

Country session: Austria
Date of session: 30th and 31st January (83rd session)

Background information

[OHCHR press release](#)
Webcast: [first part](#) and [second part](#)
[Audio file](#)

Reporting

Reporting methodology

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

Common core document	
Updated document	6 July 2017

CRC	
No. of report	5 th & 6 th
Due date	4 March 2018
Submission	4 April 2018

Written replies	
Submission	11 December 2019
Due date	15 October 2019

Alternative reports and additional information	
NGOs	<ul style="list-style-type: none"> • Austrian Disability Associations • Juveline Justice Advocates International • Kinder-und Jugendanwaltschaften • National Coalition for the Implementation of the UNCRC • National Secular Society • Stop Intersex Genital Mutilations
NHRIs	Ombudsman Board



State delegation

The [delegation of Austria](#) was large and multisectoral. It consisted of high-level representatives of the Ministry for Europe, Integration and Foreign Affairs, Federal Ministry for Labour, Social Affairs, Health and Consumer Protection, Federal Ministry of Education, Science and Research, Federal Ministry of the Interior, Federal Ministry of Justice, and the Permanent Mission of Austria to the United Nations Office at Geneva.

Committee's Rapporteurs

Name & Last Name	Country
Olga Khazova	Russian Federation
Gehad Madi	Egypt

Dialogue description

- Character of the dialogue

The dialogue was interactive, cooperative and in-depth. The delegation covered most of the questions asked by the Committee.

- General assessment made by the Committee

The Committee commended the withdrawal of reservation to the Convention on the Rights of the Child but, underlined its concern at the constitutional amendment that caused the transfer of the exclusive competence for the welfare of children and youths to regional administrations. This implies the lack of a comprehensive policy and strategy covering all areas of the convention, but the Committee is aware that harmonization is a major challenge for Austria due to its territorial organization.

- Main issues discussed:

- **Children with disabilities:** The Committee asked about the national plan for children with disabilities and its scope, and measures taken to combat stigma and discrimination. The Committee recommended the eradication of special schools for children with disabilities in order to achieve inclusive education. The delegation of Austria explained that disabilities were a priority for the new government, which had extended the national plan on disabilities for another year. It had been a very successful program, but they wanted to improve it by making it more participatory because not all the regions were represented. They had created a working group to represent people with disabilities in the media to fight stigma and discrimination. Regarding inclusive education for children with disabilities, the delegation emphasized that they embraced the principle of the integration and inclusion of children with disabilities in their national education plan, this year they have adopted a focus on this issue in relation to the inclusion of children with disabilities in the labor market. The delegation clarified that they are working on the integration of children with disabilities into regular schools, but that special schools still exist.
- **Freedom of thought, conscience and religion:** The Committee was concerned about the measure prohibiting children from wearing religious or cultural clothing to school head coverings at school, considering it potentially discriminatory if it specifically targets Muslim girls. The delegation replied that the wearing of headdress is prohibited in schools until the age of 10 and that there are plans to extend it to 14. The delegation

clarified that the ban was not aimed at any specific religion but that in practice it mainly affected Muslims. A few months ago, a complaint had been lodged with the Austrian constitutional court to consider whether the measure was unconstitutional, so the future of the ban would depend on the decision of the court.

- **Education:** The Committee appreciated the efforts of the Austrian government to provide free and quality education but encouraged further efforts to ensure that all children under its jurisdiction, not just Austrians, have access to it. It also recommended that specific training be provided to teachers to deal adequately with children with learning difficulties and that human rights and civic education be included in the school curriculum. The delegation of Austria responded that the integration of migrant children is a challenge for the country, but they have taken some measures to their integration and a part of the budget has been spent on this issue. Civil education in Austria has been introduced in all grades, and with regards to human rights education, changes had been made since the last country review. Issues of children rights, intercultural education, sex education and gender approach have been introduced. Teachers have also been trained in these issues.
- **Migration, refugees and asylum:** The Committee was concerned about the arrival of child unaccompanied asylum seekers in Austria and asked which measures had been taken to protect them. The delegation was aware of the special vulnerability of child unaccompanied asylum seekers and has specific regulations in this regard, always to the benefit of the child. The age determination procedure was voluntary and was only taken in case of doubt. Criteria parameters had been established with UNHCR. The State has also set up counselling services on the asylum process. Young asylum seekers were transferred to asylum services, where there were accommodation areas and psychological support units. In case of disappearance of minor asylum-seekers under the age of 14, the child and young welfare service police will initiate a search. The asylum procedure is suspended for two years and will be resumed if found.
- **Sexual abuse:** The Committee enquired with the delegation about how the child protection legislation and the structure of intervention in cases of sexual abuse were implemented. The delegation underlined that it has criminalized underage recruitment and cyber-bullying, and that it has established a special commission to examine allegations of sexual abuse of children in church and State care settings, due to increasing disclosures and testimonies from victims. The state has provided preventive shelter for victims and financial compensation, with a special compensation for victims who are no longer able to work.
- **Climate change:** The Committee asked about the policies and measures adopted by the State to address the increase of greenhouse gas emissions from the transport sector, to reduce subsidies for the use and consumption of fossil fuel and to comply with European climate policy objectives and regulations. The delegation presented some of the measures already taken in this regard, such as the total decarbonization of the economy by 2040, a system of green taxes to mitigate climate change, as well as monitoring strategies to control the impact of climate change in different areas. Children will be a target group for the climate change adaptation strategy and therefore specific measures will be taken in the best interest of the child.
- **OPIC:** The Committee encouraged Austria to accede to the third Optional Protocol on a communication procedure in order to join the long list of European countries that have already done so. The delegation said that its ratification was under consideration and discussion.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention to the need for urgent measures concerning the following areas:

