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Held at the Palais Wilson, Geneva,
on Friday, 19 October 2007, at 3 p.m.

Chairperson: Mr. RIVAS POSADA

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (continued)

Fourth periodic report of Austria (continued) (CCPR/C/AUT/4; CCPR/C/AUT/Q/4)

1. At the invitation of the Chairperson, the members of the delegation of Austria resumed their places at the Committee table.
2. Ms. SIESS-SCHERZ (Austria) said the Committee had expressed concern that there was no possibility of reopening and re-examining cases. She wished to explain that while there was no automatic procedure in place, cases could be reopened and re-examined if necessary. Such decisions were made on a case-by-case basis, with due respect for the rule of law and protection of the rights of the persons involved. Thus far no cases had required re-examination. All the opinions expressed during the consideration of the report would be brought to the attention of the group of experts that had been established to make proposals for administrative and constitutional reform; it would take implementation of the Covenant into consideration during its deliberations. Austria had ratified the European Convention on Human Rights in 1958, and not 1948 as she had stated at the previous meeting.
3. Turning to the question of the appointment of ombudsmen, she said that pursuant to the Constitution there were three members of the National Equality Body; they were nominated by the National Council and elected by the Federal Parliament. The Human Rights Advisory Board was an independent body, which had been established in accordance with the Optional Protocol to the Convention against Torture and also the Paris Principles. The Committee and the Council of Europe had questioned the independence of the Advisory Board, since it included civil servants appointed by the Ministry of the Interior. The ombudsmen were truly independent.
4. Statistics on the number of women in provincial government posts had been submitted to the Committee. There were no initiatives currently in place to increase the number of women in the Federal Parliament. Whenever female representation was particularly low, the issue was raised by civil society and discussions were held on how the situation could be improved. Every two years the Minister for Women's Affairs was required to produce a report on the situation of women in public service and make recommendations for discussion in Parliament. Initiatives were taken to enhance women's prospects in the areas of employment and education. There was no new information available about the implementation of article 25.
5. Mr. RUSCHER (Austria) said that the executive received continuous feedback on the conduct of law enforcement officials, which gave an indication of whether there was a need for specific training. Thus far there had been no need for specific training for action vis-à-vis the Roma. All persons who applied to join a law enforcement body must undergo psychological as well as professional aptitude tests in order to establish whether they might be likely to act in an inappropriate manner, and whether they might have racist or xenophobic tendencies. The number of complaints about the conduct of police officers had not changed between 2001 and 2005. The apparent increase in the figures for 2006 was the result of the merging of the police and the gendarmerie. The complaints were based on unjustified acts of interference in personal freedom,

misconduct in the context of an official action, refusal to accept an official complaint, or biased conduct. Each complaint was examined individually, and if there was the slightest suspicion that the officer in question was guilty of misconduct, the relevant legal action would be taken. A specific office had been established within the Ministry of the Interior to examine such offences. Investigations were not conducted by the same administrative unit against which the complaint had been filed. A charge would be brought if the public prosecutor's office considered that there were sufficient grounds for doing so, and officers could be liable to criminal proceedings or disciplinary action. The law governing the Austrian civil service did not provide for the same list of offences committed by civil servants. If a civil servant failed to meet his or her obligations under that law, he or she was in breach of the rules of service. If the sentence handed down in such cases amounted to more than 12 months' deprivation of liberty, the person in question would be dismissed.

6. Regarding the lack of contact between lawyer and client, if the client was held in custody for over 96 hours, distinctions would be made between detention for administrative reasons, detention prior to deportation and detention on the basis of a court order. Persons under arrest were immediately provided with an information sheet outlining their rights, which included the right to communication. The information sheet was currently available in 27 languages. Since 1 January 2007, the information sheet had been subdivided to make it specific to the three different reasons for detention. It would in due course be available in 52 languages.

