



# **Annual Report 2006**

**Institute and Research Association**

 Ein Institut der  
Ludwig Boltzmann Gesellschaft

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**Ludwig Boltzmann Institute of Human Rights**

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A-1010 Vienna, Freyung 6 (Schottenhof), Hof 1, Stiege II, +43/1/4277-27420, [bim.staatsrecht@univie.ac.at](mailto:bim.staatsrecht@univie.ac.at),  
<http://www.univie.ac.at/bim>

Vienna, April 2007

Authors: Kerstin Buchinger, Simon Felbar, Susanne Fraczek, Iris Golden, Patricia Hladschik, Marta Hodasz, Claudia Hüttner, Marion Kirsch, Julia Kozma, Katharina Köhler, Barbara Kühhas, Barbara Liegl, Karin Lukas, Liz McArthur, Dina Nachbaur, Manfred Nowak, Michael Nußbaumer, Caroline Paar, Helmut Sax, Roland Schmidt, Andrea Sölkner, Fiona Steinert, Astrid Steinkellner, Hannes Tretter, Katharina Wölfel

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## Foreword

We are pleased to present the increasingly comprehensive Annual Report of the Ludwig Boltzmann Institute of Human Rights.

The following pages provide reports of the activities that comprised our work in 2006. The Annual Report is divided into several sections – beginning with articles covering BIM's *Thematic Areas* and followed by sections on *Teaching and Training* as well as *Networks*. The *Facts & Figures* chapter captures information about the Institute's staff and financing.

Finally, an extensive Appendix provides – in the form of *Data Sheets* – a detailed account of the specific projects undertaken in 2006, listing the persons involved, project content and duration, contact information, financial sponsors, and partner-organisations for each of the respective projects.

The BIM team wishes you an informative reading!

## Human Rights Developments in 2006 from the Perspective of the BIM

The year 2006 brought with it a series of far-reaching changes in which the BIM and its staff of nearly 40 members were directly involved, or the consequences of which immediately influenced the BIM's work. In addition, the transfer of the BIM's offices at the end of the year to the more spacious premises at Schottenstift symbolised the beginning of a new era for the 15 year-old Institute.

### United Nations Commission on Human Rights and UN Conventions

Let us begin with the United Nations: The replacement of the Commission on Human Rights (est. 1946) with the Human Rights Council, which operates as a direct subsidiary body of the General Assembly, implemented an integral recommendation from Kofi Annan's reform package, albeit in diluted form. The near-permanent sessions of the Human Rights Council, together with the need to evaluate the interplay between state and non-state actors at the foremost human rights body of the world community, will pose an enormous challenge for all of the parties involved in human rights at the United Nations, i.e., states, the office of the UN High Commissioner for Human Rights, NGOs and independent experts, including Special Rapporteurs. It remains to be seen whether this long overdue reform results in success or failure over the course of history.

In December 2006, two new UN Conventions that cover Forced Disappearances and the Rights of Persons with Disabilities were adopted, following a long series of negotiations. Since both themes have occupied a priority status at the BIM for many years, the ratification and corresponding implementation of these Conventions by Austria and other states is of utmost concern.

On June 22, 2006, the Optional Protocol to the UN Convention against Torture (OPCAT) finally came into force under international law, providing for the establishment of independent national commissions that are given authority to carry out unannounced visits in all locations where people are deprived of their liberty, e.g., penal institutions, detention centres, interrogation facilities, police holding rooms, psychiatric or other related-institutions. The imminent ratification by Austria will lead to the creation of a corresponding "National Preventative Mechanism," whereby the existing Human Rights Advisory Board and its six Visiting-Commissions that were established by the Ministry of the Interior will serve as a model that can expand into other departments. The BIM has long supported the proposition that the OPCAT ratification should be made an occasion for finally creating a national human rights institution that conforms to the Paris Principles of the UN. Since the Office of two of the Human Rights Advisory Board Visiting-Commissions reside at the BIM, we eagerly anticipate the increasing esteem to be accorded to the Human Rights Advisory Board and the potential for creating a national human rights institution.

### European Union Agency for Fundamental Rights

Similarly, the BIM keenly awaits new developments with the Fundamental Rights Agency in Vienna that was formally established in December 2006 and will become the successor to the European Monitoring Centre on Racism and Xenophobia in March 2007. Even if the Mandate of the laboured European Union Human Rights institution becomes increasingly limited due to negotiations through the Austrian EU-presidency, the agency will contribute nevertheless to a greater appreciation of the meaning of human rights in the Community and its 27 member-states. Just as the Racism Monitoring Centre was dependent on close cooperation with the national Focal Points (with the Austrian Focal Point residing at the BIM), so too will the new Fundamental Rights Agency need to work together with a corresponding national institution, which thereby presents an additional argument in favour of creating a national human rights institution endowed with comprehensive responsibilities in Austria. In light of the formation of the Fundamental Rights Agency, the five year-old Network of Independent European Fundamental Rights Experts will consequently be phased out, even though their expertise should become incorporated into the Agency's scientific council.

## Asylum and Alien Law of Austria

The election of the Austrian national legislature in 2006 and the subsequent negotiations over a grand coalition reactivated the debate over a reform of fundamental rights in Austria. Next to the aforementioned plans for creating a national human rights institution, which could potentially lead to a comprehensive reform of the Austrian Ombudsman Board, tensions arose primarily over the long overdue coupling of social, cultural, and economic human rights in the Austrian Constitution, as well as over a basic reorientation of asylum and alien law, which had been intensified earlier by the Alien Law package-legislation of 2005. As reported by the BIM and other human rights organisations, during 2006 there was a rapid escalation in the number of incarcerated asylum-seekers, a deterioration in the conditions of their confinement, hunger strikes, separated refugee families, and deportations, that not infrequently deviated from the minimum human rights standards expected from a democratic state governed by the rule of law. The case of *Bakary Jasse*y of Gambia represents the tragic culmination of these structural problems, where he was tortured by four Viennese WEGA officers following a failed deportation in April 2006. This first court-documented case of torture in Austria indicates not only structural deficits in Austrian alien law and with the Vienna Police Department but also exemplifies an unprofessional approach to the problem of torture among the legislative, political, security administration, and justice bodies in Austria. In response, the BIM calls for the prompt adoption of specific provisions on torture that provide adequate penalties for offenders under the Austrian penal code, measures for victim restitution, and additional structural reforms of Austrian alien law and at the Austrian Executive Office of Security. In preparation for a reform of the character of Austrian asylum law, the BIM partnered for the first time with the Austrian Federal Office of Asylum on a project entitled *Analysis and Quality Assurance of Asylum Practices*.

