

OHCHR REGISTRY

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The Permanent Mission of Austria presents its compliments to the Secretariat of the United Nations (Office of the High Commissioner for Human Rights) and has the honour to transmit the written replies of the Austrian government to the questions put by the Rapporteur in connection with the consideration by the Committee on the Elimination of Racial Discrimination of the fifteenth, sixteenth and seventeenth period reports of Austria (CERD/C/AUT/17) which will be held at the 7th and 8th of August 2008.

An electronic version of the document has also been submitted to the Secretariat of the Committee on the Elimination of Racial Discrimination.

The Permanent Mission of Austria avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva 24 July 2008



Office of the
High Commissioner for
Human Rights
UN Office at Geneva
CH-1211 Geneva 10

Replies by the Government of the Republic of Austria to the List of Issues

Composition of the population

Question No. 1:

Current data on the ethnic composition of Austria's population and of the Austrian labor market can only be provided on the basis of Austrian citizenship. As a result, the figures are not completely accurate; yet, quite deliberately, no data on ethnic origin are compiled in Austria.

As of 1 January 2008, the total population comprised 8.331,930 persons, of which 854,752 persons did not have Austrian citizenship.

The population had the following composition:

- 741,319 citizens coming from European states (including Serbia and Montenegro: 133, 692, Germany: 124,088, Turkey: 109,716, Bosnia and Herzegovina: 85,215, Croatia: 56,695, Poland: 36,775, Romania: 28,712, Russian Federation: 20,064),
- 58,361 citizens coming from Asian states (including the People's Republic of China: 9,524, Iran: 6,384, India: 6,267, Philippines: 4,472, Afghanistan: 3,494, Thailand: 3,456, Armenia: 2,568, Georgia: 2,524),
- 21,486 citizens coming from African states (including Egypt: 5,281, Nigeria: 6,064),
- 17,748 citizens coming from American states (including the USA: 7,716, Brazil: 2,306, Canada: 1,529),
- 1,360 citizens coming from Oceanic states (including Australia: 1,099),
- 2,920 persons without citizenship, and
- 11,558 persons of unresolved or unknown origin.

In 2006 (according to the most recent available figures) of the total number of about 3.487,103 gainfully employed persons (of which 3.096,037 were employed and 391,065 were self-employed) on the labor market 567,005 (of which 534,934 employed and 32,071 self-employed) did not have Austrian citizenship (i.e. about 16% of all gainfully employed persons).

Articles 1 and 2

Question No. 2:

- I. On 1 August 2008, the seventh amendment to the Equal Treatment Act will come into force (Federal Law Gazette I 98/2008). Following the respective EU Directive 2004/113/EC, the discrimination of men and women in the field of goods and services will also be unlawful as of now. The new field of protection against discrimination of men and women outside of employment was added to Part III of the law, which will

have an impact on the work of the Ombudsperson responsible for ethnic discrimination outside of employment (see question 18).

In addition, the amendment includes the following improvements, which will also have an impact on cases of ethnic discrimination:

1. Pro-active action is allowed in all areas of employment and therefore within the whole scope of the Equal Treatment Act.
2. The minimum amount of damages in case of harassment is increased to EUR 720 Euro (EUR 400 previously).
3. The minimum amount of damages for discrimination in connection with access to employment is raised to two months of salary (one month previously).
4. In case of multiple discriminations, the amount of damages has to be higher.
5. The period of limitation is prolonged to one year (6 months previously) in cases of harassment on grounds of ethnic origin, religion or belief, age or sexual orientation.
6. It is no longer possible to limit the three-year trial period of employment by a collective agreement.
7. Time periods are suspended when an application is brought before Senate III of the Equal Treatment Commission (previously this provision only applied to applications submitted to Senates I and II).
8. The protection of persons who testify as witnesses or who support a complaint has been improved: the law now states clearly that in case such persons are put at a disadvantage, the sanctions are the same as if these persons had been discriminated against on grounds of ethnic origin.
9. To the extent that the law permitted differences of treatment based on nationality, these exemptions have been restricted to provisions and conditions relating to the entry into Austria and residence of third-country nationals and stateless persons in Austria, as well as to any treatment which arises from the legal status of such third-country nationals and stateless persons.
10. The definition of (sexual) harassment was adapted to the requirements of Community law. One already speaks of (sexual) harassment if there is behavior that is intended to affect the dignity of a person.
11. Protection against discrimination also upon "termination of an employment relationship" due to non-extension of a time-limited employment relationship and/or the end of a trial period of employment.
12. Granting a right of election, as a result of which a person – in the event of a discriminating termination of an employment relationship – may either challenge the termination or accept the termination. If the termination is accepted, that person has the right to claim both the pecuniary damage and the intangible damage.
13. The decisions of the Equal Treatment Commission have to be issued and delivered within 3 months of the decision taken.
14. All decisions of the Equal Treatment Commission have to be published in anonymous form on the website of the Federal Chancellery.

II. With the amendment in Federal Law Gazette I No. 97/2008 of the Federal Equal Treatment Act, which relates to civil servants (it is the corollary to the Equal Treatment Act), the following changes have been stipulated, especially with regard to discrimination on the basis of ethnic origin, religion and ideology:

1. The definition for (sexual) harassment was adapted to the requirements of Community law. One already speaks of (sexual) harassment if there is behavior that is intended to affect the dignity of a person.
2. The Federal Chancellor has a reporting obligation in connection with the activities of the Equal Treatment Commission which also extends to cases of discrimination based on ethnic origin, religion or ideology, age or sexual orientation.
3. Protection against discrimination also upon "termination of an employment relationship" due to non-extension of a time-limited employment relationship and/or the end of a trial period of employment.
4. Granting a right of election, as a result of which a person – in the event of a discriminating termination of an employment relationship – may either challenge the termination or accept the termination. If the termination is accepted, that person has the right to claim both the pecuniary damage and the intangible damage.

When establishing the amount of compensation for personal prejudice, aspects of possible multiple discriminations must now also be taken into consideration in the overall assessment of a case.

Question No. 3:

The government program of January 2007 for the XXIIIrd legislative period provides that the guarantees against discrimination on grounds of sex, race, social or ethnic origin, handicap or other reasons (age, sexual orientation) are to be expanded. The group of experts, set up by the Federal Government, has held intensive discussions, based on the results of the Austrian Convention. However, no specific results have been obtained to date, and early elections to the National Council will take place in September 2008.

One should mention once again at this juncture that federal constitutional law on the implementation of the International Convention for the Elimination of Racial Discrimination was adopted in 1973. The ban on discrimination against foreigners, which was thus enshrined, must be observed both by the legislator and the enforcing authorities and may be used as a basis for court action by every individual affected.