7. In 2006, 680 residence permits had been granted on humanitarian grounds, and so far in 2007, 866 such permits had been granted. The recipients of those permits had been victims of either trafficking in persons or sexual abuse. Psychiatrists had been contracted to provide the necessary professional care for persons in police detention centres who were on hunger strike. They worked in close cooperation with the police doctor in each centre. Detainees on hunger strike were examined after two weeks by doctors specializing in neurology and psychiatry.

8. Mr. BOGENSBERGER (Austria) said that all persons under arrest must be informed of the reason for their arrest, their right to contact a relative or another person of their choosing, their right to contact counsel and their right not to make any statement. Although the police could conduct an interrogation without the presence of a defence counsel, the suspect was not obliged to make a statement until his counsel was present. Criminal procedure legislation would be revised and the relationship between a detainee and his counsel, from the time of detention, would be clarified. An arrested person had the right to contact a counsel before the beginning of questioning. The counsel could be present during questioning. Lawyers were entitled to question the accused and to take evidence in the course of questioning.

9. An agreement had been concluded between the Federal Bar Association and the Ministry of Justice on the entry into operation on 1 January 2008 of a system of standby legal counsel, which provided that persons deprived of their liberty would have access to a 24-hour toll-free telephone hotline through which lawyers could be consulted directly. The accused person could request that the standby counsel should be present during his questioning. The practical procedures under that system were funded by the Ministry of Justice, and the relationship between the standby lawyer and the detainee covered the first seven days of detention, at which point the detainee could appoint his own counsel or request legal-aid counsel. The standby system would be a trial project, the aim of which was to incorporate a permanent legal support system into criminal procedure.

10. The definition of torture under the Austrian Constitution was broad and covered both article 3 of the European Convention on Human Rights and article 7 of the Covenant. That broad concept also included unauthorized interference with free will through the use of inadmissible interrogation methods. Serious infringement of interrogation methods included forcing the accused person to answer questions, or threatening him with immediate detention if he failed to answer any question. If there was no evidence of torture, the issue of burden of proof was particularly sensitive and, according to Austrian law, was at the discretion of the judge. If there were traces of torture, the court must investigate the admissibility of all the evidence produced in the case.

11. Regarding the question on the outcome of criminal proceedings against an Austrian CIVPOL officer charged with ill-treatment of an ethnic Albanian detainee while serving with the United Nations Interim Administration Mission in Kosovo (UNMIK), he said that a conviction had been brought in 2003 in a judgement in absentia, which had been the subject of an appeal. The convicted person had not been informed in a timely manner and had therefore not been able to be present at the appeal hearing. Such cases would be heard in Austria after closure of the case in Kosovo.

12. Mr. RUSCHER (Austria) said that the police officer in question had been suspended from duty and his salary reduced until the proceedings had been concluded. Following the end of the criminal proceedings, disciplinary measures would be taken, provided that the sentence was not more than 12 months' deprivation of liberty, in which case the officer would be dismissed.

13. Ms. NIKOLAY-LEITNER (Austria) said that the National Equality Body formed part of the Federal Ministry of Health and Women. The procedure for nomination and appointment of members was the same as that for other senior Ministry officials: vacancies were publicly advertised and a commission appointed by the Minister selected the best-qualified candidates. Although the Minister could conceivably exert some measure of influence, the Equal Treatment Act contained a provision regarding independence that was not applicable to other positions in the Ministry. It stated that every ombudsman acted independently and on his or her own initiative. The institution itself, on the other hand, was not entirely independent and it had been suggested that the long-term solution lay either in the adoption of a constitutional provision to that effect or in the establishment of a completely independent institution.