## Changes at the BIM

The year 2006 also brought important changes within the BIM. In October, Nicole Lieger left her position as one of the directors, where she had helped the BIM secure many organisational and financial achievements, and Fiona Steinert thereafter assumed these duties on the team of BIM directors. At the time, the BIM began an organisational development process with the assistance of an external moderator and an internal control committee that will lead to reforms of the BIM's internal management, a process scheduled to last until mid-2007.

At the end of the year, the BIM transferred its offices from its previous location on Hessgasse 1 to the new, larger, and more charming premises at Schottenstift (Freyung 6, Stair II, 2<sup>nd</sup> and 4<sup>th</sup> floor). Only the *polis* centre remained at its earlier premises on Helferstorferstraße 5 due to its long-term human rights educational activities which remained under a cooperation agreement with the Federal Ministry for Education, Art, and Culture in the end of the year.

## Cooperation with the University of Vienna

At Schottenstift, the BIM still remains a tenant of the University of Vienna, where the previous cooperative agreement with the Department of Constitutional and Administrative Law under the Faculty of Law will be replaced with a new cooperative agreement with the University of Vienna, which is currently under negotiation. The University's international profile is an important aspect of its competitiveness, and the BIM, through its wealth of international contacts and experience, makes a nontrivial contribution toward this profile.

Two large conferences organised by the BIM in Vienna and Baden demonstrate the BIM's international reach: the Annual Conference of the Association of Human Rights Institutes (AHRI), in conjunction with a conference within the EU's COST-Action Program entitled *Indicators and Monitoring Systems as Preventative Tools for Ensuring Peace and Security and Respect for Human Rights in External Policy-Making of the EU*, as well as the Consultative Meeting on the rights of internally displaced persons (IDPs), jointly undertaken with the renowned Brookings Institution based in New York.



The essential partners for cooperation with the University of Vienna are the Department of Constitutional and Administrative Law, where Hannes Tretter is a University Professor on the Faculty of Law teaching civil and human rights, and the Department of European, International and Comparative Law, where Manfred Nowak assumed the distinguished position as the University Chair for International Human Rights Law that was formed in January 2007.

### **The Relationship between Business and Human Rights**

This University Chair, funded by the OMV together with the Austrian National Bank, the Berndorf Group, the Raiffeisen Zentralbank of Austria AG, the Raiffeisen International Bank-Holding AG, as well as the Hermann and Marianne Straniak Foundation, symbolises a new emphasis on human rights teaching and research activities: the relationship between business and human rights in a global community in which the power and influence of nation-states is increasingly subrogated to international organisations and transnational corporations. This transfer of state power and classical state functions within the global economy naturally raises the question of transnational corporate responsibility for finding solutions to global problems, including the protection of the environment and human rights. More and more businesses that responded to Kofi Annan's call to participate in the "Global Compact" have begun to orient their "Corporate Social Responsibility" (CSR) activities towards codified international human rights standards. The largest company of Austria, OMV, belongs to this group, and BIM became a consultant that advises on the human rights dimensions of its CSR policy since the beginning of 2006. Under the theme "Business and Human Rights," the Austrian National Bank also funded a project through its Anniversary Fund that addressed the fundamentals of this subject.

### **Poverty Reduction**

The consultation with businesses follows a Human Rights Based Approach that has been utilised for development cooperation work with governments as well as for poverty reduction strategies of international organisations and bilateral development agencies. The "Guidelines and Principles for a Human Rights Based Approach to Poverty Reduction Strategies," which the BIM actively utilised, were formally adopted in 2006 by Louise Arbour, the UN High Commissioner for Human Rights. On the basis of its longstanding cooperation agreement with the Austrian Development Agency (ADA), the BIM had begun to pilot and implement the UN Guidelines in 2006 within the framework of a specific project known as *Human Rights and Poverty Reduction in Macedonia*. To this end, the BIM opened a small office in Skopje, where it works in close cooperation with the ADA and UNDP in selected communities as well as at the national level, carrying out specific projects aimed at poverty reduction under a Human Rights Based Approach. At the national level, these endeavours found recognition in the "Joint Inclusion Memorandum" (JIM), generated by the Macedonian government in preparation for entry into the European Union.

### **Twinning**

The *Twinning* Projects of the European Commission pursue a similar objective, where the comprehensive Instrument for Pre-Accession Assistance (IPA) program displaced the PHARE, TACIS, CARDS and MEDA programs as of 2007. The intent is for EU Member authorities or their mandated institutions, such as the BIM, to provide support, advice, and training to the respective authorities of the new EU Member States or candidate countries that are concerned with implementing the EC/EU "acquis" in their legislative and executive spheres. As the only organisation of its kind in Europe with a Twinning mandate, the BIM has both successfully and exceptionally carried out a total of 13 projects on behalf of Austria in areas of human rights, democracy and the rule of law since beginning its mandate in 2002. For each project, the essential first step was a systematic analysis of the legal system and practices of the respective country, leading to a comparison of both the relevant EU "acquis" and the efficient replacement models from EU Member States, in order to develop a basis for drawing reasoned conclusions and submitting recommendations.

The resulting foundational research together with implementation measures have been released in numerous project reports made available online. In spite of increased competition due to the growing number of applicants from across the EU, the BIM was awarded a range of new *Twinning* projects in

2006 that provide a regional focus on Croatia and a substantive focus on discrimination and human trafficking. By utilising its expertise developed over the course of carrying out these planned projects, the BIM can methodically improve the efficiency and sustainability of the EU “acquis” implementation.

