



Annual Report 2005

Institute and Research Association

Ludwig Boltzmann Institute of Human Rights

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Introduction

The Ludwig Boltzmann Institute of Human Rights (BIM) is pleased to conclude the year 2005 as another successful one.

In the course of this year we could partly finalise and continue with major projects concerning the area of institution building in the new EU as well as in the candidate countries and their neighbouring regions. Apart from this type of collaboration initiated by the EU, a similar development in the collaboration of the Austrian Development Agency with Eastern countries has arisen, especially with the Human Rights consultation for poverty reduction in Macedonia.

The year 2005 was also strongly influenced by international developments in the area of protection against torture, in which Manfred Nowak was especially involved due to his function as UN Special Rapporteur on Torture.

Like in the previous years, the main focuses of the ongoing work were the general human rights development at an international, European and national level, civic and human rights education, the efforts against discrimination and xenophobia as well as the fight against trafficking in human beings.

Seen from a financial perspective the year 2005 has also been very successful. In an overall stable internal situation the team was able to maintain a remarkable spirit of an open dialogue and a cooperative climate. As we are convinced that a joyful and relaxed atmosphere in the office does not negatively affect but rather fosters professionalism, we continue striving to transform this approach into practice as we would like to contribute to the goal of a philanthropic and livable society.

Nicole Lieger

Manfred Nowak

Hannes Tretter

Chapter A: Thematic fields of work

1. Human Rights in the EU enlargement process and development cooperation

Human Rights in the EU enlargement process

In the year 2005 the enlargement process still remains a determining factor of the overall political situation. The ten new Member States have now become part of daily practice in political and economic events, while at the same time further accession negotiations are and will be carried out.

Apart from the internal EU processes such as the ones around the constitution, the gradual integration of the European Union *acquis communautaire* was an essential topic for a lot of EU neighbouring countries, initiating changes on a legal and institutional level.

Many of these changes of national structures have an influence on the area of civil and human rights. The BIM holds a general mandate of the European Commission to complete EU Twinning projects since 2002. We participate actively in the process – which is coordinated by Hannes Tretter – as the project lead or as a partner in several Twinning projects.

Examples are the legal and institutional reorganisation of data protection facilities in Latvia and Lithuania, the system of political asylum in the Ukraine as well as the reform of statement-taking methods of the Turkish police. Further information on the individual projects can be found in the thematically specified chapters.

"Twinning" is a programme developed by the European Union, under which authorities from the acceding or neighbouring countries of the EU are linked with similar authorities in the EU Member States with the purpose of knowledge transfer through experts with practical experience. The exact consultation needs are defined by the authorities of each acceding country in the form of a project description. The EU Member States apply individually or together for implementation. An expert then travels to the respective country for the duration of the project, usually one or two years, where s/he collaborates with the team of the hosting authorities. S/he is supported by several short term experts, who stay for a few days to give trainings or to contribute to studies.

The accession state covers the costs for the work of the local authority; the European Union bears the costs for the employees from European Union countries by means of the project budget that amounts to 0.5 to 1.5 million Euros.

The strengths of the BIM become particularly apparent when it comes to the integration of civil society, which is not institutionalised in the general structure of Twinning projects. The BIM was able to positively influence the projects firstly through the selection of experts from the EU Member States and secondly through the official integration of local NGOs.

To stress the importance of the integration of civil society can already be considered as a substantial aspect of the strengthening of democratic structures and makes an important contribution to the overall aim of the Twinning projects. Furthermore, the expertise and the different perceptions, which can be introduced by civil society, are an important addition to the perspective of state institutions, especially in the area of human rights.

Through its involvement in Twinning projects the BIM has developed a further exciting possibility for a purposeful and practice-oriented usage of its scientific competences. Additional know how can be gained through various co-operations with domestic and foreign authorities as well as scientific institutions. The BIM could furthermore develop a strong expertise in the area of international project management due to the Twinning instrument.

As far as the content is concerned the main goal of the BIM which remains the same for all Twinning projects is to secure a clear human rights perspective throughout all details of complex legal regulations and equally complex institutional realities.

Like in all international consulting and restructuring projects the question of the real distribution of power and the role of international, i.e. foreign experts, is especially interesting. Twinning projects support the adjustment process of the neighbouring countries to the EU aquis; the reversed way of a possible transfer of reasonable practice from the acceding to the old EU countries is not intended. In order to decrease mere imposition of explored models, the BIM consciously emphasises the cooperative character of the projects, the active exchange, as well as the conjunct development of tailor-made solutions.

The potential one-sidedness of transfer of knowledge, political/economic ideas and institutional concepts, which Twinning projects reflect, is a question which also arises in the Austrian Development Cooperation (EZA).

In contrast to general development cooperation, in Twinning projects and more in general in the EU enlargement process the joint bearing of consequences is institutionally enshrined. Through accession the former foreign countries turn into EU states and consequently the interests of their inhabitants become an equally relevant factor as the interests of other EU citizens. Therefore the scope of Twinning projects goes far beyond other projects, in which the consequences of the agreed politics do not necessarily fall back on those who caused them.

Human Rights in Development Cooperation

The main issue here is the fundamental dilemma of international relations, which the official development cooperation (EZA) is also confronted with. The EZA has been consulted by the BIM for years.

“Foreign policy”, “trade policy” as well as “security policy” all deal with the same topics as “development policy”. However, the resources and scopes of influence of the former areas by far exceed the ones of the latter. Unfortunately, they obviously follow a different logic and therefore impede the realisation of the EZA objectives, which can be regarded as essential priorities. To see the Millennium Development Goals as the main focus of the EU foreign and trade policy would be very welcome from a human rights perspective. To at least see them recognised as equally relevant next to numerous smaller, pure European topics would be a great improvement.

The EU as one of the largest economic forces in the world would have the adequate influence, also on other institutions such as the World Bank, IMF or WTO. With this power the EU could draw attention to the fact that presently 800 million people suffer from hunger; a violation of human rights of enormous dimension which is being completely suppressed by Western media. Only temporary famines manage to reach media coverage and the public sphere of Western society. The millions of people who die each year from starvation due to structural reasons seem to be removed from the daily political agenda. As a consequence, the priorities of the most significant Western policy areas do not reflect these grievances and permanent heavy violations of human rights are perpetuated on a global level.

Ideally, development cooperation would represent a niche, which provides for and develops a humanitarian and human rights oriented paradigm in global relations and which influences other policy areas. In the worst case development cooperation functions as a fig leaf or diversionary tactic and stabilises structures that permanently generate severe human rights violations.

Development cooperation has identified many thematic fields and approaches, which – from a human rights perspective – should be role models for all political spheres. The Millennium Development Goals were already mentioned. Human Security would be an equally appropriate term to be used as an underlying concept of EU security policy. The idea that “security policy” could focus on human wellbeing (rather than on e.g. national borders) and that “security” can be raised through an increase of social rather than military spending would be an essential contribution to the presently dominating political discourse. Besides there is global thinking: Does the security of an Iraqi count as much as the security of a Frenchwoman? Or are different standards justified?

In its counselling activity, the BIM attempts to be conscious of the structure relations and the relative value orders. The positive niche functions of the areas of development policy and human rights as well as their influence on other areas are to be encouraged as much as possible. Apart from comments to political positions, the BIM also contributes to national institution building in development cooperation and the Austrian collaboration with Eastern countries, like it is the case in the Twinning projects. The BIM follows a human rights based approach that does not consider the provision of food, education, participation etc. an act of charity, but rather as a matter of course, and reversely considers its refusal totally unacceptable. This emphasizing of legal claims also contributes to the strengthening of a dialogue which will influence the priorities and approaches of important policy areas to a considerable extent.

2. Human Security

Since the attacks of 11 September 2001 on the World Trade Center and the Pentagon there has been a change in the debate on security and human rights in connection with development. The United Nations system focuses strongly on these subjects. The threat to international security was defined as „any event or process that leads to large-scale death or lessening of life chances and undermines States as the basic unit of the international system”¹. Development is clearly seen as the basis for a new, collective security for all adding emphasis to the importance of the Millennium Development Goals.

In his report “In larger Freedom” the UN General Secretary presented an extensive programme for the Millennium Summit 2005 to the UN Member States. Development cannot take place without security and vice versa and none of them without the respect of human rights as causes and effects are interwoven. Kofi Annan clearly stated that the United Nations bear a special responsibility by being the only global „universal institution with a mandate to deal with the questions of security, development and human rights“.

This knowledge should be taken into account in a fundamental institutional reform of the United Nations. In addition to the General Assembly – as the only body in which all countries of the World Organisation are represented – three main bodies should bear responsibility for the three key tasks named above:

- a reformed Security Council with special authorities of chapter VII of the UN constitution,
- a newly founded Peace Building Commission to ensure collective security,
- the Economic and Social Council as the main body for questions concerning development, and
- a newly established Council on Human Rights (instead of the previous Commission for Human Rights) as the political decision-making body in all questions concerning human rights.

However, the three main bodies of the United Nations should act in a coordinated manner in order to accomplish sustainable security and development on a human rights basis. The UN High Commissioner for Human Rights (currently Louise Arbour) plays an important part in this cooperation. She or he should be granted adequate proposition rights in the main United Nations bodies, including the Security Council.

A strengthened awareness for the interdependence of security, development and human rights also leads to a new paradigm in development cooperation. Today it is widely accepted that the long-term goal of sustainable development is to enable as many people as possible (and above all the poorest) through the process of “empowerment” to enjoy all human rights (civil, political, economic, social and cultural rights) as laid down in international law to the highest extent possible i.e. to lead a life free from fear and poverty. In order to connect the concept of human rights and development efficiently, different

¹ High-Level Panels on Threats, Challenges and Change: A more Secure World: Our shared Responsibility (A/59/565), December 2004.

methods have been developed. Among those the “human rights based approach” for development and poverty alleviation received the widest recognition by international organisations and development agencies.

The “human rights based approach” has also found its way into the discussion regarding security. This is reflected in the development of the concept of “human security”, in which Austria is primarily involved, in the strategy of “comprehensive security” of the OSZE as well as in the discussion on terrorism and human rights. A comprehensive strategy for the prevention of and the fight against conflicts as well as for the assurance of peace in conflict and post-conflict situations including the fight against terrorism is only possible, reasonable and effective under appropriate consideration of human rights.

As a consequence of the attacks of 11 September the optimistic Millennium Development Goals for the fight against poverty were swapped by a new security and terrorism debate, and many resources that were primarily determined for development and the fight against poverty were invested into new security and anti terror strategies. The big challenge for development collaboration is thus to incorporate questions of (human) security into sustainable development programmes and to implement them on the basis of human rights.

In post-conflict situations and in fragile states the security system reform should have absolute priority over other development programmes and the promotion of investment. Such a reform should be realised through the building of legal and human rights oriented structures in security sensitive areas (such as military, police, security service, justice, prisons) and other important areas of the political system (such as good governance, democracy, free elections and media).

In 2005 the BIM thoroughly analysed the subject of human security in diverse studies. On the one hand, a background paper for the Austrian Development Agency (ADA) „Development – security and human rights: State of the international discussion on the new paradigm of development collaboration” was issued. The paper analyses the current discussion on this topic in the UN, the EU and the OECD. As an example for a bilateral donor, the DFID (Department for International Development, GB) is described in detail. On the other hand, the BIM wrote an article about the international framework of the guidelines of ADA on “Peace-building and conflict prevention. In addition, the BIM was actively involved in the discussion on the reform of the UN, e. g. in the context of the EIUC / EMA conference “Reform of the specialized human rights mechanisms” and in a consultation process of the International Council on Human Rights Policy.

3. Economic, social and cultural rights

The human rights based approach assumes that every human being – irrespective of age, gender and ethnic background – has rights. These rights are laid down in international human rights conventions as well as national constitutions and legally binding on states. The human rights based approach should not be seen as charity, but as a way to empower the weakest in society to claim their rights. The principles of equality, non-discrimination, transparency and accountability (of the state) firmly bind the national states.

More and more people in the South use the concept of rights including international human rights instruments to claim their economic and social entitlements. Well known examples are cases before national courts on the rights to shelter in India and Nigeria and on the right to health in the Republic of South Africa.

In order to implement the concept of human rights in the field of development cooperation, a growing number of international organisations and NGOs use the human rights based approach (HRBA) based among other things on the “Draft Guidelines on a Human Rights Based Approach to Poverty

Reduction“ published in 2002 by Mary Robinson, former UN High Commissioner for Human Rights.² These guidelines are being tested on the ground in Macedonia.

Human Rights and the Fight against Poverty in Macedonia

The main elements of the HRBA for the fight against poverty consist of the identification of the poor; the definition of the relevant national and international human rights stipulations; the principle of equality and non-discrimination; the progressive implementation of human rights; the principle of participation and empowerment; and the establishment of monitoring and accountability mechanisms.

The HRBA aims at strengthening and empowering those who need it the most: the poor. The HRBA even goes a step further and implies the determination of accountability mechanisms which support the poor in demanding and ensuring their rights. The HRBA is an important instrument to change the existing injustice and discrimination on a structural level.

In the work of the Austrian EZA the fight against poverty is considered a central concern and understood as a cross-section matter. The HRBA is an ideal interface for the connection of human rights and democratisation with the fight against poverty and thus makes it possible to achieve long-term and lasting successes.

In 2005 the BIM started to manage the HRBA in cooperation with UNDP Macedonia and financed by the Austrian Development Agency. In September 2005 the first trip took place to assess the situation. The result was the elaboration of the report „Applying the HRBA to Poverty Reduction by supporting the elaboration of a MDG-based National Development Programme 2005-2015 for Macedonia“. The intense debate regarding the management of the HRBA in Bosnia led to the insight that the HRBA must be incorporated directly in the planning of development activities to obtain long-term positive effects. In order to make the HRBA applicable to development planning, a set of tools was developed for UNDP Macedonia, which was introduced to the UNDP staff in a workshop in December 2005 in Skopje and at a conference of two development regions. These tools are currently being tested locally. A follow-on project was presented in spring 2006.

The specific objective is the implementation of the HRBA during the development, implementation and monitoring of the National Development Plan of Macedonia, which is based on the Millennium Development Goals, on all levels (local, regional and national). The positive notification issued by the European Commission in November 2005 means that Macedonia has to develop a National Development Plan (NEP) as a precondition for the new financial perspectives (2007-2013) in order to have access to the EU instruments for „Pre-Accession Assistance (IPA)“.

In cooperation with UNDP, the BIM intends to support the fight against poverty in Macedonia on the basis of the HRBA. Through a bottom-up process in the area of development planning, from the community to the regional and further up to the national level, the HRBA should be strategically applied in order to sustainably decrease poverty in the Western Balkan region.

