

ANNUAL REPORT 2000



Ludwig Boltzmann Institute of Human Rights (BIM)
and
Research Association (BIM-FV)

©

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and
Research Association (BIM-FV)**

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A. INTRODUCTION

The annual report of a human rights institute at the turn of the century encourages a short reflection on the *significance of human rights in a rapidly changing global environment*. During the time of the Cold War, the gradual development of the international human rights regime was characterized by the codification of universal and regional human rights standards and the creation of legal procedures for the protection of human rights. With the end of the East-West conflict, which for a long time had politicized and paralysed the international human rights discourse, the situation has radically changed. A new development paradigm emerged during the last decade of the 20th century in which a society, in which all human rights are being realized as far as possible for all human beings, is considered as the very aim and objective of development. Similarly, human rights constitute an essential component of modern peace-keeping and peace-building operations. In other words: The three major goals of the United Nations and the international community in general, namely the promotion of international *peace and security, development and human rights, have gradually merged* by a process which is usually referred to as human rights mainstreaming. This means that practical human rights work more and more takes place in the field, either in the context of development projects or in the framework of humanitarian assistance and protection or as a major component of a new generation of peace-keeping and peace-building operations by the United Nations, the OSCE and other international organizations.

A second major new development is the principal readiness of the international community to *take action against States with a consistent pattern of gross and reliably attested violations of human rights*, such as Iraq, Somalia, Haiti, the former Yugoslavia, Sierra Leone or Indonesia/East Timor. These measures are usually mandated by the UN Security Council and range from diplomatic and political pressure via economic sanctions to the authorization of military force in so-called

humanitarian interventions. In addition, the individual perpetrators of major human rights crimes (from the commanders of concentration camps in Bosnia and Herzegovina to former heads of State or Government of Serbia, Rwanda and Chile) are for the first time held accountable before international or domestic criminal courts. These efforts towards effective international implementation and enforcement of human rights, albeit still on a very selective basis, prepare the ground for a comprehensive policy of preventing gross and systematic human rights violations, and *Mary Robinson*, the present UN High Commissioner for Human Rights, has rightly called the 21st century as the *century of prevention*. The big challenge for the global human rights movement, from the academic world to civil society, consists in monitoring and assessing these rapid developments, analysing and combating the dangers resulting therefrom, and in presenting ideas and strategies for a more effective policy of implementing human rights and preventing their abuse and violation.

The Ludwig Boltzmann Institute of Human Rights (BIM) and its Research Association were established in 1992 and 1996, respectively, with the aim to actively participate in this fascinating human rights discourse and to contribute to the scientific cognition as well as the practical realization of human rights. Presently, the *thematic focal points of our research* concern human rights of women, measures against discrimination and racism, the significance of human rights in development cooperation, human rights of refugees and human rights of children and adolescents. During the year 2000 we published in our recently created BIM Study Series on Human Rights five books covering as diverse topics as torture prevention in Europe, the human rights dialogue between the European Union and China, temporary protection of Bosnian refugees in Europe, human rights in Bhutan and the fight against trafficking in women.

As every applied science, human rights research needs to be complemented by *teaching, training and education*. In recent years, we have gradually expanded our activities in the field of human rights education, through our service center for human rights education in schools,

through various activities in adult education and at the university level, in particular by participating in the European Master's Programme on Human Rights and Democratization (EMA) and in the specialized programme on human and fundamental rights at the Law Faculty of Vienna University. As far as practical human rights work is concerned, we are proud that many of our former and present staff members are actively engaged in various human rights expert positions in Austria and abroad, from the Balkans to Angola. The growing interest in a professional education and on the job-training in the field of education is also underlined by the increasing number of students and interns who work for the institute on a voluntary basis.

The international interest in the present *human rights situation in Austria* increased with the inauguration of the new Government in February 2000 and with the measures taken by the other 14 EU member States against Austria in this respect. As one of the few human rights institutes in Austria, BIM, of course, plays an active part in this critical monitoring, evaluation and controlling process. By preparing a draft for a comprehensive Austrian anti-discrimination statute we attempted, for instance, to contribute to a proper implementation of the respective EU-Directives and to the necessary legal improvements in this highly sensitive human rights field of racism and xenophobia. Thanks to our long-standing competence in this field, BIM was also selected, together with two other research institutes, to serve as the Austrian focal point for the EU Monitoring Center on Racism and Xenophobia in Vienna. The newly established Human Rights Advisory Council of the Austrian Minister of Interior, together with six independent visiting Commissions, in which the directors of BIM and other staff members are actively involved, constitutes an important controlling mechanism of the Austrian law enforcement bodies. Its task is to carry out preventive visits to all detention facilities under the authority of the Minister of Interior (from big police prisons to individual cells in offices of the police or gendarmerie), to make recommendations for the improvement of the conditions of detention, and in general to monitor the use of force by members of the police and gendarmerie in Austria and advise the Minister in this respect.

As in the past, BIM and its Research Association will also in the future do its best to be vigilant and, by means of applied research, documentation, education and practical human rights work, to serve the goal of human rights protection in a rapidly changing environment which is driven by the neo-liberal forces of globalization.

B. RESEARCH PROJECTS AND STUDIES

1. Human Rights of Women

1.1 Combat of Trafficking in Women

In 2000, *Angelika Kartusch* and *Gabriele Reiter* continued the research project on trafficking in women, which has been started in 1999. This comprehensive and interdisciplinary project aims at the analysis of the legal and factual situation of trafficked women in Europe and the elaboration of recommendations aimed at law and policy makers at the national and international levels.