14. While she agreed that the complaint figures were somewhat low, she pointed out that there had been a significant increase since 1991, when only 338 complaints had been received, compared with the current figure of about 4,500. Although the staff of the National Equality Body was relatively small, a total of only 23 persons for the 3 ombudsman institutions and 4 regional offices, it had been quite successful in terms of awareness-raising. One possible reason for the very small number of cases before the Equal Treatment Commission and the courts was that people preferred confidentiality or even anonymous support rather than risking the social conflict associated with formal legal proceedings. That was also why the National Equality Body's informal negotiations with employers and other institutions were so successful. In some cases it secured voluntary payments to complainants which were not formally recorded as compensation.

15. With regard to the Disability Employment Act, discrimination on grounds of disability was addressed in separate legislation and by a specially constituted body, normally at the request of NGOs operating in that area.

16. Protection was currently afforded against discrimination on grounds of disability, ethnic origin, access to goods and services, social protection and education. Gender equality legislation would be extended in 2008 beyond the area of employment, for instance to the area of access to goods and services. Unfortunately it would not yet be applied in the field of education.

17. Where it proved difficult to obtain information from the courts regarding judicial proceedings and compensation, the National Equality Body pursued additional strategies and made a point of remaining in contact with clients. In 2004, the Equal Treatment Act had been amended to establish a Plaintiffs Association, an NGO that had the right to engage in litigation. Two cases, one concerning headscarves and the other concerning sexual orientation, had since been decided and had given rise to compensation. She was sure that Austria's next periodic report would contain information about many more similar cases.

18. Mr. RUSCHER (Austria), referring to the case of Mr. Cheibani Wague, a Mauritanian citizen who had died while being restrained by police officers, said that Mr. Wague had been suffering from a serious mental disorder and been arrested in the presence of an emergency doctor after escaping from an ambulance. Criminal and disciplinary proceedings had been instituted against all the parties involved and a set of technical and procedural rules had been established to prevent any recurrence of that tragic event.

19. Mr. Jase had informed a flight attendant in the aircraft in which he was about to be deported that he planned to carry out an unspecified malicious act during the flight. On his removal from the aircraft, he had been ill-treated by police officers, against whom criminal and disciplinary proceedings had since been brought. As an appeal against the judgement was currently being heard, he was unable to comment further on the case.

20. Turning to the case of Mr. Ceesay Yankouba, he said that nobody had been aware of the fact that he had been suffering from a rare disease. He had been accommodated for his own protection in a security cell and had died before a blood sample could be taken to determine whether he was fit for deportation. The new rules and techniques since incorporated in training courses for officers involved in deportation procedures now covered all such circumstances.

21. The CHAIRPERSON invited the delegation to respond to questions 13 to 24 of the list of issues (CCPR/C/AUT/Q/4).

22. Mr. RUSCHER (Austria), responding to question 13 concerning asylum-seekers who were subjected to an accelerated expulsion procedure by means of a file note, said that such a note could be inserted only if there was a presumption that the application for asylum would be rejected and if the accelerated procedure was deemed to be in the public interest. No legal action could be taken against the file note, which was merely a step in administrative procedure. However, if detention with a view to deportation was ordered, the usual appeal options would be available. An accelerated procedure was deemed to be in the public interest if the person concerned had committed a crime, been sentenced or been caught in flagrante delicto.

23. Referring to question 14, he said that appeals against an expulsion order did not normally have suspensive effect; that was in order to expedite the proceedings. An application for asylum could be rejected, for instance, if an asylum-seeker was not to be deported to his or her country of origin but to a safe third country (as defined by the so-called “Dublin Regulation”) that was responsible for the asylum procedure. In other cases, however, an appeal against expulsion could be granted suspensive effect by the Independent Federal Asylum Senate within 14 days of its being filed. In such cases the asylum-seeker could not be deported until legal proceedings in Austria had been completed. Between 1 January 2006 and 31 August 2007, the Independent Federal Asylum Senate had granted suspensive effect in the case of 241 appeals against deportation. During the same period, the Federal Asylum Review Board had handed down favourable decisions in the case of 747 appeals.