NGO Shadow Report on the Implementation of Economic, Social and Cultural Rights in Austria

Economic, social and cultural rights are of great importance in Austria as well. Due to increasing poverty in Austria civil society organisations joined forces and issued a shadow report parallel to the official governmental report on social conditions in Austria.

² <http://www.unhchr.ch/development/povertyfinal.html>

Paul Hunt, Manfred Nowak and Siddique Osmani: Human Rights and Poverty Reduction. A Conceptual Framework (published by the Office of the High Commissioner of Human Rights), New York – Geneva 2004.

Austria ratified the International Covenant on Economic, Social and Cultural Rights of the UN in 1978 and is thus bound to realise the rights laid down in the Covenant for all persons within its jurisdiction. Every party to the Covenant is requested to report on the status of implementation of the Covenant to the UN Committee every five years.

In 2004, the Austrian government submitted its official report to the UN Committee. In response to this report, a group of NGOs, including the BIM, wrote a shadow report on their assessment of the status quo of economic, social and cultural rights in Austria. The BIM reported on the situation of asylum-seekers and on economic, social and cultural rights of children, in particular of unaccompanied minors who seek asylum in Austria. This shadow report was presented to the public and the Austrian parliament.

Both the state report and the shadow report were discussed by the UN Committee in Geneva in November 2005. Several points of criticism voiced in the shadow report were taken up by the Committee. Among those were

- the lack of an action plan to implement human rights in Austria,
- the lack of direct applicability of the Covenant in the Austrian legal system,
- the negative effects of the pension reform on certain social groups like widows and single mothers,
- the demand for enhanced efforts to reconcile work and family life,
- the demand for an improvement of social support for asylum-seekers.

The creation of a shadow report on economic, social and cultural rights was an Austrian premiere. Its friendly reception by the UN Committee underlines the importance of this instrument to further the implementation of economic, social and cultural rights in Austria and create awareness for these rights in the public.

Business and Human Rights

In her recent report on the responsibilities of transnational corporations and other enterprises with regard to human rights, the High Commissioner on Human Rights states:

"[T]here is still a gap in understanding what the international community expects of business when it comes to human rights ... The clarification of responsibilities of business with regard to human rights could help prevent human rights problems from arising, help States regulate business entities more effectively and at the same time assist in channelling the benefits of business towards the promotion of human rights."

This statement shows that there is still a lack of clarity on the role of business in human rights promotion and protection. So far, there are only patchwork mechanisms to hold companies accountable for human rights violations. In view of the repeatedly asserted opinion that companies gain power while states lose power, and the growing number of cases of complicity by companies in human rights violations of states, strategies have to be found to close the growing "accountability gap".

International and national trends show a certain standardisation of corporate social responsibility and progress on developing human rights responsibilities of companies. On the international level, human rights are gradually integrated in corporate social responsibility initiatives; however, actual activities of companies to explicitly promote human rights are still rare. Nevertheless, it seems urgent to find answers to the challenges of globalisation through which non-state actors, in particular transnational corporations, have gained considerable momentum. This is particularly true for the field of human rights.

In the current discourse, systematic analyses of human rights related activities of corporate actors and the development of human rights responsibilities of companies are still at the very start. The BIM will look more deeply into these two questions in the course of the research project "Human Rights and Business. The human rights responsibility of companies, states and the international community." Other BIM activities in the area of human rights and business were assessment of the activities of Austrian

companies on corporate social responsibility and human rights and a discussion paper on „Corporate Social Responsibility and Human Rights. The Responsibility of internationally operating companies from a Human Rights perspective.”

In addition, the BIM acts as advisor to the OMV (Austrian oil company) in strengthening the human rights component among its CSR activities.

4. Flight and Migration

People leave their countries of origin because of various reasons and accordingly, the issues around migration vary from case to case. Forced migration like in the case of flight is mostly due to violations of human rights.

In 2005 the BIM was engaged in national legislation issues as well as in European and international issues in the field of asylum and immigration rights. During the last years this field has undergone substantial changes. Not only because of these many changes the issue of asylum and immigration is a very complex one.

In numerous comments on the amendment of the Austrian Aliens Law, which was published on 16 April 2005³, and on the amendment of the Law of Citizenship the BIM pointed out parts which appear questionable with regard to human rights. In Austria, this area of jurisdiction still has numerous shortcomings. Basic legal guidelines of the EU have been converted to national law, but the final implementation of the respective stipulations is still missing.

In 2005 the BIM was challenged to use its expertise in asylum and migration law in an EU Twinning Project in the Ukraine. Furthermore, a study on the legislative framework and policies with regard to internal expulsion and displacement was conducted.

Expert Opinions and Statements

Less and less people seek asylum in rich industrialized countries. According to statistics of the UNHCR 368 000 persons were seeking asylum in the 38 industrialized states in 2004 (the figures for 2005 are not yet available). This is the lowest number since 1986. Compared to 2003, the number of asylum seekers has fallen by 19% in the EU, by 26% in Northern America and by 28% in Australia and New Zealand⁴.

In spite of the fact that the number of asylum seekers has been declining for years, the law of aliens in general and the law of citizenship and asylum in particular have become more stringent. Recently, the possibilities of detention for deportation of asylum seekers were expanded and forced nutrition – a very controversial issue – was introduced for detainees on hunger strike.

The BIM expressed its opinion in several comments on law drafts in this critical field: the drafts of the Law of Asylum 2005, the Law of Immigration 2005 and the amendment of the Law of Citizenship.

Apart from numerous crucial issues concerning human rights and constitutionality, the abolition of special protection for asylum seekers with psychic traumas as well as the considerable extension of the rights of investigation was particularly criticised. In its comments, the BIM warned that because of the new legal stipulations more and more asylum seekers would end up in detention for deportation – a prediction which is now a fact. The idea of a permanent permission of residence (an achievement in the Law of Immigration 1997) was abandoned in the amendment. Public protest prevented the introduction of the possibility to extend detention for deportation without time limit as well as a further lowering of the

³ BGBl. Nr. 100/2005, 16 August 2005, in force since 1 January 2006.

⁴ www.unhcr.at.

age of responsibility in immigration proceedings to 14 years. The BIM also expressed its concerns about the limitation of basic right to citizens and about the prolonged period of time necessary to receive the Austrian citizenship.

Reforms in Ukraine in the Sphere of Migration and Refugees' Protection

2005 saw the completion of the TACIS project "Assistance to the Legal and Administrative Reforms in Ukraine in the Sphere of Migration and Refugees' Protection According to the Norms and Standards of the European Union". This project has been carried out by the BIM in cooperation with the Ukrainian State Committee on Nationalities and Migration (SCNM) and the Migration Department of the Lithuanian Ministry of the Interior since September 2004.

Especially during the inception phase of the project the political developments during and in the aftermath of the "Orange Revolution" caused difficulties for implementation. The restructuring of the migration authorities – in terms of change of personnel as well as organisational shifts – posed serious problems. Furthermore, the legislation process did not come to an end during the implementation period of the project and hence could only be partly accompanied by the experts. Nevertheless, in the end it was possible to achieve the main intention of the project – strengthening of the competences of the Ukraine authorities for asylum issues and collaboration among each other.

The aim of this partnership was to align Ukrainian legislation and practice in the field of migration and asylum with the norms and standards of the EU and to promote the development of a fair, high-quality and human rights based migration and asylum system in Ukraine. This aim was mainly pursued by enabling exchange of experience and opinion between experts of the two EU Member State partners and Ukrainian officials in a number of different fora.

The analysis of existing Ukrainian law and practice, including interinstitutional cooperation, carried out by Austrian and Lithuanian experts led to a number of recommendations for the on-going and future legislation process. These recommendations were discussed with the Ukrainian counterparts and also shared with the working group responsible for drafting the new Law on the Legal Status of Aliens. Austrian experts also reviewed proposed amendments to the Refugee Law and drafted an expert opinion which was delivered to the *Verhovna Rada* (the Ukrainian Parliament).

Another focus of the project lay on providing a range of specialised seminars for Ukrainian officials and NGO representatives in Kiev as well as in other parts of the country. The topics dealt with ranged from international refugee law and EU policy in the field of asylum to specific issues like information on countries of origin or questions of detention and deportation. All in all, 12 seminars with nearly 300 Ukrainian participants – of which almost 50 came from various Ukrainian NGOs – were held in Kiev, Lviv, Kharkiv, Odessa and Yalta.

Yet another forum for exchange between Ukrainian experts and their Austrian and Lithuanian counterparts were two study trips to Vienna and Vilnius. The asylum systems of the two host countries were discussed during various visits of state authorities, international organisations (such as UNHCR, IOM) as well as NGOs and refugee reception centres.

Of great interest to and relevance for the Ukrainian project partner in the set-up of the whole project was the combination of inputs by the "older" EU Member State Austria with the experience gained by the new member Lithuania. These two different perspectives were also combined in two Russian-language working tools developed from the results of the project: the practical guidebook on asylum and the newly created website www.asylum-online.org.ua, both of which should provide useful information for practitioners in Ukraine (and possibly beyond) in their day to day work.

Preliminary study for the manual on domestic legislation and policy on internal displacement

Internally displaced persons (IDPs) constitute one of the largest at-risk populations in the world. They are forced to leave their homes as a result of or in order to avoid the effects of armed conflicts, situations of generalized violence, human rights violations or natural or human-made disasters. As their movements take place within national borders, they remain mainly dependent on their governments who have the primary responsibility to protect and assist them, but often lack the means or the interest to do so. IDPs subsequently continue to be exposed to further violence, malnutrition and diseases, and many are forced to flee several times.

The Representative of the Secretary General on the Human Rights of IDPs (RSG), Walter Kälin, and the Brookings-Bern Project on Internal Displacement, which he codirects, have identified the implementation of international standards for IDPs as a major priority. The „Guiding Principles on Internal Displacement” set forth the rights of IDPs and the obligations of governments towards them in line with international law. The BIM actively took part in the development of these principles. They provide a normative framework which should be the basis for national and international responses to internal displacement. Although the Guiding Principles do not constitute a legally binding instrument, they have gained high international recognition and authority.

In order to encourage States to make the „Guiding Principles” operational the RSG intends to produce a manual for law and policymakers placing emphasis on topics which domestic law and policy should address to adequately recognize and implement IDPs’ rights.

The manual will be developed in various stages through a consultative process. Given its previous involvement in this area the BIM was requested to contribute to this project. The BIM prepared a preliminary study analysing existing domestic laws and policies of concern to IDPs and including recommendations on areas for further research. The study constituted the first phase of the project.

An international meeting on IDPs is planned for September 2006 in Vienna in close cooperation with the Ministry for Foreign Affairs (BMaA).

5. The Fight against Trafficking in Human Beings

Human trafficking is a serious form of violence and a violation of human rights that primarily concerns women and girls. It is estimated that about 500 000 to 2 million persons worldwide are forced to work as prostitutes, domestic labourers, agricultural workers or beggars. In many states the fight against organized crime, illegal immigration and prostitution has priority. However, the human rights aspect receives increasing attention in the international discussion – not least because of international and non governmental organisations insisting on the fulfilment of national obligations.

States are obliged by international human rights law to take measures for the prevention and prosecution of human trafficking and for the protection and support of the victims.⁵ The human rights based approach comprises prevention activities to eliminate the causes of human trafficking like poverty and discrimination of women and children. Protection and support of the victims includes support for physical and psychological recovery, (re)integration into society and protection from deportation. Victims need protection from revenge by the perpetrators and prevention of subsequent traumas: testimonies of victims are often the only evidence in trials against perpetrators and mean a lot of psychological stress and even danger for the victims.

General human rights conventions such as the ECHR regulating the prohibition of slavery and forced labour (art. 4) constitute the primary international framework for measures against human trafficking. In

⁵ UNHCHR Recommended Principles and Guidelines on Human Trafficking and Human Rights, E/2002/68/Add.1, 20 May 2002, Principle no. 2.

2005 the European Court of Human Rights for the first time applied Art.4 ECHR to a case of trafficking in women. In the case *Siliadin against France* it ruled that this actual case was an example of a girl being abused as a domestic labourer in a manner that meant forced labour and slavery in the sense of Art.4. It decided that France had not provided the necessary juridical conditions and their implementation and thus violated its duty to protect the girl from human rights violations by her employers.

More recent international and European standards like the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000) or the EU directive of 2004, which provides for a permission of residence for victims who speak out as witnesses⁶, focus on the fight against organised crime and illegal immigration, but pay little attention to the protection of the rights of victims. A step forward was the 2005 Convention of the European Council on Action against Trafficking in Human Beings, which, however, has not yet entered into force. It includes detailed stipulations concerning the protection of the rights of victims, which are not dependent on the cooperation of the victims, but on the help they need.

In Austria, two legal amendments in accordance with international trends were recently introduced. The new Austrian Aliens Law (NAG) included a change of the right to residence for victims with a new period of at least six months. Together with the "Verein österreichischer Juristinnen" (Association of Austrian Female Lawyers) the BIM wrote a comment on the draft of this law which entered into force on 1 January 2006.

Not only an adequate legal framework, but also political and structural measures are necessary to fight human trafficking. In 2005 by order of UNDP an employee of the BIM contributed to a manual for the parliament of Belarus and made recommendations for the improvement of the National Action Plan (NAP) against human trafficking in Belarus. Moreover, in 2005, the preparation of a Twinning project against human trafficking in Turkey was finalised. In this project, the BIM will be involved in activities concerning the support and protection of victims as well as return and reintegration into society. Cross-border cooperation of authorities and cooperation of authorities with NGOs with regard to the support and protection of victims are important aspects, which have for instance been considered in an AGIS project for the enhanced cooperation of governmental and nongovernmental organisations in South East Europe. The BIM contributed to this project with seminars for authorities and NGOs in Rumania.

In Austria, the BIM is represented in the ministerial Task Force against human trafficking, which aims at cooperating and networking with nongovernmental organisations. Together with the association LEFÖ, which runs the centre of intervention against trafficking of women, the BIM issued a comment on the Austrian position concerning the EU action plan against human trafficking decided in autumn 2005.

In the area of training and raising awareness of persons coping with victims of human trafficking, the BIM in cooperation with "Weißer Ring" (an organisation providing support to victims of criminal offences) and the Ministry of the Interior provided several trainings about the rights of victims to police trainers. Moreover, a course about human trafficking from a human rights perspective was offered at the law faculty of the University of Vienna in fall term 2005/2006.

6. The Fight against Torture

Torture is a direct attack against the dignity and integrity of human beings. The prohibition of torture is one of the few absolute and non-derogable human rights. In the present context of counter-terrorism measures this absolute prohibition is seriously challenged for the first time even in democratic

⁶ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

countries. That is why the combat against torture has become one of the most controversial issues within the international community. It is of great importance to clarify the major international instruments, including the UN Convention Against Torture, by means of an article by article commentary taking into account the practical experiences acquired through the work of the UN Special Rapporteur on Torture.