The brief cross-section of projects described here, covering only a small segment of the BIM's activities in 2006, reveals the expansive dynamic in which the international human rights community finds itself. As the foremost educational and research institution devoted to human rights in Austria, the BIM seeks to analyse this process of change not only from a scientific perspective but also as an active participant, whether it be at the international, European, and or national level within Austria. In order to maintain this high stature in the future, it is essential that the Institute secure commensurate funding through a comprehensive cooperation agreement between its sponsoring organisation, the Ludwig Boltzmann Gesellschaft, and the University of Vienna, where BIM's two scientific directors reside.

Vienna, April 2007

Manfred Nowak

Fiona Steinert

Hannes Tretter



## **Thematic Areas**

**Teaching and Training**

**Networks**

**Documentation and Publications**

**Facts & Figures**

**Project Data**



## Twinning as an instrument of the EU enlargement policy

### The involvement of the BIM in the harmonisation policy

What does a group of Polish government officials visiting the Viennese gay and lesbian house “Rosa-Lila-Villa” have in common with Austrian government and NGO representatives who inspect police interrogation and arrest rooms in Turkey? Maybe not much at first sight, but what unifies them is the fact that they all participated in *Twinning* projects of the Ludwig Boltzmann Institute of Human Rights (BIM) – either as guests in the context of a study visit concerning the topic of anti-discrimination institutions in Austria or as experts in a monitoring of interrogation methods of the Turkish police.

The enlargement of the European Union in the rounds of 2004 and 2007 as well as the potential accession of further countries in the future entail significant challenges for the EU as well as for the accession candidates. In this respect, the central topic for the accession countries is the adoption and implementation of the “*acquis communautaire*” - the total shared body of EU law - in their legislation as well as in their legal practice.

In 1998, in order to support the accession countries in the development of their administration capacities, the European Union created the *Twinning* concept. In the past eight years, *Twinning* has evolved into the central instrument of the harmonisation policy in the areas of institution building and implementation of the “*acquis communautaire*” with regard to the fulfillment of obligations of EU membership.

#### What is *Twinning*?

Basically, *Twinning* is the word for bilateral partnership projects between administration institutions of a EU Member State and a candidate country concerning a specific area in which the candidate country should and wants to attain progress. *Twinning* projects are financed by the European Commission. In the course of the past years, the original concept was expanded in two aspects: on the one hand, so-called “*mandated bodies*” – institutions in the member states not belonging to the public administration, but which on the basis of their expertise necessary for *Twinning* projects are empowered by the European Commission to implement such projects in the name of the respective member state – now work together with the administration institutions in the candidate countries; on the other hand, the number of beneficiary countries has grown, as *Twinning* projects do not only anymore exist in candidate countries, but for a transition period are continued in new member states and are also increasingly implemented in EU neighbouring regions (in the Western Balkans, in the Mediterranean as well as in Eastern European and Central Asian countries).

*Twinning* comprises a wide variety of topics. It ranges from trainings in the area of migration and asylum over consumer protection to equal treatment of men and women. These are just some of the areas in which Austrian institutions have been involved in the course of the past years.

#### How successful is *Twinning*?

Since 1998, more than 1.200 projects have been tendered Europe-wide and more than one billion euros have been allocated by the European Commission. The candidate countries and new member states with the most *Twinning* projects in the period from 1998 to 2005 were Romania, Poland and Bulgaria in descending order. As for the contents of the projects, the focus was on justice and home affairs, on public finance and internal market as well as on agriculture and fisheries.

The success of a concrete project depends on the fulfillment of a range of conditions on the sides of both project partners: apart from clearly defined and realistic objectives, sufficient political will is crucial in order to really achieve the set objectives. This also requires the involvement of decision makers in the beneficiary country who are in the position not only to provide the necessary resources, but also to effectively anchor the project results in the respective administration. Furthermore, the quality of the “*Resident Twinning Adviser*” – the expert from the member state seconded to the beneficiary country administration for the duration of the project – is an important success factor. This expert has a crucial role, which requires expertise as well as social skills. The ability of intercultural communication and of handling different working methods is as essential as the insight that *Twinning* is a cooperation of part-

ners and not the 1:1 “export” of the concepts of member states to the beneficiary countries. In this context, it has proven very important as a confidence building measure to also expose failures and mistakes of the administration system of the EU member state in order to develop tailor-made solutions for the beneficiary country in cooperation with the project partners as peers.

### **The BIM and Twinning**

In the past years, the BIM has put the focus of its research and education activities on the topic of EU and Human Rights. In autumn 2002, the BIM with the support of the Austrian Foreign Ministry received a general mandate from the European Commission to carry out *Twinning* projects. Since then, the BIM has successfully applied for a range of projects in the areas of human and fundamental rights, democracy and the rule of law. Many of these projects concern topics that are part of the activities of the institute beyond the *Twinning* projects and thus offer good synergy effects. In particular, the anti-discrimination projects in Poland, Slovenia and Hungary and the projects concerning human trafficking in Turkey and Croatia complement other numerous and long-term activities of the BIM. Other projects such as the ones with regard to data protection entail the possibility to develop expertise in human rights relevant fields that were not covered before.

Its involvement in *Twinning* projects provides the Institute not only with the possibility to use its competencies in a purposeful and practice-oriented manner, but also to do scientific research and to cooperate with domestic and foreign authorities as well as other research institutions. Furthermore, through the *Twinning* projects, the BIM has gained significant expertise in international project management. This is reflected in the creation of a *Twinning* coordination unit and its expansion to a management team of meanwhile four persons. One task of the team is to build up a thematically specified pool of experts creating a broad basis of competent and experienced resource persons for the projects. Networking with domestic and foreign authorities, universities, research institutions and NGOs is one of the BIM's strengths and of high importance for the *Twinning* projects, but also a positive consequence of them. It is the combination of scientific know-how and practical expertise that plays a crucial role in all projects and that the Institute aims at.

