

Opening Statement

for the consideration of Austria's Seventh Periodic Report under

Article 19 of the Convention against Torture

by Deputy Permanent Representative and Chargé d'affaires a.i.

Mr. Christoph Wieland, Acting Head of the Austrian Delegation

Geneva, 16 April 2024

Chairperson,

Members of the Committee,

Ladies and Gentlemen,

It was more than eight years ago, in November 2015, that an Austrian delegation had the honour to give this Committee an overview of the measures taken by Austria in its efforts to implement the Convention against Torture. Austria welcomed the Committee's Concluding Observations of 1 December 2015 and the subsequent List of Issues and Recommendations of 22 December 2017, to which Austria submitted a written response on 25 February 2020. Today, we are here again, in order to give you an update on subsequent developments, to highlight some of our measures to implement these recommendations and to enter into a dialogue with the members of the Committee.

Let me start by introducing the members of the Austrian delegation, comprising experts from four Austrian Federal Ministries, i.e. the Ministries of Justice, Interior, Social Affairs, Health, Care and Consumer Protection, and European and International Affairs:

- Ambassador Ulrike BUTSCHEK, Federal Ministry for European and International Affairs, Head of the Department for Human Rights and Minority Issues;
- Mr. Richard MELICHAR, Federal Ministry of the Interior, Department for Fundamental and Human Rights;
- Mr. Michael HUMER, Federal Ministry of the Interior, Directorate General for Public Security, Federal Police Directorate;
- Mr. Lukas BERGHAMMER, Head of the Investigation and Complaints Office for Allegations of Police Ill-treatment;
- Mr. Michael SORGER, Federal Ministry of Justice, Department for Legal and International Affairs in the Directorate General for the Administration of Custodial Sentences and Measures involving Deprivation of Liberty;
- Ms. Claudia STEINBÖCK, Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Department for Legal Affairs. Pharmaceuticals, Medical Devices, Pharmacies, Hospitals and Infectious Diseases;
- Ms. Lisa STADLMAYR, Federal Ministry for European and International Affairs, Department for Human Rights and Minority Issues;
- Ms. Magdalena EBNER, Federal Ministry for European and International Affairs, Department for Human Rights and Minority Issues;
- Ms. Malina GEPP, Attachée, Permanent Mission of Austria in Geneva;
- and myself, Mr. Christoph WIELAND, Minister Plenipotentiary and Deputy Permanent Representative of the Austrian Permanent Mission to the United Nations in Geneva and currently Chargé d'affaires a.i. as acting Head of Delegation.

Unfortunately, Ambassador Konrad BÜHLER as designated Head of Delegation has fallen ill and was unable to travel to Geneva for attending this meeting.

Members of the Committee,

Human rights and the rule of law constitute priorities of Austria's domestic and foreign policy. It is a matter of legitimate interest for the international community to ensure that international human rights obligations are respected and implemented. Austria can look back at a long-standing record of active engagement to advance the international system for the promotion and protection of human rights at the United Nations (UN), and regional organisations such as the OSCE, the Council of Europe as well as the European Union.

Two years ago, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) undertook its seventh visit to Austria. An intensive dialogue between the CPT and Austria took place before, during and after the visit. We studied the recommendations contained in the CPT Report very carefully, as we attach high importance to the implementation of our international human rights obligations, especially with regard to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. In this context, Austria wishes to reaffirm its policy of **zero tolerance** towards any act of torture or ill-treatment.

Austria's legal system contains comprehensive legal provisions for this purpose, including under criminal and administrative law, and the European Convention on Human Rights and Fundamental Freedoms even forms part of constitutional law. Austria is a country with **strong**

democratic, administrative and judicial institutions built to respect, protect and fulfil human rights.

In this context, I would like to highlight two recent developments that are important milestones and have been in the making for quite some time:

First, I am pleased to report that the **Austrian Ombudsman Board**, serving as our National Human Rights Institution and – together with its independent expert commissions – as our National Preventive Mechanism under the Optional Protocol to the Convention against Torture, **was awarded A-Status by the Global Alliance of National Human Rights Institutions in March 2022**, thus certifying it as fully compliant with the Paris Principles. A recurring recommendation issued by several treaty bodies, including this Committee, and in the framework of the Universal Periodic Review has thereby been fulfilled.