In several of its decisions in connection with the aforementioned federal constitutional law the Austrian Constitutional Court has stated that any differentiating treatment against and among foreigners is only admissible if, and only to the extent that, there is a discernible reasonable ground and the differentiating treatment is not disproportionate. As a result, that principle is being applied which is a fixed element of the case law in connection with the general principle of equality under constitutional law. This principle states that there are pertinent grounds only in those cases in which objective differentiating characteristics are applied; identical legal consequences must therefore apply to identical sets of facts, major differences concerning the facts of a case must lead to correspondingly different arrangements.

Any discrimination that is solely based on nationality, race, color of skin, origin or national or ethnic origin is therefore inadmissible in all cases.

Question No. 4:

- I. The concept "autochthonous national minorities" (= "ethnic groups" → "Volksgruppen"):

In this context, reference is made to the definition in the law, i.e. § 1 (2) of the National Minorities Act: "national minorities/ethnic groups are the groups of Austrian citizens with another language than German as a mother tongue and their own folklore tradition who live on and are natives of parts of the federal territory."

In other words, ethnic groups must meet the following criteria:

1. specific historical settlement areas
2. the groups as such must have existed for approximately 100 years (derived from the word "native")
3. Austrian nationality
4. non-German mother tongue, own folklore tradition

For some of Austria's ethnic groups there are – especially on account of commitments under international law – rules and arrangements for specific regions governing the use of official languages, as well as rules on bilingual topographical signs and also rules on the school system for the ethnic group. Organizations of the ethnic groups have access to special promotional funds.

The so-called new minorities are not comprised in the definition of ethnic groups (see the aforementioned threshold of 100 years in practical administrative work). These other minorities are supported by other institutions in Austria from other promotional funding sources, in keeping with their specific needs.

Question No. 5:

Since 13 December 2001 the Constitutional Court has lifted wording or phrases in legal regulations with several of its additional decisions which opposed bilingual topographical signs.

All decisions were published in the federal law gazette, which constituted implementation of the content of the decision. Ever since, there have been intensive attempts in several phases on the highest political level to reach general new arrangements for the bilingual topographical signs and designations which take account of the decisions of the constitutional court. In the absence of a political consensus, such arrangements have not yet been achieved on the legislative level.

Question No. 6:

The ethnic group of the Roma is an autochthonous group in Burgenland (they have lived there and have been native to the region for almost 300 years). In addition, Roma have settled in Vienna and Linz, for example, most of them arrived here in the recent past. Roma associations, also those found outside of Burgenland (e.g. in Vienna, but also in Linz, as mentioned before) receive promotional funding from the budget earmarked for the promotion of ethnic groups. The promotional funding for this ethnic group focuses primarily on preserving and communicating the five main Roma languages spoken in Austria, as well as on supporting Roma children and juveniles by extra-mural teaching assistance. As a result of establishing the Romany variants most frequently spoken in Austria in written form, which was achieved with promotional funding for the ethnic groups, it has not only been possible to publish bilingual newspapers of the associations but also, for example, to support the recording of Roma narrations in two languages, which in turn give expression to aspects of the Roma cultures. It has also been possible to promote the production of bilingual teaching aids for language classes.

Moreover, the Minorities School Act for Burgenland, Federal Law Gazette 1994/641, expressly stipulates in its § 14 (1) that it is a statutory requirement to teach in the Romany language.

In general, the Roma enjoy the same rights and the same legal protection as all other Austrian nationals, as well as all other people living in Austria.

Question No. 7:

One can mention here the preparations to set up an apartment to shelter persons affected or threatened by forced marriage as one of the special measures taken by the working group that was established on an inter-ministerial basis for female migrants.

Furthermore, one should mention an initiative of the Austrian Federal Government, in the course of which the Federal Minister of the Interior launched the so-called integration platform in a conference on 15 October 2007 (motto: "Together we will come together"). The goal of the platform is to elaborate proposals to improve integration. Civic society throughout Austria was invited to submit specific suggestions (in the framework of a road show, inter alia). Since the beginning of the discussions on 22 January 2008, the contributions of experts on eight topics of integration have been presented, as well as a collection of ideas concerning suggestions by individual persons and organizations. The further discussion took place both on a virtual basis and as live events in the course of the road show.

The result of these efforts will be the "Charter for Austria", which will determine the cornerstones for successful integration. The next step will be to develop an integration strategy.

Article 4

Question No. 8:

With regard to the obligation to take measures against any incitement to racial discrimination and acts of racial discrimination, one must mention the offences of incitement (§ 283 of the Penal Code) and activities inspired by National Socialist ideas (National Socialist Prohibition Act), the aggravating circumstance of committing a racist or xenophobic offence (§ 33 (5) of the Penal Code), as well as the administrative offence of discrimination on grounds of race (Article IX of the Introductory Provisions to the Laws on Administrative Procedure (EGVG)) and the possibility to dissolve unlawful associations and to disperse assemblies (Association and Assembly Act). The offences under the National Socialist Prohibition Act and the offence of incitement pursuant to § 283 of the Penal Code are official offences, meaning that the public prosecutor has exclusive competences to prosecute these offences. An agreement of or authorization by the victim is not required.

The court proceedings for engaging in National Socialist activities, as stipulated in the National Socialist Prohibition Act, and for incitement pursuant to § 283 of the Penal Code during the last three years (2005 – 2007) are shown in the tables below. Apart from reports to the police, the charges were brought against individual persons. The court decisions are listed for the year in which they became final.

b) Statistical Data

Offences pursuant to § 283 of the Penal Code

	Reports to the Police (Statistics of the Federal Ministry of the Interior)	Charges	Convictions	Acquittals
2005	14	12	11	1
2006	8	8	9	2
2007	?	12	7	4

Offences under the National Socialist Prohibition Act

	Reports to the Police (Statistics of the Federal Ministry of the Interior)	Charges	Convictions	Acquittals
2005	173	40	22	1
2006	186	9	19	13
2007	?	28	10	0

Question No. 9:

Neither the "Kärntner Heimatdienst" (Carinthian Homeland Service – KHD) nor the "Kärntner Abwehrkämpferbund" (Carinthian Defense Fighters Union – KAB) are associations prohibited under Austria's legal system, as they act in the framework of Austria's constitution and Austria's legal order.

The aforementioned associations are traditional Carinthian organizations; their activities concern primarily the promotion of the interests of the German speaking population in Carinthia.

