The Committee considered the consolidated third and fourth periodic report of Austria (CRC/C/AUT/3-4) at its 1736th and 1737th meetings (see CRC/C/SR.1736 and CRC/C/SR.1737) held on 24 September 2012, and adopted, at its 1754th meeting, held on 5 October 2012, the following concluding observations.

<table>
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<tr>
<th>UN CRC</th>
<th>Ratification Date</th>
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<tbody>
<tr>
<td>CRC/C/AUT/CO/3-4</td>
<td>6 August 1992</td>
<td>5 October 2012</td>
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<td><a href="http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-AUT-CO-3-4_en.pdf">http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-AUT-CO-3-4_en.pdf</a></td>
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### III. Main areas of concerns and recommendations

#### A. General measures of implementations (arts. 4, 42 and 44, para. 6 of the Convention)

**Training**

23. The Committee recommends that the State party take the necessary measures to ensure that all professional groups working for and with children are adequately and systematically trained on children’s rights, in particular teachers, personnel involved in juvenile justice, health workers, social workers and personnel working in all forms of alternative care.

#### D. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)

**Birth registration**

29. The Committee reiterates its concern about the practice of anonymous abandonment in the State party through the use of “baby flaps” or “baby nests”, which is in violation of, inter alia, articles 6, 7, 8, 9 and 19 of the Convention.

30. The Committee strongly urges the State party to undertake all measures necessary to end the practice
of anonymous abandonment and expeditiously strengthen and promote alternatives such as the possibility of anonymous births at hospitals as a measure of last resort to avoid abandonment and or death of the child, and to keep a confidential record of the parents to which the child could access at a later stage, taking into account the duty to fully comply with all provisions of the Convention. Furthermore, the Committee urges the State party to increase its efforts to address the root causes which lead to the abandonment of infants, including the provision of family planning as well as adequate counselling and social support for unplanned pregnancies and the prevention of risk pregnancies.

Abuse and Neglect

35. While taking note of the special training that the State party provides to law enforcement officers on violence against children, as well as of the nationwide child helpline “Rat auf Draht”, the Committee is concerned that measures to encourage child victims to report instances of violence, abuse and neglect, in particular in alternative care institutions, care institutions for children with disabilities and holding centers for migrants, remain insufficient.

36. The Committee calls on the State party to strengthen its measures to encourage child victims to report instances of violence, abuse and neglect, in particular in alternative care institutions, care institutions for children with disabilities and holding centers for migrants, and to prosecute and punish the perpetrators of such acts.

F. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Children deprived of a family environment

40. The Committee is concerned that no adequate statistical data is available to ensure the quality control of alternative care institutions and family type alternative care. It notes that the monitoring of such institutions falls under the competence of the Länder which have different methods and practices. The Committee is also concerned that the right of children to quality standards of care and placement was not included in the

41. The Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009, adopt measures to regularly monitor and evaluate the conditions in alternative care settings, including by collecting adequate statistical data, disaggregated by sex, gender and geographic location. The Committee also recommends that the quality standards in alternative care settings should be strictly regulated by law and effectively enforced.

Adoption

42. The Committee notes with concern that the current normative framework is insufficient to ensure the rights and best interests of children in cases of inter-country adoptions when children come from countries that have not ratified the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption 1993.

43. The Committee calls on the State party to effectively regulate and monitor inter-country adoptions from countries that are not party to the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption 1993, with a view to ensuring that the rights and best interests of the child are observed throughout the process.

G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

44. The Committee welcomes the recent adoption of a National Plan of Action for Persons with Disabilities (2012-2020) and that article 6 of the Federal Constitutional Law on the Rights of Children provides for the equal treatment, care and protection of children with disabilities. However, it notes with concern that children with disabilities continue to be excluded from participation in various aspects of public life in the State party due to the limited accessibility of their physical environment, and the lack of appropriate services and information. The Committee is also seriously concerned about the high number of children with
**disabilities in institutional care in the State party.** While noting the decrease in the percentage of children with disabilities attending special schools, the Committee is concerned that the decision whether a child with disabilities should attend a special school or an inclusive school rests with the parents, which may conflict with the best interests of the child. The Committee also expresses concern about the paucity of information on education for minority children with disabilities.

