to-day implementation of the inclusive education models introduced in various Länder. The Committee further recommends that greater efforts be made to enable persons with disabilities to study at universities and other tertiary institutions. The Committee also recommends that the State party step up its efforts to provide quality teacher training to teachers with disabilities and teachers with sign language skills, so as to enhance the education of deaf and hearing-impaired girls and boys, in accordance with the formal recognition of Austrian sign language in the Constitution of Austria.</p>
UPR	Date of Consideration	Link to Page
	26 Jan 2011	http://www.ohchr.org/EN/HRBodies/UPR/PAGES/ATSession10.aspx
Hague Intercountry Adoption	Ratification Date	Link to Country Profile
	19 May 1999	http://www.hcch.net/index_en.php?act=states.details&sid=23

Acronyms and Abbreviations:

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review