Rather, an extremely positive example taken from the recent activities of the Carinthian Homeland Service can be described here:

The chairman of the Carinthian Homeland Service and the chairman of the Advisory Board for the Slovene National Minority are the authors of a publication entitled "Kärnten neu denken. Zwei Kontrahenten im Dialog" (New thinking concerning Carinthia. A dialogue between two parties involved). In the form of a dialogue, these two persons presented their view of the life together in the past and today. With this publication they wanted to re-trace the process of dialogue and learning which they both have shaped and led decisively in the last decades, as they are two of the principal actors in the conflict between the German-speaking majority and Slovene-speaking minority. However, they also wanted to show that a process of constructive dialogue is possible in Carinthia, in what way it has become possible, and why and how it must be continued. This example does not only deserve recognition in Carinthia, but could also serve as an example for other regions of conflict in south-eastern Europe.

In addition, the two Slovene organizations (Central Association and "Society"), together with the Carinthian Homeland Service, as well as "Platform Carinthia", have established the "Consensus Group" which works for a solution concerning the issue of topographical signs and on many other reconciliation activities.

Question No. 10:

I. National Action Plan:

At the national level, the preparation of a National Action Plan against Racism, involving Federal Ministries and regions of Austria was initiated in 2007, with the aim of taking stock of the current policies and measures at the federal, regional and local levels, as well as of assessing the needs for further policies and measures.

In February 2008, the Federal Minister of the Interior initiated an "integration platform", consisting of the stakeholders involved, with the aim of formulating an integration strategy for Austria. A main feature of the "integration platform" was broad-based consultations with all stakeholders, in particular migrant groups. In the course of the consultations, most issues to be covered by a National Action Plan were dealt with, in particular education, employment, health and housing.

As general elections have been scheduled for 28 September 2008, it was not possible for the current government to adopt the integration strategy before the end of its working period. It will be incumbent upon the government to be formed after the elections to further pursue this project.

At the local level, three out of the nine Austrian regions, namely Lower Austria, Tyrol and Upper Austria formulated and presented "Integrationsleitbilder" – ("guiding models for integration") during the period 2006 – 2008, which deal with the integration of migrants and the management of ethnic and cultural diversity.

All three guiding models for integration

1. were elaborated through an in-depth process, involving a very broad range of stakeholders, ranging from the migrants' groups to the majority population,
2. envisage measures, inter alia, which aim at strengthening equality and anti-discrimination policies, as well as at enhancing the capacity of all institutions for managing diversity,
3. envisage permanent structures to monitor the continuation of the respective processes.

Since the presentation of Austria's present report, the measures indicated in the report ad Para. 17 of the Committee's Concluding Observations have been continued, and a number of additional measures have been initiated. Notable among the new measures is the large-scale recruitment campaign initiated by the regional police forces of Vienna together with Vienna's municipal authorities called "Vienna needs you", aimed at increasing the percentage of police officers with a migration background. This initiative is outlined in detail below under Question 13.

II. Data collection:

The regional offices for the protection of the constitution and for combating terrorism (LVT) maintain statistics for their specific area of competences on the subject of right-wing extremism. Every quarter, the data are sent to the Federal Office for the Protection of the Constitution and for Combating Terrorism (BVT), where they are integrated and processed. These statistics cover, inter alia, data back to 2006 on acts motivated by right-wing xenophobia/racism, as well as anti-Semitism, together with measures taken by the security authorities in connection with these offences. At the beginning of 2007, the mode of collecting the information was changed from constituting mere statistics, in the sense of a purely numerical list, to providing an analysis of the incidents; ever since, acts motivated by islamophobia are also recorded on a separate basis.

According to the 2007 and 2008 Annual Reports of the European Union Agency for Fundamental Rights, Austria is among the Member States of the European Union whose systems of official criminal justice data collection on racist violence and crime are characterized as "good". For reference see: 2007 Annual Report http://fra.europa.eu/fra/material/pub/racism/report_racism_0807_en.pdf (p. 114 – 133) and 2008 Annual Report http://fra.europa.eu/fra/material/pub/ar08/ar08_en.pdf (p. 27 – 36).

Question No. 11:

As the reports mentioned in the question are not specified in any detail, and as Austria is not aware of any such reports, only a general answer can be provided to this question:

Austria is governed by media pluralism, which is supported by public promotional funding for the media, on account of the small size of Austria's media market. Against the background of the freedom of expression, there is therefore wide scope for discussing on a broad basis topics of public interest such as issues concerning asylum and foreigners. Readers can choose from a broad selection of media which pursue the most diverse editorial policies. Please also refer to the replies to Question 22 with regard to radio broadcasting.

One must also mention that the government addresses these topics with utmost sensitivity. The members of the Federal Government, as well as Heinz Fischer, the Federal President, advocate tolerance, mutual recognition and diversity, and speak out against racist and xenophobic attitudes, whenever the occasion arises or there is a need to do so. As was explained before, the Federal Government is currently undertaking increasing activities (with its initiative of an "integration platform") to create awareness in society for topics concerning migration and integration.

Article 5**Question No. 12:**

It should be stated, by way of introduction, that it is not known to which specific reports this question refers. Austria can therefore only point to the following measures for an adequate training of the law-enforcement staff, which are also of a preventive nature:

The Security Academy of the Federal Ministry of the Interior is the central monitoring institution for the basic and continuous training of its staff members. In 2001 it developed a concept for the structure of human-rights education. The concept regards implementation of the targeted objectives as a permanent process in developing the organization. For this purpose, the "Manual on Human Rights and the Police – 2005" was completed in electronic form and published on the intranet for downloading so that it is available to all law-enforcement officers. This ensures that law-enforcement officers of the security forces perceive themselves as the cross-departmental organization for the protection of human rights.

In the course of the basic and continuous training of Austria's law-enforcement officers and officials of the administrative security services, the topics of human rights and related issues are given appropriate attention on the broadest possible basis of material issues.

By means of an ongoing evaluation for the purpose of quality assurance and of optimizing contents, as well as by interdisciplinary studies, by linking legal subjects to human rights issues, and in the course of the academic training of teachers (LUC = study course with a university character), it is ensured that teachers in the

aforementioned classical training fields are also capable of addressing human-rights issues, parallel to teaching purely legal subjects.

The compulsory continuous training of teachers also pays attention to ensuring that the trainers for the legal subjects also participate and are involved in other seminars covering other subject areas such as, inter alia, human rights, ethics, developments in society, police activities in a multi-cultural society, being a foreigner in this country, how to deal with marginalized groups, law-enforcement officers and the holocaust, etc.

These events and measures are intended to ensure that the teachers at the training centers for law-enforcement officers are not only made aware of the respect for human rights but are also empowered to establish the appropriate links between human rights and their specific field of action.

At present, human rights are a topic in the basic training of police officers, especially in the following subjects, but also on an inter-disciplinary level:

1. communication and conflict management: 48 hours
2. human rights: 56 hours
3. professional ethics: 12 hours
4. applied psychology: 40 hours
5. developments in society: 50 hours
6. ADL seminar "A World of Difference": 24 hours

In connection with the subjects of professional ethics and conflict management, special training is provided for basic ethical attitudes and human rights. In the daily classes, full-time lecturers also address these values in the other subjects. They therefore constitute an essential feature of police-officer training.

