Human Rights Committee
115th session

Summary record of the 3207th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 21 October 2015, at 10 a.m.

Chairperson: Mr. Vardzelashvili (Vice-Chairperson)

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant (continued)

Fifth periodic report of Austria (continued)
In the absence of Mr. Salvioli, Mr. Vardzelashvili, Vice-Chairperson, took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (continued)

Fifth periodic report of Austria (continued) (CCPR/C/AUT/5; CCPR/C/AUT/Q/5 and Add.1)

1. At the invitation of the Chairperson, the delegation of Austria took places at the Committee table.

2. The Chairperson invited the delegation to continue its replies to questions raised by the Committee at the 3201st meeting.

3. Mr. Aigner (Austria), replying to the question concerning ill-treatment of detainees by police officers, said that in August 2015, the Ministry of Health had issued an instruction to Austrian provincial governors, explaining the contents of the Istanbul Protocol and making it clear that doctors and other health personnel must ascertain whether injuries to patients who were detainees might have been sustained as the result of violence perpetrated by police officers or prison staff. Interdisciplinary teams in Austrian hospitals could be consulted for advice. Doctors and other health workers were obliged to report suspected occurrences of such violence to prosecutors with a view to charges possibly being brought in a criminal court.

4. With reference to the question concerning the quality of health care given to prisoners or persons who had been arrested by the police, he said that, under the Austrian Medical Practitioners Act, doctors and other health-care workers had to provide state-of-the-art, evidence-based treatment to persons who had been arrested by the police or who were detained in prison. If such treatment were possible only in a hospital, the patient must be transferred to hospital and given state-of-the-art treatment for as long as was necessary.

5. An order of the Austrian Ministry of Health banning the use of net beds in psychiatric hospitals had entered into force in 2015. In fact, net beds had been used only in Vienna and Styria. A report by the Austrian Association for Psychiatry and Psychotherapy had advocated, as an alternative that would avoid cruel or inhuman treatment, better training for nurses in the field of psychiatric care, larger rooms for patients, low-floor beds and rooms where there was no risk that the patient might injure himself or herself. The implementation of those recommendations was a work in progress.

6. Lastly, with reference to the question concerning the hospitalization of patients in psychiatric clinics without their consent or against their will, he explained that such cases were subject to review in the clinic by the “patient’s advocate”. That person was not a lawyer, but had the power to represent the patient’s interests from the moment he or she entered the clinic and the right and duty to enter an appeal in court if the criteria for compulsory psychiatric hospitalization were not met. Those criteria were: a severe psychiatric disease jeopardizing the life and health of the patient or other persons; and a lack of alternative treatment to compulsory hospitalization. The need for continued hospitalization had to be reviewed at frequent intervals by the courts. In the event of severe chronic psychiatric disease, two independent specialists’ opinions were required on the legality of treatment lasting for more than one year. The Austrian Ombudsman Board was the competent authority for implementing the rules laid down in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Lastly, he said that the Ministry of Health had
received no reports about 15 long-term patients who had not been allowed to leave the Sigmund Freud Hospital.

7. **Ms. Schöfer** (Austria) said that the preparation of the National Action Plan on Human Rights, which had long been requested by civil society, had been included in the federal government’s work programme 2013-2018. The plan was scheduled for adoption at the beginning of 2016. It would provide an overarching framework for thematic action plans on a wide range of individual human rights, including on the needs of vulnerable groups. It had been drawn up by a network comprising human rights coordinators from all the federal ministries and provinces and representatives of the Austrian Ombudsman Board, civil society and the scientific community. The first draft of the plan had been presented to a large-scale NGO forum on 24 June 2015, and the feedback from workshops organized as part of that forum was being incorporated in the plan.

