United Nations A/HRC/62/55/Add.2

General Assembly

Distr.: General
24 June 2026

English only

Human Rights Council
Sixty-second session
15 June–10 July 2026
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ashwini K. P., on her visit to Austria

Comments by the State*

* The present document is being issued without formal editing.

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General Comments

1. The Austrian government attaches great importance to the promotion and protection of human rights and fundamental freedoms, both on a national and international level. Particular emphasis is placed on the fight against racism, xenophobia, antisemitism, and related forms of intolerance, to which Austria remains firmly committed.

2. While Austria has a well-established legal framework that enables authorities and courts to effectively address extremism, racism, antisemitism, and xenophobic acts, the persistence of racist and discriminatory attitudes remains a challenge to which the government dedicates significant resources. Austria therefore aims to continuously strengthen its system of protection against discrimination, not only through legislation and its effective implementation, but also through awareness-raising initiatives and education.

3. Hence, Austria is working on comprehensive strategies to prevent and combat antisemitism, racism, xenophobia, and extremism. The current government program (2025-2029) includes inter alia the development of a National Action Plan (NAP) against Hate Crime. Furthermore, Austria is currently drafting a NAP against right-wing extremism, which is set to run from 2027 to 2031. These initiatives underline Austria's commitment to effectively preventing and combating bias-motivated violence, extremism and discrimination. Austria has also recently adopted the second version of its National Strategy against Antisemitism (NAS), which addresses, among other factors, antisemitism in the digital space and highlights the importance of international cooperation.

4. Austria has taken note of the recommendations and is committed to make continuous improvements in enforcement in the area of anti-discrimination and equal treatment. The resources and independent mandates of the equality bodies (Equal Treatment Commissions, Ombud for Equal Treatment) will be expanded and strengthened further with the planned future budget and implementation of the relevant EU directives.

5. Austria also remains committed to supporting its linguistic and cultural diversity. This commitment is inter alia reflected in its efforts to promote equality, inclusion and participation of the six national minorities. Particular attention is paid to preserving minority languages and cultural identities, as these are an essential part of Austria's historical and social diversity. Through the National Strategy for the Inclusion of Roma, an emphasis is placed, among other measures, on addressing discrimination against Roma communities.

6. Austria also attaches great importance to international monitoring mechanisms and the system of United Nations Special Procedures, including the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The report on Austria provides relevant insights and recommendations, serving as an important input for the continued development of national efforts to combat racism, xenophobia, antisemitism, and related forms of intolerance.

Comments regarding specific issues raised in the report

Disaggregated Data

Paragraphs 5 and 18

7. Due to the legally guaranteed freedom of declaration of affiliation to a national minority group, there is little statistical data available. However, in 2022 a detailed study concerning the "Situation, language use and perspectives of the Slovene national minority in Carinthia" was carried out.[1] Additionally, between 2021 and 2022, the study "Study on the

[1] See Federal Chancellery, Situation, language use, and perspectives of the Slovene minority in Carinthia, www.bundeskanzleramt.gv.at/dam/jcr:9f28cc20-cfe7-47e9-92d9-4a65c34f6428/ogm-studie.pdf (11.6.2026).

evaluation of the National Strategy for the Inclusion of Roma in Austria" was conducted in close cooperation with the Roma national minority.[2]

Roma and Sinti Communities

Paragraphs 22 to 24

8. The report correctly observes that among Austria's recognized national minorities, Roma are disproportionately affected by racism and discrimination. In this regard, it should be again noted that the National Roma Inclusion Strategy therefore specifically addresses the prevention of antigypsyism and sets out a comprehensive range of objectives and measures aimed at combating this particular form of racism. A key component in this regard is the promotion of awareness-raising projects via the national minority funding to enhance public awareness of the history, culture and contributions of Roma.[3]