The BIM always attaches high importance to the involvement of local NGOs in the projects for the purpose of strengthening civil society in the beneficiary countries. For example, in the framework of the project concerning statement-taking methods of the Turkish police, for the first time representatives of the police and of human rights NGOs were involved in a structured dialogue and a discussion on communication and cooperation.

Achievements such as this one show the direct human rights effectiveness of the projects and the *Twinning* instrument. Even if institutional difficulties within the partner authority or the political situation in the country (for example with regard to the asylum project in Ukraine in winter 2004) or other possible failure factors might pose serious problems for a project, the BIM considers it promising to continue applying the *Twinning* instrument. Not only are the *Twinning* projects of great benefit to the beneficiary countries, but they are also a possibility for the member states to gain experience and to learn from the cooperation with the partners – *Twinning* not as a culturally imperialistic approach, but as a mutual know-how transfer and learning process.

After the implementation of meanwhile 13 *Twinning* projects and beyond the all in all positive résumé, the BIM now intends to develop a research approach with regard to the detailed evaluation of its *Twinning* activities. This evaluation is to comprise aspects such as the quality of the implementation of the projects with regard to their execution and results as well as the *Twinning* concept as a political instrument in the enlargement process. One of the objectives is the development of strategies to cope with political realities in the context of the intention of projects. For example, it seems necessary to react to the fact that the initially mentioned Polish government officials meanwhile work in a member state of the European Union whose government abolished the former partner authority – the Polish Government Plenipotentiary for the Equal Status of Women and Men, also responsible for other forms of discrimination – and forbids the use of education material of the Council of Europe concerning human rights in which the discrimination of gays and lesbians is addressed. Two potential future structural approaches concerning the topic EU and human rights are considerations concerning the bindingness

of legal standards and the strengthening of civil society based on diversity as a complementary to state structures and as a competent communication partner.

European Commission, Directorate-General Enlargement:

<http://ec.europa.eu/enlargement/index.htm>

[http://ec.europa.eu/enlargement/financial\\_assistance/institution\\_building/twinning\\_en.htm](http://ec.europa.eu/enlargement/financial_assistance/institution_building/twinning_en.htm)

## Human Rights Protection in Europe

Within the context of human rights protection in Europe, the Council of Europe and the European Union are somehow to be considered in competition with one another, especially since the European Charter on Fundamental Rights has been signed. However, with regard to the European Court of Human Rights' (ECtHR) and the European Court of Justice's (ECJ) jurisprudence, a primacy of the former is becoming apparent. The ECtHR has even been confirmed in its leading position by the fact that according to the European Charter on Fundamental Rights, the European Convention of Human Rights (ECHR) makes up the Union's minimum standards as regards human rights and therefore has gained much importance. From a human rights point of view, the progress of the relationship between both the two organisations and their courts' jurisprudence requires for in-depth academic analysis. Furthermore, the legal order of fundamental rights of the member states as well as the legal practice of the national high courts, which are reflected in the European development of fundamental rights and in the jurisdiction of the ECtHR and the ECJ, need to be integrated in the analysis for assessing their reflexive impact and effectiveness, in institutional respects as well. Finally, the European Fundamental Rights Agency (FRA) has been agreed upon to be established in Vienna, succeeding the former European Monitoring Centre on Racism and Xenophobia (EUMC). In the beginning of December 2006, the Council of the European Union comprising the ministers of justice reached an agreement on the FRA, which was recast in a Council regulation in February 2007. The Agency's mandate rather provides for consulting activities on request of EU-institutions and member states than for compulsory influence, as hoped for in the course of the earlier debates on this. With regard to human rights, this pertains in particular to the highly sensitive field of Police and Judicial Cooperation in Criminal Matters.

The thematic complex on European fundamental and human rights protection focuses upon the interaction between European and national laws as well as the co-operation of the Council of Europe and the European Union and their relevant institutions, including their respective competences and the impact of their decisions.

The BIM deals with these questions, inter alia, as a research partner in two projects within the 6<sup>th</sup> Framework Programme of the EU Commission, by collaborating within the Association of Human Rights Institutes (AHRI) as well as by engaging in the debate on the Union's Fundamental Rights Agency.

### **The impact of the European Court of Human Rights' jurisprudence on national norms, structures and policies**

Over the past fifteen years, the European Court of Human Rights (ECtHR) has witnessed a significant expansion of its case-load. That is due to both the accession of nineteen new EU Member States from Central-Eastern and South-Eastern Europe and the former Soviet Union as well as the introduction of the mandatory individual right to petition in 1998. Focusing on the growing jurisprudence pertaining to the civil and political rights of individuals and communities and their public participation in a democratic setting, the EU-Commission-financed *Juristras* project (6<sup>th</sup> Framework Programme) explores the relationship between courts and politics, i.e. between the judicial review of human rights at the supranational level and domestic politics and policies in Europe.

In a comparative study comprising nine European countries (six EU Member States and three Associate Candidate Countries, namely Austria, Bulgaria, France, Germany, Greece, Italy, Romania, Turkey and the UK), the project seeks to identify and explain national patterns of human rights litigation in Strasbourg and judicial attention to individual rights claims by the Court. Further, it seeks to explore the processes of state compliance and domestic implementation of ECtHR judgments. Hence, variable patterns whether and under what conditions the Strasbourg Court findings trigger broader domestic reforms or policy-changes across the countries under study shall be determined and explained. The empirical research scope primarily pertains to policies on ethnic-religious minorities and immigrants, policies to combat discrimination and to foster equal treatment, to laws defining state regulation of religious activity and conditions for the establishment and operation of political, cultural or other associations, laws defining freedom of the press and public debate and finally to laws for the protection of personal privacy.

The selection of countries for this study was carried out on the basis of the origination of the largest number of individual petitions claiming a breach of rights under Articles 8, 9, 10, 11 and 14 of the European Convention of Human Rights.