24. Turning to question 15, he said that residence bans on foreigners were not punitive measures but measures that terminated their residence in Austria. They could not therefore be characterized as “double jeopardy”. Each case of termination of a residence permit was examined individually to ensure that it complied with the terms of the Aliens Police Act and article 8 of the European Convention on Human Rights, and that the principle of proportionality was taken into account.

25. Ms. SIESS-SCHERZ (Austria), responding to question 17, said that the regulation governing reimbursement in cases where legal aid had been granted had not been amended. The question of the reimbursement of complainants’ costs in proceedings before the Administrative Court had been raised by the Ombudsman’s Office and a formal recommendation for an amendment of the law had been submitted to the Federal Chancellor. She drew attention to the need for reform of the country’s administrative court system to ensure that it could comply with its human rights obligations. There was clearly a problem if a court which occasionally served as a first-instance tribunal was unable to hold hearings because of its workload. In 2006, there had been 7,500 applications for reimbursement of costs. Complainants were required to reimburse expenses only in cases of dismissal, of which there had been 1,800. She had no figures regarding the percentage of cases involving legal aid.

26. Delays in proceedings, which averaged 20 months, could be reduced only if more administrative courts were established at both the federal and Länder level.

27. Mr. BOGENSBERGER (Austria) said that the new Code of Criminal Procedure provided explicitly in its “General principles” section for the acceleration of proceedings. Every accused person was entitled to have proceedings against him or her conducted within a reasonable period of time. Where a person was in custody, proceedings should be conducted with particular dispatch. The new Code also stipulated that the principle of an effective remedy should be adequately respected in the course of the proceedings. The accused could file a motion to discontinue proceedings if the current suspicion, in terms of its urgency and weight, and the duration and scope of the preliminary proceedings failed to warrant their continuation and if no substantiation of the suspicion could be expected from further clarification of the facts. The same applied to an appeal against an indictment. The indicted person could claim that the urgency and weight of the suspicion did not suffice to indicate that a conviction was feasible and that further investigations were unlikely to produce further substantiation of the suspicion.

28. Mr. TICHY (Austria), responding to question 18, said that the current status of religious communities in Austria must be seen in the light of the country's history over the past 200 years. Historically, individual religious communities had been left free to decide on the extent to which they wished to be integrated into the State. Even large religious communities, such as the Anglican Church, had shown no interest in being accorded a special status under Austrian law, for instance as an association.

29. Towards the end of the twentieth century, the Constitutional Court had decided that every religious community had a legal entitlement to have its status determined within a specific time limit and that the 1874 Recognition Act therefore needed to be reviewed. The Committee's question implied that the new prerequisites for being granted the status of a public law corporation under the Act were unduly strict. It should be borne in mind, however, that the 1998 Registered Religious Communities Act offered religious communities an alternative means of acquiring legal status, although some authorities considered that, in principle, no such requirement existed, even under the European Convention on Human Rights.

30. In Austria, a variety of different religions had been accorded the highest form of recognition, as a "legally recognized church" under the 1874 Recognition Act, over the past 200 years and the acquired rights of those religious communities could not be withdrawn because, for instance, their membership had shrunk. The communities accorded a lower level of recognition under the 1998 Registered Religious Communities Act enjoyed a number of advantages. For instance, under labour law employees were now entitled to practise their religion regardless of the level of recognition of their religious community and public assemblies of registered communities did not need to be announced in advance. Religious education in schools, on the other hand, was provided only for communities enjoying the higher level of recognition.

31. The Committee considered that the 10-year waiting period for acquisition of the status of a public law corporation was unduly long. He pointed out, however, that when the Registered Religious Communities Act had been enacted, a large number of small new religious movements and sects had come into being. They could not all have been accorded the higher level of recognition within a brief period. The Constitutional Court had considered that aspect of the Act to be constitutional. A further requirement was that the membership of a religious community should amount to at least 0.2 per cent of the total population, which was equivalent to about 16,000 people. He pointed out that communities accorded the higher status would have the right to religious instruction in schools, which would entail considerable organizational problems if they had fewer than 16,000 members.