The research team revised and updated the two reports “Bekämpfung des Frauenhandels in Österreich” (Combat of Trafficking in Women in Austria) and “International Standards for the Combat of Trafficking in Women” of 1999, which were finally published in a book in December 2000 (*Angelika Kartusch/Katharina Knaus/Gabriele Reiter, Bekämpfung des Frauenhandels nach internationalem und österreichischem Recht* [Combat of trafficking in women under international and Austrian law]).

Further, two reports on the combat of trafficking in women in Bulgaria and Romania were published. These studies are a part of a series of country reports that were published in 1999 (Czech Republic, Hungary, Slovakia, Ukraine) and were prepared by local experts. Moreover, a similar report on Bosnia-Herzegovina was edited. These studies provide an overview on the legal and factual aspects of the phenomenon of trafficking in women in

countries which are at the same time countries of origin, transit and destination of trafficking. Besides an analysis of national laws on the prosecution of traffickers and the protection of the rights of the victims under consideration of relevant international standards, the reports also present measures of a non-legal nature by governmental and non-governmental organisations. Each report concludes with a list of recommendations.

Another project, which has started in December 2000, is being carried out by *Angelika Kartusch* in consultation with the OSCE ODIHR (Office for Democratic Institutions and Human Rights). It aims at the elaboration of guidelines for legislation in the fields of prevention and prosecution of trafficking in human beings and the protection of the rights of trafficked persons. These guidelines are based on relevant international and regional standards and also take examples of national practice into consideration. They will be particularly relevant for the region of the Stability Pact for South Eastern Europe, but also for all countries of origin, transit and destination of trafficking in human beings in the OSCE region. Since September 2000, *Gabriele Reiter* has been working as officer on trafficking issues with the OSCE ODIHR in Warsaw.

1.2. Contribution to the NGO shadow report on the UN Women's Convention

Angelika Kartusch und *Gabriele Reiter* contributed to the elaboration of an Austrian NGO shadow report on the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This report was edited by the association „Frauenrechte Menschenrechte“ (Women's Rights Human Rights) and published in May 2000. *Angelika Kartusch* wrote a section on women's political participation; *Gabriele Reiter* participated in the editing and proof-reading of the report.

1.3. Handbook Human Rights of Women

In 1999 the BIM – FV started preparing a handbook on women's rights. The aim is to show recent developments and standards of the protection of

human rights of women. In addition special problems will be discussed. A practical part will contain contact addresses, literature and a test case. The handbook is coordinated and edited by *Elisabeth Gabriel* (Intervention centre on domestic violence), further articles will be contributed by various experts and institutions and employees of our institute (*Angelika Kartusch, Sabine Mandl, Helmut Sax, Tanja Vospernik*).

The handbook will be published in late 2001 by a new academic publishing company in Vienna: „Neuer Wissenschaftlicher Verlag“.

2.Human Rights of Children and Adolescents

Human rights of children and adolescents continued to constitute a principal area of research and monitoring of the Boltzmann Institute. Activities in 2000 included an assessment of the situation of child refugees in Austria, aspects of the non-discrimination principle, child rights in the context of armed conflict and preparations for the UN Children's Summit in 2001.

In spring 2000 *Helmut Sax* participated in a series of lectures organized by a Lower Austrian cultural organisation („Kulturinitiative momo“) on democracy and human rights, focusing in his lecture on the related aspects between human rights of children and recent efforts for improved protection of human rights of ageing people. In the course of the 21st Annual Meeting of the Austrian Society of Child and Youth Neuropsychiatrists (May, City Hall) he delivered a speech on „societal integration as a right of the child“.

Bea Ferenci analysed the serious legal and factual difficulties of child refugees in Austria (this seminar paper will also be published in the International Journal of Refugee Law in 2001). In addition she started work on a study commissioned by Caritas Vienna on legal responsibilities of Austrian public authorities for adequate care of child refugees; *Bea Ferenci* is member of the Austrian child refugees working group coordinated by asylkoordination österreich.

Upon invitation by the Canadian government and UNICEF the first International Conference on War-Affected Children was held in Winnipeg in September 2000. As a member of the Austrian delegation *Helmut Sax*

participated both in the experts and ministerial meetings. It is important to note the consistent involvement of adolescents in the entire event.

In the following months national preparations for the forth-coming UN General Assembly Special Session on Children (September 2001) intensified and *Helmut Sax* coordinated contributions by Austrian child rights organisations and institutions for inclusion in the Austrian National Report. Based on these reports UNICEF will assess the global development of the situation of children since the first World Summit for Children in 1990.

Since September 2000 *Helmut Sax* also works as a consultant for the Austrian Committee for UNICEF; in December activities on an up-dated German language Handbook on Children's Rights commenced, based on the UNICEF Implementation Handbook for the Convention on the Rights of the Child.

3. Development Cooperation and Human Rights

3.1. Ethiopia

Within the framework of the cooperation of BIM with the Austrian Ministry for Foreign Affairs a Round Table on "Human Rights and Development" for Ethiopian development NGOs was held in Addis Ababa in December. The Round Table was organised by the Austrian Embassy Development Cooperation (AEDC) and chaired by *Christian Hainzl*, who also gave a presentation on the main topic. The major task of the Round Table was to provide a participatory forum for discussing content and methodology of a scheduled training workshop for development NGOs on human rights and democratisation in Mai 2001.