8. **Ms. Ohms** (Austria) said that, in accordance with an agreement concluded in April 2011, a law on bilingual road signs and the official use of minority languages had been passed in July 2011. The law listed the villages where bilingual road signs had to be erected. The implementation of the law had been welcomed by the vast majority of the Slovenian ethnic group, who considered that it had considerably improved the intercultural climate in Carinthia. Some very popular publications were issued in both Slovenian and German.

9. **Mr. Ruscher** (Austria), replying to the question on statelessness in relation to the European Convention on Nationality, which Austria had signed and ratified, said that preferential naturalization was accorded to persons entitled to asylum. Young stateless adults between the ages of 18 to 21 could acquire Austrian nationality under comparatively easy conditions. An error in the relevant legislation, which had omitted to reflect the lowering of the age of majority, was to be corrected. Foundlings in Austria automatically received Austrian nationality, provided that there was nothing to indicate that they had any other nationality.

10. **Ms. Ohms** (Austria) said that in 2014, the Austrian Ombudsman Board had received 11 complaints of police misconduct or violence. Four had been declared inadmissible owing to the existence of a previous court decision, one allegation had not been substantiated, one had been withdrawn and two were still under consideration. Of the six complaints received in 2015, three had been filed ex officio and three had been lodged by individuals. Of the latter, one had not been substantiated, one had been declared inadmissible and one was pending.

11. **Mr. Seetulsingh**, referring to paragraph 12 of the list of issues (CCPR/C/AUT/Q/5), requested additional data on the number of cases of domestic violence reported between 2011 and 2014 and on the number of convictions for the crime of rape in the period 2013-2014. He wished to know whether many of the instances of domestic violence were based on harmful traditions. He also enquired as to the number of shelters for victims of domestic violence. Were members of the judiciary given training on how to deal with cases of gender-based violence?

12. With respect to paragraph 17 of the list of issues, he requested clarification of the reasons behind the amendment to the Law on the Recognition of Islamic Religious Communities. Was it true that only one version of the Koran was recognized? He also asked whether Islamic religious societies were subject to the same regulations as the 14 other religious societies. Were one-off donations to religious communities allowed? Why was no other foreign funding permitted? He asked the delegation to comment on the idea that the provisions of the amendment might contravene freedom of religion, freedom of assembly and freedom of association.
13. Moving on to paragraph 18 of the list of issues, he questioned whether people under 18 years of age had enough discernment for voluntary recruitment into the armed forces. Since it had been stated that many employers considered that the performance of military service was a prerequisite for obtaining a job, meaning that it was an advantage to enlist at 17, he suggested that consideration might be given to informing employers that military service should not be regarded as a prerequisite for employment.

14. Turning to paragraph 19 of the list of issues, he asked whether it was true that persons with disabilities were required to sign their ballot papers.

15. **Ms. Seibert-Fohr** asked what steps had been taken to counter the resurgence of groups that espoused extremist, Nazi and neo-Nazi ideology and to combat the development of a new generation of right-wing extremist organizations. According to the report on Austria by the European Commission against Racism and Intolerance (CRI(2015)34), such organizations presented racist views through “more diplomatic propaganda” claiming that Austria needed to be protected against mass immigration and “Islamization”. What steps were being taken to suppress the deplorable phenomenon of hate-motivated public statements that were openly hostile to minorities and migrants and nourished racism and neo-Fascism? What was being done to stop certain political parties and other organizations from cultivating and disseminating racism, neo-Nazism and xenophobia? She also wished to know if racial profiling was expressly prohibited and, if so, how that ban was implemented. She would welcome the provision of statistical data showing the number of investigations into allegations of racial profiling by the police and information on any sentences passed in such cases.