32. Mr. RUSCHER (Austria), replying to question 19, said that, in addition to the anti-discrimination measures described in the written replies, awareness-raising activities were conducted as part of basic and continuing training for law enforcement officials. Since acts of violence and verbal harassment could not be eliminated completely, relevant statutory provisions provided for the prosecution and punishment of such acts.

33. The Federal Office for the Protection of the Constitution and the Fight against Terrorism participated in the training of law enforcement officials, including activities aimed at preventing acts of violence, verbal harassment and discrimination against Jews, Muslims and members of

unrecognized belief groups. Awareness-raising activities were also conducted in schools and as part of continuing training for teachers. Close cooperation with NGOs and the use of the Internet for reporting neo-Nazi activities had proved useful in that regard.

34. Ms. SIESS-SCHERZ (Austria), replying to question 20, said that efforts had been stepped up to ensure more efficient and effective control of mergers. Details on measures taken to safeguard plurality of opinion were provided in the written replies.

35. Mr. BOGENBERGER (Austria), referring to question 21, said that article 283 of the Criminal Law Code criminalized incitement to racial and religious hatred. The application of that provision had resulted in nine convictions and two acquittals in 2006 and four convictions and three acquittals from January to September 2007. However, not all complaints of incitement to racial hatred fell under article 283 of the Code. Incitement to racial hatred involving violence or abuse, for example, was prosecuted under different provisions, racist behaviour being an aggravating circumstance. The law forbidding National Socialist activities was applicable to cases of incitement to racial hatred by neo-Nazi groups.

36. In April 2007, the Council of European Ministers in Luxembourg had reached political agreement on a Framework Decision on combating racism and xenophobia, which provided for Europe-wide harmonization of relevant criminal provisions. Once it had been approved by the European Parliament, member States would be required to bring their legislation into line with the new instrument, which would provide an opportunity to amend article 283 of the Criminal Law Code accordingly.

37. Ms. SIESS-SCHERZ (Austria), turning to question 22, said that, following the Constitutional Court ruling of 13 December 2001, the Federal Government had convened a series of so-called "consensus conferences", adopted a new topographical ordinance for Carinthia, and proposed constitutional amendments facilitating its implementation. No agreement had been reached before the 2006 Parliamentary elections. The new Government's programme included provisions aimed at settling the issue. Detailed information on the background and developments with regard to the situation in Carinthia was contained in the written replies.

38. The above-mentioned conferences had given rise to a noteworthy private initiative, namely, a book written by the rival parties' chairpersons on the views of the respective stakeholders, which would be published shortly. The authors had undertaken to travel to Carinthia to present the book and engage in dialogue in order to foster mutual understanding and promote a solution to the dispute.

39. The written replies also contained a list of government institutions where Slovenian could be used as the language of communication.

40. Mr. TICHY (Austria) drew the Committee's attention to statistical data on minority-language teaching contained in the written replies. Multilingual instruction was provided for members of ethnic minorities, migrants from neighbouring countries, and second or third-generation immigrants who took an interest in learning the language of their forebears. Courses in minority languages were offered by public and private providers, including ethnic

minority associations and State schools. Extracurricular mother-tongue instruction was available for children of recent immigrants. In the framework of the “European Primary School” and “European Middle School” initiatives implemented by the Vienna education authorities, German-speakers were encouraged to learn minority languages. Outside Burgenland, Romani language courses were offered in Vienna only. Most Roma were multilingual.

41. Ms. SIESS-SCHERZ (Austria), turning to question 24, said that the periodic report had been produced by human rights coordinators working at the ministerial, provincial and local levels. On the initiative of the Federal Ministry of Foreign Affairs, a compilation of recommendations and Views of treaty bodies had been distributed to all human rights coordinators. Regular meetings were being held to discuss the progress made and identify obstacles to implementation of those recommendations and Views.