Evaluation on a regular basis in the course of continuous training measures ensures that teachers always have these attitudes foremost in their minds. For the year 2007, all teachers – heads of training centers as well as teachers – were offered 5 workshops on the subjects of "Ethics, Communication, Interaction".

All officers undergoing basic training are taken to visits of memorial sites, as well as to events organized by NGOs, which are prepared, carried out and evaluated by trainers with special training, in order to create even more awareness for the needs in dealing with people.

Another essential – although not exclusive – area in the continuous training of police officers with links to human-rights issues are the seminars "A World of Difference", which have been organized in cooperation with the Anti-Defamation League (ADL) since 2002. The participants come from all ranks of the security forces throughout Austria. The large number of participants ensures that there is a representative cross-section of all age groups. These "AWOD" seminars are also a compulsory component of the basic training, which ensures that there is a uniform level of training throughout the entire organization.

Promoting empathy and understanding for people and the circumstances of their lives are a decisive basis of this training. By way of working on an inter-active basis

with individual persons and in groups, by role-playing, case analyses, films and specific games, models for solutions, as well as alternative modes of conduct are trained.

Following a suggestion of the Human Rights Advisory Board, the duration of these seminars was expanded to three days at the beginning of 2007, to include the subject of "language used by police officers". After providing the trainers with the requisite continuous training, these seminars now also include the subject of "hate crime" in order to create also a certain level of awareness for this subject.

A major part of other continuous training events, offered by the Security Academy, are dedicated to human-rights issues.

Below are a few examples:

1. police action in a multi-cultural society
2. the police and African nationals
3. inter-cultural guides in Austria
4. study course "intercultural-conflict management" in cooperation with the Austrian Integration Fund
5. dealing with people of different ethnic origin
6. dealing with mentally diseased persons

In connection with teaching the specific legal standards, the systemic approach to the structural concept of human-rights training is thus implemented.

For periods of 3 years, the Security Academy defines "temporary priorities" which emphasize the special significance of particular subject areas in continuous training. In the past few years "human rights and professional ethics as part of police action" was repeatedly a priority. For the years 2009 to 2011 the topic of "corporate culture, human rights, intercultural competence – an expression of respect and appreciation within an organization and towards the outside world", inter alia, will be given high priority. By setting this priority, the often present tensions between human rights and police intervention will be covered comprehensively.

Question No. 13:

The chapter on domestic security of the current government program contains the commitment to recruit a larger number of persons with a migration background for the police service. In line with this mandate, targeted measures are taken to recruit candidates for the police forces in the social groups of migrants. The relevant associations and municipalities are supported when organizing information meetings in this connection. In this way, as many candidates as possible with a migration background are to be contacted.

The same requirements as for all other candidates apply to them in the selection process. With this approach, it has been possible to hire a larger number of police officers with a migration background.

A special current example should be mentioned, namely a project initiated by the regional police directorate Vienna, in cooperation with Municipal Department 17, in

November 2007. The title is "Vienna needs you". By means of promotional events, efforts are made to motivate persons with a migration background to apply for admission to the police forces. This is intended to increase the number of police officers with a migration background on a medium and long-term basis.

Similar plans are being considered for the teaching profession.

Question No. 14:

Here, too, it should first be mentioned that it is not known to which specific reports this question refers.

- I. By way of example, the following statutory measures can be mentioned which relate to possible acts of discrimination:

The Federal Equal Treatment Act stipulates that it is prohibited to discriminate directly or indirectly, inter alia, on the grounds of ethnic affiliation, religion, ideology, especially

- when entering into a service or training relationship,
- when fixing remuneration,
- when granting voluntary social benefits that do not constitute a remuneration,
- in connection with in-house basic and continuous training measures,
- in connection with professional advancement, especially promotions and assignments to better-paid positions (functions),
- in connection with other working conditions, and
- when terminating a service or training relationship.

Please refer to the Equal Treatment Act for issues relating to the private sector and/or access to goods and services.

- II. Furthermore, migrants are being offered the following promotional measures, by way of example:

With regard to promotional measures, e.g. special training measures offered by the AMS (General Labor Market Service) for job-seekers with a migration background, coming from a minority or foreigners, the following can be said:

1. There is a wide offer of language course, literacy courses and numerous other measures in order to make easier for groups of persons, who are at a distance from the labor market, to have access to the standard services of the AMS such as special counseling and coaching facilities or projects in the framework of EQUAL.
2. A training course was held for migrants to become occupational guidance counselors specializing on working with migrants and refugees. Important approaches to this training concept were to pay special attention to the specific learning needs and expectations of persons with another language than German as their mother tongue, as well as dealing with the cultural differences.

3. When awarding contracts for courses to course providers, preference is given to those institutes that assign trainers with the appropriate qualifications. Moreover, information about German courses has, of late, been provided in the mother tongue, in order to facilitate a first contact.
4. Selected cooperation projects of the AMS Vienna together with the Municipality of Vienna or other public authorities:
 - promoting counseling and care facilities for migrants (together with Municipal Department 17); advice has been provided in 18 different languages to 1000 persons
 - promoting the counseling and care facilities for female migrants (together with the Federal Ministry for Women) for 400 women
 - promoting the visiting counseling and care facilities as a pilot project to integrate Turkish women into the work force – this is now also being expanded to include women from the former Yugoslavia – for 500 women
 - DYNAMO – a network of projects to communicate individual basic qualifications and diplomas for educational courses for integration into the educational system and the labor market together with the education ministry and the City of Vienna
 - supporting young Roma and Sinti in the course of a pilot project under the labor-market policy to find jobs as apprentices
 - JAWA – as part of the European Refugee Fund for traumatized young asylum seekers
 - cooperation to provide first occupation information in the mother tongue and to help newly arrived migrants to obtain the "Wiener Bildungspass" (Vienna educational passport)
 - "Perspective – Advice on Jobs and Education for Persons Qualifying for Asylum and Persons Entitled to Subsidiary Protection in Vienna" of the Counseling Center for Migrants – developing special courses to obtain qualifications
 - "Counseling Center for Recognition and Continuous Education" for newly arrived migrants (center of competence) by the Counseling Center for Migrants
 - MIGRA-TRAIN – study course for persons with a migration background (migrants and refugees), one-year training for working with migrants and refugees
 - Since April 2008 – counseling and support center of the association Interface – assisting persons qualified to obtain asylum and persons entitled to subsidiary protection at the beginning with specific assistance measures (access to psychotherapy, language courses, continuous educations, qualifications, etc).