3.2. Uganda

Country-specific collaboration with the Foreign Ministry and the Kampala-based Austrian Bureau for Development Cooperation continued in 2000. Main areas of activities included research by *Helmut Sax* on the referendum in July 2000 on the future of the Ugandan political system; and on the situation of abducted children and child soldiers in the armed conflict

in the northern areas of the country (which was also one of the major issues at the Winnipeg Conference on War-Affected Children in September 2000, see above).

4. Counteracting Discrimination and Racism

4.1. Draft Proposal for General Austrian Anti-Discrimination Legislation

This BIM-project aimed at the development of a concrete proposal for general Austrian anti-discrimination legislation in close cooperation with NGOs, experts from ministries and law firms. This was following the wishes not only of NGOs but also of the Council of Europe and the UN Committee against Racial Discrimination to implement such legislation in Austria. Furthermore, an additional goal was to facilitate the implementation of measures taken by the EU in order to translate Article 13 ECT into action.

With this proposal, it should be made possible to counteract discrimination on the grounds of colour, descent, race, ethnicity, nationality or citizenship, disability, political or regions belief, and sexual orientation or identity with legal means.

There should be developed measures to diminish discrimination by private parties as well as by governmental entities – primarily with the means of civil law.

A survey of existing anti-discrimination legislation in European countries and the consideration of Austria's obligations under international law made it possible to introduce a modern understanding of equality and equal opportunities in the proposal.

The project was running since April 1999. In 2000 further regular meetings of the two established steering-groups took place. These groups had been established to make existing knowledge accessible for the project. The NGO-steering group as well as the jurist-steering group could continue and intensify their drafting work and prepare a fairly detailed draft statute.

In June a round table discussion at the premises of the University of Vienna broadened the circle of those who were involved in the process.

Together with the remaining sponsor – the Viennese Fund For Integration (WIF) started a concept for the dissemination of the final results of the project was already developed. The internet platform mirroring the process and results can be found at: <http://www.wif.wien.at/gleichstellung.htm>. This project was performed by *Dieter Schindlauer* under the supervision of *Hannes Tretter*.

4.2. Austrian National Focal Point of the EU-Monitoring Centre on Racism and Xenophobia

According to its founding regulation the European Monitoring Centre on Racism and Xenophobia (EUMC) is to set up and co-ordinate a European Racism and Xenophobia Network (RAXEN). The core task of RAXEN is to provide the European Union and its Member States with objective, reliable and comparable data (including examples of and models for "good practices") at the European level on the phenomena of racism, xenophobia and antisemitism in order to assist them to take measures or formulate courses of action. The RAXEN network is composed of 15 National Focal Points (NFPs), one in each Member State. The NFPs are the entrance point of the EUMC at national level as regards the data and information collection foreseen in RAXEN.

The National Focal Point for Austria was located at the Austrian Academy of Sciences. It is an interdisciplinary co-operation of three research institutions:

- Research Centre Discourse, politics, identity (DPI) located at the Austrian Academy of Sciences, represented by *Ruth Wodak*
- Institute of Conflict Research (IFK), a research NGO specialised in political science represented by *Anton Pelinka* and
- Ludwig Boltzmann Institute of Human Rights (BIM), a research body on human rights represented by *Hannes Tretter*.

The function of the Focal Point is to be a national “anchor” of the European information network RAXEN and therefore to collect, process and disseminate information on racism, antisemitism and xenophobia. The Focal Point coordinates the exchange of information

between national “key-players” in the field and the European Monitoring Centre (EUMC).

Focal Points shall be important tools of this RAXEN-network. They shall develop into a lively source of reliable and comparable data on racism and xenophobia as well as on the ongoing battle against these phenomena.

The Focal Point is an institution to:

- build a national network to help facilitate the dialogue of non-governmental, research based and governmental-political entities;
- make this dialogue accessible to the national and international public
- function as a hinge between the EUMC and national actors
- deliver requested data to RAXEN, and
- keep up frequent exchange with Focal Points in other countries to work for a situation in which the produced data are really comparable and to analyse the political, legal and cultural differences regarding the relevant topics in the member-states.

In a first step, the Austrian Focal Point was only established for a short period of two months to conduct a survey called “mapping exercise”.

In this phase it was the task of the Focal Point to draw up a kind of “virtual map” of existing initiative projects and documentations on the issues of racism and xenophobia. Therefore, national key-players were identified and screened by questionnaires asking for their work, experience and resources. The results of this “mapping exercise” can be found on the EUMC’s WebPages: <http://www.eumc.eu.int> For the BIM-FV, *Dieter Schindlauer* worked in the National Focal Point.

4.3. UN World Conference Against Racism

In 2000 the co-operation with the Federal Ministry for Foreign Affairs was further intensified. The framework-contract signed in 1999 was prolonged until February 2001 to entrust BIM with preparations for specific activities in the field of human rights; especially the preparations for the UN World Conference Against Racism and the European Regional Conference (within the framework of the Council of Europe). In this context, *Nikolaus Marschik* was assigned to the department for human rights and

humanitarian international law within the Ministry. There he dealt (inter alia) with issues of protection against discrimination, basic rights and freedoms within this context, the European Union, freedom of religion and torture.

5. Policy Paper on Human Rights and Democratisation

Based on the 1999 research paper of *Christian Hainzl* on „Human Rights and Democratisation in International Development Cooperation“ BIM participated in preparatory activities for the formulation of a human rights policy document for Austrian development cooperation by giving presentations and taking part in discussion and research on present Austrian activities in the field.