9. The report does not sufficiently reflect the fact that one of the core functions of the Roma Dialogue Platform, which has convened approximately every six months since 2012 as part of the Federal Chancellery's National Roma Inclusion Strategy is to raise awareness of discrimination affecting Roma and to provide information on available mechanisms and avenues for addressing and combating such discrimination. Besides the national minority advisory council this represents a well-established forum for cooperation between public authorities and Roma civil society to address challenges, exchange expertise and jointly develop responses.[4]

10. With regard to the incident involving Roma children in Salzburg, it is clear that such incidents contradict the fundamental principles of the Austrian education system. The Federal Ministry of Education follows a zero-tolerance policy toward discriminatory behaviour and places great importance on ensuring that the dignity and rights of all students are fully respected. Austria would like to note that the Federal Ministry of Education has not received an official complaint in this regard and thus is unable to take further action. However, to raise awareness and support schools in such difficult situations, a relevant circular has been issued, providing clear guidelines for addressing discrimination and promoting a respectful school climate.

Antisemitism

Paragraph 26

11. Austria takes note of the Special Rapporteur's observation that the increase in reported antisemitic incidents may indicate a worsening situation and that available figures could still underestimate the actual prevalence of antisemitism due to underreporting. However, the interpretation of statistical developments requires a more nuanced assessment of the underlying data collection and recording mechanisms. In this regard, it is important to recall that the European Union Agency for Fundamental Rights (FRA) has consistently highlighted that low numbers of recorded antisemitic incidents should not be interpreted as evidence of the absence of antisemitism. As stated in several overviews on antisemitic incidents published over the years by the FRA, low numbers may instead reflect underreporting, ineffective recording systems, insufficient monitoring mechanisms, or a lack of institutional capacity to identify antisemitic incidents. Conversely, increases in recorded incidents may also result from improved reporting practices, enhanced awareness among victims and authorities, and more comprehensive recording mechanisms.

12, While right-wing extremism continues to constitute a serious source of antisemitism and remains a priority area for prevention and law enforcement efforts, the report does not

[2] See Federal Chancellery, https://www.bundeskanzleramt.gv.at/dam/jcr:cf8b5f65-fe97-49c0-a580-124ed48c6afb/studie_sensiro.pdf (11.6.2026).

[3] See Federal Chancellery, Funding Report 2023, www.bundeskanzleramt.gv.at/dam/jcr:d71cbc98-afb4-4dd4-afcc-ecc71156e4ed/volksgruppenfoerderung_bericht_2023.pdf (11.6.2026).

[4] For more details see Federal Chancellery, Roma Dialogue Plattform, www.bundeskanzleramt.gv.at/themen/volksgruppen/roma-strategie/dialogplattform-roma-strategie.html (11.6.2026).

sufficiently reflect the evolving manifestations of antisemitism observed in recent years. In particular, data collected by the Antisemitism Reporting Centre of the Jewish Community of Vienna (IKG Wien) indicate that the sharp increase in antisemitic incidents since 7 October 2023 has been closely linked to the terrorist attack perpetrated by Hamas against Israel. The available data suggest that a substantial proportion of these incidents are associated with Israel-related antisemitism and originate from a broader range of ideological backgrounds, including in particular manifestations of "left-wing" and "Muslim"[5] antisemitism.

Africans and people of African descent

Paragraph 31

13. In the framework of the funding priority "extremism prevention" since the end of 2020, the Federal Ministry of Labour, Social Affairs, Health, Care and Consumer Protection has been providing financial support for various projects – including large-scale initiatives – aimed at combating racism. In addition to projects addressing xenophobia, antisemitism, islamophobia and online hate speech, this also covers specific projects aimed at preventing anti-Black racism and empowering those affected. These projects are predominantly implemented by self-organizations of Africans or people of African descent and include, for example, initiatives that empower Black people in Austria through workshops and events for children and young adults (highlighting positive role models and success stories) and by fostering networking within Black communities, as well as broader awareness-raising activities on anti-Black racism and discrimination, such as lectures, panel discussions and online campaigns.