Support of the UN Special Rapporteur on Torture

On 1 December 2004, Manfred Nowak was appointed UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment by the United Nations High Commissioner for Human Rights. The mandate of the Special Rapporteur, established by a decision of the United Nations Commission on Human Rights in resolution 1985/33, covers all countries, irrespective of whether a State has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In addition to dealing with complaints from torture victims, their families and NGOs on a daily basis, extensive preparation and follow-up is necessary in relation to fact finding missions carried out all over the world. In 2005 Professor Nowak conducted missions to Georgia, Mongolia, Nepal and China. He also undertook a joint investigation of the situation of detainees in Guantánamo Bay/Cuba. Further missions (Russian Federation, Paraguay, Jordan, Yemen) are planned for 2006. The reports in this area discuss the definition of torture and other forms of ill-treatment, the unconditioned prohibition of torture, the prohibition of refoulement as well as the permission of physical punishment and “diplomatic assurances” related to the deportation of supposed terrorists (e.g. from the USA, UK or Sweden) to states where they may be tortured. These activities as well as extensive media work and regular reporting responsibilities to the Commission on Human Rights and the General Assembly absorb a vast amount of time and require significant resources.

In his work, the Special Rapporteur on Torture is presently supported by a two person team in Geneva and by four employees of the BIM in Vienna as well as in Geneva.

Commentary on the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT-Commentary)

The detailed discussion of the UN Convention against Torture becomes especially important now that the absolute prohibition of torture is questioned even in the West.

2005 was busy with preparations and drafts for a comprehensive commentary on the UN Convention against Torture. The common literature and jurisprudence as well as the travaux préparatoires to the Convention and to its Optional Protocol, which was adopted by the UN General Assembly in 2002, were collected and studied.

The commentaries on articles 1 and 16 were finalised. This means that some of the most difficult theoretical issues in relation to the substantive articles of the Convention such as the distinction between torture (article 1) and cruel, inhuman or degrading treatment (article 16) and the scope of application of the “lawful sanctions” clause (article 1(1)) have already been resolved. Moreover, extensive work on articles 2, 3, 4 and 15 was done. The commentaries on these articles are currently drafted.

There has been much cross-fertilisation between the work carried out as UN Special Rapporteur on Torture and the research on the Commentary. For instance, the reports to the General Assembly in 2005 and to the Commission on Human Rights in 2006 tackle some of the controversial issues of interpretation of the Convention with a view to guiding States in the implementation of their obligations under the Convention, especially in the context of counter-terrorism measures. Topics already addressed in the reports include the distinction between torture and cruel, inhuman or degrading treatment or punishment, the issue of corporal punishment, the principle of non-refoulement and the

use of diplomatic assurances. As anticipated, the work as UN Special Rapporteur on Torture has also greatly facilitated contact with governments, staff at the Office of the High Commissioner for Human Rights in Geneva, members of the Committee against Torture, former Special Rapporteurs on torture as well as major torture NGOs.

The research project is funded by the "Fonds zur Förderung der Wissenschaftlichen Forschung" (Fund for the Promotion of Scientific Research). The book will be published by Oxford University Press.

7. Human Rights and Judicial Systems

The most immediate relevance of the power of States to human rights is to be found in the police and judicial system. There is no other area with such a deep impact on fundamental rights. In a well functioning police and judicial system the protection and respect of human rights is a core issue. The use of this system in an abusive way is one of the most important tools for repression and violations of human rights. The power of the police and judicial system needs clear and standardised procedures as a counterbalance, guaranteeing human rights and transparency as an important precondition for public trust.

Improvement of Administrative Justice in view of the Fight against Corruption in Bulgaria

"Bulgaria needs to give priority to closing gaps in existing legislation and to ensure the establishment of a legislative framework guaranteeing the principles of legality, accountability, reliability and predictability in the workings of the public administration. Further efforts are required in terms of making the public service more resistant towards corruption, including preventive measures."
European Commission, Bulgaria 2005 Comprehensive Monitoring Report, October 2005, p. 7

A Twinning project, to which the BIM continued to contribute its expertise as junior partner, aimed at supporting Bulgaria on its way towards EU accession through reforming exactly the above-mentioned fields. The project's focus lay on strengthening the independence of the administrative judiciary by on the one hand aligning the system of the Bulgarian administrative legislation and administrative justice with EU standards and on the other hand providing training for judges, prosecutors and court administrators.

While the major part of the first project component was accomplished in 2004 with the elaboration of concrete recommendations and model draft legislation, project implementation in 2005 focused on conceptualising and conducting the envisaged trainings. Their aim was to introduce and discuss the future Administrative Procedure Code drafted by the Bulgarian working committee in close contact with the project team. Austrian experts provided important input for the development of training curricula and material and also conducted pilot trainings. In view of limited financial means, it remains to be seen, however, whether these trainings will have a sustainable effect and will become institutionalised by the Bulgarian partners, so that – given also the outstanding adoption of the relevant legislation – maybe the respective chapter in the 2006 Monitoring Report will read a bit differently.

Improvement of Statement-Taking Methods and Rooms in the Republic of Turkey

"The wish to become a member of the European Union is the most important motor for changes."
RTA Karl-Heinz Grundböck during an interview with the daily newspaper "Der Standard" (12 October 2005)

In order to achieve European Union standards, the organisation of the Turkish police force has to become more transparent. This is a time-consuming process. The Twinning Project of the BIM

regarding the improvement of statement-taking methods of the Turkish police can be seen as an important step in this process. In general, the project aimed at improving the human rights situation in the context of the police.

However, the issue of statement-taking has to be seen in a broader context. The police does not and must not work with suspects in isolation. Independent courts have to decide on detention, guilt and penalty in fair proceedings. Therefore, the project also aimed at the improvement and strengthening of the cooperation, communication and coordination between police, prosecutors, judges, lawyers and NGOs as well as at the development of an improved model for cooperation. Finally, the recommendations given provide a framework for further political and legal developments and for further projects in this field.

The results to be achieved by this project were the following:

- to assess the existing statement-taking methods of the Turkish National Police, to improve them in terms of respect for the rule of law and human rights and to enhance statement-taking capacities;
- to define standards on pre-service and in-service training, to develop curricula regarding statement-taking and to have them adopted by the Turkish National Police;
- to adequately train and equip police staff (200 trainers and 800 police officers) for statement-taking and for the correct evaluation of evidence collected in the investigation process in order to use this knowledge during statement-taking;
- to develop standards concerning physical conditions of statement-taking rooms, to have them adopted by the Turkish National Police and to equip pilot statement-taking rooms (30 in total) in accordance with these standards; and
- to assess the quality of cooperation and coordination between police, prosecutors and lawyers in the process of judicial investigations and to improve the cooperation between institutions through the establishment of a Joint Working Group.

The project addressed the structural as well as the operational level. In order to have an impact on the operational level, it was indispensable to focus on specific regions. This has enabled the project to address these regions not only in the context of assessment activities, but also in the course of activities aiming to achieve practical changes with regard to police routines both in the field of statement-taking and in the cooperation with other actors.

In order to achieve a maximum of interaction and communication between EU Member States and Turkish experts, the elaboration of concepts, analyses and recommendations regarding the project was mainly carried out through joint workshops and round-table discussions.

An evaluation team mandated by the Delegation of the European Commission recently issued an interim evaluation report. In this report, the present project achieved the best results in comparison with other projects under scrutiny. The implementation of the project is acknowledged as „highly efficient“. The report also states that the project *„is likely to result in a reduction of the number of claims of ill-treatment and withholding of rights while in police custody in the pilot regions“* and it *„is likely to make a significant contribution to its wider objective, and it should thus contribute to increased public confidence in the way the Turkish National Police operates“*.

From an internal perspective, the success of the project relates to the spirit of committed and open cooperation between the project partners. In fact, in many respects the results of the project do exceed the aims defined by the covenant. For instance, both the trainings and the promotion of the new model of cooperation and communication reached much higher numbers of participants than foreseen in the covenant.

In retrospective, one of the most important outcomes of this project was to advocate and organize communication between institutions in Turkey that had not been engaged in a structured dialogue before. This refers to the interrelation of NGOs and the Turkish National Police as well as to the conferences, which allowed all actors of the pre-trial phase to participate in a joint discussion on the

implementation of criminal procedural law and on cooperation and communication of the key-players. This new (and powerful) flow of communication has the potential of a long-term impact on the awareness, organisational culture and institutional environment of the Turkish National Police.

The Austrian Human Rights Advisory Board

The Human Rights Advisory Board was established in 1999 based on a constitutional stipulation in the Austrian security police law. Its task is to observe the Ministry of the Interior and all subordinated authorities (in particular the police) with regard to the respect of human rights, to identify structural deficits and to contribute to an improvement of the human rights culture within the concerned authorities by giving recommendations. To this purpose, six regional visiting commissions monitor the behaviour of police and security staff at different departments regarding detention procedures and the exercise of police authority in general.

As of January 1st the directors of all commissions were reappointed for another term of four years, and the members for four, respectively two years. Shortly before, Liese Prokop was nominated as new Minister of the Interior.

Two commissions – “Vienna 2” and “Vienna 3” (under direction of Manfred Nowak and Karl Dvorak and in charge of Lower Austria, Burgenland and parts of Vienna) – are accommodated and coordinated at the BIM. In the Secretariat of the Human Rights Advisory Board at the Ministry of the Interior an employee of the BIM is in charge of central coordination and communication.

In 2005 the attention of “Vienna 2” was focused on allegations of ill-treatment by law enforcement authorities (police). Interviews with detainees about their treatment by the police and talks with high representatives of the authorities were carried out. Amongst others, important topics were the conditions in the detention centre Roßauer Lände in Vienna as well as the treatment of detainees under hunger strike and detainees who are psychologically noticeable or show suicidal tendencies.

The reports of the commissions are confidential. Further information is available in the annual report of the Human Rights Advisory Board and on the homepage www.menschenrechtsbeirat.at.

The Secretariat of the Human Rights Advisory Board also focused on the topic of allegations of ill-treatment against law enforcement officials. In 2005 a handbook setting out guidelines for the commissions investigating such allegations was developed. Furthermore, an analysis of all relevant proceedings pending with the Viennese prosecution authority in 2004 was carried out.

8. Data Protection

In the electronic information society that exists today data protection as one of the most modern fundamental rights has become a crucial issue. It is the era of machines that people are confronted with and which they can not avoid. Data protection is meant to save some privacy for people under the new conditions of life, just like in old times the Dutch fought for their land below sea-level with the help of dykes.

In the years 2004 and 2005 the BIM implemented two Twinning projects in Lithuania and Latvia concerning data protection. The projects aimed at providing support to authorities for data protection. They were both successfully completed in 2005.

Lithuania and Latvia are aspiring Baltic states marked by agriculture, but also by the culture of historical towns – Riga with its maritime position even more than Vilnius.

The project in Lithuania involved a thorough analysis of the data protection institution as well as of the legal framework and procedures concerning data protection. The resulting papers are interesting from a dogmatic as well as from an analytical point of view and offer starting points for an administrative reform.

The project in Latvia was rather different: Here the aspect of legislation dominated, because Latvia does not have a sufficient constitutional basis in respect to an independent data protection authority. Therefore a substantial part of the activities aimed at contributing to the preparation of adequate law drafts and at raising awareness for juridical policy.

Both projects on data protection reflect the present point of time. Technological developments as well as judicial requirements are changing so fast that the focus of the project had to be steadily re-adjusted. However, the activities of the projects concentrated on three main topics:

- to optimise the organisation of authorities and technical and administrative procedures,
- to point out the political weight of the control of information in the interest of citizens, and
- to raise public awareness, so that citizens are aware of their legal possibilities and are able to claim their human rights with regard to privacy.

9. Anti-Discrimination

An employee forced to tolerate abusive remarks by her superior, an African teenager who was denied admission to a night club to which his/her "Austrian" friends were admitted, a 50-year old person who cannot get a job in spite of his/her above-average qualification, a person in a wheel chair who is not able to enter the building of his/her bank because there is no ramp, a homosexual partner who is excluded from being insured on his/her partner's policy – all these people are very different, but they have one thing in common: they were discriminated against. Typically such "incidents" do not only occur once. Isolation and discrimination are part of their every day life. Sometimes they are aware of the fact that they are discriminated against, sometimes they regard such treatment as "normal" or simply ignore it.

The concept of protecting human rights is based on the idea that every human being has the same rights. Furthermore Art. 26 of the International Covenant on Civil and Political Rights explicitly demands the prohibition of discrimination. A similar independent law for equality and the prohibition of discrimination was implemented only recently by the 12th Protocol to the European Convention on Human Rights. It entered into force on 1 April 2005. There are also other international conventions which are directed against special forms of discrimination, e.g. the UN Convention on Racial Discrimination of 1965 and the UN Convention on the Elimination of All Forms of Discrimination against Women of 1979.

The starting point for the fight against discrimination within the EU was the principle of equal pay for men and women and the protection against discrimination for every person who is a citizen of one of the Member States. Through the Amsterdam Treaty (1997) the Council has the general legal basis – Article 13 of the EC Treaty (Treaty on the European Community) – and the mandate to combat discrimination on the basis of sex, race or ethnic origin, religion or belief, disability, age or sexual orientation. In the European Charter of Fundamental Rights the entire chapter III deals with equality.

The following directives were decided based on Art 13 EC Treaty: Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation as well as Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between women and men in the access to and supply of goods and services.⁷ In addition the Council Directive on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions was amended on the basis of Art. 141 paragraph 3 EC Treaty.

⁷ The latter has to be implemented until 21 July 2007.

Due to its commitment to put these EU directives into practice, Austria – although in most parts behind schedule – adapted and passed laws such as the laws to ensure equal treatment for employment in civil service or in private enterprises and the law about the Equal Treatment Commission and the Equal Treatment Ombudsoffice, the so called “Package for the equal treatment of disabled people”, as well as several federal state laws. Although the EU directives are criticised considerably by the Member States and several complications occur when implementing them, it still needs to be stated that without these obligations set forth by the EU in a lot of countries there would not have been such far reaching initiatives. It is to be hoped that the Member States will not confine themselves to merely implementing EU directives but that they will take further action against discrimination and that the Austrian government will also promote efficient measures against discrimination.