6. Country Studies

6.1. The UN Interim Administrative Mission in Kosovo

The study about the UN Mission Mandate (UNMIK) was continued in 2000. The book will be published in autumn 2001 with the following contributions: “Introduction: The United Nations Interim Administrative Mission in Kosovo – UNMIK” (all authors), “The UNHCR Mandate” (*Violeta Demaj*), Police and Justice” (*Thomas Mühlmann, Hannes Tretter, StefanieWagner*), ”The UN-Civil Administration” (*Hannes Tretter, StefanieWagner*), “The OSCE Mission” (*Michael Karnitschnig, Thomas Mühlmann*) und “The EU Policy” (*Arnd Benkö*).

6.2. Temporary Protection for Bosnian Refugees in Europe

After the publication of the first volume on this subject edited by *Hannes Tretter* in 2000 (reports about the legal situation in the most important European host countries) the work on the second volume continued. It contains a comparative analysis of the releaved laws and practice as well as general conclusions and will be published likely by the beginning of 2002.

7. Economic, Social and Cultural Rights

Economic and social rights have received increased attention within BIM's academic work.

Helmut Sax participated at an international conference on the role of economic rights in Europe ("The Challenge of the EU Charta") which was dealing with the relationship between the newly proclaimed EU Charta of Fundamental Rights and the existing European social and economic human rights standards. *Manfred Nowak* gave several lectures (e.g. at an expert-meeting in Venice) on the EU Charta as well as wrote several critical reviews on this document. Furthermore, he contributed to the second edition of the well-known book of *Asbjörn, Eide/ Alan Rosas/ Catarina Krause* on Economic, Social and Cultural Rights with an extensive article on the right to education.

In cooperation with the Food First International Network (FIAN) and the Renner Institute in Vienna, BIM organised a seminar on economic, social and cultural rights. *Lisa Sterzinger, Ralf Leonhard* (FIAN Austria) and *Rolf Künemann* (Secretary General of FIAN International) presented the activities of their organisations on the international level and in Austria regarding the right to food, for example by means of public information campaigns (flower labelling campaign) and lobbying for the agro-reform campaign. *Caspar Einem*, member of the EU Charta Convention, spoke about the creation of the EU Charta and its consequences on the EU member states. *Helmut Sax* gave an overview of the European Social Charter of the Council of Europe and its new collective complaint mechanism.

BIM plans to continue and enhance its activities on the implementation of economic, social and cultural rights in Austria.

8. Textbook on the International Human Rights Regime

Since 1999, *Manfred Nowak* has been working on a textbook for students on the international human rights regime. In 2000, he was assisted by *Tanja Vospernik* and *Julia Savage*. The textbook aims at providing a

short but comprehensive introduction into the broad and increasingly complex field of international human rights in a practical and easily accessible manner. The text of the book shall be complemented by graphs, statistics and fact sheets which have been prepared and used as overhead transparencies in the general course on the topic which Manfred Nowak has delivered together with *Walter Suntinger* at Vienna University in the context of its specialized programme on human and fundamental rights. The textbook shall be published in German and English in 2002.

9. Human Rights in Criminal Procedure

Tanja Vospernik wrote an article about special human rights questions in the context of criminal law and procedure for *Rudolf Zitta*, attorney in Salzburg. She analyzed the judiciary of the European Court of Human Rights with special emphasis on article 6 of the European Convention on Human Rights. The research was supervised by *Hannes Tretter*.

10. Human Rights Advisory Council and Visiting Commissions of the Austrian Minister of Interior

In reaction to the tragic death of the Nigerian detainee *Marcus Omofuma* during his forced deportation from Austria in 1999, the Minister of Interior established a Human Rights Advisory Council with the task of monitoring and controlling the activities of the Austrian law enforcement authorities. As of 1 July 2000, the Council created six commissions in order to carry out preventive visits to all places of detention under the authority of the Minister of Interior (police prisons and detention facilities at police stations and offices of the gendarmerie), to monitor the use of force by the police and gendarmerie and to make recommendations via the Council to the Minister. The legal basis of both the Council and its six commissions can be found in the Federal Police Act which also contains a constitutional guarantee of this institution and the independence of its members. The establishment of independent visiting commissions corresponds to a repeated recommendation of the European Committee for the Prevention

of Torture (CPT), and Austria assumed a pioneering role by responding to this recommendation and creating a constitutionally protected controlling mechanism.

Walter Suntinger serves since 1999 as one of the members of the Council nominated by human rights NGOs and appointed by the then Minister of Interior, *Karl Schlögl*, and *Ursula Kriebaum* as his deputy. In spring 2000, the present Minister *Ernst Strasser* appointed *Manfred Nowak* on the nomination of the Council as chairperson of one of the six visiting commissions which has the territorial competence for the Northern part of Lower Austria and a number of districts in Vienna including the largest Austrian Police Prison at the Rossauerlände. *Hannes Tretter* was elected vice-chairperson of the commission, the other members are *Marijana Grandits*, *Elisabeth Hoffmann*, *Ina Manfredini* and *Alfred Zauner* representing various professional backgrounds including medicine, psychology, law, political science, organizational management and social work. The coordination and administration of this and another commission for the southern part of Lower Austria and the Burgenland (under the chair of *Karl Dvorak*) was entrusted to *Bettina Frisslovics* in the framework of a project by the BIM-Research Association.

During the second half of 2000, the commission carried out regular and ad hoc-visits, usually without prior notice, to the police prison Rossauerlände and various police and gendarmerie stations in Vienna and Lower Austria. Most of the detainees are foreigners who illegally entered Austria and are kept in detention while their expulsion and deportation procedures are pending. The commission also monitors the possible use of force during demonstrations, razzias, soccer games and similar occasions. It submits a report on every visit to the Human Rights Advisory Council which, on the basis of these reports, recommends to the Minister of Interior respective measures aimed at introducing a human rights culture to the Austrian law enforcement bodies. Since most of the activities of both the Council and its commissions are confidential, relatively little is known by the public about this important preventive controlling mechanism in the field of human rights.

