

UN CRC	Ratification Date	Care-Related Concluding Observations
	<p>6 August 1992</p>	<p>CRC/C/AUT/CO/5-6 10 February 2020</p> <p>https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUT%2fCO%2f5-6&Lang=en</p> <p>III. Main areas of concern and recommendations</p> <p>4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: legislation (para. 7), nondiscrimination (para. 17), children deprived of a family environment (para. 29), children with disabilities (para. 31), mental health (para. 34) and asylum-seeking, refugee and migrant children (para. 40).</p> <p>5. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It also urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.</p> <p>C. General principles (arts. 2, 3, 6 and 12)</p> <p>Respect for the views of the child</p> <p>19. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:</p>

		<p>(a) Take further measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal and administrative proceedings;</p> <p>(b) Consider making the appointment of a legal guardian mandatory in all legal and administrative proceedings on parental disputes where the parents have failed to reach an agreement and when children have witnessed violence against one of the caregivers;</p> <p>(c) Consider extending “advocacy by a trusted person” (Kinderanwaltliche Vertrauensperson) to all children in public institutions, including institutions for children with disabilities, children in residential homes or boarding schools, children in psychiatric institutions, children in institutions for asylum seekers and children deprived of their liberty in criminal cases;</p> <p>(d) Promote meaningful and empowered participation of all children within the family, communities and schools and include children in decision-making in all matters related to them, in particular through strengthening the Austrian National Youth Council.</p> <p>D. Civil rights and freedoms (arts. 7, 8, and 13-17)</p> <p>Right to identity</p> <p>20. While welcoming the information that the possibility to give birth anonymously has led to a significant decrease in the number of new-borns left in baby hatches as well as to a reduction in the number of infanticides, the Committee urges the State party to completely abolish the practice of anonymous abandonment of infants through the use of baby hatches.</p> <p>E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)</p> <p>Abuse and neglect</p> <p>23. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:</p> <p>(a) Further strengthens its data collection with regard to cases of abuse and neglect, through inter alia undertaking a comprehensive study of the extent, causes and nature of interventions in child</p>
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		<p>welfare cases; (b) Further strengthen awareness-raising and education programmes — including campaigns — with the involvement of children, in order to formulate a comprehensive strategy for preventing and combating child abuse and neglect.</p> <p>F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))</p> <p>Children deprived of a family environment</p> <p>28. While the Committee welcomes improvements in data collection on children in alternative care as well as steps taken to increase harmonization in child welfare standards between different Länder, it remains seriously concerned that:</p> <ul style="list-style-type: none">(a) The number of children living in institutions has significantly increased and that there is still a high number of children under three years of age and children with disabilities living in institutions;(b) Data is still lacking in important areas related to alternative care, in particular for children with disabilities;(c) The State party has not established any national quality standards regarding children in alternative care and the shift in competence from the federal to the state level may jeopardize the harmonization of standards that has been achieved;(d) Prevention is not sufficiently prioritized and counselling centres, school social work or early intervention are not available in all Länder;(e) Unaccompanied child refugees over 14 years old are not offered the same support as Austrian children and the daily fee for care is lower than for Austrian children, leading to larger groups and lower quality of care in such institutions which also lack monitoring by child and youth welfare services. <p>29. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recommends that the State party:</p>
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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</p>	<p>6 May 2004</p>	<p>22 October 2008</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fAUT%2fCO%2f1&Lang=en</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</p>

<p>Children, Child Prostitution and Child Pornography</p>		<p>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 style="padding-left: 40px;">(a) Create a nationwide policy on coordination, care and support for the child victims of sale, in line with the requirements under the Optional Protocol</p>
<p>OPAC to CRC</p>	<p>Ratification Date</p>	<p>Care-Related Concluding Observations</p>
<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</p>	<p>1 Feb 2002</p>	<p>31 March 2005</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f15%2fAdd.251&Lang=en</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>1025th meeting (see CRC/C/SR.1025), held on 28 January 2005, the following concluding observations.</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
	10 Sep 1978	
ICESCR	Ratification Date	Care-Related Concluding Observations
<p>E/C.12/AUT/CO/3</p>	<p>10 Sep 1978</p>	<p>25 January 2006</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fAUT%2fCO%2f4&Lang=en</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	Care-Related Concluding Observations

	Date	
CEDAW/C/AUT/CO/6	31 Mar 1982	<p>2 February 2007</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAUT%2fCO%2f7-8&Lang=en</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 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>
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>	26 Sep 2008	<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</p>

	<p>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 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>
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	<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 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>
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	<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> <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</p>
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	<p>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 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.</p>
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		<p>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 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>
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UPR	Date of Consideration	Link to Page
	9 Nov 2015	https://www.ohchr.org/EN/HRBodies/UPR/Pages/ATIndex.aspx
Hague Intercountry Adoption	Ratification Date	Link to Country Profile
	19 May 1999	https://www.hcch.net/en/states/hcch-members/details1/?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