Question No. 15:

The care and basic provisioning of asylum seekers and other foreigners in need of assistance is regulated by the Agreement on Basic Provisioning between the Federal State and the regions, in keeping with Article 15a of the Federal Constitution Act (Federal Law Gazette I 80/2004), the 2005 Basic Provisioning Act for the Federal State (Federal Law Gazette I 100/2005), as well as by specific regional laws governing basic provisioning.

In essence, the Federal State provides care to asylum seekers during the admission procedure (during the first 20 days after applying for asylum), to asylum seekers whose application to the admission procedure was rejected, as well as to asylum seekers whose application was rejected and where no suspensive effect is granted for the appeal. The care for asylum seekers admitted to the asylum procedure, as well as of other foreigners requiring protection and assistance has been transferred to the regions. For the purpose of an annual overview, taking account of the proportions of the residential population, a coordination point, set up especially by the Federal Ministry of the Interior, distributes the foreigners to the regions where they receive assistance. They are ensured of federal care until an appropriate accommodation is available in the relevant region.

In keeping with Article 2 (1) of the Agreement on Basic Provisioning, the target groups are *"foreigners in need of assistance and protection who are deserving of support"*:

The following criteria determine the need for assistance:

- the necessities of life for oneself and for those persons living in the same household, who are dependants entitled to support,
 - which cannot or can only be insufficiently obtained by one's own strength and means, and
 - which cannot or can only be insufficiently obtained from other persons or entities.

The need for protection is guided by the following criteria:

- asylum seekers (the application for asylum has not been handled with final effect)
- foreigners without a residence title
 - who received a negative decision concerning their application for asylum and
 - who cannot be deported for legal or factual reasons
- foreigners with a residence title
 - as persons who are entitled to subsidiary protection (§ 8 of the 2005 Asylum Act)
 - persons entitled to residence on humanitarian grounds (§ 72 of the Settlement and Residence Act) or
 - expelled persons (§ 76 of the Settlement and Residence Act)
- foreigners without a residence title
 - who cannot be deported for legal or factual reasons
- foreigners who – after receiving a refoulement by the asylum authorities on ground of the Dublin II regulation or a safe third country –

- can either be detained pending deportation or
- where a "more moderate instrument" according to § 77 of the Aliens Police Act (previously § 66 of the Aliens Act) may be applied or
- whose temporary basic provisioning is secured by the regions until their removal from Austria, following the decision of the asylum authorities, has been achieved
- persons entitled to asylum during the first 4 months after having been granted asylum (since May 2004)

In accordance with European regulations in the relevant directive, the Basic Provisioning Act for the Federal State stipulates the exclusion from care for asylum seekers covered by federal care, inter alia, for the following reasons:

- misbehavior at the care centers:
i.e. gross violations of the house regulations applicable to the care centers and thus continued or sustained risk to maintaining order (§ 2 (4) item 1 of the Basic Provisioning Act for the Federal State), or removal from the care center pursuant to § 38a of the Security Police Act (§ 2 (4) item 2 of the Basic Provisioning Act for the Federal State). With regard to notifications to leave the center, on the basis of the asylum seeker's absence from status checks at the care centers, reference is made to the decree of the Federal Chancellery of 1 March 2006, file no. BMI-EE2500/0036-II/2/a/2006, which states that in a first case of absence of more than 24 hours (but less than one week) the reason for the absence must be checked, the person must receive an admonishment, and the consequences must be explained to the person concerned. In the case of two absences of more than 24 hours, persons need not be re-admitted, as one may assume that there is no longer any need for assistance.
- conviction for an act punishable by court that may constitute a ground for exclusion from care pursuant to § 6 of the 2005 Asylum Act (§ 2 (5) of the Basic Provisioning Act for the Federal State)
- violation of the cooperation obligations in the asylum proceedings:
Lack of cooperation in establishing identity and/or the need for assistance (§ 3 (1) item 2 of the Basic Provisioning Act for the Federal State), as well as lack of cooperation concerning the facts necessary for conducting asylum proceedings (§ 3 (1) item 4 of the Basic Provisioning Act for the Federal State).

Pursuant to § 15 of the 2005 Asylum Act, asylum seekers must cooperate in proceedings. However, any exclusion from basic provisioning must never restrict the access to medical emergency services. The assistance is suspended for the period of a detention (pending deportation or custodial detention). The assistance ends upon departure from Austrian territory, unless Austria is obliged to take the person back.

Question No. 16:

In Austria, Article 5 (short-term workers) of the Act Governing Employment of foreign nationals currently applies to seasonal workers in agriculture, forestry and tourism. During their (temporary and limited) employment in Austria, the same social-security and labor-law provisions (including wages) apply equally to seasonal foreign workers and to national workers.

The national social-security regulations apply to nationals, as well as to migrants, independently of race and religion. They therefore do not constitute any discrimination in this context.

Question No. 17:

I. Progress in the school system for the ethnic groups:

The regional school councils take measures on an ongoing basis to review and secure the quality of bilingual instruction; the pedagogical universities also offer continuous training activities in this direction.

3 examples are given of current projects for the minority school system in Burgenland:

- educational pilot project "immersion and rotation" – a priority day focusing on Croatian, preparing a kit with methodological-didactic instructions for its teaching
- Croatian children's newspaper "moj novi minimulti" – is published six times per year and made available to pupils free of charge
- EU Comenius project "promoting minority languages in multilingual areas through teacher training" – production of multilingual picture books, comprising text, text book and CD-Rom "7 stories in four languages".

Similar priorities in preparing new didactic material, partly also as interactive electronic teaching tools were and are also being set for the languages of other national minorities, for example,

- initiatives of a working group for the Slovene language for middle-school teaching (as part of the center for school development, the project is "sloviklik", www.sloviklik.at)
- the initiative "mala sova" (as part of the pedagogical association www.sova.at) and
- a Comenius project to this effect of the pedagogical university in Klagenfurt (www.bildungsserver.com/weborganizer)

An evaluation of the Comenius project "promoting minority languages in multilingual areas through teacher training" was carried out at the University of Klagenfurt by means of more than 300 questionnaires (sent to school-age children, parents and teachers), which showed a high level of satisfaction with the bilingual instruction. The fact that the number of registrations for bilingual instruction (German and Slovene) in Carinthia is rising also points in this direction. The increase is both when measured in percentages of the total pupil population and in absolute numbers: in the 1999/2000 school-year, of the total of 6133 pupils, 1619 had signed up (= 26.4%). For the

2006/2007 school-year, of the total of 4818 pupils, already 1855 (= 38.5%) signed up for bilingual instruction. The percentage of signed-up pupils actually increased further for the 2007/2008 school-year.