The BIM conducts research on the Austrian situation and has already prepared a state-of-the-art report of rights litigation and judicial protection of human rights domestically as a first step. Subsequently, a short version of the report for policy and generally non-academic users will be made available. By now, the compilation of a case-law dataset on all pertinent ECtHR judgments (including relevant decisions on the admissibility of applications) where Austria's state authorities were found to have violated the respective Convention provisions has been provided as well.

In the continuation of these first steps of the project, which spans a total period of three years, a detailed country-case study on national patterns of litigation before the ECtHR, of state compliance and domestic implementation of Court judgments as well as on the impact of the latter on national legislative and policy reforms will be carried out. Consequently, the comparison of individual country cases will lead to the finding why some states are litigants in Strasbourg more frequently than others and why their commitment concerning the execution of judgments differs as the case arises. The main objectives of the *Juristras* project further cover the identification of best practices relating to the establishment or improvement of national and European mechanisms for addressing human rights claims and resolving disputes between individual rights and State interests as well as between minorities and majorities in European societies, the drafting of recommendations for national authorities and other institutions in the field of rights protection for the enhancement of the mentioned mechanisms and the dissemination of research findings among national actors as well as on the European level.

## 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.

Against this background, the BIM is going to examine how anti-discrimination issues got involved in EU policies, which actors participated in the process and how learning processes in the field of anti-discrimination at EU level function.

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



## AHRI Conference

The BIM is a founding member of the Association of Human Rights Institutes (AHRI) which was established in 1999. As an association of leading European human rights institutes, the Network strengthens collaboration in the fields of human rights research, education and related discussions.

Since 2004, the AHRI works in cooperation with the COST programme, a research programme co-financed by the European Commission, with the main goal to increase and deepen the knowledge of the functioning of national and international instruments devised to pursue human rights, peace and security objectives in order to recommend modifications of the foreign policy of the European Union.<sup>1</sup>

The epitome of the cooperation between the AHRI members is the annual conference whose seventh edition was hosted in September 2006 in Vienna and organised by the BIM. Under the general title "Indicators and Monitoring Systems as Preventive Tools for ensuring Peace and Security and Respect for Human Rights in External Policy-Making of the EU", the BIM was able to host with more than 62 participants the biggest annual conference of AHRI so far.

While the general topics of the conference's workshops were in continuance with the four research areas set out in the cooperation agreement with the COST, a particular emphasis was given to two current and overarching issues: a) indicators as a means to assess the prevalent human rights situation in a country and their usability as guiding tools for the formulation and evaluation of EU's foreign policy, and b) the establishment of the European Fundamental Rights Agency (FRA) in Vienna.

Indicators had been at the forefront of recent discussions with respect to the selection of suitable methods to assess a country's compliance with a specific human rights treaty or its general human rights performance. Martin Scheinin, director of the Institute for Human Rights in Åbo/Turku and UN Special Rapporteur on the Protection and Promotion of Human Rights and Fundamental Freedoms while countering Terrorism, presented in his statement at the opening session of the conference the strengths and weaknesses of this new approach and emphasised the entailed potential for the improvement of the EU's country human rights assessment, be it internal, of candidate countries, or of third states. Building on this, Jonas Grimheden of the Raoul Wallenberg Institute underlined in his presentation the relevance of indicators by focusing on the use of indicators at the local level and their part in the development of National Human Rights Action Plans (NHRAPs).

As far as the second conference's specific topic, the European Fundamental Rights Agency, was concerned, Olivier De Schutter, Coordinator of the EU Network of Independent Experts on Fundamental Rights<sup>2</sup>, focused in his elaborations on the division of tasks between the new Agency, the European Union in general and the Council of Europe, and the potentially resulting conflict, competition and complementarity. Engelbert Theuermann, Head of the Human Rights Directorate within the Austrian Ministry of Foreign Affairs, added a further perspective by outlining his view on the coherence and consistency in the EU Human Rights foreign policy, including the potential role of the Fundamental Rights Agency. Reflecting the central role of the new institution, the AHRI assembly meeting adopted a resolution in which it welcomed the envisaged creation of a truly independent human rights agency and called for the inclusion of measures related to the police and the judiciary cooperation of the so-called "Third-Pillar" into its mandate.

The proceedings of the AHRI conference will be published in form of a book in the BIM study series in cooperation with the Verlag Österreich. The next annual meeting will take place in Belgrade in September 2007.

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<sup>1</sup> see also chapter Networks: [Human Rights, Peace and Security in the European Foreign Policy \(COST Action\)](#), p. 49

<sup>2</sup> see chapter Networks: [European Network of Fundamental Rights Experts](#), p. 48

## **Economic, Social and Cultural Rights in Development Cooperation**

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 are 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. These guidelines are being tested on the ground in Macedonia.

### **Human Rights and Poverty Reduction in Macedonia**

The HRBA aims at strengthening and empowering those who need it the most: the poor. It 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.

The main elements of the HRBA for poverty reduction consist of the identification of the poor; the definition of the relevant national and international human rights framework; 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.

In the work of the Austrian Development Cooperation, the reduction of 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 reduction of 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 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. Since August 2006, a two-year follow-up project coordinated by an office of the BIM in Skopje is being implemented in Macedonia in cooperation with UNDP Macedonia.

The specific objective was 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 as a precondition for the new financial perspectives (2007-2013) in order to have access to the EU instruments for „Pre-Accession Assistance (IPA)“. Since all efforts by the Macedonian government, which was newly elected in 2006, focus on the EU accession process, the BIM decided to introduce the activities aimed at the implementation of the HRBA into the relevant fields of the EU accession agenda.

At national level, the BIM was invited by the Secretariat for European Affairs – the institution responsible for the coordination and process of the EU accession – to introduce the HRBA into the development of the “Joint Inclusion Memorandum” (JIM). The aim of the JIM elaboration is – in context with the Lisbon-strategy – to have a significant impact on the reduction of poverty within the EU until 2010. In this planning process, each member state elaborates a National Action Plan of Social Inclusion („NAP/inclusion“). Every two years, the NAP/inclusion will be evaluated upon mutually adopted criteria by the European Commission together with the Council.