For several years now the BIM has carried out scientific research about discrimination and measures against it. In 2001 the BIM published a draft for an anti-discrimination law which it had developed in collaboration with representatives of NGOs and legal experts. In addition, the BIM together with the Institute for Conflict Research and the Institute for Linguistics of the University of Vienna provide experts to the RAXEN Focal Point Austria (Racism and Xenophobia Network) which regularly reports to the European Monitoring Centre on Racism and Xenophobia (EUMC) (see following chapter). In connection with the EQUAL project “Interkulturlotsen Österreich” (Guides between Cultures Austria), two BIM employees published the following studies at the beginning of 2005: “The Protection of Immigrants against Discrimination at Work in Austria” and “International Enterprises and the Prohibition of Discrimination”. The BIM is involved in several Twinning projects which are aimed at supporting the new Member States in implementing the *acquis communautaire* through bilateral cooperation. One example is the project “Strengthening anti-discrimination policy in Poland” intended to increase the capacity of Polish government officials with regard to equal treatment of men and women in the new anti-discrimination policy. Unfortunately the results achieved were annihilated as these experts were dismissed by the new Polish government. In a similar project, which will start in the near future, training will be provided to the office of the Slovenian Ombudsman for Human Rights in the area of anti-discrimination. Another Twinning project aimed at strengthening the principles of equal treatment of men and women in the Polish jurisdiction and legislation.

Another focus of the BIM's activities is teaching at universities as well as organising information events or trainings to raise awareness targeting various groups of people. In previous years the BIM worked on several projects as part of the EU Action Programme against Discrimination. In 2005 the BIM continued its work by organising 11 Austrian-wide workshops for various target groups (judges, works councils, representatives of NGOs). In the workshops experts explained the newly created legal basis for protection against discrimination. In a transnational project, models of good practice on how to optimally teach at university about topics which are related to anti-discrimination are elaborated. Young persons participating in the so called dual system of vocational training (a combination of training on the job and in class) are the focus group of a project about discrimination and equal opportunities at work. In spring 2006 workshops of 4 to 8 hours in vocational schools all over Austria are being held. To this end, the BIM has developed a tailor-made concept to provide legal information as well as a possibility for each individual to reflect on discrimination by interactive and participative methods.

RAXEN Focal Point for Austria

A part of the problem of racism – just as of any other human rights issue – is the tendency to shut one's eyes to what happens in one's own environment and to prefer to point one's finger at others and look for the problems elsewhere. Recognising the fact that also on the territory of the European Union racism, xenophobia and anti-semitism exist, the EU created an agency in 1997 which has the task to provide relevant data and facts to the Union and its Member States. The European Monitoring Centre on Racism and Xenophobia (EUMC) does not only collect and analyse impartial and comparable data on racism, xenophobia and anti-semitism but also points out possibilities to fight the resulting inequality and discrimination.

For this data collection the European network RAXEN (Racism and Xenophobia Network) has been set up. RAXEN provides a network for nongovernmental and governmental organisations and research institutions. Therefore the EUMC has appointed RAXEN Focal Points as coordination centres for individual countries. The RAXEN Focal Point for Austria is the Ludwig Boltzmann Institute of Human Rights – Research Association (BIM) in cooperation with the Institute for Linguistics of the University of Vienna and the Institute for Conflict Research. The team is convinced that there is no monocausal or one-dimensional approach to the complex area of racism, xenophobia and anti-semitism and has therefore chosen an interdisciplinary approach.

In 2005 the Focal Point continued and intensified the work started in 2001 and 2003 on five issues chosen by the EUMC:

- Legislation concerning immigrated and autochthon minorities
- Attacks on racist or xenophobic grounds
- Discrimination/racism in the area of education
- Discrimination/racism in the area of work
- Discrimination/racism in the area of housing

For these issues, RAXEN collected statistics as well as descriptive and analytical data which give insight in attitudes, acts or attacks based on racism, xenophobia, anti-semitism or Islamophobia in Austria. The most important trends based on these qualitative and quantitative data on the five issues have been summarised in the National Report for Austria.

In relation to implementing the EU Directives against Discrimination into national law, the Focal Point has put together a thorough study in which it identifies official and unofficial organisations which support victims of racially motivated discrimination and help them claim their rights. The first part of the study concentrates on the three most important national institutions, their legal status, their mandate, their rules of procedures and the forms of support they provide – in Austria these are the Equal Treatment Commission (Gleichbehandlungskommission) and the Equal Treatment Ombudsoffice (Gleichbehandlungsanwaltschaft) as well as the non-governmental Association for the Enforcement of the Rights of Discrimination Victims (Klagsverband zur Durchsetzung der Rechte von Diskriminierungsopfern). The second part gives a detailed description of a good-practise example of an experienced and sustainable organisation: The history, activities and competences of the Vienna-based NGO *ZARA – Zivilcourage und Anti-Rassismus-Arbeit* (moral courage and action against racism) were portrayed as an example for Austria.

10. Human Rights of Children and Adolescents

Children's rights quite often are a rather ambivalent and controversial area of human rights work. Despite repeated claims of adults that they act only "in the child's best interests" and regardless of well-known proclamations of having a "child-friendly society" this rhetoric does not pass the reality test. Child sex tourism, child trafficking and child soldiers are just examples of how actions of adults are deliberately directed against children; violence in the family destroys the development of children, child labour prevents children's access to education which in turn prevents the children from escaping from the cycle of poverty. Respect of the child's view and competence and child participation is often a luxury, which maybe some local communities allow themselves when developing a new playground. It is a concept, however, which is only slowly introduced into Poverty Reduction Strategies of the World Bank or the elaboration of modern school curricula. The UN Convention on the Rights of the Child (CRC) as the principal human rights document in this area stipulates a wide set of legally binding standards: With the call to establish adequate living conditions for children and adolescents and the definition of clear prohibitions and obligations for countries and their societies, it demands to finally take

action against violence, abuse and the exploitation of young people. The CRC is the most widely ratified human rights treaty ever, but at the same time it is the most underrated and ignored of all.

At the same time, the children's rights approach aims at counteracting existing structural imbalances and discrimination of children, which exist due to manifold forms of dependencies of children, lack of access to resources and exclusion from decisionmaking processes. This shall be achieved through the empowerment of the children and adolescents themselves on the one hand and through establishing and monitoring the recognised obligations of states and societies towards children on the other hand.

Since the mid-1990s the BIM has worked in the field of human rights of children and adolescents at different levels. In 2005 work continued with the project „Violence in the Family from a Human Rights Perspective“. Furthermore the BIM contributed to an international legal commentary project on the CRC which included studies on the child's right to live and on standards during imprisonment of children and adolescents.

In the area of training the BIM has started a training initiative focused on children's rights commissioned by the Austrian Development Agency and the Federal Ministry for Foreign Affairs. The trainings will be provided for people who work in the field to help them protect children's rights as good as possible. For this purpose, the BIM co-organised a training workshop on "Protection of children in emergencies: preparation for deployment in the field – Interdisciplinary approaches and practical experience". Furthermore, commissioned by SOS Children's Villages International the BIM held a training seminar on children's rights concepts and implications for the organisation in November 2005.

In 2004 the Austrian Federal government has adopted a National Action Plan for Children's Rights and in 2005 a supporting working group was established. It consists of representatives of the Federal Ministries, the provinces, the child and youth ombudsoffices and the non-governmental "National Coalition for the Implementation of the CRC in Austria" (NC). For the latter, the BIM has been elected as the representative. It also coordinates a sub-working group on raising public awareness on children's rights.

As a member of the National Coalition the BIM also participated in the monitoring process of the UN Committee on the Rights of the Child in Austria. In its Concluding Observations the Committee recommended, amongst other things, a better coordination of measures for the implementation of children's rights at federal and state level and improvements in the treatment of child refugees and children in conflict with the law.

Further awareness-raising activities in the area of children's rights and networking included work in the context of the Austrian development cooperation, lobbying for including children's rights in the Austrian Federal Constitution, cooperation within the National Coalition, networking within ECPAT Austria (against commercial sexual exploitation of children) and linking the reporting and monitoring process of children's rights with a similar process concerning the Covenant on Economic, Social and Cultural rights and its implementation in Austria. Finally, the Service Centre on Human Rights Education plays an important role in children's rights education and training.

11. Human Rights of Women

Since the beginning of the twentieth century a series of international agreements has been signed to protect the human rights of women. These documents, and most of all the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted in 1979, have contributed substantially to reducing any legal and de facto discrimination against women. Nevertheless, it is a worldwide reality that women are still far away from equal access to education, resources and sharing in power and decision making and that they have to live under manifold and structural forms of violence, which are often based on traditions.

A milestone in the international enforcement of women's rights is the facultative protocol to the CEDAW, which entered into force in 2000. It entitles women who have suffered some kind of gender-specific discrimination to make individual complaints to the CEDAW committee against discriminatory states. In case of systematic or widespread violation of women's rights, the committee may also carry out investigations which in agreement with the concerned states also include state visits. In 2005 the committee made decisions about the first two complaints and completed the first investigation. In two cases against Hungary and Mexico it was decided by the committee that the states had not fulfilled their obligations in accordance with the CEDAW to eliminate all forms of discrimination against women. The question of how the protocol and the standards of the CEDAW can be used in the practical work of women associations which help women who have become victims of violence was the topic of trainings planned and carried out by the BIM in cooperation with a member of the Vienna Service Centre of Intervention against Violence in the Family and the Russian NGO pro women association ANNA in April 2005.

Violence against women and children in the family is also the topic of the BIM research project named "Violence in the Family from a Human Rights Point of View – Prevention and protection measures based on the example of family violence against women and children in Austria". The project analyses the problem of domestic violence in Austria against the background of human right standards and investigates to which extent human rights provisions are actually put into practice in Austria, particularly in the field of prevention and protection of victims. The analyses follow the perspectives of both women's and children's rights.

Another topic relevant to women's rights which was dealt with by the BIM in 2005 is equal opportunity for men and women in employment and occupation. Women discrimination, especially regarding harassment at work, was discussed at seven events which were part of a series of workshops in Austria with the title "Combat against and prevention of discrimination in Austria". This was also the title of the brochure "It's your right. Equal treatment and equal opportunities for men and women in private enterprises". Employees of the BIM participated as co-authors in putting the brochure together which will be published in 2006 by the Federal Ministry for Health and Women.

In addition to this, the University of Vienna hosted several courses and lectures about women-related issues such as trafficking in women and violence against women.

12. Service Centres for Human Rights Education and for Civic Education

"They find themselves plunged into puberty and have no idea how to deal with it. Some of them have taken lead roles in class, while others hang on to them and delegate decisions to them."

This is not an unusual description for children at the age of 12. It was given by a teacher of a class enrolled at the workshop "Z'samstreiten" (Argue in order to find common ground) from the event series "Everyone has rights/is right?! – Training on how to deal with each other in daily life". Each year since 2001 in spring and in autumn school classes have the opportunity to attend these workshops developed and organised by the WUK programme for children's culture together with the Service Centre for Human Rights Education.

For the trainers of such workshops as well as of other programmes of the Service Centre human rights education means dealing with specific situations in the daily life of participants. In the case of the abovementioned school class it would be a certain situation or conflict in class. Teaching about correct social behaviour and merging this with civic and political education is not by any means a simple task.

The educational objective of the workshop "Everyone has rights/is right?!" reflects an important aspect of human rights education: the concept of overall education on human rights does not only mean providing knowledge about the topic but also strengthening social skills (individual and social skills such as being able to deal with conflicts) and social values. The goal of fully developing the personality of an individual is already incorporated in article 26 of the Universal Declaration of Human Rights. Helping to develop a personality in the sense of strengthening self-respect and "empowerment" is a fundamental dimension of human rights education.

Human rights cannot be put into practice by simply signing agreements of international law – equally important is the contribution of each individual in securing and fostering human rights. That is the basic approach of human rights education and its essential message: "Know and defend your own rights but also accept and defend the rights of others!"

Human rights education tasks and goals can be described under three aspects:

- Learning about human rights (becoming aware of, gaining knowledge about, and appreciating human rights topics)
- Learning through human rights (opinions, attitudes, and values and above all: developing an atmosphere in which it is easy to observe human rights, for example in a classroom)
- Learning for human rights (developing competences and skills in order to become active in the area of securing and fostering human rights)

In regard to civic education questions are raised as to how to define it (does it exist or rather can it exist at all?), how to teach it as well as which kind of environment is needed in order to make it successful. In Austria, civic education has been widely integrated into public life through a decree issued by the government in 1978. On the basis of this decree, teachers of all school types, levels and subjects are supposed to include in their lessons topics of civic and human rights education. In addition, there are individual subjects in which civic education is taught such as "History and Civic Education" in the 7th and 8th grade in general secondary schools (AHS). In order to develop a democratic attitude which includes tolerance, solidarity, securing human rights and working for social welfare, the students need an environment in their schools in which they can participate in shaping every day school life and in making decisions about school affairs. The Service Centres teams see it as their task to support teachers in preparing for lessons in their schools. They provide a wide range of information material so that teachers can fulfil the high requirements of Civic Education especially against the background of today's changing society. Due to the Austrian participation in the project "Education for Democratic Citizenship", launched by the European Council the discussion about civic and human rights education has also been stimulated at a national level. The motto of the year 2005 was "Learning and Living

Democracy". Ten monthly topics were identified (such as peace, political books for children and young people, majorities/minorities, flight and asylum, South East Europe and others). For these topics a wide range of information material was provided and numerous events were organised.

In 2005 the Service Centre for Civic Education took a leading role in organising the Austria wide Campaign for Civic Education. This three-week campaign, which will take place again in spring 2006 and 2007, had the goal to raise public awareness for the important role that "democracy learning" and dealing with topics such as Europe, human rights and politics play for many teachers and multipliers.

In order to experience civic education from a different point of view and try new approaches, the MUMOK (Museum of Modern Art), for instance, in cooperation with the Service Centre for Civic Education organised three seminars for teachers about modern art, showing how this type of art can be a basis of how to make young people aware of and interested in contemporary history.

This campaign supports and accelerates work that happens and has to happen during the whole year. Without education and culture responsible citizens cannot develop. It is essential to encourage specifically the understanding of political facts and create political awareness. People will only be prepared to participate in politics and social affairs when they can find a connection to their own lives.

Further highlights of the activities of the Service Centre for Human Rights in 2005 included the School Campaign "Take a look – Discrimination and Human Rights" and the 2005 Human Rights Days (from 20 November to 10 December 2005) with the event "Children have rights!". The Service Centre for Civic Education was also involved in the organisation and execution of the civic education quiz (for Austrian students from 8th grade on). Due to the anniversaries in 2005 (60 years of the second republic of Austria, 50 years of the "Staatsvertrag" (agreement about the independence of Austria after World War II), 10 years of the membership of Austria in the EU), the quiz was set up as "AustriaQuiz".