42. Austria’s report under the Framework Convention for the Protection of National Minorities had been prepared in consultation with the minority groups concerned, whose comments had been included in the report.

43. Mr. IWASAWA commended the State party’s accession to the 1954 Convention relating to Status of Stateless Persons. Enquiring about the reasons for the reported decline in asylum applications since 2002, he asked whether the backlog in the processing of applications had also decreased. He also wished to know why the number of asylum-seekers in detention had increased, despite the decline in applications.

44. The delegation should comment on reports that asylum-seekers applying under the Dublin II Regulation remained in detention throughout the duration of their asylum proceedings and indicate whether asylum-seekers in detention had access to legal counsel. He requested additional information on the State party’s family reunification policy and asked what measures had been taken to ensure that women asylum-seekers were interviewed by female officials and interpreters.

45. He asked what mechanisms were in place to ensure that diplomatic assurances relating to extradition proceedings were indeed fulfilled and requested information on relevant cases.

46. He would welcome additional information on the public dissemination of State party reports and treaty body recommendations. While the publication of a summary of decisions and judgements of international courts and human rights mechanisms concerning Austria on the Internet was laudable, it might be preferable to upload such documents as a whole. He asked whether the Committee’s Views were translated into German. He also wished to know whether State party reports and concluding observations were available on the Internet and, if so, in which languages.

47. Ms. PALM asked whether specific mechanisms or legislation existed to ensure that the Committee’s recommendations concerning compensation for human rights violations were implemented. It appeared that compensation was currently awarded on an ad hoc basis and she wished to know whether the State party intended to adopt a more systematic approach, inter alia by giving a relevant mandate to the Ombudsman.

48. The State party had indicated that residence bans on foreigners who had grown up and been permanently residing in Austria were issued in compliance with relevant European Union legislation and took account of European Court of Human Rights case law. She wished to know whether article 17 of the Covenant and the Committee's jurisprudence were also taken into account.

49. Thanking the delegation for the extensive information provided in response to question 22 of the list of issues, she requested information on the current situation in Carinthia with regard to bilingual street signs and the linguistic rights of the Slovenian minority. She also asked whether any public officials had been given Slovenian-language training.

50. She would welcome information on the practical implementation of the provisions for mother-tongue instruction of children of immigrants, and especially extracurricular activities.

51. Mr. BHAGWATI requested detailed information on legal provisions safeguarding the right to privacy and their enforcement. He welcomed the 2001 amendment to the Code of Civil Procedure establishing the right to compensation for violations of the right to privacy and requested information on relevant case law. It would be useful to have details of any cases in which journalists had been found guilty of a violation of privacy under the Media Act. He asked whether the police were trained in the methods of optical and acoustic surveillance introduced into the Code of Criminal Procedure to combat organized crime. The delegation should indicate whether police officers were provided with the requisite technology, and whether such surveillance methods had been implemented in any particular cases.

52. Referring to article 18 of the Covenant, he asked what provisions regulated the registration of religious societies and communities, and what rights such entities enjoyed vis-à-vis non-registered societies. It would be useful to learn how many religious societies had been granted registration.

53. In connection with article 19, he enquired whether the Austrian Telecommunications Act contained provision for licensing private television channels. If so, the delegation should indicate which authority was responsible for granting such licences, and what regulations the television operators had to abide by in order to obtain such a licence. It would be useful to know how many licences had been granted to private television operators.

54. A report published in 2000 on the Austrian Government's commitment to common European values had criticized the Government for attempting to stifle media criticism and for limiting the independence of the judiciary. He asked whether those criticisms were justified, and if so, what steps had been taken to remedy those actions.