The JIM presents the main challenges of the state with regard to poverty reduction and social exclusion and discrimination. Furthermore, it defines the stages of combating these issues and of implementing the common objectives of the EU in national policy, as well as the most relevant political key areas for future projects, monitoring and evaluation. In 2007, the BIM will provide the relevant actors, working groups and task forces with technical assistance to implement the HRBA, and will strengthen the participation of civil society. In order to improve the collection of human rights relevant data on poverty, the State Statistical Office is also involved. This project intends to be a step towards long-term sustainable poverty reduction in the Western Balkans.

### **A Human Rights Based Approach to Development – Tool Kit for UNDP**

Development programming is more and more concerned about decentralisation, local development and good governance as means to better achieve the Millennium Development Goals. However, human development also needs Gender Mainstreaming and a Human Rights Based Approach (HRBA) in order to be achieved, since they are necessary to ensure that development programs benefit those most in need of assistance and contribute to positive cooperation between duty-bearers and rights-holders. The HRBA attempts to guarantee that the goals of pro-poor service delivery and addressing the needs of vulnerable groups are met.

The BIM participated in the elaboration of a toolkit to clarify the conceptual linkages between local governance, human rights and gender. The BIM consultants provided a theoretical and substantial view of how to link human rights and local development. The task included an assessment of the current human rights presence on development projects, the analysis of the different human rights tools, and the preparation of manageable tools for practitioners in the field on how to integrate human rights and gender into local development programming.

Thus, the objective of this toolkit is to assist local governance practitioners in applying a Human Rights Based Approach and Gender Mainstreaming in the process of assessing, planning, implementing and monitoring local governance programs by developing a toolkit that introduces and enhances the understanding of the concept of a Human Rights Based Approach and Gender Mainstreaming in the context of local governance; illustrates how human rights principles and standards and Gender Mainstreaming methodologies can enrich local government procedures for planning, implementing, monitoring and evaluation; and provides hands-on integrated tools and case studies for the application of the Human Rights Based Approach and Gender Mainstreaming in day to day work of practitioners at the local level. The toolkit is currently being tested by UNDP field offices.

Within the framework of development cooperation and in addition to its activities for the Austrian Development Agency in the form of strategy papers and background analyses, the BIM cooperated with several NGOs in order to develop new concepts for projects. Cooperation included projects in the field of *Female Genital Mutilation* with CARE Austria and the preparation of the project *Inclusive Tanzania* on education and political participation of disabled persons, which will be implemented in 2007 together with Light for the World.

## Human Rights and Business

### What is the responsibility of a „good corporate citizen“ today?

In the past decade, debates on a possible human rights responsibility of enterprises have increased dramatically. Triggered by cases of corporate complicity in human rights violations, reports of the exploitation of workers (especially women) and child labour, and a number of egregious cases of fraud, a growing number of scholars and human rights activists began to challenge the traditional understanding of the state as the sole bearer of human rights responsibility. In the current discourse, two main strands to tackle this problem can be identified:

The state has the obligation to prevent and prosecute human rights violations by private actors (state duty to protect). This obligation can be realised by action of the state itself, but also through initiatives on the regional and international level - in the European Union, for example, legislation foresees a criminal liability of legal persons if they are involved in Trafficking in Human Beings. In the US, civil liability is established in cases of grave human rights violations committed by enterprises.

Besides this “indirect” responsibility of businesses via state legislation, first tentative initiatives to establish a “direct” human rights responsibility have been made. A remarkable example here is the Statute of the International Criminal Court which establishes an individual responsibility for grave human rights violations – for example committed by high-level managers of a corporation. A direct human rights responsibility would mean that especially transnational corporations, which usually escape national legislation, could be held accountable for human rights violations. This is a paradigm shift in the human rights structure: usually, only states can be legally held accountable for human rights violations. Not surprisingly, this “new responsibility” for enterprises is highly contested. However, the establishment of such a responsibility would not automatically mean that businesses and states are on an equal footing in international law; examples of international liability for legal persons in the environmental field show that this is not necessary. These examples demonstrate that a direct responsibility is legally possible – if it is politically endorsed.

Last but not least, there are a number of „pioneer enterprises“ which put human rights into business action on their own initiative; however, most of these enterprises were strongly driven by negative public opinion to demonstrate their „good corporate citizenship“.

These developments clearly show that today, businesses must be ready to face human rights challenges in their daily business activities to meet the demands placed on them by an alert and critical public, and to embrace their responsibilities as „good corporate citizens“. Some pioneer enterprises have even recognised the potential of engaging in human rights activities to show a unique corporate social responsibility profile, and thus to be one step ahead of their CSR competitors.

### **„OMV Gap Analysis“. Consultancy on the Implementation of Human Rights in OMV's Corporate Social Responsibility Strategy**

One of the above mentioned pioneer enterprises is the Austrian Oil company OMV. A couple of years ago, OMV had been heavily criticised for its activities in Sudan where civil war and grave human rights violations were rampant. And NGO network called “Sudan-Plattform” issued a press release saying: „human rights violations in Sudan: OMV puts profit over human dignity.“ Under the rising pressure, OMV eventually sold its licence to operate in Sudan.

To avoid a similar mistake in the future and to lay its business strategy and priority-setting along internationally accepted lines and „good human rights practice“, the OMV board decided to consult the BIM on its human rights-related CSR strategy. This was a unique possibility for the Institute to support the practical integration of human rights in the daily business activities of a key player in the Austrian business world.

The consultancy has two phases. In a first step, the consultants analyse the conformity of OMV's Corporate Social Responsibility provisions (Codes of Conduct, guidelines etc.) with human rights and CSR standards. Relevant standards are the major human rights conventions and business-related standards of international organisations, as well as other pertinent CSR standards such as the UN Global Compact, OECD Guidelines and SA 8000.

In a second step, all CSR activities of OMV will be collected and analysed in a matrix. This matrix encompasses all pertinent human rights standards and a selection of relevant countries where OMV operates. At the end of the project, the consultants will make recommendations regarding the further effective implementation of a human rights strategy within OMV.