In the past years the teams of the Service Centres for Human Rights and Civic Education supported teachers, students and multipliers in their educational work about human rights and "learning democracy" in and sometimes outside of the schools. By early 2006 the two service centres were merged into one centre which is called *polis* – **P**olitisches **L**ernen **i**n **d**er **S**chule (Learning Politics at school). During the restructuring process there will be several changes, for instance with regard to publications or websites. The new centre will continue to combine civic education with topics and issues inherent to a modern concept of democracy learning – such as human rights, peace, sustainability, global learning etc. The holistic approach to civic education can only be realised successfully if all participants will be actively involved. In this approach, education at school will continue to play a central role.

13. Teaching at the University

Courses at the University of Vienna

In summer term 2005 and winter term 2005/2006 the following courses were offered by staff members of the BIM at the faculty of law of the University of Vienna:

Human Rights Round Table

Manfred Nowak, Hannes Tretter

International and European Human Rights Regime

Manfred Nowak, Walter Suntinger

Corporate Social Responsibility – Validity of Human Rights for Private Individuals?

Hannes Tretter, Karin Lukas

Human Trafficking – International and European Preventive Measures

Hannes Tretter, Angelika Kartusch

Selected Questions on the Protection of Human Rights

Hannes Tretter

Human Rights and Racism

Manfred Nowak, Constanze Pritz, Birgit Weyss

Human Rights and Business Corporations

Manfred Nowak, Karin Lukas

Combating Violence from a Woman's Rights and Child Rights Perspective

Manfred Nowak, Angelika Kartusch, Helmut Sax

The United Nations Convention against Torture

Manfred Nowak, Elizabeth McArthur, Julia Kozma

Protection of Human Rights in Europe

Hannes Tretter

Freedom of opinion and of arts versus Protection of Personality and Private life – a controversial relationship

Hannes Tretter, Constanze Pritz

Existential Human Rights: Right to Live and Prohibition of Torture vs. Intensified Fight against Terrorism; Freedom versus Security

Hannes Tretter, Birgit Weyss

Political Education for Future Teachers of History

Sabine Mandl, Helmut Sax, Dorothea Steurer, Katrin Wladasch

European Master's Degree in Human Rights and Democratisation – EMA

The European Master – a one-year, interdisciplinary and postgraduate programme – is a unique example of a European inter-university cooperation of almost 40 participating universities from the 25 EU Member States. It is coordinated by the EIUC (European Inter-University Centre for Human Rights and Democratisation) in Venice and financed by the EU. The University of Vienna (represented by Manfred Nowak and supported by the BIM) has been actively involved in the EMA programme since 1998. In winter term the 90 EMA students receive a comprehensive introduction to the historical, philosophical, anthropological, political and legal foundations of international human rights protection. The course is completed by a field trip to Kosovo organised by Marijana Grandits from the BIM. In summer term students attend special seminars at one of the participating universities and write a master's thesis, which seeks to prepare them for their future activities as human rights experts in international organisations (especially the EU, UN, and OSCE) or human rights missions.

In summer term 2005 five EMA students came to Vienna where they were supervised by Viktoria Wagner and other BIM employees. They also participated in various courses in the area of fundamental and human rights.

<http://www.emahumanrights.org>

University Course in “Information Law and Legal Information”

The University Course in Information Law and Legal Information was started by the BIM in 1999. It is headed by *Nikolaus Forgó* (University Hannover), an expert in information law (IT law). The course consists of four modules: introduction, classic distribution of information (e.g. radio, print media etc.), basics of information technology and law. Hannes Tretter held a course on “Fundamental and Human Rights in Information Law” in summer 2005.

<http://www.informationsrecht.at>

European Studies Vienna

In the context of the postgraduate M.E.S. Programme “European Studies” at the University of Vienna, each winter term BIM experts hold a lecture on Human Rights Protection in Europe. In addition, excursions to the OSCE have been organised since 2003.

<http://www.univie.ac.at/europaeistik>

Summer University at the University of Vienna

During the Summer University at the University of Vienna Manfred Nowak held several courses on European and International Human Rights Protection.

<http://www.univie.ac.at/sommerhochschule>

Summer School Viadrina University Frankfurt/Oder

The BIM also offers courses at the Summer School of the European University Viadrina (Frankfurt/Oder in Germany) on “The European System of Human Rights Protection”.

<http://www.hrcourse.eu-frankfurt-o.de>

Dissertations and EMA Master Theses

Under supervision of BIM staff, the following dissertations on human rights topics and EMA Master Theses were completed and approved in 2005:

Dissertations:

Adebiola Bayer, Protection from Discrimination in Austria: The Implementation of the Directive 2000/43/EG

Sarah Shaw, Anyone's Daughter – The Etiology and Experience of Female Adolescent Prostitution in Austria – Perspectives and Policy Proposals

EMA Master Theses:

Blandina Stecca, Children, Social Subjects in Time of Emergency, A Compelling Desire for Change

Ilona Mikoczy, Passed the Point of No Return – Need for a Supranational Minority Protection System within the European Union

Markko Kallonen, Integration of old and new minorities through educational systems and language classes – how to promote social cohesion?

Alessandra Doddis, Putting People before Profits? Corporate Social Responsibility, Small and Medium Enterprises and Human Rights in the light of the SA 8000 standards

14. Trainings

During project implementation trainings often play a crucial role. Also, BIM employees regularly give trainings or hold workshops on various human rights related topics, often on request of or in cooperation with governmental authorities or NGOs.

International Human Rights standards on Violence against Women and their implementation in practical activities of non-governmental organisations

Seminars for staff of Women's Organisations, Moscow, April 2005

Human Rights and Development Cooperation

for ADA, in cooperation with FIAN Austria – January 2005

Trafficking

Workshop for high school students at High School Obere Kremszeile – Krems, March 2005

Human Rights – Development – Non-Discrimination

for the NGO Licht für die Welt – Vienna, May 2005

Victims of a Criminal Offence

In cooperation with *Weißer Ring* the BIM developed and implemented a set of seminars for police offices and issued a handbook for the Ministry of the Interior – May and September 2005

Protection of children in emergencies: preparation for deployment in the field

for ADA, in cooperation with the Ministry for Foreign Affairs and the Ministry of Defence – Reichenau/Rax, June 2005

Good Governance and Human Rights

Training session for EC officials – Venice, October 2005

Money Makes the World Go Round? Human Rights and Business

Workshop for the Amnesty Academy – Salzburg, October 2005

Child Rights Training Seminar

for SOS Kinderdorf International – Vienna, November 2005

A Human Rights-Based Approach to Local Development Planning

Training session for UNDP – Skopje, December 2005

Stand up for your beliefs

Workshop on Civil Courage in the framework of the conference "European Year of Citizenship through Education – National Experiences – European Challenges" for DARE – Democracy and Human Rights Education in Europe – Berlin, December 2005

Set of workshops on Anti-Discrimination in Austria

15. International and European Networks

EU Network of Independent Experts in Fundamental Rights – EUGEN

This network consists of one independent expert per Member State plus one EU expert. It was founded in 2002 by the European Commission on the initiative of the European Parliament and is now headed and coordinated by Olivier de Schutter (Université Catholique de Louvain). The objective of the network, which meets regularly at the seat of the Commission in Brussels, is to publish annual reports on the legal and factual human rights situation of the Union and its 25 Member States and to prepare expert opinions and recommendations on selected human rights issues, usually on request of the Commission.

The surveys and reports of 2005 dealt with the following issues:

- Participation of EU citizens in the political parties of the Member State of residence, March 2005
- The requirements of fundamental rights in the framework of the measures of prevention of violent radicalisation and recruitment of potential terrorists, August 2005
- Combating racism and xenophobia through criminal legislation: the situation in the EU Member States, November 2005
- The right to conscientious objection and the conclusion of concordats with the Holy See by EU Member States, December 2005

The expert opinions sometimes present quite controversial points of view. For instance the request concerning the right to conscientious objection was prompted by a planned annex to the concordat of the Slovakian government with the Vatican. In the end this discussion on the right to conscientious objection for Catholics and the principle of the equality of all citizens led to the end of the Slovakian government.

The opinions by the EUGEN experts and the annual reports on the various countries have been published on the internet site of the network:

http://europa.eu.int/comm/justice_home/cfr_cdf/index_en.htm

In 2005 the BIM also published the collected Austrian country reports from 2002 to 2004.

The work of the EUGEN network also strongly influenced the discussions about issues such as asylum and police.

Association of Human Rights Institutes – AHRI

AHRI is an association of independent human rights institutes in a growing number of mainly European states. The objective of this scientific association is to carry out joint research projects. Until 2004 the secretariat of AHRI was held by the Dutch Human Rights Institute (SIM) at the University of Utrecht. At AHRI's annual conference at the University of Oslo in September 2004, it was decided to assign the tasks of the secretariat to the Norwegian Centre for Human Rights

The annual conference 2005 took place in Galway (Ireland). Its focus was: "Past, Present & Current Policies of the EU in the field of Human Rights, Peace & Security". In 2006 the BIM will organise the annual conference in Vienna. The conferences are primarily dedicated to the implementation of the COST action concerning „Human Rights, Peace and Security in EU Foreign Policy" which is financed by the EU Commission

The BIM contributes mainly within the context of the working group on Human Rights and Development.

<http://www.humanrights.uio.no/ahri>

Human Rights, Peace and Security in the EU Foreign Policy (COST Action)

The COST Action “Human Rights, Peace and Security in EU Foreign Policy” started at the 5th annual conference of the AHRI network, which was arranged by the Norwegian Centre for Human Rights. The COST Action aims to develop recommendations for changes in the European foreign policy with respect to human rights, peace and security. According to the Memorandum of Understanding agreed by AHRI and COST, AHRI will present the outcome of its research until 2008.

Working groups have been set up in order to examine four topics in detail:

- Securing peace
- International courts
- Development cooperation
- The UNHCHR and other parts of the UN human rights programme and the OSCE High Commissioner for National Minorities.

Reflexive Governance in the Public Interest

The focus of the research project “Reflexive Governance” is to investigate arising institutional mechanisms which shall compensate market deficits by other means than command and control structures in the name of public interest. The objective is to identify and evaluate these new mechanisms. In addition there will be proposals of how to improve institutional governance. The network consists of five sub-networks. BIM experts will be involved in the sub-network “Fundamental Rights Governance”.

In the first phase the task will be to identify the conditions under which the Open Method of Coordination (a new mechanism for a decentralised strategic political planning on EU level) can be further developed and applied to the area of constitutional rights. After this first research phase, its results will be tested in several areas, as for example in the area of non-discrimination.

<http://refgov.cpdr.ucl.ac.be>

European Inter-University Centre for Human Rights and Democratisation – EIUC

The EIUC is a Venice-based association established by more than 30 European universities in 2002. It manages and organises not only the European Master’s Degree in Human Rights and Democratisation (EMA), but also a range of other education and research projects in the area of human rights and democratisation relevant to the EU. Within the EIUC, the University of Vienna is represented by the BIM.

<http://www.eiuc.org>

Anna Lindh Foundation – ALF

The Foundation is the first institution jointly established and financed by all 35 members of the Euro-Mediterranean Partnership. This far reaching partnership between the European Union and their partners in the southern Mediterranean region was launched at the Barcelona Conference in 1995. The declaration adopted in Barcelona strongly promotes regional cooperation in the economic, social and cultural fields.

The Foundation’s main objective is to bring people and organisations from both shores of the Mediterranean closer to each other and to help bridging the gap between them. Particular importance is given to the development of human resources, while youth is the main target group. Another priority is

the promotion of tolerance among people by furthering exchanges among civil society. The area of human rights within the ALF is covered by the BIM.

<http://www.euromedalex.org>

Network for education on democracy and human rights in Europe – DARE

The Service Centre for Human Rights Education and now the centre *polis* (**P**olitik **L**ernen **I**n **D**er **S**chule, i.e. learning about politics at school) is a part of DARE. DARE was founded in summer 2002 as a European network for education. Its members are NGOs and organisations for education, research and other areas, which aim at spreading education on democracy and human rights. DARE offers its members a platform for the exchange of information, material, methods and experts, on the one hand, and for the development of joint education projects, standards of quality and good practice, on the other hand.

<http://www.dare-network.org>

16. Networks in Austria

Association of Plaintiffs to achieve full rights for victims of discrimination

ZARA, BIZEPS, and HOSI Vienna founded the Association of Plaintiffs, which was joined by the BIM Research Association and the Austrian Association of the Deaf in spring of 2005.

The goal of the association is to coordinate various groups which work in the field of anti-discrimination, and to provide information about Austrian anti-discrimination law to interested parties.

<http://www.klagsverband.at>

National Coalition for the Implementation of the Convention on the Rights of the Child in Austria

The National Coalition on the Rights of the Child was founded in 1997. It seeks a comprehensive implementation of the standards of the UN Convention of the Rights of the Child. The National Coalition consists of more than 20 leading organisations specialising in the field of children's rights. The BIM became a member to this network in 2001. Among the joint activities of the National Coalition are the monitoring work and reporting to the UN Committee on the Rights of the Child (e.g. expert opinion on the situation in Austria in January 2005). The National Coalition also participates in the process of promoting and implementing the National Action Plan on the Rights of the Child (the BIM is a member of the NAP monitoring committee). Furthermore, the National Coalition seeks to incorporate children's rights into the Austrian constitution.

In 2005 the National Coalition (NC) reorganised its internal structures. For this purpose the NC for the first time prepared and adopted a cooperation agreement for its members and established a new "executive team" (this includes the BIM as well as the NGO "Kinderfreunde" (Friends of Children) and the Child and Youth Ombudsoffice of Styria).

<http://www.kinderhabenrechte.at>

ECPAT Austria

ECPAT Austria is a platform for organisations and institutions dealing with children, families and human rights as well as for various groups of religious communities, social groups, action groups and

institutions. They coordinate the fight against commercial sexual exploitation of children and are part of the international movement against child prostitution, child pornography and trafficking of children for sexual purposes (ECPAT International) in Austria.

The BIM is a member of its executive committee and focuses on child trafficking issues.