45. In light of its general comment No. 9 (CRC/C/GC/9, 2006), the Committee urges the State party to:
   (a) Take measures to fully integrate children with disabilities in all areas of public life;
   (b) Ensure that their environment, including, buildings, transportation and other public areas, is physically accessible for them;
   (c) Take measures to de-institutionalize children with disabilities and further strengthen support to families to enable them to live with their parents;
   (d) Ensure that children with disabilities have full access to information, communications and other services;
   (e) Give priority to inclusive education of children with disabilities and ensure that the best interests of each child are a primary consideration in decisions concerning his/her school enrolment; and
   (f) Provide in its next periodic report information on education for minority children with disabilities.

I. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Asylum-seeking and refugee children

54. The Committee notes that the Aliens Law Amendment Act of 2011 prohibits the placement of children
under the age of 14 in detention pending deportation, and is concerned that such age limit is too low. It is also concerned that the age determination methods applied to unaccompanied refugee and asylum seeking children in the State party may not be in conformity with the guidance set out in general comment No. 6 (CRC/C/GC/6, 2005). The Committee is further concerned that some Länder such as Carinthia and Styria do not systematically comply with the Supreme Court decision of 2005 that unaccompanied refugee children must be provided with a legal guardian.

55. The Committee urges the State party to ensure that children under the age of 14 are not placed in detention under any circumstances, and use administrative detention of unaccompanied refugee and asylum-seeking children above 14 years only as a measure of last resort when non-custodial alternatives to detention are unavailable. The Committee further urges the State party to ensure that detention conditions are of a non-punitive character and in line with the special status of such children as minors who are not suspected or convicted of any crime. It also urges the State party to ensure that the age determination procedure applied to unaccompanied children is based on scientifically approved methods, as recommended in general comment No. 6 (CRC/C/GC/6, 2005), and that each unaccompanied child is provided with a legal guardian.

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<td>CRC/C/OPSC/AUT/CO/1</td>
<td>6 May 2004</td>
<td>VI. Protection of the rights of child victims (arts. 8 and 9, paras. 3 and 4)</td>
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<tr>
<td>CRC/C/15/Add.251</td>
<td>1 Feb 2002</td>
<td>Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol</td>
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27. The Committee, while cognizant that article 195 of the Criminal Code provides for child protection centres and for special psychological rehabilitation of child victims, and of the role played by non-governmental organizations, notes that according to the Working Group on Child Trafficking under the Task Force on Human Trafficking in Austria, there is no national coordination or care and support concept for victims of child trafficking in line with international standards.

29. The Committee is also concerned about the lack of support mechanisms for child victims of sale, prostitution and pornography, including for the purpose of sexual exploitation, from abroad and that staff at reception facilities for separated asylum-seeking children may not always be aware of traumatic experiences of children under their care.

30. The Committee recommends that the State party:

(a) Create a nationwide policy on coordination, care and support for the child victims of sale, in line with the requirements under the Optional Protocol

The Committee considered the second periodic report of Austria (CRC/C/83/Add.8 and Corr.1) at its 1007th and 1008th meetings (see CRC/C/SR.1007 and 1008),

C. Principal areas of concern and recommendations

4. Family environment and alternative care

Family reunification

35. The Committee is concerned at the length of family reunification procedures and at the fact that it is
held on 14 January 2005, and adopted at its 1025th meeting (see CRC/C/SR.1025), held on 28 January 2005, the following concluding observations.

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<td>10 Sep 1978</td>
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D. Principal subjects of concern

13. The Committee is concerned about the lack of childcare facilities for children under the age of 3 years and of effective measures to facilitate the re-entry of women into the labour market following parental leave.

26. The Committee urges the State party to adopt effective measures to reconcile professional and family life for women and men by increasing the capacity of childcare facilities for children under the age of 3 years, promoting training measures to facilitate the re-entry of women into the labour market following parental leave, and providing incentives for the use of parental leave by fathers.
21. While recognizing the steady increase in childcare facilities and of new legal and policy measures to encourage the sharing of family responsibilities, the Committee remains concerned about challenges women continue to face in reconciling family and professional life and responsibilities.

22. The Committee recommends that further measures to facilitate the reconciliation of family and professional responsibilities be adopted and implemented, including the provision of additional childcare facilities for children of different age groups, and that greater involvement of men in domestic and family tasks be promoted with the aim of balanced participation of women and men in both the private and public spheres.

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<th>Hague Intercountry Adoption</th>
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Acronyms and Abbreviations:

CEDAW  Convention on the Elimination of All Forms of Discrimination against Women
CRC   Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD  Convention on the Rights of Persons with Disabilities
ICCRP International Covenant on Civil and Political Rights
ICESCR International Covenant on Economic, Social and Cultural Rights
OPAC to CRC Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
UN    United Nations
UPR    Universal Periodic Review