

protection but rather a failure to act based on an insinuation from the applicant's father that she was a liar; and the assault and rape were not interpreted as persecution since state protection had not been systematically denied.



AUSTRIA

Date of admission to UN: 14 December 1955.

TREATIES: RATIFICATIONS AND RESERVATIONS

Land and People: Austria has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Signed: 10 December 1973; ratified: 10 September 1978. Austria's third periodic report was due 30 June 1997.

Civil and Political Rights

Signed: 10 December 1973; ratified: 10 September 1978. Austria's third periodic report (CCPR/C/83/Add.3) was considered at the Committee's October/November 1998 session; the fourth periodic report is due in October 2002.

Reservations and Declarations: Paragraph 4 of article 12; articles 9 and 14; paragraph 3 of article 10; articles 19, 21 and 22; article 26; declaration under article 41.

Optional Protocol: Signed: 10 December 1973; ratified: 10 December 1987.

Reservations and Declarations: Paragraph 2 of article 5.

Second Optional Protocol: Signed: 8 April 1991; ratified: 2 March 1993.

Racial Discrimination

Signed: 22 July 1969; ratified: 9 May 1972. Austria's 11th, 12th and 13th periodic reports were submitted as one document (CERD/C/319/Add.5) which is pending for consideration at the Committee's March 1999 session; the 14th periodic report is due 8 June 1999. *Reservations and Declarations:* Paragraphs (a), (b) and (c) of article 4.

Discrimination against Women

Signed: 17 July 1980; ratified: 31 March 1982. Austria's third and fourth periodic reports were submitted as one document (CEDAW/C/AUT/3-4) which is pending for consideration at the Committee's January 1999 session; the fifth periodic report is due 30 April 1999. *Reservations and Declarations:* Paragraph (b) of article 7; article 11.

Torture

Signed: 14 March 1985; ratified: 29 July 1987.

Austria's second and third periodic reports were due 27 August 1992 and 1996 respectively.

Reservations and Declarations: Paragraph 1 (c) of article 5; article 15.

Rights of the Child

Signed: 26 January 1990; ratified: 6 August 1992.

Austria's initial report (CRC/C/11/Add.14) has been submitted and is pending for consideration at the Committee's January 1999 session; the second periodic report is due 4 September 1999.

Reservations and Declarations: Articles 13, 15, 17 and 38.

REPORTS TO TREATY BODIES

Human Rights Committee

Austria's 3rd periodic report (CCPR/C/83/Add.3, April 1997) was considered by the Committee at its October 1998 session. The report prepared by the government contains information on, *inter alia*: the introduction of autonomous administrative tribunals, their role, functions and jurisdiction; the Federal Equal Treatment Act and equality between women and men; the Labour Market Policy Programme for Women; legal provisions prohibiting arbitrary deprivation of liberty; the Employees' Protection Act and safety in the workplace; the use of weapons by police; provisions related to conscientious objection to military service; personal liberty and security of person, the Federal Constitutional Law on the Protection of Personal Liberty and provisions in the Administrative Penal Act; nationality and choice of residence, freedom of movement; legal provisions and regulations related to foreigners and aliens, expulsion; the court systems, administration of justice, due process, the Code of Civil Procedure, the right to remedy; the right to privacy, defamation, libel and slander; freedom of conscience, belief and religion; freedom of opinion and expression, the right to information, case law from the Constitutional and European Courts; freedom of assembly, provisions in the Assembly Act and the Public Safety Act; and the right to vote and be elected.

The Committee's concluding observations and comments (CCPR/C/79/Add.103) welcomed, *inter alia*: ratification of the Second Optional Protocol; constitutional and legislative changes aimed at improved protection against discrimination; admission of women into the armed forces and women's advancement in the Civil Service; legislation to promote the rights and prospects of persons with disabilities; and the end of the state monopoly on radio broadcasting and the establishment of private radio stations.

The principal subjects of concern identified by the Committee included, *inter alia*: lack of provision in the Code of Criminal Procedure related to confessions and proof that they were not extracted by means of torture or ill treatment; failure to authorize the presence of legal counsel at the preliminary stage of judicial criminal investigation; insufficient legal guarantees to prevent deportation in cases where there is a risk of torture or ill