Islamophobia, anti-Arab racism and anti-Palestinian racism

Paragraphs 37 to 40

14. Austria would like to emphasize that the headscarf ban for girls under fourteen exclusively serves the goal of promoting the equal participation of girls in the education system, preventing discrimination, and ensuring the development of children in an open and protected school environment. As the European Court of Human Rights[6] has also noted in relevant cases, the headscarf is a powerful symbol which is difficult to reconcile with gender equality. In the view of the Austrian Federal Government, the measure is not directed against Islam as a religion, but against a symbol that, regarding underage girls, is frequently associated with gender-specific role models and societal expectations. The aim is therefore to promote equality between women and men. School must be a space in which children can grow up independently of religious or cultural expectations and receive equal opportunities for the development of their personality. The prohibition is therefore intended to strengthen the individual freedom of girls, by enabling self-determined personal development, rather than restricting it.

15. Ensuring the effectiveness of laws is not credible without enforcement mechanisms. The foreseen administrative penalties are a measure of last resort and are intended to ensure that statutory protective provisions are actually complied with. Sanctions are only to be applied in cases of repeated and persistent violation of the legal regulations. Their application shall be proportionate and with particular regard to the best interests of the child.

16. In 2020, a similar law was repealed by the Constitutional Court, primarily due to a violation of the principle of equality and freedom of religion. Among other things, the Court criticised the repealed law for being an isolated, single measure without accompanying pedagogical or structural integration. The state thus pursues legitimate objectives — child

[5] "Muslim" refers to antisemitic incidents perpetrated by people or organisations which can be attributed to Islam on account of their world view or religious beliefs, including Islamism (see e.g. Jewish Community Vienna (IKG), Antisemitic cases 2024 in Austria, available at https://www.antisemitismus-meldestelle.at/_files/ugd/ed51c1_d4d2fa144b5847ca962da62aceb21215.pdf).

[6] European Court of Human Rights, Mikyas and Others v. Belgium (dec.), no. 50681/20, 9 April 2024, available at HUDOC. Mikyas and Others v. Belgium (dec.).

protection, equality, and the free personal development of minors. Even if differing views exist regarding the actual effects of the headscarf, the democratically legitimized legislator has a margin of appreciation in weighing these interests. The current headscarf ban for girls under the age of 14 in schools is explicitly understood as part of a comprehensive and multi-dimensional protection and prevention concept. It is complemented by concrete measures to empower girls and engage boys. The regulatory concept is also clearly grounded in developmental psychology: the age limit of 14 years is based on the threshold of religious maturity enshrined in the Act on Religious Confession, and is therefore objectively justified.

Neo-Nazi groups and growing right-wing populism

Paragraphs 41 to 43

17. Austria is currently drafting a National Action Plan against right-wing extremism, which is set to run from 2027 to 2031. The aim is to address this issue holistically, taking into account the perspectives of education, prevention and safety, as well as law enforcement and resocialisation. To prepare the National Action Plan, three working groups with extensive specialist expertise were established. Final work is planned to be completed by the end of the year 2026.

Racial discrimination within law enforcement agencies and the criminal justice system

Paragraphs 47 to 51

18. Austria notes that the paragraphs 47 to 51 refer to racial discrimination within law enforcement agencies and custodial settings only. Contrary to what the heading might suggest, this chapter does not address the criminal justice system as a whole.