11. Networking and International Co-operation

11.1. NGO Co-ordination Centre

Although the NGO co-ordination centre had to stop its activities due to the lack of sufficient financing, there were further meetings of the Human Rights Network in the first half of the year. But the current political context in Austria led to a fast rise of groups and initiatives, so that numerous new networks and co-operations were founded. Naturally, BIM has still excellent contacts to a large number of NGOs, also in regard to common activities for the implementation of multiple still unsettled demands of the NGO-Human Rights catalogue of 1998. Furthermore, BIM supports the activities of the Human Rights Committee of the Austrian Federal Parliament and the human rights co-ordinators in the public administration.

11.2. Association of Human Rights Institutes (AHRI)

In September 2000 the initial conference of the Association of Human Rights Institutes (AHRI) took place at the Icelandic Human Rights Centre in Reykjavik. AHRI was founded by the directors of the Nordic Human Rights Institutes (Abo Akademi Institute of Human Rights/Finland, Raoul Wallenberg Institute in Lund/Sweden, Danish Center for Human Rights Copenhagen, Norwegian Institute of Human Rights/Oslo, Icelandic Human Rights Centre/Reykjavik) as well as the Netherlands Institute of Human Rights/Utrecht and the BIM to conduct joint research and educational projects, as well as to prepare reports or statements about important human rights issues within the EU, the UN or other international organisations.

The above mentioned institutes have already worked closely together, inter alia, within the framework of the Yearbook Project "Human Rights in Development". AHRI is also open to other scientific human rights institutes in Europe and other parts of the world. Utrecht is the headquarter of the AHRI-Secretariat, therefore the association is established according to Dutch law. The first activity was to discuss the principles of the sense and lawfulness of common humanitarian intervention. BIM was represented by *Manfred Nowak*.

C. EDUCATION AND TRAINING

1. Service Centre for Human Rights Education

The Service Centre for Human Rights Education was established within the UN Decade for Human Rights Education in co-operation with the Ministry of Education, Science and Culture/Department for Civic Education in 1997. One of the main tasks of the Service Centre is to encourage and support teachers all over Austria who wish to include human rights issues in their school curricula.

The assignments and activities of the Service Centre include advisory services, support for schools in the realisation of human rights projects, advice for organisations and institutions engaged in their own human rights activities, the development and delivery of educational materials and information and advanced training for teachers.

During the last years, the Service Centre has created a network of contacts to promote human rights in Austrian schools. The number of contact persons has increased rapidly from 369 (1998) to 1350 (2000).

In addition to the existing services the Service Centre has established a website for human rights education: www.humanrights.at It is possible to download news, information and material on various human rights issues.

The Service Centre was able to provide teachers with brochures and books for free due to the good co-operation with other organisations (UN, UNICEF, UNHCR, UNESCO, Council of Europe, Ministry of Education, etc.).

In 2000 the staff of the Service Centre has changed: *Gerda Grüner* took a parental leave in March 2000 and *Barbara Weber* took a sabbatical leave to do a Master in Conflict Resolution in England. In autumn 2000 *Heidrun Thomas* and *Katrin Wladasch* began to work for the Service Centre.

The activities of the Service Centre were financed by the Ministry of Education, Science and Culture.

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2.Optional Curriculum “Fundamental Rights and Human Rights”

Within the framework of the new curricula of the law faculty at the University of Vienna, which entered into force in the winter semester 1999/2000, students have the possibility to follow an optional curriculum about fundamental and human rights. It was chosen by a high number of students. Lectures related to issues of the international human rights protection are mainly being carried out by the staff of the BIM.

The following specialised seminars were offered by BIM staff members during the summer semester 2000: “Individual Criminal Responsibility for Serious Human Rights Violations” (*Manfred Nowak* and *Ursula Kriebaum*), “Human Rights and Development Co-operation” (*Manfred Nowak* and *Christian Hainzl*), “Human Rights and the Maintenance of International Peace and Security” (*Manfred Nowak* and *Nikolaus Marschik*), “Human Rights of Children” (*Manfred Nowak* and *Helmut Sax*), “Human Rights of Women” (*Manfred Nowak*, *Angelika Kartusch* and *Karin Lukas*) and “Mechanisms for the Prevention of Human Rights Violations” (*Manfred Nowak* and *Walter Suntinger*). These seminars are at the same time offered to the students of the “European Master Degree in Human Rights and Democratisation”. *Hannes Tretter* was responsible for the main lecture “European human rights protection” during the summer semester 2000.

In addition *Manfred Nowak*, *Tanja Vospernik* and *Walter Suntinger* offered the general course “International Protection of Human Rights” during the winter semester 2000/01. *Hannes Tretter* dealt with the “OSCE Process” and the “Protection of human rights in the EU and the elaboration of the fundamental Charter” in his lectures during the winter semester 2000/01.

