



Convention on the Rights of the Child

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Committee on the Rights of the Child

Eighty-third session

13–31 January 2020

Consideration of reports of States parties

List of issues in relation to the combined fifth and sixth reports of Austria

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 October 2019. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

Part I

1. Please provide more detailed information on the composition, role and mandate of the Children's Rights Board, including the resources allocated to it and the activities it has carried out since its establishment (CRC/C/AUT/5-6, para. 7). Please also provide information on the activities of the subcommittees on children's rights in the National Council and the Federal Council, and on efforts to coordinate their actions (CRC/C/AUT/5-6, para. 8).
2. Please elaborate further on the standardized child impact assessment and provide specific examples of the effects of the assessment on legislation relevant for children (CRC/C/AUT/5-6, para. 17). Please also clarify how the parliamentary decision taken in 2018 to hand over legislative powers concerning child and youth welfare to the regions (Länder) complies with the Committee's recommendation to harmonize child and youth protection laws throughout the State party (CRC/C/AUT/CO/3-4, para. 11).
3. Please indicate if the State party has taken any measures to adopt a coherent policy, strategy and action plan on children's rights, as was recommended by the Committee (CRC/C/AUT/CO/3-4, para. 13). Please also provide information on steps taken to establish a permanent and effective coordination mechanism on the rights of the child at federal and regional (Länder) levels.
4. Please inform the Committee how the State party's budgeting process allows for the specific identification of budgets allocated to child-related issues in the relevant sectors and bodies, including indicators and a follow-up system at all levels. Please provide information on measures taken to ensure that the Austrian Ombudsman Board fully complies with the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, and is provided with personnel as well as technical and financial support.
5. Please provide detailed information on the number of cases, investigations, prosecutions and convictions in which children have been victims of messages inciting



hatred on Internet and social media platforms. Please update the Committee on the activities of the National Youth Council.

6. Please clarify how the principle of the best interests of the child is upheld by all actors that take actions affecting asylum-seeking and refugee children, including the asylum authority, administrative courts and authorities in charge of reception facilities for asylum seekers. Please also provide information on any plans to amend article 14 of the Austrian Citizenship Act and to allow for the automatic acquisition of Austrian nationality at birth by children born on Austrian territory who would otherwise be stateless.

7. Please explain the low number of convictions for grooming and cyberbullying, since the amendments to sections 107c and 208a of the Criminal Code. Please update the Committee on the impact of the activities, enumerated in the State party report (CRC/C/AUT/CO/3-4, paras. 129–134), and provide data on the level of awareness of the prohibition on corporal punishment among children, parents, teachers and other professionals working with and for children, disaggregated by age, sex, nationality, disability and region (Länder).

8. Please inform the Committee on measures taken to encourage child victims to report instances of violence, abuse and neglect, in particular by clergy and in sports associations, and provide up-to-date data on the number of reports received and action taken thereon. Please provide information on the constitutional amendment of December 2018, which shifted the responsibility for child and youth welfare to the regions (Länder), and explain how the right to equal treatment and quality control of alternative care institutions and family-type alternative care is upheld, both in law and in practice.

9. Please inform the Committee on measures taken to establish inclusive education for children with disabilities and to deinstitutionalize children with disabilities, and on efforts to establish a countrywide system for monitoring children's health status. Please also provide information on the nationwide enrolment in the first mandatory year of kindergarten in the regions (Länder), disaggregated by sex, age, disability and nationality of the child. Please also update the Committee on the implementation of the second compulsory year of kindergarten.

10. Please inform the Committee on measures taken to ensure that all unaccompanied asylum seekers are treated as children if they are under 18 years of age. Please provide information on the use of standardized multidisciplinary procedures in age assessment in migration and asylum processes.

11. Please update the Committee on measures taken to ensure that children under 18 years cannot be detained for reasons of immigration, including if they are with their parents or legal guardian. Please provide information on the number of inspections carried out pursuant to section 9 (1) of the Child and Youth Employment Act and inform the Committee of notifications received under its section 9 (2), concerning non-compliance with the child labour provisions.

12. Please inform the Committee on plans to establish specialized reception facilities for child victims of human trafficking. Please also clarify how section 10 of the Criminal Code, which exempts victims of human trafficking from criminal responsibility under certain circumstances, is implemented with respect to child victims. Please provide information on measures taken to ensure that pretrial detention of children is used only as a measure of last resort and for the shortest time necessary, and on measures to provide alternatives to detention.

Part II

13. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:

- (a) New bills or laws, and their respective regulations;
- (b) New institutions (and their mandates) or institutional reforms;

- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

14. Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation of those resources.

15. Please provide, if available, updated statistical data disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on:

- (a) Asylum-seeking, refugee and migrant children, including those in reception centres and in administrative detention pending deportation;
- (b) Children working in the informal sector;
- (c) Children living in poverty and in inadequate housing;
- (d) Child victims of harmful practices, including female genital mutilation and child marriage.

16. Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location regarding the situation of children deprived of a family environment, for the past three years, on the number of children:

- (a) Separated from their parents;
- (b) Placed in institutions;
- (c) Placed with foster families;
- (d) Adopted domestically or through intercountry adoptions.

17. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities:

- (a) Living with their families;
- (b) Living in institutions;
- (c) Attending regular primary schools;
- (d) Attending regular secondary schools;
- (e) Attending special schools;
- (f) Out of school;
- (g) Abandoned by their families.

18. Please provide, if available, updated statistical data disaggregated by age, sex, type of offence, ethnic and national origin, geographic location and socioeconomic status, for the past three years, on children in conflict with the law who have been:

- (a) Arrested;
- (b) Referred to diversion programmes;
- (c) In pretrial detention;
- (d) Serving a sentence in detention and the length of the sentence.

19. Please provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including with regard to child participation and data collection, and how they promote the realization of children's rights under the Convention and its Optional Protocols.
 20. Please provide the Committee with an update of any data in the report that may have been outdated by more recent data collected or other new developments.
 21. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.
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