As we have pointed out before, the three members of the Austrian Ombudsman Board (AOB) exercise their important function in full independence:

- The Austrian Constitution in Art. 148a para. 6 expressly stipulates that the AOB is independent in the exercise of its authority.
- The members of the AOB are elected by the Austrian Parliament for a term of six years. They can be re-elected once, but they cannot be dismissed from office.
- The AOB has its own separate budget and its human and financial resources were recently increased to further strengthen its independence.
- Finally, the shadow report submitted by the AOB to this Committee is rather critical, which constitutes further evidence of the AOB's independence.

The second milestone I would like to present today is the establishment of the new **Investigation and Complaints Office for Allegations of Police Ill-Treatment (in short: Police Complaints Office)**, which started its work in January this year. The Office investigates every alleged case of police ill-treatment within the area of responsibility of the Federal Ministry of the Interior. Due to the particularly sensitive nature of these investigations, the Office employs specialised staff from various disciplines, including law enforcement, human rights law and psychology.

While, formally, the Police Complaints Office is part of the Ministry of the Interior, it is separated from the police branch of the Ministry, and a closer look at the legal framework and structures reveals that all necessary safeguards are in place for the independent operation of the Office:

The Police Complaints Office is empowered to conduct its own independent investigations with its own personnel, acting on behalf of the Public Prosecutors of the justice branch. In order to guarantee the independence of the Office and monitor its activities, an independent Advisory Board was established, which is not bound by any instructions and subject to professional confidentiality. The Advisory Board is chaired by a retired President of a Senate of the Austrian Supreme Administrative Court and its members currently include, inter alia, the Vice-President of the Austrian Medical Chamber, a University Professor of criminal law and representatives of human rights NGOs such as Amnesty International Austria. Individuals may also address their complaints directly to the Advisory Board, if they wish to do so.

The establishment of this new complaints mechanism represents a substantial and long-demanded step to deal with allegations of ill-treatment by Austrian police and will contribute to more transparency and accountability. I am very happy to note that Mr. Berghammer, the newly

appointed Head of the Police Complaints Office, is part of our delegation today and will be available to respond to any questions you might have.

Members of the Committee,

I would now like to address some further points relating to the List of Issues, where new developments have taken place since 2017:

The terrorist attack in Vienna on 2 November 2020 showed the importance of continuing vigilance and further development of our capabilities in the **fight against terrorism**. In view of this tragic event, an extensive package of counter-terrorism measures was implemented, including measures to prevent the spread of extremist ideas, more effective investigation methods and cooperation between the competent authorities, more effective control of dangerous persons, stricter laws to combat terrorism and religiously motivated extremism, de-radicalisation in the penal system and stricter weapons laws. The amendments of the Counter-Terrorism Act with judicial measures to this effect entered into force in 2021 and 2022. We wish to underline that the **respect for human rights and upholding human rights safeguards** were guiding principles when drafting this new law.

Another high priority for Austria is the **prevention of violence and ill-treatment and in particular of women**. When the first law on the protection against violence came into force in 1997, Austria was one of the pioneers in this field. Austria's violence protection policy is based on the Istanbul Convention, which Austria ratified in 2013. We submitted our 2nd periodic report in summer 2023, the visit by members of the GREVIO-Committee took place in autumn last year. The **Protection against Violence Act 2019** (which entered into force on 1 January 2020) introduced significant improvements in victim protection and an increase in

preventive measures, in particular concerning risk assessment and cooperation among relevant authorities. Violent perpetrators may be prohibited to approach victims and to enter their homes. Another crucial preventive measure is the introduction of conferences on individual cases by the police together with the involved victim protection facilities (234 conferences were held nationwide in 2023). We have significantly increased funds available for advice and support to women at risk of violence. In fact, the majority of the budget increase for women's affairs – which has tripled since 2019 – is dedicated to prevention of violence against women. In addition, anti-violence programs are offered to raise awareness among men, neighbours and health care providers, and special trainings are conducted for law enforcement officers, judges and public prosecutors.