16. Referring to paragraph 14 of the list of issues, she asked how the access of asylum seekers to free legal counselling had been limited by the amendments to the relevant legislation in 2013. Was it true that asylum seekers were not necessarily accompanied by legal counsel to court hearings or in drafting written appeals? Did the obligatory participation of legal counsel in court hearings for unaccompanied minors apply to adults as well? She wondered how the fact that young people aged 14 and above could be placed in detention for up to two months prior to deportation could be reconciled with the special protection that each State party was required to give children under article 24 of the Covenant. Was a guardian appointed for every unaccompanied child from the moment he or she entered Austria, irrespective of whether his or her asylum application was admissible? Did minors receive adequate care? Was it correct that new arrivals were no longer admitted to reception centres unless they were particularly vulnerable? It would be interesting to know what steps had been taken to address the shortage of reception capacity.

17. With reference to paragraph 15 of the list of issues, she asked what happened once the provinces’ quota of family reunifications had been met. Was it true that, if that quota had been filled, there was a three-year waiting period until a person could benefit from family reunification? Did not that long period of separation constitute considerable hardship for families? She asked the delegation to respond to reports that there were plans to restrict the existing criteria for family reunification.

18. Lastly, with regard to paragraph 16 of the list of issues, she wished to know what guarantees were in place to prevent excessively long detention prior to deportation and what had been done to improve the conditions of detention.

19. **Ms. Jelić**, referring to paragraph 20 of the list of issues, asked whether any non-governmental organizations or minority or immigrants’ associations had been consulted during the preparation of the State party’s report. Apparently the Austrian Ombudsman Board, representatives of ethnic minority groups and the Advisory Board
for Human Rights had not been informed of those preparations or invited to provide information for inclusion in the report. They should have been consulted, however, because participation in reporting to international human rights treaty bodies fostered the development of a human rights culture. She asked what was going to be done to disseminate information on the State party’s fifth periodic report and on its consideration by the Committee.

20. **Ms. Cleveland** asked whether the use of net beds in psychiatric and social welfare institutions had been entirely abolished. She would be grateful for statistics on the number of reported cases of sexual abuse and violence committed against children, the number of investigations and prosecutions initiated and the number of the corresponding criminal convictions, particularly against offenders from children’s residential or welfare facilities. What steps were taken to ensure that children in those institutions were aware of the protection available to them? Was there a national regulatory framework for establishing protection standards in children’s residential and welfare facilities? In addition, she would welcome details on the National Referral Mechanism for child victims of trafficking, including on its implementation. She asked whether new legislation on trafficking in persons addressed the recommendations made in the 2011 report by the Group of Experts on Action against Trafficking in Human Beings concerning the implementation by Austria of the Council of Europe Convention on Action against Trafficking in Human Beings. The recommendations included effective awareness-raising of trafficking for the purposes of labour exploitation and identification of child victims of trafficking. Were services for victims of trafficking in persons, such as access to housing and psychosocial support, available for men and women equally? Was health care available for victims of trafficking from the moment they were identified? Lastly, did the law provide for compensation for those victims?

21. **Mr. Shany** asked whether section 768 of the Civil Code, restricting the inheritance rights of sex workers, remained in force. He would also like to know whether that provision entitled the authorities to remove the children of sex workers, and whether the police dealt leniently with complaints of rape and abuse of sex workers, given that there had been reports of such actions.

22. **Mr. Vardzelashvili**, speaking as a member of the Committee, asked whether provisional guidance on the treatment of patients in psychiatric and social welfare institutions had been issued to staff in the wake of the prohibition on net beds.

*The meeting was suspended at 10.50 a.m. and resumed at 11.15 a.m.*

23. **Mr. Ruscher** (Austria) said that national legislation provided for special protection for victims of domestic violence. Measures included a police protection order to exclude the perpetrator from the family home for a period of 15 days, with the possibility of extension by court decision. That order had been imposed on over 7,000 perpetrators a year over the previous four years and all such cases were closely monitored by the relevant authorities. Amendments in September 2013 to the Federal Act on Protection against Domestic Violence had given protection to children in kindergartens and schools by authorizing local government to intervene in those facilities and to contact the welfare institutions. The collection of data concerning domestic violence victims had also been upgraded from manual to digital format.

