

# Press Release

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## Commissioner Hammarberg presents human-rights report on Austria

Strasbourg, 12.12.2007 – The Council of Europe's Commissioner for Human Rights, Thomas Hammarberg today presented his report on the human-rights situation in Austria. Mr Hammarberg underlined the positive steps undertaken by the Austrian authorities to improve the protection and promotion of human rights and welcomed the ongoing constitutional reform process as an opportunity to codify clearly all fundamental rights. However, he observed the need for further improvements and made a number of recommendations, focusing mainly on freedom of expression, protection against discrimination, the treatment of asylum seekers and the monitoring of police behaviour.

The Commissioner suggested that Austria retains the constitutional status of the European Convention on Human Rights in the Constitution and called for children's rights to be included in the codification of fundamental rights. Moreover, he recommended that the independence of the Human Rights Advisory Board should be strengthened.

Stating that freedom of expression is of paramount importance, Commissioner Hammarberg proposed a review of the policy relating to defamation and libel. He suggested that the penal provisions in the law be repealed and that civil sanctions be used in a proportionate way.

Mr Hammarberg also encouraged the Austrian authorities to further improve protection against discrimination and recommended the implementation of a comprehensive policy to counter and dissuade racist and xenophobic attitudes.

Furthermore, the Commissioner expressed concerns about the situation of asylum-seekers and migrants. He criticised the delays in asylum procedures and the use of pre-deportation detention. He called for the granting of residence permits to those asylum seekers who had waited for their final asylum decisions for several years.

Mr Hammarberg stressed the importance of increased human-rights awareness within the police and urged the government to establish an independent mechanism for investigating allegations of police ill-treatment.

Finally, he welcomed the constructive written response by the Austrian government, which was presented together with the Commissioner's report.

The report, based on the findings of an official visit to Austria in May 2007, and the government's response are available on the Commissioner's website ([www.commissioner.coe.int](http://www.commissioner.coe.int)).

For further information, please contact Mr **Stefano Montanari** (mobile: +33 6 61 14 70 37, email: [stefano.montanari@coe.int](mailto:stefano.montanari@coe.int)).

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The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe (CoE), mandated to promote awareness of, and respect for, human rights in the 47 member States of the CoE. Elected by the Parliamentary Assembly of the CoE, the present Commissioner, Mr Thomas Hammarberg, took up his function on 1 April 2006.

For further information regarding the Commissioner's activities, please visit [www.commissioner.coe.int](http://www.commissioner.coe.int)

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