- **Legislation:** The Committee recommends the State party to guarantee that the standards in the Convention are implemented consistently and in a non-discriminatory manner throughout its territory, irrespective of the decision to transfer competence for child and youth welfare protection to the regional level.
- **Non-discrimination:** The Committee recommends the State party to continue its efforts to raise awareness among the public, those working with and for children, civil servants, as well as law enforcement officials, on the importance of cultural diversity and inter-ethnic understanding, in order to combat stereotyping, prejudice and discrimination against inter alia asylum-seeking, refugee and migrant children, children with disabilities, children belonging to ethnic, religious or racial minorities.
- **Children deprived of a family environment:** Regarding the guidelines for alternative care of children, the Committee recommends the State party to study the root causes for the placement into institutional care, to adopt a national standard for quality of alternative care including for children from non-Austrian descent and ensure their application, to harmonize criteria across Länder, including through adopting national criteria, for removing and placing children in alternative care and to ensure adequate human, technical and financial resources to child protection services and proper training to those working with and for children in alternative care.
- **Children with disabilities:** The Committee urges the State party to adopt a human rights-based approach to disability in the comprehensive national policy for the inclusion of children with disabilities and to develop in a participatory way the National Action Plan on Disability 2021-2030, and formulate as part of it a coherent strategy on de-institutionalization and prevention of separation of children with disabilities; to ensure that children with disabilities have effective access to public services in all Länder; to consider merging disability and child and youth welfare policies and assistance into one system; to undertake awareness-raising campaigns to combat the stigmatization of and prejudice against children with disabilities.
- **Mental health:** The Committee urges the State party to continue to increase the availability and accessibility of child and adolescent mental health services and programmes; to allocate adequate human, technical and financial resources to mental health services and programmes to ensure that the number of qualified medical professionals, is sufficient to meet children's needs in all Länder of the State party; to take measures to guarantee that children with behavioural problems are not overmedicated.
- **Asylum-seeking, refugee and migrant children:** The Committee urges the State party to immediately ensure that child welfare and protection authorities become actively involved in all cases concerning unaccompanied children as soon as possible; to ensure that a guardian is appointed to all unaccompanied or separated children without delay upon their arrival in the State party; to conduct age assessment procedures in the least invasive way possible, respecting the legal principle of benefit of the doubt.

The Committee also drew the State party's attention to the recommendations concerning the following areas:

- **General measures of implementation:** Comprehensive policy and strategy; coordination; allocation of resources; data collection; independent monitoring; international cooperation; children's right and the business sector.
- **Definition of the Child.**
- **General Principles:** Best interest of the child; respect for the views of the child.

- **Civil rights and freedoms:** Right to identity; nationality.
- **Violence against children:** Corporal punishment and mental violence; abuse and neglect; sexual exploitation and abuse; cyber-bullying and grooming; helplines; harmful practices.
- **Family environment and alternative care:** Children deprived of a family environment; alternative care of children.
- **Basic health and welfare:** Health and health services; standard of living.
- **Education, leisure and cultural activities:** Education; including vocational training and guidance; rest, leisure, recreation and cultural and artistic activities.
- **Special protection measures:** Sale, trafficking and abduction; administration of child justice.
- **Ratification of the Optional Protocol on a communications procedure.**
- **Ratification of international human rights instruments.**
- **Cooperation with regional bodies.**

Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 1.3 on implementing nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable
- 3.4 on reducing by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being
- 4.1 on ensuring that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes
- 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children
- 17.2 Developed countries to implement fully their official development assistance commitments, including the commitment by many developed countries to achieve the target of 0.7 per cent of ODA/GNI to developing countries and 0.15 to 0.20 per cent of ODA/GNI to least developed countries; ODA providers are encouraged to consider setting a target to provide at least 0.20 per cent of ODA/GNI to least developed countries

Next State report

CRC	
No. of report	7 th
Due date	4 September 2025

Disclaimer: Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.