24. **Ms. Pampalk** (Austria) said that, in 2014, 126 convictions for rape had been handed down and in all cases the offenders were men. There were no reported cases of female genital mutilation.

25. **Mr. Fruhmann** (Austria) said that the initial and ongoing training for judges and prosecutors covered treatment of victims of domestic violence, stalking, risk assessment and cooperation with the police in domestic violence cases. Prior to their
appointment as judges or prosecutors, students were required to participate in two-week placements with an agency responsible for victim protection, and a multidisciplinary approach to the issue of violence against women was promoted.

26. Ms. Pampalk (Austria) said that the Criminal Code covered specific offences against children. Data on violent crimes were not disaggregated by age and figures on such crimes against children were therefore not available.

27. Mr. Ruhs (Austria) said that under new legislation, school authorities had access to the sexual offenders register and were obliged to consult it prior to the recruitment of new teachers to ensure the absence of a criminal record. Other staff were required to have a clean record as well. As part of their general education, children were made aware of the risks to them from sexual offenders, their own rights and the reporting channels available. A procedure was in place to enable teachers to identify potential cases of child abuse, which entailed monitoring the behaviour of the child, forming a crisis team without the participation of the parents, receiving the opinion of a psychologist and lastly, where necessary, referring the case to the relevant authorities. All staff were obliged to report any suspected cases of child abuse or neglect to the competent welfare authorities.

28. Ms. Niavarani (Austria) said that a national action plan on the protection of women against violence had been drawn up; an implementation report would be prepared in 2017. There were currently 30 shelters for women in the country with a capacity of 759 places. In 2014, 3,257 women and children had been accommodated in those shelters.

29. Ms. Ohms (Austria) said that under the Federal Child and Youth Support Act, welfare institutions had to fulfil certain requirements, such as childcare competency, suitable facilities and adequate financial means. Welfare institutions were also closely supervised by the relevant competent authority.

30. Ms. Schöfer (Austria) said that the Federal Ministry for Europe, Integration and Foreign Affairs had a coordinating role in the implementation of the new national action plan on combating human trafficking, which had been adopted in March 2015. The plan consolidated previous work against trafficking in persons and responded to recommendations from working groups in that area. It was also designed to strengthen cooperation among the provinces and social partners; raise awareness among the population with a view to reducing trafficking; provide victim protection and support; review legislation and provisions on criminal prosecutions; and evaluate and monitor the problem in the country. The National Referral Mechanism for child victims of trafficking, to be adopted by the end of 2015, provided guidelines for key stakeholders on the identification of child victims of trafficking and the procedures to follow, taking into account the best interest of the child. It also contained contact details of all relevant agencies, thereby ensuring the creation of an effective support network. A working group had been set up to develop a manual for professionals working in the field of international adoptions on the implementation of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. The working group cooperated closely with authorities at the federal and provincial levels to guarantee consistent practice and the participation of all competent officials.

31. Ms. Fehringer (Austria) said that a working group had been established in 2012 to address the issue of human trafficking for the purposes of labour exploitation, and procedures for dealing with trafficking had thereby improved. The group was composed of representatives from ministries, supervisory authorities and NGOs and aimed to raise awareness of trafficking in persons and enhance cooperation among supervisory authorities. It had developed training, devised indicators for labour inspectors for the identification of human trafficking for the purposes of labour
exploitation and organized joint labour inspections with the police. However, very few cases of labour exploitation had come before the Austrian courts and it was hoped that continued work in that regard would bring more cases to light. The men’s health centre, MEN, had been established to assist male victims of trafficking; it provided housing and psychosocial support. A centre for undocumented migrants, UNDOK, had also been set up, offering assistance and information to migrants in an irregular situation. Additionally, under the Victims of Crime Act, all victims of trafficking in persons were entitled to compensation.