II. Number of school locations:

28 schools in Burgenland were run as bilingual (Croatian, German) primary schools (2007/2008 school-year). There were an additional 5 locations at other schools in Burgenland, so that ultimately there were a total of 33 locations in Burgenland where instruction in Croatian and German is offered. The corresponding numbers for instruction in Hungarian and German are 2 and 5 additional locations, i.e. altogether 7 locations.

Bilingual German-Croatian lower-level secondary schools can currently be found at 3 locations in Burgenland. An upper-level general secondary school with instruction either in German and Croatian or German and Hungarian is the bilingual federal grammar school at the location Oberwart.

76 locations in Carinthia are available as primary schools offering instruction in German and Slovene. Pupils actually signed up for 68 of these locations during the 2007/2008 school-year. The corresponding figures for lower-level secondary schools are 18 available locations, with actual pupil registrations at 7 locations in keeping with the Minority School Act for Carinthia; however, Slovene is (also) a working language at only one lower-level secondary school. With regard to upper-level general and vocation secondary schools in Carinthia, one should mention the (Slovene-language) federal grammar school and federal modern-language grammar school (Bundesgymnasium und Bundesrealgymnasium) for Slovenes in Klagenfurt, the bilingual federal commercial college in Klagenfurt and the private bilingual higher teaching institute for commercial occupations of the Convent of the School Sisters at St. Peter near St. Jakob im Rosental.

Instruction in the Czech but also in the Slovak language is given at the private schools of the "Komensky" School Association in Vienna, on the level of a primary school, a lower-level secondary school and an upper-level general secondary school.

Moreover, a project with bilingual instruction (German and Croatian) in a class with two teachers – one teacher is Croatian from Burgenland, one teacher is from Croatia – is currently carried out at a primary school in Vienna. In addition, several primary schools in Vienna increasingly offer Croatian as a working language.

Furthermore, especially in Vienna the languages of the national minorities are being offered practically at all educational levels, however, not in the form of bilingual instruction but at as a curriculum subject in the form of exercises, courses, etc.

III. Number of pupils of the national minorities with German as a second language:

No reply can be given to this question, as the school administrations do not maintain statistics to this effect.

In Carinthia, there are, no doubt, only few children with Slovene as a first language and Austrian nationality when entering primary school who have no or only a very basic knowledge of German. The data collected on the knowledge of the Slovene language in the first year of primary school (see also below for comparisons) offer an indication of limited validity; however, the children with a "normal" knowledge of the Slovene language cannot automatically be categorized as children with German as a second language. According to experience, most school children with Slovene as their first language have also mastered the German language on a comparable level.

The knowledge of Slovene of pupils registered for the first year of schooling as of the 2003/2004 school year:

language knowledge in per cent				pupil numbers		
school-year	normal	little	no	normal	low	no
2003/04	20.31%	15.90%	63.79%	106	83	333
2004/05	16.93%	16.22%	66.85%	94	90	371
2005/06	15.17%	14.31%	70.52%	88	83	409
2006/07	12.48%	16.07%	71.45%	66	85	378
2007/08	15.22%	15.92%	68.86%	88	92	398

The situation is very similar with regard to the other national minorities and the languages of the other national minorities. The regional school council for Burgenland, for example, estimates that, during the 2007/2008 school-year, of the 1257 pupils at bilingual German-Croatian primary schools and/or of the 189 children who receive bilingual German-Hungarian instruction at primary schools, about one third used the respective language of the national minority as a first language and German as a second language.

Article 6

Question No. 18:

- I. In 1979 the Equal Treatment Commission (GBK) was set up as a "low-threshold" access to the equal-treatment law. This Commission is responsible for dealing with all issues concerning discrimination, and offers presumptive victims of discrimination a second, relatively informal and non-bureaucratic legal process, in addition to taking their case to a labor-law or civil court.

Since 2004 the Equal Treatment Commission (GBK) has consisted of three senates with different areas of responsibility, on the basis of the transposition of the EU directives applicable in this context.

The senates produce general opinions, they conduct procedures to investigate individual cases which result in opinions on the findings, and they may pronounce proposals to the discriminators, when a discriminating act is established. If the discriminator(s) does/do not comply with the proposals, the organizations representing the specific interests and the Equal Treatment Ombudsperson may file for a declaratory action.

Senate I of the Equal Treatment Commission (GBK) is responsible for the equal treatment of women and men in the working environment and for multiple discriminations; Senate II for equal treatment in the working environment without any distinction on grounds of ethnic affiliation, religion or ideology, age or sexual orientation; and Senate III for equal treatment without any distinction on grounds of ethnic affiliation in other areas, as well as – commencing with the entry into force of the amendment on 1 August 2008 – for the equal treatment of women and men in connection with access to and the supply with goods and services.

Employees, employers, works council members, the Equal Treatment Ombudsperson, a person affected by a discrimination as defined in Chapter III, Part 1 of the Equal Treatment Act, or an organization representing specific interests and represented on the respective senate of the Commission may file an application for reviewing a violation of the equal-treatment requirement.

147 applications were filed with Senate I between 1 July 2004 and 15 July 2008. The overwhelming number of applications related to a presumed discrimination on grounds of sex due to sexual harassment. The second most frequent ground for discrimination was presumed discriminations on grounds of sex concerning other working conditions.

56 applications were filed with Senate II between 1 July 2004 and 15 July 2008. Here, the most frequently claimed ground for discrimination was that of ethnic affiliation, followed by religion as a ground for discrimination.

36 applications were filed with Senate III between 1 July 2004 and 15 July 2008. They concerned an alleged discrimination on grounds of ethnic affiliation. The overwhelming part of the applications related to a presumed discrimination concerning the access to goods and services that are available to the public, as well as alleged molestations.

As of 1 August 2008 it will be mandatory to publish the full text of the results of the investigations conducted by the Equal Treatment Commission in anonymous form on the web site www.frauen.bka.gv.at. To date, a voluntary publication of the results of the investigations in anonymous form had been required.

The Federal Equal Treatment Commission (B-GBK) was set up in 1993 by the Federal Equal Treatment Act in order to review discriminations on ground of sex in the public service. In 2004 the competences were expanded to include discriminations on grounds of ethnic affiliation, religion or ideology, age or sexual orientation, and 2 senates were set up. Senate I is now responsible for discriminations on grounds of sex, Senate II is responsible for all other grounds for discriminations.

The Commission will initiate procedures upon application by a civil servant or a person applying for admission to an employment relationship with the federal authorities. The working groups for equal-treatment issues, which have been set up in the various ministries to give advice to civil servants, as well as their individual members are also entitled to file applications. The Commission may also look into cases of discrimination on an *ex officio* basis.

The result of the review is stated in an opinion. Whenever a case of discrimination is established, recommendations are made to eliminate the discrimination. The statements have no binding effect; the opinion serves as evidence in legal proceedings to enforce claims.