Paragraph 48

19. The working group of the Ministry of Interior which includes civil society organisations has already developed comprehensive recommendations for ending racial profiling within law enforcement agencies to prevent, address and remedy racial profiling, concerning focussed on internal and external accountability, awareness raising and training, fostering diversity in the work force and recruiting and collecting disaggregated data on incidences. However, it is not part of the mandate of this permanent dialogue forum to develop or carry out a national action plan. Furthermore, “Gemeinsam.Sicher” is an Austria-wide community policing program that already focuses on building trust with affected communities.[7]

Paragraph 49 (and 35)

20. The organization and responsibilities of the Investigation and Complaints Office for Allegations of Police Ill-treatment ("EBM") are governed by law, thereby ensuring that the EBM can carry out its duties in a sustainable manner. According to § 4 (5) of the Federal Act on the Establishment and Organization of the Federal Bureau of Anti-Corruption, the EBM is inter alia responsible for the investigation of allegations of inhumane or degrading treatment based on Article 3 of the European Convention of Human Rights.

21. With that said, the EBM has jurisdiction to conduct investigations, if an allegation or suspicion of racist conduct by a police officer meets the gravity threshold of an Article 3 ECHR violation. In addition, if a qualified allegation of unlawful use of force contains an element of discrimination, it would be investigated as part of the complaint.

22. A series of legal and organisational measures support the EBM’s independence from undue influence in investigations. Among these measures are the integration of the EBM in the BAK - outside the regular line organization of the police, the setup of an independent Advisory Board and the deployment of permanent staff.

[7] More information available on this website: GEMEINSAM.SICHER News.

Education

Paragraphs 52 to 56

23. Austria explicitly emphasizes that every single racist or discriminatory incident in Austrian schools is one too many and will by no means be tolerated. In such cases, all necessary steps are taken—both preventive measures and, where incidents occur, through the involvement of the competent authorities. At the same time, it must be noted that individual incidents do not reflect the Austrian education system as a whole. Schools are and remain central spaces in which diversity, tolerance, safety, equal opportunities, and equality are taught and lived.

24. In addition, the Federal Ministry of Education (BMB) implements a wide range of structural measures to promote equality, diversity, and anti-discrimination. These include in particular:

- the integration of principles of equality, diversity, and inclusive education into curricula,
- the introduction of the new subject "Media and Democracy" in upper secondary academic schools (AHS) starting in the 2027/28 school year,
- the promotion of discrimination-critical and reflective pedagogical practices,
- comprehensive initiatives in the field of school development and quality assurance,
- as well as specific programs to strengthen social competencies and respectful interaction.

25. A key pillar of Austrian education policy in the area of equality and anti-discrimination is Circular No. 21/2018 "Reflective Gender Education and Equality." This provides a binding framework for all schools and explicitly addresses the entire school culture—not only in regards to teaching, but also social relationships, school organization, and leadership. Its aim is to address issues of equality and anti-discrimination in a consistent way, both in teaching and classroom practice and in everyday interactions within the school community.

26. The circular explicitly calls for the active reflection on and dismantling of gender stereotypes, as well as a professional approach to diversity. It seeks to reduce "traditional role models/gender stereotypes" and promote an equitable school culture in which all children can develop their potential regardless of gender, origin, or social background. At the same time, it emphasizes that equality and diversity must be anchored as cross-cutting issues throughout the entire education system—from schools to education directorates and teacher training institutions. Accordingly, the main topics of the circular are structurally embedded in the resource, objective, and performance plans between the BMB and the education directorates, as well as in the objective and performance agreements with the university colleges of teacher education, ensuring systematic implementation and further development.

27. Furthermore, reflective gender education is established as one of the central "cross-cutting themes" in Austrian curricula and is therefore mandatory across all subjects. These cross-cutting themes aim to address socially relevant topics such as equality, intercultural education, and civic education in an interdisciplinary and practical manner.

28. Closely connected to this is the systematic reduction of prejudice and stereotypes across the entire education system. Austrian curricula are competence-based and explicitly embed equality, diversity, and anti-discrimination as core educational objectives. They ensure that students are sensitized at an early stage to diversity, equal opportunities, and respectful coexistence. Key competencies include social responsibility, civic courage, critical thinking, and the ability to recognize and challenge discriminatory structures.