32. Mr. Fruhmann (Austria), replying to the question as to whether a person whose lifestyle contravened public morality could be disinherited, said that the 2015 Inheritance Amendment Act provided for the repeal of the relevant provision of the Civil Code with effect from 1 January 2016. Persons who worked as prostitutes could be deprived of parental rights or rights of guardianship only if the well-being of the child was seriously threatened. Such decisions were taken as a last resort by an independent court, which investigated the circumstances and sought the advice of psychologists and youth welfare authorities.

33. Mr. Aigner (Austria) said that new legislation on the training of medical practitioners had entered into force on 1 June 2015. Article 4 stipulated that their training should cover violence and abuse of women and children, particularly human trafficking. It was planned to include a similar article in regulations applicable to other health professionals, such as nurses.

34. The Ministry of Health had asked the Austrian physicians and psychiatrists to develop alternatives to the use of net beds as a measure of restraint in psychiatric and social welfare institutions. They had recommended accommodating patients who were emotionally aggressive in larger rooms, where there was less risk of their sustaining injuries and where it was easier to provide effective treatment. Additional alternatives would probably be recommended in due course.

35. Ms. Ohms (Austria) said that the Constitution (Basic Law) had guaranteed the freedom to practise one’s religion since 1867. In addition, article 9 of the European Convention on Human Rights concerning freedom of thought, conscience and religion had been applicable in Austria since 1958. State interference in the internal affairs of religious communities was prohibited. Under the new Islam Law, which had recently replaced the 1912 Law on the Recognition of Islamic Religious Communities, the rights and obligations of Muslim religious communities were similar to those applicable to the other 14 religious communities in Austria: they enjoyed freedom of belief, freedom of religious doctrine and freedom to practice religion in public. For registration as a religious society, a community was required by law to have doctrine that differed from that of existing societies, and each community was required to present and explain its doctrine in the German language.

36. Articles 11 and 18 of the new Islam Law recognized the right to organize religious services for Muslims who were serving in the armed forces, who were in judicial or administrative detention or who were receiving medical care in hospitals or other institutions. Articles 13 and 20 guaranteed State protection for Islamic holidays and Friday prayer. All actions that could lead to disturbances of such festivities and public gatherings and parades in the vicinity of places of worship were prohibited. Articles 12 and 19 entitled Muslims to organize the processing of meat and other foods in accordance with their religion. Funding from abroad for registered religious communities was restricted, but one-time donations were allowed.

37. Mr. Kienl (Austria), referring to the requirement of providing a German translation of each religious society’s doctrine, said that many different translations of the Koran existed in a wide variety of languages. The Muslim community was free to
decide which translation into German was the most appropriate. Funding from abroad was prohibited under the new Islam Law because of the legal requirement of self-sustainability, which had been applicable to all religious societies since 1874.

38. Mr. Ruscher (Austria) said that civilian service as an alternative to military service was recognized in article 9 (a) of the Constitution. Civilian service lasted for nine months and military service for six months. The period of military service was shorter because it imposed a heavier burden of duty.

39. Mr. Satzinger (Austria) said that the legal provisions applicable to the age of recruitment to the armed forces fully complied with international obligations stemming from Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict. Young Austrians who had reached the age of 17 were legally entitled to join the armed forces as volunteers, provided that they had obtained written consent from their parents or legal guardians. However, they were not permitted to participate in hostilities. About 250 young Austrians volunteered each year. Neither the army nor the Federal Ministry of Defence and Sport promoted or solicited applications. There were no plans to change the existing legal framework or administrative practices.

40. Mr. Ruscher (Austria) said that people with visual impairments in Austria could be accompanied in the polling booth by a person of their choosing. A ballot in Braille could be posted in the polling station and used in conjunction with a stencil.

41. The Austrian law enforcement agencies were taking vigorous action to combat and prevent right-wing extremism. Awareness-raising events were organized in schools, and training courses were arranged for police officers and justice system personnel. A total of 1,186 complaints of right-wing extremist incidents had been filed in 2013, and 1,201 had been filed in 2014. He referred the Committee to a report issued in 2014 by the Federal Office for the Protection of the Constitution and Counterterrorism, which contained detailed statistical data and concluded with an 11-page summary in English.