<http://www.ecpat.at>

Chapter D: Documentation and Publications

BIM Human Rights Study Series (since 1999)

- 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, 257pages
- 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* (Ed.): 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 5: *Martin Ölz*, NGOs im internationalen Menschenrechtsschutz, 2002, 431pages
- Volume 6: *Hannes Tretter* (Ed.), Temporary Protection für bosnische Flüchtlinge in Europa – Länderberichte/Country Reports, 2000, 530 pages
- Volume 7: *Hannes Tretter* (Ed.), Temporary Protection für bosnische Flüchtlinge in Europa – Analysen und Schlussfolgerungen
- 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*, Bekämpfung des Frauenhandels nach internationalem und österreichischem Recht, 2000, 246 pages
- Volume 10: *Johannes Binder*, The Human Dimension of the OSCE, From Recommendation to Implementation, 2001, 473 pages
- Volume 11: *Anette Windmeißer*, Der Menschenrechtsansatz in der Entwicklungszusammenarbeit, 2002, 490 pages
- Volume 12: *Louise Sperl/Karin Lukas/Helmut Sax*, Wirtschaftliche, soziale und kulturelle Rechte von AsylwerberInnen, 2004, 350 pages
- Volume 14: *Barbara Jauk*, Exekutive und Menschenrechte, 2004, 548 pages
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Alexander Lubich, Manfred Nowak, Fundamental Rights in Austria – Reports 2002-2004, Vienna 2005, 180 pages

Manfred Nowak, U.N. Covenant on Civil and Political Rights – CCPR-Commentary, 2. revised edition, Kehl/Strasbourg/Arlington 2005, 1277 pages

Manfred Nowak (support: *Jeroen Klok* (OHCHR), *Ingeborg Schwarz* (IPU)), Human Rights Handbook for Parliamentarians / Droits de l'Homme Guide à L'Usage des Parlementaires, edited by the Inter-Parliamentary Union and the Office of the United Nations High Commissioner for Human Rights, Geneva 2005, 186 pages

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Deutsches Institut für Menschenrechte, Volkmar Deile/Franz-Josef Hutter/Sabine Kurtenbach/Carsten Tessmer (Ed.), Jahrbuch Menschenrechte 2006. Freiheit in Gefahr – Strategien für die Menschenrechte, Frankfurt am Main 2005

Martin Scheinin/Markku Suksi (Ed.), Human Rights in Development Yearbook 2002. Empowerment, Participation, Accountability and Non-Discrimination: Operationalising a Human Rights-Based Approach to Development, Leiden/Boston/Oslo 2005

Lone Lindholt/Sten Schaumburg-Müller, Human Rights in Development – Yearbook 2003. Human Rights and Local/Living Law, Leiden 2005

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Stefan Hammer, Karin Lukas, Menschenrechte als Schutzansprüche gegenüber wirtschaftlicher Macht, in: Journal für Rechtspolitik, 03/2005

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Katharina Köhler, Veränderte Perspektiven für Roma in Europa nach der Osterweiterung der Europäischen Union, in: Deutsches Institut für Menschenrechte (Ed.), Jahrbuch Menschenrechte 2006, Frankfurt am Main 2005, 296-303

Nicole Lieger, Das Ludwig Boltzmann Institut für Menschenrechte – Integration von Denken und Handeln im Dienste der Sache, in: Deutsches Institut für Menschenrechte (Ed.), Jahrbuch Menschenrechte 2006, Frankfurt am Main 2005, 345-346

Karin Lukas, Louise Sperl, Recht verleiht Macht. Die Bedeutung der Menschenrechte für die Entwicklungszusammenarbeit, in: Südwind Magazin 02/2005

Manfred Nowak, The Agency and National Institutions for the Promotion and Protection of Human Rights, in: *Philip Alston/Olivier de Schutter (Ed.)*, Monitoring Fundamental Rights in the EU – The Contribution of the Fundamental Rights Agency, Oxford/Portland 2005, 91-107

Manfred Nowak, A Human Rights Approach to Poverty, in: *Martin Scheinin/Markku Suksi (Ed.)*, Human Rights in Development Yearbook 2002, Leiden/Boston/Oslo 2005, 15-35

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Manfred Nowak, Terrorismus und Menschenrechte, in: Landesgruppe Österreich der Internationalen Strafrechtsgesellschaft (Ed.), *Terrorismus und Menschenrechte*, Vienna 2005, 31-34

Manfred Nowak, Human Rights in Turkey, in: *Diplomatische Akademie Vienna*, 39. Jahrbuch 2004, 149-156

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Hannes Tretter, Das Recht in der Schule – Spielregeln für alle, *Schule & Recht* 2005, Sonderausgabe „Wie viel Recht braucht Schule – wie viel Recht verträgt Schule?“, S. 10-12

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For ongoing projects various studies, background papers and reports have been produced. They are available for downloading on the BIM website. Here are a few selected reports:

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Angelika Kartusch, Statement of the Ludwig Boltzmann Institute of Human Rights and the Association of Austria Lawyers on the draft residence law 2005, Art 76 residence permits for victims of trafficking, April 2005

Expert opinion of the Ludwig Boltzmann Institute of Human Rights on the draft asylum and alien-police law 2005, April 2005

Hannes Tretter, Expert opinion on Art 8 ECHR as basis for an individual right to bi-lingual place-name signs, October 2005

Statement of the Ludwig Boltzmann Institute of Human Rights on the draft law amending the citizenship law 1985, October 2005

Periodicals

Teaching Human Rights. Informationen zur Menschenrechtsbildung 2005

Teaching Human Rights 21 (March) – Diskriminieren verboten

Teaching Human Rights 22 (June) – Fluchtwege frei? Das Recht auf Asyl

Teaching Human Rights 23 (November) – Programmheft Menschenrechtstage 2005

info-blatt der Servicestelle Politische Bildung 2005

info-blatt Nr. 1 (April) – Jugend-Mit-Wirkung. Zur politischen Kinder- und Jugendpartizipation

info-blatt Nr. 2 (November) – Südosteuropa. Auf dem Weg in die EU

info-blatt Nr. 3 (December) – Wehr- und Zivildienst

Library

The library of the BIM is a reference library granting access to publications and documents concerning the area of human rights. The collection mainly consists of human rights related books and journals, but also includes texts of laws and contracts, case law, publications of international organisations and NGOs, press releases and brochures.

The library is divided into two sections: one is organised by topics, the other by countries. The emphasis of the documentation is on international organisations such as the UN, the European Union, the Council of Europe and the OSCE (the BIM serves as Depository Library for the OSCE), rights of children and adolescents, rights of women, trafficking in human beings, discrimination and racism, minorities, development and globalisation. The library can be searched via the online database <http://www.humanrights.at/bimlibrary> (currently about 4.200 entries) both in English and German. About half of the books and documents are in English.

In 2005 Tanja Vospernik, who is in charge of the library, returned from maternity leave. The interns Rosmarie Doblhoff-Dier, Tanja Fachathaler and Hans-Jörg Trettler were a great help.

The library is open to the public from Monday to Friday 9.00 a.m. to 1.00 p.m.

Website

At the end of 2005, the website of the BIM – <http://www.univie.ac.at/bim> – was thoroughly renewed, improved and relaunched. The current updating is supported by a Content Management System that allows all staff members to put their contents online.

Rainer Jantscher is the network administrator and is responsible for the technical part, Fiona Steinert is responsible for the contents.

*Chapter E: Facts & Figures***17. Partner Organisations and Financing**

Beyond the support which we have been experiencing from the Ludwig Boltzmann Society, the “umbrella organisation” of this institute, and the University of Vienna (Institute for constitutional and administrative law as well as the faculty of law) we would like to thank our partner organisations for the good cooperation as well as the necessary financing of our joint work.

The budget of the Research Association and the Ludwig Boltzmann Institute amounts to 2 to 2.5 million Euros. The BIM received most of its financial means through EU projects, especially in the area of Twinning. The ongoing cooperation with the Austrian Development Agency (ADA) and the support from the Austrian Ministry of Foreign Affairs are also very important. The most important partner for the BIM Research Association is the Austrian Federal Ministry for Education, Science and Art (bm:bwk), which facilitates the work of the Service Centres for Human Rights Education and for Civic Education. In addition, an essential part of our funding comes from the Austrian Ministry of the Interior together with the Human Rights Council and the EUMC.

Besides, numerous cooperations exist with other NGOs, ministries, partners and financial supporters through which we were able to issue publications and carry out events and smaller projects. Last but not least we also thank the members of the Association who have continued to support us with great loyalty!

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Service Centre for Civic Education
Administration and Library
Twinning Project Management, Anti-discrimination, Torture
Twinning Poland, Pre Accession Advisor
Service Centre for Human Rights Education
Twinning Project Management
Human Rights Advisory Board
Administration
Twinning Latvia, Pre-Accession Advisor
Twinning Turkey, Pre-Accession Advisor
Twinning Lithuania, Pre-Accession Advisor
RAXEN Focal Point for Austria
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Alexander LUBICH	EUGEN
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Martin STUEBINGER	Twinning Ukraine
Walter SUNTINGER	Twinning Turkey
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Hilde WOLF	Anti-discrimination
Jochen WOLLNER	Twinning Ukraine
Alfred ZAUNER	Twinning Turkey

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Anna LESNODORSKA	Mourad MAHIDI
Sanela MUSLIC	Lena PAMPALK
Sabine PAPST	Özlem REDDIG
Stephanie REITER	Joanna ROSOL
Olga SMYRNOVA	Alexander TEUTSCH
Hans Jörg TRETTLER	Martina TSCHÖRNER
Sam WALTZ	Kathi WEHRSTEIN
Melanie WIDDER	Martha WIRTENBERGER
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Jutta ZALUD	Second auditor

Project data – overview

- **Strengthening the principles of Human Rights in the Austrian Development Cooperation**
- **Business and Human Rights. The Human Rights Responsibilities of companies, states and the international community**
- **EU-Twinning: Assistance to the Legal and Administrative Reforms in Ukraine in the Sphere of Migration and Refugees' Protection According to the Norms and Standards of the European Union**
- **Preliminary Study for the Manual on Domestic Legislation and Policy on Internal Displacement**
- **Improving Criminal Investigation, Collaboration and Network Building against Trafficking in Human Beings in South Eastern Europe**
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- **Commentary on the Convention against Torture**
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- **EU-Twinning: Improvement of Statement-Taking Methods and Statement-Taking Rooms in the Republic of Turkey**
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- **EU-Twinning: Data State Inspection in Latvia**
- **EU-Twinning: Strengthening Administrative and Technical Capacity of Personal Data Protection**
- **Serial Workshops: Combating and Preventing Discrimination in Austria**
- **Combating discrimination from the University: an Idea of Research and Education**
- **INTERkulturLOTSEN Österreich**
- **Youth and Discrimination in Work Environment**
- **RAXEN Focal Point for Austria**
- **Violence in the Family from a Human Rights Perspective Prevention and Protection of Violence against Women and Children – the Austrian experience**
- **Service Center for Human Rights Education**
- **Service Center for Civic Education**
- **Master-Programme “International and Inter-Cultural Conflict Management”**
- **European Network of Independent Experts on Fundamental Rights – EUGEN**
- **Reflexive Governance**

Strengthening the principles of Human Rights in the Austrian Development Cooperation

Summary			
<ul style="list-style-type: none"> • The annual Framework Agreement between the Ludwig Boltzmann Institut of Human Rights and the Ministry of Foreign Affairs (Austrian Development Agency) is aiming at the strengthening of the principles of human rights, democratization and good governance in the work of the Austrian Development Agency and the BMaA. Four main topics are part of the framework agreement: • Consultancy regarding policy related questions • Strengthening of the project and programme level • capacity building • EZA-relevante EDV-gestützte Dokumentation <p>Work on the project and programme level was focused on piloting the Draft Guidelines of the „Human Rights Based Approach“(HRBA) in poverty reduction in cooperation with UNDP Macedonia (Assessment, Development of Tools, and development of a specific Project).</p> <p>Establishing Human Rights expertise focused on the issue of Children’s Rights. The Children’s Rights Training Initiative was continued and together with CARE Austria and other NGOs an event on „Children and HIV-Aids“ was organised.</p> <p>The cooperation with the Human Rights Department of the Ministry of Foreign Affairs dealt mainly with the topic of Corporate Social Responsibility</p>			
Country	Austria and Macedonia		
Persons involved	<i>General Coordination</i>	Barbara Kühhas	
	<i>Researcher; focus on CSR</i>	Karin Lukas	
	<i>Researcher, Project Leader</i>	Manfred Nowak	
	<i>Researcher</i>	Helmut Sax	
	<i>Consultant cooperation with UNDP Macedonia</i>	Renate Frech	
	<i>Consultant cooperation with UNDP Macedonia</i>	Ernst Halbmayr	
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Lead organisation	Ludwig Boltzmann Institute of Human Rights	Partner organisation(s)	United Nations Development Programme Macedonia
Starting/ -end date	February 2005 to January 2006		
Funded by	Austrian Development Agency		

Business and Human Rights. The Human Rights Responsibilities of companies, states and the international community

Summary			
The research project seeks to analyse the human rights responsibility of companies, states and the international community from a political and legal studies perspective. The following questions will be addressed: what are the precise human rights responsibilities of companies? What are the measures that nation-states and the international community have to take in order to ensure compliance of business with human rights standards? In addition, the project looks at voluntary initiatives of “corporate social responsibility” in order to identify “good practice” in this field.			
Country	Austria		
Persons involved	<i>Authors</i>	Karin Lukas, Franz-Josef Hutter	
	<i>Feedback and Project leader</i>	Hannes Tretter	
	<i>Research support</i>	Kristian Henk	
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Lead organisation	Ludwig Boltzmann Institute of Human Rights	Partner organisation(s)	-
Starting/ -end date	February 2005 until February 2007		
Funded by	Jubilee Fund of the Austrian National Bank		

EU-Twinning: Assistance to the Legal and Administrative Reforms in Ukraine in the Sphere of Migration and Refugees' Protection According to the Norms and Standards of the European Union

Summary			
The overall objective of this TACIS twinning project is to increase the competence of the staff of Ukrainian authorities in asylum and asylum related matters and the inter-institutional cooperation of the authorities involved by establishing internal working relations. Furthermore, the project aims to assist Ukraine to bring its asylum and asylum related legislation in link with EU standards and EU MS practice. To facilitate the day-to-day work of the relevant authorities, a practical guide on asylum was elaborated.			
Country	Ukraine		
Persons involved	<i>Partnership Adviser</i>	Martin Wagner	
	<i>Assistant</i>	Yuriy Didevych/ Yuriy Nikolaychuk	
	<i>Projektmanagement</i>	Susanne Fraczek	
	<i>Projektleader</i>	Josef Rohrböck	
	<i>Short Term Experts</i>	18 Experts	
Contact person	Susanne Fraczek, susanne.fraczek@univie.ac.at		
Lead organisation	Ludwig Boltzmann Institute of Human Rights	Partner organisation(s)	Junior Partner: Migration Department of the Lithuanian Ministry of Interior Beneficiary: Ukrainian State Committee for Nationalities and Migration (SCNM)
Starting/ -end date	September 2004 until October 2005		
Funded by	European Commission, TACIS Programme		

Preliminary Study for the Manual on Domestic Legislation and Policy on Internal Displacement