29. Topics such as bullying prevention, respectful coexistence, and the reflective handling of societal prejudices are also integral components of general didactic principles and cross-cutting themes in all types of schools. These competencies are not taught in isolation but are embedded throughout the entire educational process—from primary to secondary education and beyond into teacher education.

30. In this context, Austria reiterates that Austrian curricula and cross-cutting themes are deliberately designed to enable students to become responsible, reflective, and democratically engaged members of society. Promoting civic courage, critical engagement with prejudice, and active contributions to a discrimination-free environment are key competence goals.

31. This structural anchoring demonstrates that anti-discrimination, equality, and the dismantling of stereotypes are not isolated measures but integral components of the Austrian education system, consistently pursued throughout the entire education pathway. Furthermore, the education sector is comprehensively addressed in the National Action Plan against Violence against Women, which includes numerous measures for the prevention of violence, awareness-raising in the school context, and the promotion of respectful and non-violent coexistence.

32. Another key legal framework for the measures mentioned is the Austrian Equal Treatment Act, which prohibits discrimination, particularly in the contexts of education and employment, and strengthens legal protection against disadvantage on the grounds of sex, ethnic origin, religion or belief, age, or sexual orientation. In addition, the principle of equality enshrined in the Austrian Federal Constitution (Article 7 of the Federal Constitutional Law – B-VG) establishes that all people are equal before the law and that no one may be discriminated against on the basis of personal characteristics. The School Education Act also explicitly obliges schools to uphold equal treatment, respect the dignity of all pupils, and promote a respectful and discrimination-free school climate. Together, these legal foundations form a binding framework for the implementation of equality and anti-discrimination in the Austrian education system.

33. Austria continuously works to further develop and expand existing measures within the school system. This includes initiatives to strengthen intercultural competence, prevent extremism, and promote a discrimination- and violent-free school environment. Schools are specifically supported in responding professionally to diversity and in providing all children and young people with the best possible educational opportunities.

34. Finally, Austria emphasizes that promoting equal opportunities, equality, and anti-discrimination are central concerns of Austrian education policy. The challenges identified in the report are understood as a mandate to further intensify existing measures and to work together with all stakeholders towards an open, respectful, and inclusive education system.

Labour market discrimination

Paragraph 57

35. The report highlights the concern, that discrimination in the Austrian labour market affects Roma and Sinti. In order to combat this specific discrimination Austria launched a specific funding directive in 2022, addressing the empowerment of Roma in the labour market for the years 2022 up to 2030 with a budget of 10 million Euros.

Conclusions and Recommendations

Paragraph 70

(q) *Continue and expand the work of the recently established Investigation and Complaints Office for Allegations of Police Ill-treatment to prevent and address over-policing, the excessive use of force, and surveillance by law enforcement officials amongst those from marginalized racial and ethnic groups.*

36. The organization and responsibilities of the Investigation and Complaints Office for Allegations of Police Ill-treatment ("EBM") are governed by law, thereby ensuring that the EBM can carry out its duties in a sustainable manner. According to § 4 (5) of the Federal Act on the Establishment and Organization of the Federal Bureau of Anti-Corruption, the EBM is *inter alia* responsible for the investigation of allegations of inhumane or degrading treatment based on Article 3 of the European Convention of Human Rights. Thus the EBM has jurisdiction to conduct investigations, if an allegation or suspicion of racist conduct by a police officer meets the gravity threshold of an Article 3 ECHR violation. In addition, if a

qualified allegation of unlawful use of force contains an element of discrimination, it would be investigated as part of the complaint.

(r) *Ensure the independence of the Investigation and Complaints Office for Allegations of Police Ill-treatment and that the office is sufficiently sensitive to the racial dimensions of many forms of police misconduct.*

37. A series of legal and organizational measures support the EBM's independence from undue influence in investigations. Among these measures are the integration of the EBM in the BAK - outside the regular line organization of the police -, the setup of an independent Advisory Board and the deployment of permanent staff.