3.European Master’s Degree in Human Rights and Democratisation (EMA)

This one-year interdisciplinary post-graduate course took place for the first time in 1997/98. During this one-year intensive course students (so-called

“Masterini”) from different disciplines (law, political science, economics, philosophy, history, etc.) are taught to be specialists in human rights and democratisation issues as well as prepared for concrete missions in the field (for example as election or human rights monitors). The course is administrated by the University of Padova. The winter semesters takes place in Venice whereby the teaching is a collective effort of the 15 participating universities, respectively institutes, from all EU member states. During the summer semester the students are studying and preparing their thesis at one of the participating universities. The course is managed by a Board of National Directors comprised of one representative of each of the participating universities as well as of the European Commission. In June 1998 the University of Vienna became official participating university, *Manfred Nowak* was nominated National Director by the Rector of Vienna University and *Hannes Tretter* as Deputy National Director. The BIM Research Association (BIM-FV) was entrusted with the administration of the course in Vienna and with the supervision of the Masterini students who choose Vienna. In December 2000 *Manfred Nowak* was appointed chairperson of the entire programme (Council of National Directors and Executive Committee). Within the framework of the master’s programme *Manfred Nowak* was responsible for a one-week lecture in Venice about human rights field work in January 2000. *Marijana Grandits*, *Eva Wipler*, *Gabriele Reiter* and *Manfred Nowak* organised and carried out a one-week field trip to Bosnia and Herzegovina in January 2000. *Manfred Nowak* gave an introductory lecture about the requirements and difficulties of human rights work in the field in September 2000 and *Hannes Tretter* in collaboration with *Karin Hiltgartner* (EMA) gave a lecture about European Protection of Human Rights and the OSCE Process in October 2000 in Venice.

During the summer semester of 2000, the entire BIM team and especially *Gabriele Reiter*, *Sabine Mandl* and *Otilie Vollnhofer* supported the 10 Masterini students by looking for accommodation, providing for computer work stations as well as offering advice, assistance and supervision during the elaboration of their theses. Moreover, during their second semester the

Masterini attended various specialised courses, which were mainly provided by researchers of BIM.

4. University Course in Information Law and Legal Information

The „Universitätslehrgang für Informationsrecht und Rechtsinformation“ exists since 1999. In October 2000 the first 22 students graduated as Master of Advanced Studies MAS (Informationsrecht und Rechtsinformation). Although a registered society for supporting the “Universitätslehrgang für Informationsrecht und Rechtsinformation” was constituted in October 1999, the office is still located in the BIM. There is a good and prospering collaboration between the two institutions. The staff team consists of *Martin Witzmann*, *Mathias Maurer* and *Nikolaus Forgó*.

In the year 2000/01, 27 of the 62 applying, highly qualified jurists were admitted by the academic advisory council which selects the new students. The course is subdivided into four modules, containing “basics”, “classic information studies”, “mechanics” and “law”. *Hannes Tretter* held a class in SS 2000, teaching “fundamental and human rights in IT-law”.

5. “Master of European Studies” of the European University Viadrina, Frankfurt an der Oder

Hannes Tretter held lectures about the “Introduction to the development and the dimension of human rights protection”, “International human rights protection by the United Nations”, “Human rights protection by the OSCE”, “Human rights protection in the EU” and “Human rights protection by the Council of Europe”, at the European University Viadrina/ Frankfurt an der Oder in November 2000.

During two one-week seminars offered for the students from the European University Viadrina in Vienna February and December 2000, BIM- staff members offered classes about different human rights topics, such as human rights of women and children, EU and human rights, racism and

xenophobia, human rights education, co-operation in development, democratisation and conflicts in Kosovo.

D. LIBRARY, DOCUMENTATION and IT

1.Documentation

Our library comprises books, periodicals, documents from international organisations, press releases, case-law, legal texts and treaties, bibliographies, brochures and NGO-publications. It is structured according to topical and country-specific criteria.

Among others the documentation's emphasis lies on the following topics/countries: UN, EU, CoE (in particular judgements, reports, articles and books about the European Convention on Human Rights), children's rights, women's rights (in particular trafficking in women), discrimination and racism, minority rights, development, globalization, the former Yugoslavia and African countries.

Our library-database was conceived last year. The user friendly design and an extensive list of keywords (both in English and German) facilitate the access to presently more than 900 entries of books/documents of our library. The database is accessible not only by simple search but combined search by the use of a variety of search-criteria.

In order to complement the online-catalogue of the University of Vienna in the field of human rights we currently establish an internet-edition of our library-database, accessible under www.humanrights.at/bimlibrary.

In addition to the ongoing recording of all books in the institute's library we started to include articles of periodicals into our database. Apart from those magazines we regularly obtain by subscription, we also incorporate those

human rights-specific articles which are weekly copied at the university's library by one of our colleagues. Thus, we would like to supplement the "Law-Database" ("Rechtsdatenbank"; which is against payment) where most of the human rights specific articles are missing.

BIM continues to act as official "depository library" of the OSCE. The library is open to the public during the regular opening hours (Mon and Tue from 10 to 12 a.m., Thu from 2 to 4 p.m.). The database and the library guide, which can be found in the secretariat, are means of orientation. *Tanja Vospernik* continues to be responsible for the documentation and the library, assisted by *Paul Angeli* (former Yugoslavia).

2. IT and web site

All our computers work with Windows NT 4.0 and are connected to the internet through a permanent wire to the University of Vienna. Our datasafety has been reorganzied. *Christian Trunschütz* was responsible for the IT – support, supported by *Martin Witzmann*, *Mathias Maurer* and *Helmut Sax*. Our web site was only slightly extended during the last year. Only the „News“ sections is updated regularly (responsible: *Helmut Sax*)

E. FINANCIAL REPORT

1.BIM

In 2000 the total income of our institute was ATS 4,5 million consisting of a basic financial support from the Ludwig Boltzmann Society amounting to ATS 400.000,- and grants for projects from the following institutions and individuals: Federal Ministry for Foreign Affairs, Federal Ministry for Education, Science and Culture, Bruno-Kreisky Foundation for Human Rights, Hermann and Marianne Straniak Foundation, Vienna Integration

Fund, Chamber of Labour Vienna, Federal Trade Union, attorney at law Dr.Zitta, Chamber of Architects, Independent Federal Asylum Senate, International Center for Migration Policy Development, Green Party. With this income a balanced budget with a small surplus could be achieved.