55. Ms. WEDGWOOD asked whether the State party planned to re-examine practices relating to the sentencing of police officers, and introduce measures such as guidelines for judges indicating that serious police violence should be punished with a jail sentence. It would be interesting to learn whether any measures had been taken to deal with the problems regarding police activities in Linz referred to in the 2004 report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. She requested

clarification whether the transfer of the Advisory Board for Human Rights to the Ombudsman's Board would resolve the issue of examining facilities run by the Ministry of Justice and psychiatric facilities.

56. Turning to the question of religion, she asked the delegation whether the 10-year probationary period for new religious societies was not somewhat excessive. She wished to know whether prosecutors could bring cases *ex proprio motu*, and whether anyone at cabinet level had responsibility for anti-Semitism cases. She requested updated statistics on complaints lodged pursuant to the Law Prohibiting National Socialist Activities. She asked what steps the Government had taken to prevent anti-Semitism, particularly in the light of the upsurge in anti-Semitic rhetoric on the Internet since the conflict in Lebanon.

57. Ms. SIESS-SCHERZ (Austria) said that the Committee's Views and the reports her Government had submitted to United Nations treaty bodies would be published in full in German on the new web page, a first version of which should be available by the end of 2007. While no systematic approach was currently taken to the Committee's Views, given the number of communications before the Committee concerning Austria, her delegation would pass on the Committee's recommendation that such an approach was necessary.

58. The Government was aware that there were insufficient street signs in minority languages and would take steps to remedy that situation. Courses in minority languages were available to public officials; they were either financed directly by the Government or the officials were reimbursed for courses they attended in private institutions.

59. Mr. RUSCHER (Austria) said that, between 2005 and 2006, the number of asylum applications had decreased by about 40 per cent. The figures for 2007 indicated that there would be a further reduction between 2006 and 2007. The number of pending applications had fallen in 2006 and 2007 owing to the decrease in applications and the increase in resources allocated for that purpose. It was important to note that since a single asylum-seeker could file several applications in one year, the number of asylum-seekers could not be equated with the number of applications. Previous practice had shown that asylum-seekers whose applications were examined under the Dublin II Regulation often absconded. In many cases, the only solution was to keep them in custody during asylum proceedings in order to avoid creating a pool of open applications. All regulations were observed, such as not keeping children in deportation custody. The number of deportation custody cases under that Regulation had significantly decreased in 2007.

60. As of 1 January 2008, information sheets on each type of administrative custody, including access to legal aid, would be available in 52 languages. There was sufficient access to legal aid for all those requiring it. His Government spared no efforts regarding family reunification, which often required meticulous investigation in the case of asylum-seekers. There was provision for female asylum-seekers to be interviewed by female officials, with the assistance of female interpreters. Some female asylum-seekers did not make use of that right.

61. The provisions of article 17 of the Covenant were taken into consideration in decisions by aliens police authorities. Aliens police officials were given training courses on an ongoing basis in consultation with the Advisory Board for Human Rights. The authorities examined each case on its merits, taking into consideration the public interest and the individual's right to privacy.

62. The CHAIRPERSON commended the delegation for the quality and rigour of its fourth periodic report, and its efforts to reply to the Committee's questions. He urged the State party to ensure that it submitted future reports punctually. The Committee remained concerned at the lack of independence of the Advisory Board for Human Rights and Ombudsman's Board. Given the maturity and level of development of the reporting State, it was difficult to understand why women were not better represented in several sectors, including public life. Further information on the practical effects of the legislative reforms on immigration and extradition would be welcome. The reporting State should redouble its efforts to investigate and prosecute perpetrators of incitement to racial hatred and discrimination. He recalled that States were obliged to implement the decisions of the Committee in cases that had been brought before it under the Optional Protocol to the Covenant.

63. Ms. SIESS-SCHERZ (Austria) thanked the Committee for a fruitful dialogue and confirmed that her Government would give careful consideration to the Committee's recommendations in its ongoing constitutional reform process.

The meeting rose at 6.10 p.m.