Summary			
<ul style="list-style-type: none"> • Analysis of national laws and policies of concern to IDPs in order to identify potential best practices and gaps with regard to incorporating and implementing international standards as articulated by the Guiding Principles on Internal Displacement • Identification of relevant topics, which in connection with IDPs are of relevance at national level and recommendation of these topics for further research 			
Country	-		
Persons involved	<i>Author</i>	Andrea Sölkner	
	<i>Feedback</i>	Manfred Nowak	
Contact person	Andrea Sölkner, andrea.soelkner@univie.ac.at		
Lead organisation	Ludwig Boltzmann Institute of Human Rights – Research Association	Partner organisation(s)	-
Starting/ -end date	May until July 2005		
Funded by	Brookings – Bern Project on Internal Displacement		

Improving Criminal Investigation, Collaboration and Network Building against Trafficking in Human Beings in South Eastern Europe

Summary			
<p>The overall aim of the project was to foster cooperation among relevant state and non-governmental organisations at the national and regional level in the combat of trafficking in human beings and the protection of the rights of trafficked persons in South Eastern Europe with particular focus on Romania. In the course of the project, internships for Hungarian, Romanian and Serbian public prosecutors in the border regions of Romania/Serbia and Romania/Hungary as well as trainings for Romanian prosecutors were held. BIM contributed to the project by designing and implementing a series of workshops for Romanian public prosecutors, judges, police officers and NGOs. These workshops, which aimed to foster the cooperation among relevant actors involved in victim assistance and protection in Romania was implemented in cooperation with the Romanian NGO Center for Legal Resources.</p>			
Country	Romania		
Persons involved	<i>Overall project coordinator</i>	Britta Schwarz (IRZ)	
	<i>Overall project management</i>	Arnd Wöhler (IRZ)	
	<i>Project coordinator BIM</i>	Angelika Kartusch	
	<i>BIM experts</i>	Gabriele Reiter, Maria Grazia Giammarinaro	
	<i>Project coordinator Romanian General Prosecutor's Office</i>	Angela Nicolae	
	<i>Project coordinator Center for Legal Resources</i>	Daniela Neagu	
Contact person	Angelika Kartusch, angelika.kartusch@univie.ac.at		
Lead organisation	German Foundation for International Legal Cooperation (IRZ)	Partner organisation(s)	<ul style="list-style-type: none"> • Budapest Forum (HU) • Center for Legal Cooperation (NL) • Center for Legal Resources (RO) • General Prosecutor's Office Serbia • General Prosecutor's Office Romania • Ludwig Boltzmann Institute of Human Rights
Starting/ -end date	November 2003 until October 2005		
Funded by	European Commission, General Directorate for Justice, Freedom and Security, AGIS Programme		

EU-Twinning: Strengthening Institutions in the Fight against Trafficking in Human Beings

Summary			
<p>The aim of this project is to strengthen the capacities of Turkish institutions in the fight against trafficking in human beings, to improve Turkish anti-trafficking legislation and to develop a sustainable comprehensive anti-trafficking strategy, involving all relevant actors from the Turkish Government and civil society.</p> <p>BIM will contribute to this project mainly in the field of victim assistance and protection by sending experts to carry out a series of research, training and awareness raising activities.</p> <p>The project has been approved in November 2005. The implementation period will start in January 2006.</p>			
Country	Turkey		
Persons involved	<i>Project leaders</i>	Uwe Wilhelms (Berlin Criminal Police Agency) Mehmet Tokgöz (Turkish National Police i)	
	<i>Project management (BIM)</i>	Angelika Kartusch, Kerstin Buchinger	
	<i>Resident Twinning Advisor</i>	Andreas Reinhardt (Berlin Criminal Police Agency)	
	<i>Short Term Experts</i>	15 experts	
Contact person	Angelika Kartusch, angelika.kartusch@univie.ac.at ; Kerstin Buchinger, kerstin.buchinger@univie.ac.at		
Lead organisation	Berlin Criminal Police Agency	Partner organisation(s)	Partner: Ludwig Boltzmann Institute of Human Rights Beneficiary: Turkish Ministry of Interior
Starting/ -end date	January 2006 until June 2007		
Funded by	European Commission, Pre-Accession Assistance		

Support of the UN Special Rapporteur on Torture

Summary			
<p>On 1 December 2004, Manfred Nowak was appointed UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment by the United Nations High Commissioner for Human Rights. This independent expert function is of an honorary nature.</p> <p>In addition to dealing with complaints from torture victims, their families and NGOs on a daily basis there is extensive preparation and follow-up necessary in relation to fact finding missions carried out all over the world. In 2005, Manfred Nowak has conducted such missions to Georgia, Mongolia, Nepal, and China. Additionally, he (together with four other UN mandate holders) has conducted a joint investigation into the situation of detainees at Guantánamo Bay.</p> <p>In his work he is presently supported by a two person team in Geneva and by two employees of the BIM in Vienna.</p>			
Country	-		
Persons involved	<i>UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment</i>	Manfred Nowak	
	<i>Research assistant</i>	Elizabeth McArthur	
	<i>Research assistant</i>	Julia Kozma	
	<i>Researcher</i>	Martin Neubauer	
	<i>Researcher</i>	Naoimh Hughes	
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Lead organisation	Ludwig Boltzmann Institut of Human Rights	Partner organisation(s)	-
Starting/ -end date	Since January 2005		
Funded by	Austrian Ministry of Foreign Affairs		

Commentary on the Convention against Torture

Summary		
This project involves the drafting of an article by article Commentary on the UN Convention against Torture (CAT-Commentary). The book will be published by Oxford University Press.		
Country	Österreich	
Persons involved	<i>Author</i>	Manfred Nowak
	<i>Research assistant</i>	Elizabeth McArthur
	<i>Contributions</i>	Kerstin Buchinger, Anne Charbord, Julia Kozma, Walter Suntinger
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	<i>Support</i>	Lindsey Buchanan
Contact	Manfred Nowak, manfred.nowak@univie.ac.at Elizabeth McArthur, elizabeth.mcarthur@univie.ac.at	
Lead organisation		Partner organisation(s) -
Starting/ -end date	2004 until end of 2006	
Funded by	Fund for the Promotion of Scientific Research (Fonds zur Förderung der Wissenschaftlichen Forschung)	

EU-Twinning: Improvement of administrative justice in view of the fight against corruption

Summary			
The aim of this project is to improve the legal and organisational framework of administrative justice in Bulgaria. The project assists, advises and supports the introduction of a modern system of administrative legislation establishing effective mechanisms for external judicial control and internal review over the work of the public administration which will help to prevent corruption and encourage an effective impartial service of the public administrative agencies. The project aims at providing direct assistance to the Bulgarian executive and judiciary in drafting the Administrative Procedure Code.			
Country	Bulgaria		
Persons involved	<i>Pre-Accession Advisor</i>	Susette Schuster (IRZ)	
	<i>Project management</i>	Kerstin Buchinger, Marion Kirsch	
	<i>Project leader</i>	Uwe Stark (IRZ)	
	<i>Short Term Experts</i>	7 experts	
Contact person	Kerstin Buchinger, kerstin.buchinger@univie.ac.at		
Lead organisation	German Foundation for International Legal Cooperation (IRZ)	Partner organisation(s)	Junior Partner: Ludwig Boltzmann Institute of Human Rights Beneficiary: Ministry of Justice and Supreme Administrative Court
Starting/ -end date	November 2003 until July 2005		
Funded by	European Commission, PHARE-Programme		

EU-Twinning: Improvement of Statement-Taking Methods and Statement-Taking Rooms in the Republic of Turkey

Summary			
<p>This project aims at consolidating a functioning democratic system, including respect for the rule of law and human rights, according to an extensive constitutional reform package passed by the Turkish National Assembly in October 2001. The project is related to two “harmonisation packages” approved by the Turkish Parliament in 2002, intending to bring penal procedures and other laws in line with the new principles of the constitution. Firstly, the intention is to improve examinations and place these with in the process of judicial investigations, to move towards evidence-based prosecutions. Secondly it is the intention of the project to strengthen the cooperation and coordination law enforcement institutions with respect to judicial investigations.</p>			
Country	Turkey		
Persons involved	<i>Resident Twinning Advisors</i>	Karl-Heinz Grundböck, Albin Dearing	
	<i>Assistants</i>	Salih Efe, Rüya Koman	
	<i>Project management</i>	Kerstin Buchinger	
	<i>Project leader</i>	Hannes Tretter	
	<i>Short Term Experts</i>	32 experts	
Contact person	Kerstin Buchinger, kerstin.buchinger@univie.ac.at		
Lead organisation	Ludwig Boltzmann Institute of Human Rights	Partner organisation(s)	Junior Partner: German Foundation for International Legal Cooperation (IRZ) Beneficiary: General Security Directorate, Ministry of Interior
Starting/-end date	August 2004 until February 2006		
Funded by	European Commission, Pre-Accession Assistance		

Assistance for the Human Rights Advisory Board and its Visiting Commissions at the Austrian Ministry of the Interior

Summary			
<p>The Human Rights Advisory Board (HRAB) is entitled to advise the Federal Minister of the Interior in questions of safeguarding human rights and to promote the consequent and systematic orientation of law enforcement authorities towards human rights.</p> <p>The accompanying monitoring of cases of detention of individuals in the premises of law enforcement authorities is generally done by six commissions all over Austria. The office of the commissions "OLG Vienna" 2 and 3 is located at the BIM.</p> <p>www.menschenrechtsbeirat.at</p>			
Country	Austria		
Persons involved	<i>Legal assistant HRAB</i>	Caroline Paar	
	<i>Coordination Commissions 2 and 3</i>	Bettina Frisslovics, Julia Kozma	
	<i>Director Commission 2</i>	Manfred Nowak	
	<i>Director Commission 2</i>	Karl Dvorak	
	<i>Members Commission 2</i>	Marijana Grandits, Elisabeth Hofmann, Ina Manfredini, Vera Pfersmann, Hannes Tretter, Alfred Zauner	
	<i>Members Commission 3</i>	Irene Etzersdorfer, Elisabeth Friedrich, Helfried Haas, Bernhard Painz, Gudrun Reisz, Sara Rodriguez Toral	
Contact person	Commissions 2 and 3: Bettina Frisslovics, mrk2-3.bim@univie.ac.at Human Rights Advisory Board: Caroline Paar, caroline.paar@bmi.gv.at		
Lead organisation	Ludwig Boltzmann Institute of Human Rights – Research Association	Partner organisation(s)	Federal Ministry of the Interior
Starting/-end date	Since July 2000		
Funded by	Federal Ministry of the Interior		

EU-Twinning: Data State Inspection in Latvia

Summary			
The overall objective of this twinning project is to strengthen the administrative capacity of the Latvian Data State Inspectorate (DSI) to implement the data protection acquis (including the independence of the DSI), in particular by improving the legal base of the DSI and training activities. The training covers legal as well as technical aspects of the control of personal data processing. As a further means to improve the operational base of the DSI, manuals for the daily work of the DSI will be prepared. The project also aims to increase the awareness of data protection within the Latvian Parliament, administration and jurisdiction as well as among the Latvian general public.			
Country	Latvia		
Persons involved	<i>Resident Twinning Advisor</i>	Thomas Giesen	
	<i>Assistant</i>	Marcis Gobins	
	<i>Project management</i>	Claudia Hüttner	
	<i>Project leader</i>	Friedrich Lachmayer	
	<i>Short Term Experts</i>	27 experts	
Contact person	Claudia Hüttner, claudia.huettner@univie.ac.at		
Lead organisation	Ludwig Boltzmann Institute of Human Rights	Partner organisation(s)	Beneficiary Data State Inspectorate
Starting/-end date	September 2004 until September 2005		
Funded by	European Commission, PHARE-Programme		

EU-Twinning: Strengthening Administrative and Technical Capacity of Personal Data Protection

Summary			
<p>The aim of this twinning project is to strengthen the administrative capacity of the Lithuanian State Data Protection Inspectorate (SDPI) to implement the data protection acquis and to enable the Inspectorate to work according to the good practice of Austrian and German Data Protection Authorities. In order to achieve this goal, the practice of the SDPI in certain areas of work is analysed and recommendations are provided. To increase the general knowledge on data protection in the receiving Country, specialized training packages were elaborated. Furthermore, inspectors of the SDPI received training at data protection institutions in Member States. To facilitate the day-to-day work of the SDPI, an analysis on the Lithuanian Data protection law was prepared.</p>			
Country	Lithuania		
Persons involved	<i>Resident Twinning Advisor Assistant:</i>	Lukas Gundermann Laura Sukelyte	
	<i>Project management</i>	Susanne Fraczek	
	<i>Project leader</i>	Friedrich Lachmayer	
	<i>Short Term Experts</i>	37 ExpertInnen	
Contact person	Susanne Fraczek, susanne.fraczek@univie.ac.at		
Lead organisation	Ludwig Boltzmann Institute of Human Rights	Partner organisation(s)	Beneficiary: State Data Protection Inspectorate (SDPI)
Starting/-end date	March 2004 until July 2005		
Funded by	European Commission, PHARE-Programme		

Serial Workshops: Combating and Preventing Discrimination in Austria

Summary			
From April to October 2005 the BIM carried out over all 11 workshops in several provincial capitals of Austria. Overarching aim of the project was to inform relevant stakeholders, as inter alia judges, working councils and representatives of NGOs about the new legal framework, prohibiting discrimination on grounds of gender, race, ethnic origin, religion and believe, age, disability and sexual orientation.			
Country	Austria		
Persons involved	<i>Project coordination/ lecturer</i>	Constanze Pritz	
	<i>Project coordination/ lecturer</i>	Birgit Weyss	
	<i>Lecturers</i>	30 experts	
Contact person	Constanze Pritz, constanze.pritz@univie.ac.at		
Lead organisation	Ludwig Boltzmann Institute of Human Rights	Partner organisation(s)	-
Starting/ -end date	September 2004 until October 2005		
Funded by	European Commission – EU action programme to combat discrimination Austrian Federal Ministry of Economy and Labour		