In spite of all these efforts, we are aware that violence against women and the number of femicides in Austria is still too high and that more must be done. Therefore, Austria recently commissioned a study to analyse the risk factors and motives for the killing of women over the last 10 years. One of the results shows that these killings cannot be explained by a single cause: risk factors include psychological problems, patriarchal mind set, abuse of alcohol and illegal drugs, or possession of weapons. We will continue our efforts in trying to prevent every single deplorable case.

Concerning the **international protection of refugees**, I would like to highlight that Austria has made an exceptionally high contribution over the last ten years. From 2015 until January 2024, 410.000 asylum applications were received and in 195.000 cases international protection was granted. With regard to unaccompanied minors, Austria ranks second place among EU countries in numbers of applications. In 2023, 743 unaccompanied minors were granted international protection. As of 1 February 2024, 1.637 unaccompanied minors have received basic welfare support in specialized

facilities. The principle of non-refoulement is taken into account *ex officio* at every stage of an asylum and return procedure.

With regard to the **fight against human trafficking**, Austria made a big leap forward by establishing the Joint Operational Office in Vienna (JOO) in 2016. This is a permanent police investigation office where law enforcement authorities of all EU member states and South Eastern Europe cooperate in combatting human trafficking and cases of migrant smuggling. The Joint Operational Office Vienna is also an early warning system and serves as an international investigation platform, if needed with the involvement of Europol/Interpol.

Concerning **fighting hate crime and hate speech**, in 2020, the Austrian law enforcement authorities substantially improved their database by introducing a comprehensive recording system, which includes the motives for these crimes. It is synchronized with the databases of the judiciary. By now, 95% of the Austrian police force have received compulsory training on how to deal with victims of hate crime and hate speech. Since 2021, we have published annual reports on hate crime receiving wide public attention.

Finally, the exercise of State power, especially as it occurs in cases of detention and arrest of persons, requires a particularly sensitive approach of the State officials involved, ensuring full respect for human rights. This is why Austria places a strong focus on **human rights trainings for law enforcement personnel**. These trainings attach great importance to the respect of human dignity and to the prohibition of any form of torture or inhuman treatment. In addition to the training programmes offered by Austrian institutions, members of the judiciary are encouraged to participate in European training activities. Human rights trainings are also anchored in all basic training programmes in the area of the Austrian penitentiary system. Since 2012, over 2,600 judicial guard officers have

also received follow-up training with a focus on human rights and annual follow-up events are held. The topic “human rights” is also embedded in the compulsory pre-service and in-service trainings of all 31,000 police officers. The mandatory seminar series “A World of Difference” (AWOD) with external trainers is a cornerstone of human rights education in the Austrian police force. In cooperation with the “Anti-Defamation League”, around 26,000 employees of the Ministry of the Interior have been trained since 2002, being sensitized to all forms of discrimination, especially to racism, antisemitism and xenophobia.

Members of the Committee,

In conclusion let me state that Austria is aware that implementing the rights enshrined in the Convention against Torture is a continuous task. We have made important progress during the last years, but we are also aware that there are areas where more remains to be done.

In this sense, Austria is convinced that the **periodic review** of the implementation of the Convention against Torture, combined with the monitoring function of the Austrian national mechanisms, is an essential element in the prevention of and protection against torture and ill-treatment. The external perspective and expertise of this Committee will encourage the various actors in our country to scrutinize provisions critically and step up their efforts for improvement where needed. In this spirit, we are looking forward to the dialogue with the members of the Committee and, if asked to do so, to providing more details on the measures described in our reply to the List of Issues. The Committee’s subsequent observations will guide us in striving to improve the protection against torture and other cruel, inhuman or degrading treatment or punishment in Austria.

Thank you for your attention.