2.BIM-FV

In 2000 the total income of the BIM-Research Association (BIM-FV) was ATS 3,6 million consisting of grants from the following institutions and individuals: Federal Ministry for Education, Science and Culture, European Union, Federal Chancellery, Federal Ministry of the Interior, University Course on Information Law and Legal Information, Herbert and Ilse Neuberger, International Center for Migration Policy Development, US State Department, Special Fund of the Austrian National Bank, OSCE (ODIHR), Hermann and Marianne Straniak Foundation, attorney at law Dr.Zitta, Ministry of Social Security and Generations, Friends of the Law-Faculty Vienna, Viadrina – University Frankfurt an der Oder, Intercultural Centre, School Network and Amnesty International. The BIM-FV also reached a balanced budget.

F. PUBLICATIONS

1. BIM Human Rights Study Series

1.1. Published

Volume 1: *Nikolaus Marschik*, Die UN-Rassendiskriminierungskonvention im österreichischen Recht, 1999, 195 pages

- Volume 2: *Helmut Sax/Christian Hainzl*, Die verfassungsrechtliche Umsetzung der UN-Kinderrechtskonvention in Österreich, 1999, 257 pages
- Volume 3: *Ursula Kriebaum*, Folterprävention in Europa – Die Europäische Konvention zur Verhütung von Folter und unmenschlicher oder erniedrigender Behandlung oder Bestrafung, 2000, 786 pages
- Volume 4: *Manfred Nowak/Xin Chunying* (eds.), EU-China Human Rights Dialogue. Proceedings of the Second EU-China Legal Expert Seminar held in Beijing on 19 and 20 October 1998, 2000, 190 pages
- Volume 6: *Hannes Tretter* (ed.), Temporary Protection für bosnische Flüchtlinge in Europa – Länderberichte/Country Reports, 2000, 530 pages
- Volume 8: *Christian Hainzl*, Human Rights in Bhutan, The Legal System, The Southern Problem, 2000, 166 pages
- Volume 9: *Angelika Kartusch/Katharina Knaus/Gabriele Reiter*, Combat of Trafficking in Women for the Purpose of Forced Prostitution, 2000, 246 pages
- Volume 10: *Johannes Binder*, The Human Dimension of the OSCE, From Recommendation to Implementation, 2001, 473 pages.

1.2. Under preparation:

- Volume 5: *Martin Ölz*, NGOs im internationalen Menschenrechtsschutz
- Volume 7: *Hannes Tretter* (ed.), Temporary Protection für bosnische Flüchtlinge in Europa – Analysen und Schlußfolgerungen
- Volume 11: *Hannes Tretter* (ed.), Ethnische Säuberungen in Bosnien und Herzegowina und im Kosovo

- Volume 12: *Hannes Tretter* (ed), The International Civil Presence in Kosovo
- Volume 13: *Dieter Schindlauer*, Ein Antidiskriminierungsgesetz für Österreich
- Volume 14: *Christian Hainzl*, Menschenrechte in der Entwicklungszusammenarbeit

2.Co-publishing of the Yearbook: Human Rights in Development

After delays in the publication of the yearbook during the last year, the 1999 and 2000 publications will be published together and edited as a millennium edition. Due to a lack of financial support, BIM could not publish substantial contributions.

In 2000, the Danish Centre for Human Rights took over the responsibility for this publication from the Christian Michelsen Institute in Bergen/Norway; in the connection with the founding of the Association of Human Rights Institutes (see point B.11.2.) in autumn 2000. A linkage to the new association as well as a revised concept for the publication were determined.

3.Co-publishing of the „Jahrbuch Menschenrechte“

In co-operation with the German section of amnesty international, the Ludwig Boltzmann Institute of Human Rights and the Institute for Development and Peace, *Gabriele von Armin, Volkmar Deile, Franz-Josef Hutter, Sabine Kurtenbach* and *Carsten Tessmer* published the third volume of this Yearbook for the year 2001. This edition deals with such topics as “Prevention of Human Rights Violations”, “Globalisation and Human Rights”, “Regions and Countries”, “International Human Rights Work” and “Human Rights in Europe”. *Christian Hainzl* wrote a contribution on “Bhutan – development and Human Rights”.

4.,,Teaching Human Rights“: Newsletter and Information Folder of the Service Centre for Human Rights Education

The main target group of the Quaterly Newsletter are teachers. It deals with various human rights and educational issues. In the year 2000 the following Newsletters have been published:

Issue 5/2000: (women's rights)

Issue 6/2000: (discrimination and xenophobia)

Issue 7/2000: (peace)

5. Individual Publications

Beatrix Ferenci, Separated Refugee Children in Austria, in: International Journal of Refugee Law, Voume 12, Number 4, 2000, 525-547

Angelika Kartusch, Die große Unbekannte, in: Frauensolidarität 1/2000, 20-21

Angelika Kartusch, Politische Partizipation von Frauen, in: *Verein Frauenrechte Menschenrechte* (ed.), Übereinkommen zur Beseitigung jeder Form der Diskriminierung der Frau, NGO Schattenbericht Österreich, 2000, 17-20