## The Human Rights Responsibilities of Businesses, States and the International Community

Since 2005, intense research on *Human Rights and Business* takes place in the framework of a project financed by the Austrian National Bank.

The research project seeks to analyse the human rights responsibilities 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 focuses on voluntary initiatives of "corporate social responsibility" particularly in the European Union in order to identify "good practice" in this field.

The aim of the project is to systematically analyse existing instruments to implement corporate responsibility for human rights and to point out initiatives to develop these instruments. An assessment by the BIM conducted in 2005<sup>3</sup> showed that the number of Austrian businesses involved in human rights-relevant CSR is fairly low – the results of this research project will also be ground for information and sensitisation of representatives from the business sector to address human rights issues, and may be an incentive for future cooperation between BIM and Austrian enterprises. Final project results will be out in April 2007.

In 2006, the NGO network „Network Social Responsibility“ („Netzwerk Soziale Verantwortung, NeSoVe) was created to enhance cooperation within civil society organisations interested in social responsibility issues, in particular regarding the monitoring of Austrian business activities. The BIM is a member of this network and will contribute mainly through its human rights expertise.<sup>4</sup>

## 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.

To take refuge, however, does not necessarily mean to cross national borders. Due to armed conflicts, violent situations, certain catastrophes or as a result of other human rights violations, many people are forced to leave their homes but, nevertheless, stay within national borders.

In 2006, the BIM was concerned with questions on the issues of asylum and internal displacement both on the national and international level.

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<sup>3</sup> Karin Lukas (with contributions of Martha Wirtenberger), Corporate Social Responsibility and Human Rights – what is the status quo in Austria?, July 2005.

<sup>4</sup> See also the section on Networks, [p. 51](#).

## Asylum and Aliens Law

Due to various reasons, the Austrian asylum law can be described as a particularly complex field of law. EU-harmonisation tendencies on the one hand as well as various national endeavours to reform the Austrian asylum system on the other hand – mainly motivated by thoughts of shortening the period of time between the submission of an application for international protection and the decision taken by the asylum authorities and ruling out any possibilities for the misuse of the right to asylum – led to the fact that this branch of law was often and considerably amended in recent years.

The new Asylum Act 2005 as contained in the so-called Aliens Law Codification 2005 (*Fremdenrechtspaket*),<sup>5</sup> being a complete revision of the Asylum Act 1997 (as amended in 2003), in theory mainly aimed at further strengthening the procedural concentration and accelerating the asylum proceedings as such. A rapid dispatch of proceedings was meant to lead to a most impetuous granting of protection for those who need it. In practice, however, grave deficiencies resulted from the new law. The grounds for detention pending deportation e.g. were heavily extended. Deportations may be effected even before an indefeasible decision is existent. The former special protection of e.g. traumatised persons with regard to detention and deportation was immensely reduced.

One year after the entry-into-force of the Asylum Act 2005, serious objections still exist with regard to its compatibility with common human rights standards.<sup>6</sup>

### Quality assurance for first instance asylum proceedings in Austria

An adequate way of interviewing asylum seekers is crucial for the disclosure of all aspects that are relevant for the decision-making process already in the first instance proceedings. Beyond, it is conducive to the compliance of obligations that are foreseen in the Asylum Act, especially with regard to obligations arising from diverse human rights standards. First instance asylum proceedings of high quality raise the probability that a possible need for protection is established already by the first instance Federal Asylum Office (*Bundesasylamt*). In succession, this leads to a discharge of the second instance, the Independent Federal Asylum Tribunal (*Unabhängiger Bundesasylsenat, UBAS*) and has a likewise effect on the system of basic care for asylum seekers.

All the circumstances mentioned above led to the Institute's idea of analysing the first instance asylum proceedings in Austria by conducting a comprehensive scientific research study. The deliverables and consolidated findings of this study should then allow for a high level of quality of Austrian asylum proceedings. Possible problems with regard to the questioning of asylum seekers, the adherence to given time limits, the consideration of evidence and other elements that contribute to the decision-making process should be identified, evaluated and then applied to feasible and sustainable solutions.

By December 2006, the Institute was able to realise its ideas in a quality assurance project financed by the European Refugee Fund and co-financed by the Austrian Ministry of the Interior. Over a period of thirteen months, starting January 2007, a respective analysis based on a sample of 100 proceedings will be conducted and scientifically edited. The project will be implemented by members of the BIM in cooperation with members of the Federal Asylum Office. Moreover, the project team is supported by a steering committee consisting of representatives of the UNHCR, the Red Cross (ACCORD), the Independent Federal Asylum Tribunal, the Ministry of the Interior, the Federal Asylum Office and the Ludwig Boltzmann Institute of Human Rights.

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<sup>5</sup> Federal Law Gazette (BGBl.) I No. 2005/100.

<sup>6</sup> For greater detail cp. Forum Asyl (Ed.), Wahrnehmungsbericht 2006, Auswirkungen des Fremdenrechtspakets auf den Asylbereich, 2006.

## IDP Legislators' Manual Project

Currently, there are approximately 25 million people who have been forced to leave their homes due to international armed conflicts, civil wars, systematic violations of human rights, natural disasters or other crises, but remain within the borders of their own country. Unlike refugees, these so-called internally-displaced persons (IDPs) do only very limitedly benefit from the established international mechanisms of protection and assistance, and lack predictable structures of support. With at least 50 countries directly concerned, the fate of IDPs has become one of the most pressing humanitarian, human rights and security issues.

Against this background, the UN Representative of the Secretary General on Human Rights of Internally Displaced Persons (RSG) presented in 1998 with the Guiding Principles on Internal Displacement a set of general guidelines which have to be pursued in order to improve the situation of IDPs. With the aim to translate these general provisions into more "hands on" oriented measures, the RSG and the Brookings-Bern Project on Internal Displacement which he co-directs, established with the support of the BIM the *IDP Legislators' Manual Project*. As its outcome, law and policy-makers on a national level, dealing with the issue of internal displacement, shall be provided with a manual highlighting those issues that domestic law and policy should address to adequately recognise and implement IDPs' rights.