Combating discrimination from the University: an Idea of Research and Education

Summary			
<p>The project aims to foster a network on issues pertaining to Community non-discrimination law which are of common interest to legal academics, civil society organisations, or research institutes at national and cross European level. The involved partners will contribute to a collection and an exchange of academic literature, case law and other relevant material regarding national and European Antidiscrimination law. Closely linked to this research activity is the implementation of teaching modules dedicated to antidiscrimination law in the curriculum of law studies by the partners involved and developing through the exchange of their experience a variety of teaching modules, qualifying as best practice.</p>			
Country	Austria, Italy, UK, Greece, Czech Republik, Catalonia		
Persons involved	<i>Lecturer / Project coordination</i>	Constanze Pritz	
	<i>Lecturer</i>	Hannes Tretter	
	<i>Lecturer</i>	Katharina Posch	
	<i>Lecturer</i>	Dieter Schindlauer	
Contact Person	Constanze Pritz, constanze.pritz@univie.ac.at		
Lead organisation	UCODEP (IT)	Partner organisation(s)	<ul style="list-style-type: none"> • Università degli studi di Firenze/European Union Law Desk (IT) • Informagay (IT) • Aristotle University of Thessalonica (GR) • University College London – Faculty of Law (GB) • Centro UNESCO de Catalunya (ES) • Ludwig Boltzmann Institute of Human Rights (AT)
Starting/ -end date	November 2004 until November 2006		
Funded by	European Commission – EU action programme to combat discrimination		

INTERkulturLOTSEN Österreich

Summary			
<p>IKLÖ (INTERkulturLOTSEN Österreich) is a project carried out within the framework of the European Community initiative EQUAL which aims at combating racism and xenophobia in the labour market. The project provides employees of private businesses and NGOs as well as public officials with the opportunity to be trained in intercultural conflict management. Amongst others, the participants attend a workshop on "Legal instruments against discrimination in occupation and employment" designed by the BIM. In congruence with parts of the content of the workshop, the staff of the BIM has conducted three studies. <i>Constanze Pritz</i> was responsible for the disquisitions on "The access of migrants to the Austrian labour market" and "The protection against discrimination of migrants in the workplace. <i>Maria-Theresia Röhslers</i> elaborated a study on the topic "TNCs and the prohibition of discrimination". The studies have been published in February 2005.</p>			
Country	Austria		
Persons involved	<i>Author/Trainer</i>	Constanze Pritz	
	<i>Author</i>	Maria-Theresia Röhslers	
Contact person	Constanze Pritz, constanze.pritz@univie.ac.at		
Lead organisation	Volkshilfe Österreich	Partner organisation(s)	<ul style="list-style-type: none"> • EQUAL gemeinnützige GmbH • Initiative Minderheiten • Startbahn – Verein für Arbeits- und Beschäftigungsinitiativen • Trigon Entwicklungs- und Unternehmensberatung • Wirtschaftskammer Österreich • Österreichischer Gewerkschaftsbund • Bundesministerium für Inneres
Starting/-end date	March 2003 until February 2005		
Funded by	European Social Fund, Austrian Federal Ministry of Economy and Labour		

Youth and Discrimination in Work Environment

Summary			
<p>In the course of this project, which is financed by the European Commission and co-financed by the Austrian Federal Ministry of Economics and Labour, a total of 32 workshops/trainings on the issue of equal treatment and antidiscrimination will be conducted in Austrian vocational schools (for pupils and teachers) as well as in corresponding representations of interests.</p> <p>The key aspects of the project are the following:</p> <ul style="list-style-type: none"> • Developing a concrete and target group-oriented training concept • Adequate advertising of the project (preparation and emanation of project folders, coordination of announcements) • Assortment of a training team • Compilation of a training manual for trainers (legal background information and exercises in order to communicate the project goals and contents) • Train-the-Trainer workshop • Carrying-out of workshops (in teams of two trainers each) • Ongoing support for trainers • Evaluation and aftercare operations 			
Country	Austria		
Persons involved	<i>Project leader, research</i>	Kerstin Buchinger	
	<i>Leader of team of trainers, research</i>	Michael Nußbaumer	
	<i>Project evaluation, research</i>	Elisabeth Turek	
	<i>Trainers</i>	Constanze Pritz, David Cortez, Elisabeth Strasser, Elisabeth Turek, Elamin Elyas, Herbert Keindl, Ilse Marschalek, Kerstin Buchinger, Melanie Widder, Michael Nußbaumer, Niko Reinberg, Rainer Scholz, Ruth Marina Sierra Leon, Seher Peherstorfer-Cakir, Siawasch Peyman, Vlatka Frketic	
Contact person	Michael Nußbaumer, michael.nussbaumer@univie.ac.at		
Lead organisation	Ludwig Boltzmann Institute of Human Rights	Partner organisation(s)	-
Starting/-end date	November 2005 until October 2006		
Funded by	European Commission – EU action programme to combat discrimination Austrian Federal Ministry of Economy and Labour		

RAXEN Focal Point for Austria

Summary			
<p>The European Monitoring Centre on Racism and Xenophobia (EUMC) collects information on racism, xenophobia, and antisemitism in the EU Member States. The "Racism and Xenophobia Network" RAXEN is set up for this purpose and is made up of so called "Focal Points". In 2005, the coverage of the five main areas selected by the EUMC, which was begun in 2001/2003, was continued, namely changes in legislation concerning migrant and autochthonous minorities,</p> <ul style="list-style-type: none"> • racist and xenophobic incidents, • racism and discrimination in education, • racism and discrimination in employment, and • racism and discrimination in housing. <p>Key activities in 2005: The „National Report Austria“ summarises the most important trends evident from quantitative and qualitative data in the five areas A special study on victim support bodies presents organisations supporting victims of racist discrimination and advocating their rights. Project homepage: http://www.univie.ac.at/bim/focalpoint</p>			
Country	Austria		
Persons involved	<i>Legal researchers</i>	Birgit Weyss, until 06/2005 Marta Hodasz, since 07/2005 Katharina Köhler Barbara Liegl (Institute of Conflict Research)	
	<i>Director of the Focal Point, feedback and project lead</i>	Hannes Tretter	
	<i>Feedback and project lead</i>	Anton Pelinka (Institute of Conflict Research) Ruth Wodak (Department of linguistics)	
	<i>Support in research and data base maintenance</i>	Christine Lohwasser	
Contact person	focalpoint.bim@univie.ac.at		
Lead organisation	Ludwig Boltzmann Institute of Human Rights – Research Association	Partner organisation(s)	<ul style="list-style-type: none"> • Institute of Conflict Research (IKF) • Department of Linguistics, University of Vienna
Starting/-end date	RAXEN 6: February 2005 until January 2006 RAXEN 5: February 2004 until January 2005		
Funded by	European Monitoring Centre on Racism and Xenophobia (EUMC)		

Violence in the Family from a Human Rights Perspective Prevention and Protection of Violence against Women and Children – the Austrian experience

Summary			
<p>Following a human rights based approach the project analyzes violence in the family by establishing the international legal framework and assessing its implementation in Austria. Particular attention is paid to specific women's rights and child rights standards and the implications both for prevention as well as effective protection of (possible) victims of violence.</p> <p>The project will look more deeply into areas such as:</p> <ul style="list-style-type: none"> • How has the international and European human rights/women's rights/child rights framework developed recently with respect to violence in the family (see also, e.g. the UN Study on Violence against Children started in 2003)? • What are the binding legal obligations for Austria? • How is Austria complying with its international obligations? • Despite having adopted a specific Law on Protection against Violence what are the most pressing areas for reform in Austria? • What is the added value of a rights-based approach to prevention and protection from violence? 			
Country	Austria		
Persons involved	<i>Coordinator, legal researcher and author of the study</i>	Angelika Kartusch	
	<i>Legal researcher and author of the study</i>	Helmut Sax	
	<i>Project leader</i>	Manfred Nowak	
Contact person	Angelika Kartusch, angelika.kartusch@univie.ac.at		
Lead organisation	Ludwig Boltzmann Institute of Human Rights	Partner organisation(s)	-
Starting/-end date	September 2004 until August 2006		
Funded by	Jubilee Fund of the Austrian National Bank		

Service Center for Human Rights Education

Summary			
<p>The Service Center for Human Rights Education serves as an advisory and information platform mainly for schools, teachers and students. It was established in 1997 within the UN Decade for Human Rights Education as an initiative of the Federal Ministry of Education, Science and Culture together with the BIM-Research Association. Human Rights Education covers in the institutions work the promotion of knowledge about human rights as well as awareness raising and the strengthening of social skills towards more commitment to human rights.</p> <ul style="list-style-type: none"> • Website www.humanrights.at • "Teaching Human Rights. Informationen zur Menschenrechtsbildung", newsletter published 3 times a year • Electronic Newsletter, every two months • "Recht hat jede(r)!!" ("Everybody has rights/is right – Trainings for every day life together"): Workshop series with focus on e.g. peaceful conflict resolution, responsibility, respect, limits. • "Human Rights Days" 2005 • Trainings and Workshops for teachers and students • Internet based teacher working group on human rights and civic education www.lehrerinnenplattform.at • Consultation and support for school projects 			
Country	Austria		
Persons involved	<i>Director</i>	Dorothea Steurer	
	<i>Staff</i>	Elisabeth Turek Reinhard Eckert	
	<i>Administration and accounting</i>	Martina Sekulin	
	<i>Trainees</i>	Melanie Widder, February until October 2005 Verena Katscher, November and December 2005	
Contact person	Dorothea Steurer, dorothea.steurer@univie.ac.at		
Lead organisation	Ludwig Boltzmann Institute of Human Rights – Research Association	Partner organisation(s)	-
Starting/-end date	Since 1997		
Funded by	Federal Ministry of Education, Science and Culture		

Service Center for Civic Education

Summary			
<p>The Service Center for Civic Education was initiated by the Federal Ministry of Education, Science and Culture at the BIM-FV in 2002. It was established in order to support teachers and trainers, who educate pupils and students according to the principle of civic education or in special courses. The efforts of the service center are oriented towards an education of open-mindedness, tolerance, democratic understanding, political reflection and discussions and aim to promote the status of civic education in schools.</p> <ul style="list-style-type: none"> • Website www.politische-bildung.at • Information brochure „info-blatt“, published four times a year • Electronic newsletter, every two months • Activities within the European Year of Citizenship through Education 2005 • Coordination of the “Civic Education Action Days 2005” • Distribution of teaching materials on civic education • In-service teacher trainings • Internet based teacher working group on human rights and civic education www.lehrerinnenplattform.at • Consultation and support of teachers 			
Country	Austria		
Persons involved	<i>Director</i>	Sabine Mandl	
	<i>Staff</i>	Elisabeth Boulter, until 06/2005 Christoph Wagner	
	<i>Administration and accounting</i>	Martina Sekulin	
	<i>Trainee</i>	Maria Haupt, February until December 2005	
Contact	Patricia Hladschik, patricia.hladschik@univie.ac.at (substitute for Sabine Mandl)		
Lead organisation	Ludwig Boltzmann Institute of Human Rights – Research Association	Partner organisation(s)	-
Starting/ -end date	Since 2002		
Funded by	Federal Ministry of Education, Science and Culture		

Master-Programme “International and Inter-Cultural Conflict Management”

Summary			
BIM has designed and written two modules for this new e-learning Master programme. The topic of the modules is “Safeguarding International Human Rights Standards – Goal and Limit of European Conflict Management”.			
Country	Germany		
Persons involved	<i>Project design, coordinator and main author</i>	Katrin Wladasch	
	<i>Other authors</i>	Barbara Nothegger, Andrea Huber, Reinhard Eckert, Karin Hiltgartner, Karin Lukas, Niko Reinberg, Jürgen Schlechter	
	<i>Feedback and project leader</i>	Hannes Tretter	
	<i>Proof reading and editing</i>	Mark Evenson	
Contact person	Katrin Wladasch, katrin.wladasch@univie.ac.at		
Lead organisation	Europa-University Viadrina	Partner organisation(s)	Ludwig Boltzmann Institute of Human Rights – Research Association
Starting/ -end date	October 2005 until February 2006		
Funded by	German Federal Ministry for Education and Research		

European Network of Independent Experts on Fundamental Rights – EUGEN

Summary			
<p>Based on the initiative of the European Parliament, in 2002, a network of individual experts of each EU member state was established by the EU Commission. Since then, this network publishes a yearly report on the fundamental rights situation in the European Union and the individual member states with regards to the EU Charter of Fundamental Rights. It also issues special reports on particular topics specified by the EU commission. In 2005, supported by Alexander Lubich, Constanze Pritz and Birgit Weyss, Manfred Nowak presented the Austrian country report about the fundamental rights situation in 2005 (this year the new aliens law codification will be the focus of criticism). Special opinions were delivered inter alia on the approach of the member states to racism and xenophobia.. The pan-European reports and the individual country reports are published on the website of the network: http://europa.eu.int/comm/justice_home/cfr_cdf/index_en.htm.</p>			
Country	EU member states		
Persons involved	<i>Overall coordination</i>	Olivier de Schutter, Université catholique de Louvain	
	<i>Austrian member of the network</i>	Manfred Nowak	
	<i>Researcher</i>	Alexander Lubich	
	<i>Researcher</i>	Constanze Pritz	
	<i>Researcher</i>	Birgit Weyss	
Contact person	Constanze Pritz, constanze.pritz@univie.ac.at		
Lead organisation	Université catholique de Louvain	Partner organisation(s)	An independent expert per EU member state
Starting/ -end date	Since 2002		
Funded by	European Commission, DG Justice, freedom and security		

Reflexive Governance

Summary			
<p>The research project focuses on emerging institutional mechanisms which seek to answer the question of market failures by means other than command-and-control regulation imposed in the name of the public interest. It seeks to identify these new mechanisms, to evaluate them and to make institutional proposals for an improved form of governance.</p> <p>The network consists of 5 sub-networks, the BIM experts are involved in the sub-network „Fundamental Rights Governance“. The question this Sub-Network seeks to address is whether, in the present situation of the fundamental rights policy, fundamental rights may contribute effectively to the definition of the public interest in the Union, and if not, which mechanisms we ought to invent to make that contribution effective, and thus to ensure the mutual reinforcement of fundamental rights and the provision of services of general economic interest towards increased social and territorial cohesion.</p>			
Country	-		
Persons involved	<i>Overall coordination of the sub-network</i>	Olivier de Schutter, Université catholique de Louvain	
	<i>Austrian project lead</i>	Manfred Nowak	
	<i>Researcher</i>	Constanze Pritz	
	<i>Researcher</i>	Viktoria Wagner	
	<i>Experts of the sub-network</i>	Albert Andronico, Catherine Barnard, Gráinne de Búrca, Paul de Hert, Bart de Schutter, Olivier de Schutter, Simon Deakin, Serge Gutwirth, Rick Lawson, Antonio Lo Faro, Manfred Nowak, Veerle van den Eeckhout, Kees Waaldijk	
Contact person	Constanze Pritz, constanze.pritz@univie.ac.at		
Lead organisation	Université catholique de Louvain	Partner organisation(s)	<ul style="list-style-type: none"> • Universiteit Leiden • European University Institute • Université catholique de Louvain • University of Cambridge • Vrije Universiteit Brussel • University College London
Starting/ -end date	June 2005 until June 2008		
Funded by	European Commission, DG Research		