Since 2004 and up to July 2008, 84 applications were filed with Senate I and 24 applications with Senate II.

In the majority of cases, discrimination concerning occupational advancement is claimed, i.e. 47 cases with Senate I and 13 cases with Senate II. The other complaints related to sexual harassment and entering into or terminating an employment relationship. The most frequent grounds for complaints in the applications to Senate II were age and ideology.

The full text of the opinions of the two senates of the Federal Equal Treatment Commission (B-GBK) must be published in anonymous form on the web site www.frauen.bka.gv.at.

II. Ombudsperson

Originally established in 1991, the Ombudsperson's Office for Equal Treatment was only responsible for counseling and supporting persons who felt discriminated against on the grounds of their sex in the field of employment. In March 2005, two more ombudspersons were established according to two new areas of discrimination that were included in the Equal Treatment Act. These are the Ombudsperson for Equal Treatment irrespective of ethnic affiliation, religion or belief, age or sexual orientation in employment and the Ombudsperson for Equal Treatment irrespective of ethnic affiliation in other areas.

Compared to the Ombudsperson for the equal treatment of men and women in employment, who has a head office in Vienna and 4 regional offices in Austria (in total 11 lawyers and 7 assistants), the areas of discrimination on grounds of ethnic affiliation, religion, age and sexual orientation in employment and of ethnic discrimination in other areas are covered by 3 lawyers (assisted by one part-time assistant), who are only based in Vienna without any regional offices. With the amendment to the Equal Treatment Act, which will enter into force on 1 August 2008, the Ombudsperson's office dealing with ethnic discrimination outside of employment will also become responsible for cases of gender-based discrimination in everyday life. To fulfill these new competencies, an adequate increase of the financial and personnel support will be of utmost importance.

Speaking from the experience of the Ombudsperson for Equal Treatment, local offices are definitely necessary in order to ensure short distances between the office and the persons feeling discriminated against. Language barriers often hinder counseling on the phone or via e-mail. In some cases, the two aforementioned ombudspersons therefore have to travel to the regions of Austria in order to offer on-site counseling. Accordingly, the statistics also show that the major part of the cases brought before those two ombudspersons come from victims residing in or close to Vienna.

The Ombudsperson's Office for Equal Treatment is currently finalizing its activity report covering the years 2006 and 2007. The full report will be published at the end of August. Here are some figures and highlights of its work; more detailed information can be offered on request:

- In 2006, 174 new cases were registered regarding ethnic discrimination in employment and 375 regarding ethnic discrimination in other areas. In 2007, a similar number of new cases were registered (179 in employment and 397 outside employment). If one adds the new cases on religious discrimination in employment, which are often closely linked to ethnic discrimination, the numbers are 206 for 2006 and 226 for 2007.
- The Ombudsperson's Office for equal treatment in employment registered 978 follow-up contacts in 2006 and 957 in 2007 regarding discrimination on grounds of ethnic origin and religion. The Ombudsperson responsible for ethnic discrimination in other areas had 1342 follow-up contacts in 2006 and 1450 in 2007.

With regard to ethnic discrimination in the workplace, most cases concern denied access to employment and termination of employment, followed by racial harassment. In this context, it is apparent that visible ethnic minorities are the most targeted groups of discrimination in employment, especially concerning access to employment. This is followed by another trend that is noticed by the Ombudsperson for Equal Treatment in recent years, which is the effect of rising islamophobia in society. As religious and ethnic discrimination are closely linked to each other, the Ombudsperson's Office is increasingly faced with complaints by Muslim persons, especially women wearing headscarves, who are excluded from jobs, irrespective of their qualifications, because employers fear negative reactions from their clients. Finally, it can be stated that ethnic discrimination in access to goods and services, such as admission to bars, restaurants or fitness-centers continues to be a problem with which the Ombudsperson for Equal Treatment is continuously confronted.

In summary it can be stated that the number of people who feel discriminated against and turn to the Ombudsperson for Equal Treatment to obtain information, counseling and support is steadily rising. In many cases the Ombudsperson for Equal Treatment can obtain a satisfying solution by intervening, negotiating an out-of-court settlement, arranging a meeting between the parties on the basis of a dialogue or apologies, documenting the case in the biannual reports, getting a clarifying statement due to an intervention, getting things changed due to an intervention, submitting the case to the Equal Treatment Commission, etc.

Question No. 19:

I. The Federal Equal Treatment Act stipulates a one-time compensation as a legal consequence for discriminations on grounds of ethnic affiliation, which may be claimed in court.

1. In cases of non-admission (an employment or service relationship is not entered):

- in case of best qualification (the job applicant would have been awarded the position if the selection had not been discriminatory) – a minimum of 3 monthly salaries of a civil servant in the general administrative services – service class/salary level V/2 (in brief: V/2),
 - in case of non best qualification (the position would have been awarded to a better qualified person if the selection had not been discriminatory) – up to 3 monthly salaries V/2.
2. In case of no occupational advancement:
 - in case of best qualification – difference in salary (remuneration) for a minimum of 3 months,
 - in case of non best qualification – up to 3 months.
 3. When fixing the remuneration of contract-based employees:

payment of the difference plus compensation for the suffered personal prejudice.
 4. When granting voluntary social benefits:

title to being granted the benefits (or receiving compensation of the pecuniary damage) plus compensation for the suffered personal prejudice
 5. Concerning basic and continuous-training measures:

title to being included (or compensation of the pecuniary damage) plus compensation for the suffered personal prejudice
 6. When granting equal working conditions:

title to being granted the working conditions (or compensation of the pecuniary damage) plus compensation for the suffered personal prejudice.
 7. In case of termination of the service or training relationship, also of time-limited service relationships and/or service relationships on a trial basis:

Upon application or court claim by the person concerned, the termination must be stated to be invalid, or else the person concerned accepts the termination and has the possibility to claim the pecuniary and intangible damage in court.
 8. In case of (sexual) harassment:

title to compensation for the damage suffered. If the disadvantage is not a pecuniary loss, title to a minimum of EUR 720 (for any type of harassment).

II. Following the Equal Treatment Act, compensation for damages may also be claimed in court. In cases of denied access to an employment relationship the compensation amounts to a minimum of one monthly salary, if the job applicant would have been awarded the position had the selection not been discriminatory, or to a maximum of EUR 500, if the employer can prove that the only damage suffered by an applicant as a result of discrimination was the refusal to take his/her application into consideration. Additionally, the job applicant is entitled to compensation for psychological injury (see § 26 of the Equal Treatment Act). The amendment to the Equal Treatment Act, which enters into force on 1 August 2008, will increase the minimum compensation of one to two months' salaries. With regard to racial harassment, the amendment to the Equal Treatment Act, which enters into force on 1 August 2008, will increase the minimum amount for damages from the current amount of EUR 400 to EUR 720. Due to the amendment, from 1 August 2008 onward, in case of discrimination concerning the ending of an employment relationship the person concerned can choose between appealing against the termination or accepting the termination and claiming the pecuniary and intangible damage. As victims of ethnic discrimination often lack the financial resources to go to court, there is almost no case law on this issue so far. However, the Austrian

Chamber of Labour provide legal information and support. In many cases victims seek assistance from specialized NGOs, like the "Litigation Association of NGOs against Discrimination", which provide legal and financial support for certain test cases.