42. Mr. Ruhs (Austria) said that arrangements had been made in early 2015 to hold 300 workshops on de-radicalization. Many seminars had also been held and teaching materials produced on Holocaust awareness and political extremism. At the beginning of the 2015/16 school year, political education had been incorporated in different components of the curriculum such as history, geography, foreign languages and other subjects in which political issues might arise.

43. Ms. Pampalk (Austria) said that the crime of hate speech was prosecuted on the basis of objective criteria, such as incitement, in private or in public, to hatred or violence against individuals or groups. All persons, including politicians, were liable to prosecution. However, under constitutional law, members of the Federal Assembly who made statements pertaining to their status as parliamentary representatives could only be held liable by the Assembly. If, on the other hand, the statements bore no relationship to their status, they could be prosecuted.

44. Mr. Dreveny (Austria) pointed out that the current refugee situation in Austria was far from normal, as hundreds of thousands of refugees were passing through the country on their way to other destinations. Custody pending deportation was always a last resort. Decisions were taken in the light of individual circumstances and the principle of proportionality was invariably respected. In September 2015, 74 decisions involving custody pending deportation had been taken on applications for asylum. An appeal could be filed against such decisions and the competent administrative authority was required to review its decisions every four weeks. Austria had also pioneered milder alternatives to custody, such as accommodation in open houses,
provided that the persons concerned regularly reported to the authorities or left a monetary deposit.

45. He confirmed that the reception centres for asylum seekers no longer accepted refugees without special needs who were passing through the country. Unaccompanied minors, women and families with children were still accepted. Everyone else was referred to emergency shelters.

46. Persons who had been granted asylum status were automatically entitled to bring members of their nuclear family to Austria. Five thousand such applications had already been submitted in 2015. New legislation was currently being discussed, but it was still unclear whether the existing legislation would be amended.

47. Everyone who applied for asylum was provided with information on the procedure, possible appeals, accommodation possibilities, organizations that could be contacted and other rights and duties. Legal advisers were available at the centres of first reception, particularly for persons whose applications were likely to be rejected. Legal advisory services for the appeal procedure had been greatly expanded, and appellants were entitled to participate in court hearings. In addition, counselling regarding basic welfare support was provided when an order to leave was issued or when a person was remanded in custody pending deportation. The counselling was provided by civil society organizations with which the authorities had concluded contracts. They were required to be independent and to have specific legal qualifications.

48. A total of 6,171 unaccompanied minors had applied for asylum during the current year; a fourfold increase compared with 2014 was expected by the end of the year. Ninety-six per cent were male, and 90 per cent of them were in the 14 to 18 age group. Special standards were applicable to their reception, such as separate accommodation facilities, a stabilization phase and psychological care. If unaccompanied minors were under 14 years of age, the youth welfare services in the various provinces were automatically contacted so that they were not required to proceed to the centres of first reception. Older minors who proceeded to the centres were provided with special accommodation. Social workers were present at all times, 1 for every 10 unaccompanied minors, with a view to creating relationships of trust. Unaccompanied minors attended school, and special language courses were provided for them.

49. A number of steps had been taken to ensure that the rights of unaccompanied minors were protected throughout the asylum application process. For example, a project had been developed in collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR) to support the implementation of international procedural standards. During the initial stages of proceedings, comprehensive legal support was provided for unaccompanied minors by counsel who also acted as their legal guardians so as to ensure seamless protection of their rights. Case workers were specially trained to conduct interviews in a child-sensitive manner.