Angelika Kartusch, Aufenthaltsrecht für Betroffene des Frauenhandels?, in: Juridikum 4/2000, 194-196

Angelika Kartusch/Gabriele Reiter, Frauenhandel, Eine moderne Form der Sklaverei in Österreich, in: Teaching Human Rights, Informationen zur Menschenrechtsbildung Nr. 5/Frühling 2000, 9-10

Ursula Kriebaum, Der Fall Pinochet: Für und wider die Immunität, Warum Pinochet nicht immun ist, in: W. Karl/U. Brandl (eds.), Völker- und Europarecht, 24. Österreichischer Völkerrechtstag und 9. Herbert-Miehsler-Gedächtnisvorlesung, Wien 2000, 51-89

Manfred Nowak, Polizei und Menschenrechte – Schutz und Bedrohung, in: János Feherváry/Wolfgang Stangl (eds.), Menschenrechte und Staatsgewalt, Wien 2000, 86-93

- Manfred Nowak*, Women as victims of „ethnic cleansing“ in Bosnia and Herzegovina, in: Mirsad Tokaca (ed.), The sin of silence – risk of speech, Sarajevo 2000, 405-410
- Manfred Nowak*, The Death Penalty under Present International Law, in: Manfred Nowak/ Xin Chunying (eds.), EU-China Human Rights Dialogue, Wien 2000, 68-77
- Manfred Nowak*, Paradigmenwechsel im internationalen Menschenrechtsschutz, in: Juridikum 0/2000, 12-15
- Manfred Nowak*, Report on the visit to Sri Lanka, UN Doc E/CN.4/2000/64/Add. 1, 17 pages
- Manfred Nowak*, Is the Death Penalty an Inhuman Punishment?, in: Theodore S. Orlin/Allan Rosas/Martin Scheinin (eds.), The Jurisprudence of Human Rights Law: A Comparative Interpretive Approach, Turku/Abo 2000, 27-45
- Manfred Nowak*, Die Entwicklung der Menschenrechte seit der Wiener Weltkonferenz, in: K. Peter Fritzsche/Georg Lohmann (eds.), Menschenrechte zwischen Anspruch und Wirklichkeit, Würzburg 2000, 95-129
- Manfred Nowak*, The Constitution of Bosnia and Herzegovina and matters of security und Constitutional Aspects of Security and Defence in Austria, in: Vladimiro Giananti (ed.), Constitutional and Institutional Aspects of Security of Bosnia and Herzegovina, OSCE Sarajevo 2000, 3 pages
- Manfred Nowak*, Frauen – Opfer der ethnischen Säuberung in Bosnien-Herzegowina, in CID (ed.), Ich flehte um meinen Tod – Verbrechen an Frauen in Bosnien-Herzegowina, Sarajevo 2000, 393-396
- Manfred Nowak*, Brauchen wir eine Europäische Grundrechtscharta?, Juridikum 3/2000, 176-178
- Manfred Nowak*, The Right of Victims of Gross Human Rights Violations to Reparation, in: Foons Coomans/Fred Grünfeld/Ingrid Westendorp/Jan Willems (eds.), Rendering Justice to the Vulnerable – Liber Amicorum in Honour of Theo van Boven, The Hague/London/Boston 2000, 203-224

- Manfred Nowak*, Lehrgang Menschenrechte an der VAB, in: Die Bundespolizei 6/2000, 30-31
- Manfred Nowak*, Menschenrechte und Frieden, in: Teaching Human Rights Nr. 7/2000, 1-3
- Manfred Nowak*, Menschenrechte und Frieden in Ex-Jugoslawien, in: Teaching Human Rights Nr. 7/2000, 7-9
- Manfred Nowak*, The UN High Commissioner for Human Rights: A Link Between Decisions of Expert Bodies and Enforcement by Political Bodies, in: Anne F. Bayefsky (eds.), The UN Human Rights Treaty System in the 21st Century, The Hague 2000, 251-254
- Manfred Nowak*, Lessons for the International Human Rights Regime from the Yugoslav Experience, in: Collected Courses of the Academy of European Law, Volume VIII, Book 2, The Hague 2000, 141-208
- Manfred Nowak*, Civil and Political Rights, in Janusz Symonides (ed.), Human Rights: Concepts and Standards, UNESCO Paris 2000, 69-107.
- Manfred Nowak*, The Right to Education, in Asbjorn Eide/ Catarina Krause/ Allan Rosas (eds.), Economic, Social and Cultural Rights, 2nd ed., The Hague 2001, 245-271
- Helmut Sax*, Ausnahme-Zustand: Kinder und Krieg, in: Teaching Human Rights, 2000, 3-6
- Helmut Sax*, Integration als Kinderrecht: Gesellschaftliche Integration als aktiver Menschenrechtsschutz, in: kids & teens 4/2000.
- Walter Suntinger*, Das Konzept der Menschenrechte, in: Thomas Fritz/Susanna Gratzl-Ploteny (eds.), bestandsaufnahmen, rassismus, menschenrechte, sprache, politik, Wien 1999, 245-251
- Walter Suntinger/Barbara Weber*, Alle Menschenrechte für alle. Informationen zu Menschenrechte und zur Menschenrechtsbildung, BIM-Eigenverlag, Wien 2000, 108 pages
- Tanja Vospernik*, „Das Verhältnis zwischen Art 13 und Art 6 EMRK – Absorption oder `Apfel und Birne`? – Unter besonderer Berücksichtigung der jüngsten Judikaturänderung des EGMR“, in: ÖJZ 2000

G. STAFF (BIM and BIM-FV)

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