As one example, a decision taken by the Vienna Civil Court in March 2007, awarded a woman of Arab origin, who wore a headscarf and was sent away from a clothes shop by a shop assistant (shouting "We do not sell to foreigners!"), was awarded immaterial damages of EUR 800 (the court classified this as an act of direct discrimination in the access to goods and services on grounds of ethnic origin).

III. Remedies for discrimination differ in the way in which they can be enforced. The proceedings before the Equal Treatment Commission usually result in a non-binding decision stating that a violation of the principle of equal treatment has occurred and how the discriminating person should refrain from further discrimination in the future. The Commission is not entitled to grant damages.

Article 7

Question No. 20:

Intercultural learning has several areas of overlap in topics and methodology with political education and human-rights education. On account of its position it also holds a central place in education for sustainable development.

All contents, materials and activities in the aforementioned areas aim at promoting peaceful co-habitation and learning in a multicultural society.

The European Year of Intercultural Dialogue was the most recent occasion for clear initiatives and diverse contributions:

"Centrum polis" commissioned the "Interkulturelles Zentrum" in 2008 to publish a brochure "Interkultureller Dialog. Interkulturelles Lernen" (Intercultural Dialogue, Intercultural Learning), giving specific examples for school projects and teaching units on the subject of intercultural learning. At www.politik-lernen.at the brochure can be downloaded. It gives numerous teaching examples and lists many projects and contains introductory texts, for example on instruction principles for intercultural learning, for intercultural communication and conflict solution, intercultural work with parents or the significance of international school partnerships for intercultural learning.

During the 2006/2007 school-year, the campaign "Multilingualism and Interculturality – an Opportunity" was launched in order to assist schools in implementing the teaching principle "intercultural learning". On account of the high level of acceptance, the campaign is continued during the 2007/2008 and 2008/2009 school-years. The projects selected by a jury are supported with a contribution of up to EUR 700 and after their completion, they are documented on the web site www.projekte-interkulturell.at. This provides a pool of ideas worth copying, and encourages other schools to engage in similar activities.

Question No. 21:

The Action Days for Democratic Citizenship Education, between 23 April (World Book Day) and 9 May (Europe Day), are a countrywide initiative that encompasses many individual events and options for obtaining information from, and become involved through the media and the Internet. The focus of the EDC Days 2008 was on intercultural dialogue (www.aktionstage.politische-bildung.at).

One can mention, as a specific example of a project in the course of the Action Days 2008, the dialogue tour through all regions of Austria, which the Austrian Broadcasting Company accompanied with its media support. On central locations in the capitals of the federal provinces, organizations had an opportunity to present their initiatives for an intercultural dialogue.

In the context of the Public Service Broadcasting Company's special mandate to promote the language and culture of ethnic minorities, the company's editorial office for minority affairs does not only broadcast in the minority languages according to its legal obligation but also produces a program in German language ("Heimat, fremde Heimat") which deals with migration topics, aims at educating the public in a spirit of tolerance and non-discrimination, and is targeted at a mixed audience of Austrians, migrants and foreigners. In recognition of its efforts to promote intercultural understanding between the different population groups, the Public Service Broadcasting Company's editorial office for minority affairs was awarded several prizes.

Question No. 22:

The Austrian State party has adopted various measures to combat racism, stereotyping and racial prejudice in the different media.

In the area of the broadcasting media, Austria has adapted its legislation to EC Directive 89/552/CEE "Television without Borders", by incorporating provisions prohibiting the incitement to racism into the Federal Act for the Austrian Broadcasting Corporation (ORF-G), the Private Television Act (PrTV-G) and the Private Radio Broadcasting Act (PrR-G). § 10 ORF Act sets out a series of "general principles" which have to be considered by both the public television provider and the public radio providers in their daily work. In particular, § 10 ORF Act provides that all programs of the Austrian Broadcasting Corporation must respect human dignity and the fundamental rights of others in their presentations and contents and must not incite others to hatred on grounds of race, sex, age, disability, religion and nationality. Moreover, the program policy shall strive at quality, innovation, integration, equal rights and understanding, and the diversity of opinions in public life shall appropriately be taken into account. Furthermore, § 10 ORF Act provides that human dignity, personal rights and privacy of the individual shall be respected. Regarding the principles of advertising, § 14 ORF Act states that advertising shall not prejudice respect for human dignity, shall not include any discrimination on grounds of race, sex, age, handicap, religion or nationality, or be offensive to religious or political beliefs. Similar provisions providing for a stipulation of programming principles and principles of advertising in the private sector are enshrined in the Private Television Act (§ 31 and § 37 PrTV-G) and the Private Radio Broadcasting Act (§ 16 PrR-G).

Moreover, within the scope of a special mandate to promote the culture and languages of the ethnic minorities, the Public Service Broadcasting Company is committed to providing reasonable program portions in the languages of those national minorities which are represented by a national minority advisory board (§ 5 ORF Act).

With regard to the print media, a panel of self-regulation of the Austrian press (Austrian Press Council), which was dissolved in 2002 due to internal dissent, is supposed to resume its work in 2008. The stakeholders involved have agreed on the general need for monitoring the Austrian print-media sector. The Austrian Press Council decides on (and also monitors) a code of conduct which prohibits all racist or xenophobic reporting and states (among others) that newspaper publishing companies must respect human dignity and personal rights.

In the domain of the new media, the Austrian Association of Internet Service Providers (ISPA) represents the Austrian internet industry and acts as a panel of self-regulation, in cooperation with the public authorities. ISPA has elaborated a code of conduct which serves as a guideline for the conduct of business of Austrian internet service providers. The code of conduct particularly aims at informing the ISPs about how to comply with their duties to respect personal rights and freedoms and how to deal with illegal content. In order to effectively combat severe crimes such as child pornography and dissemination of right-wing extremist content, an internet report office ("Stopline") has been created within the organizational structure of ISPA. Internet users who come across illicit content can – also anonymously – report child pornography or National Socialist offences to the hotline, which will forward the information to the competent public authorities.

Other issues

Question No. 23:

There are currently no plans to ratify the International Convention on the Protection of All Migrant Workers and Members of their Families.