50. Mr. Ruscher (Austria) said that the monthly total of persons held in detention facilities pending deportation had fallen from 235 in January 2015 to 74 in September 2015, while over the same period, the average length of stay had decreased from 30 days to 11 days. In line with international recommendations, the Ministry of the Interior had introduced a series of regulations in May 2015 aimed at ensuring that the conditions in such facilities were adapted to the specific needs of detainees. An “open-door” system was in general operation from 8 a.m. to 9 p.m. so as to ensure that, as far as possible, inmates enjoyed freedom of movement. In certain rare cases, however, it was necessary to confine detainees in their cells for health or security reasons.
The rapid rise in the number of asylum seekers arriving in Austria during the summer of 2015 had meant that reception centres had been unable to cope with the increased demand for beds and that some new arrivals had had to sleep in tents as a short-term, temporary measure. However, all asylum seekers were now accommodated in permanent housing.

The use of racial profiling by law enforcement officials was prohibited by law.

Ms. Ohms (Austria) said that Austria fully complied with interim measures issued by the European Court of Human Rights in respect of expulsions and that, as far as she was aware, no individuals were currently being deported to Hungary.

Although civil society organizations had not been involved in the preparation of the State party’s report, they were invited to take an active part in the dissemination and implementation of recommendations that were made by the various international human rights monitoring bodies, including the Committee.

Mr. Rodríguez-Rescia requested the delegation to comment on reports that, within the context of its efforts to combat extremism and terrorism, the State party on occasion refused to allow Austrian nationals to enter their own country, in violation of article 12, paragraph 4, of the Covenant.

Ms. Cleveland said that she would like to know how many housing spaces were available for male victims of human trafficking and the extent to which they were filled. It would also be interesting to know whether any victims of trafficking had sought and secured compensation under the Victims of Crime Act.

Mr. Seetulsingh asked whether the delegation could provide a list in writing of the 14 religious associations that were regulated in the same way as the Islamic religious communities and whether an English language version of the recently adopted Islam Law was available.

Ms. Cleveland said that she would like to know how many housing spaces were available for male victims of human trafficking and the extent to which they were filled. It would also be interesting to know whether any victims of trafficking had sought and secured compensation under the Victims of Crime Act.

Mr. Seibert-Fohr said that she would appreciate further clarification of the provisions on the public exercise of religion contained in the new Islam Law, in particular regarding their compatibility with the Constitution (Basic Law).

Mr. Ruscher (Austria) said that all Austrian nationals, without exception, were entitled to return to their country.

Ms. Ohms (Austria) said that a list of the various religious communities that were registered in the State party and Arabic, English, French and Spanish translations of the Islam Law were publicly available on the Internet. The delegation would provide the Committee with the respective website addresses. The Constitutional Court was considering the question of the compatibility of the Islam Law with the Basic Law, but she was unable to comment further on the matter, since the proceedings were still pending.

Mr. Kienl (Austria) said that it was important to distinguish between individual rights and collective rights when considering legal provisions concerning religion. Under the Basic Law, all individuals were free to practise their religion. However, religious societies that wished to benefit from certain privileges, such as State financial support for religious teachers in schools, were required to register with the authorities in accordance with the applicable laws.

Ms. Fehringer (Austria) said that, while there were as yet no housing spaces specifically set aside for male victims of trafficking, accommodation was provided for
all such persons who required it. The number of victims of trafficking applying for compensation had risen from 1 in 2010 to 17 in 2013, of whom 10 had received payments totalling nearly €90,000.

64. Mr. Fruhmann (Austria) said that prostitution in itself was not a ground for divorce, the withdrawal of parental custody rights or the eviction of tenants from rented premises. However, the activity of prostitution could in certain circumstances be taken into account as a relevant element in some proceedings; it might, for example, be cited in divorce proceedings as a contributing factor to marital breakdown.

65. Ms. Ohms (Austria) said that she would like to conclude by reiterating her Government’s ongoing commitment to upholding the rule of law and to further strengthening the promotion and protection of human rights at the national and international levels.

66. The Chairperson thanked the delegation for the constructive discussion and its comprehensive answers to the questions and concerns raised by the Committee.

The meeting rose at 1 p.m.