In the first phase of the project, the BIM produced a preliminary study<sup>7</sup> in which different national legislations and policies on IDPs were analysed, and good and problematic practices with regard to incorporating and implementing the Guiding Principles detected. The study identified relevant topics such as political participation, social security, employment, which needed further research. Follow-up studies subsequently focused on these issues.

At the centre of the second phase stood the IDP Consultative Meeting in Vienna which was organised by the BIM in collaboration with the Brookings Institution and with the financial support of the Austrian Development Agency (ADA). In course of this two day event, the study authors presented their drafts to an audience comprising invited international experts with different professional and regional backgrounds, representatives of NGOs, international institutions and governments, the UN Representative of the Secretary General on Internally Displaced Persons, Walter Kälin, as well as the UN Special Rapporteur on Adequate Housing, Miloon Kothari. The feedback gained in course of the discussions is now to be integrated into the studies. The Manual, which will ultimately be based on the finalised versions of the studies, is to be presented for review in autumn. In February 2008, the BIM will again host a conference in Vienna for a final and expanded round of consultations.

For further information see: [www.univie.ac.at/bim/idp](http://www.univie.ac.at/bim/idp)

## Trafficking in Human Beings

Trafficking in Human Beings is called a "low risk – high profit"-crime. In fact, the profit that can be achieved is the third biggest in the context of organised crime. But Trafficking in Human Beings is much more than a crime. It is a serious form of violence and a violation of human rights that concerns particularly women and girls. It is estimated that about 500 000 to 2 million persons worldwide are exploited under conditions near to slavery and in forced labour as prostitutes, domestics, farming helpers or beggars. A rough estimate of the Council of Europe ranges from 120.000 to 500.000 affected people in Europe. In many states the prevention of organised criminality, of illegal immigration and of prostitution has priority, but the human rights aspect got increasing weight in the international discussion – not least because of the Council of Europe Convention on Action against Trafficking in Human Beings.

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<sup>7</sup> Sölkner, Andrea: Implementing the Guiding Principles on Internal Displacement on the Domestic Level. An analysis of domestic legislation and policies and recommendations on areas for further research, June 2005.

States are obliged by international human rights commitments to take precautions with due diligence for the prevention and prosecution of human trafficking and for the protection and promotion of the victims<sup>8</sup>. Human rights demand prevention activities to eliminate the causes and reasons of human trafficking like poverty and discrimination of women and children. Protection and promotion of victims mean support for the physical and psychic recovery of the victims, their (re)integration in society and the protection from deportation to the country of origin. Victims need protection from revenge by the perpetrators and prevention of subsequent traumas: the testimonies of the victims use to be the only evidence in trials against the perpetrators, mean a lot of psychic stress and often lead to serious danger for the security.

The international frame for actions against human trafficking are the general conventions on human rights like the ECHR regulating the prohibition of slavery and forced labour (art. 4). More recent international and European standards like the UN Protocol to Prevent, Suppress and Punish Trafficking in persons or the EU directive of 2004, which provides for a permission of residence for victims who speak out as witnesses<sup>9</sup> and concentrate on the fight against organised crime and illegal immigration and care scarcely for the protection of the rights of victims. A step forward was the convention of the European Council against human trafficking in 2005. This convention has not been enforced yet. It includes elaborated regulations for the protection of the victims' rights. They are not bound to the cooperation of the victim but to the need for help. Austria signed the convention in May 2005 and ratified it in October 2006.

## European Projects

The *Twinning Project Strengthening Institutions in the Fight against Trafficking in Human Beings* in Turkey aims to strengthen the capacities of Turkish institutions in the fight against Trafficking in Human Beings. The BIM contributes to this project mainly in the field of victim assistance and protection. A series of research, training and awareness raising activities has been carried out. Additionally recommendations for the improvement of the Turkish legislation are worked out. A detailed description of the project can be found below.

Another *Twinning* project – in Croatia – was prepared in 2006 and funded by the European Commission and will be implemented in 2007. This project shall also provide comprehensive recommendations for effective and well-founded legislation in the field of Trafficking in Human Beings and shall support its implementation.

Within the AGIS-Project of the European Commission, the BIM lays the focus on the *Strengthening of Victims' Rights in Criminal Proceedings* in Romania. Until mid 2008, trainings for judiciary in Romania will be provided for in cooperation with the German foundation for International Legal Cooperation, the NGO La Strada International, the Romanian state prosecutor and the Romanian NGO AFI Pro Familia.

Further sensitisation and involvement of the civil society on Trafficking in Human Beings is the objective of a project at the University of Padua, which is supported by the BIM as a partner: A comprehensive toolkit of teaching materials shall facilitate teachers' work on the topic of Trafficking in Human Beings with high school students from a human rights perspective.

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<sup>8</sup> UNHCHR Recommended Principles and Guidelines on Human Trafficking and Human Rights, E/2002/68/Add.1, 20 May 2002, Principle no. 2

<sup>9</sup> Council Directive 2004/81/EG 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



## **Inter-ministerial Task Force against Human Trafficking**

In addition to the establishment of an adequate legal framework, political and structural measures are necessary to combat Trafficking in Human Beings. In Austria, the Inter-ministerial Task Force against Trafficking in Human Beings works towards networking and information exchange since 2004, comprising also NGOs like the BIM. In 2006, the task force elaborated a national action plan co-designed by BIM staff through bringing forward statements and actively participating in the relevant sub-working group. Among others, the establishment of a Children's Rights Based Approach was a crucial aspect.

## **Strengthening Institutions in the Fight against Trafficking in Human Beings**

Although Turkey has already made progress in the fight against Trafficking in Human Beings, further action is necessary in order to fully meet international minimum standards for the elimination of Trafficking in Persons. Practically, a Task Force has been established within the Turkish Government to develop an anti-trafficking Action Programme and this present project, which started in January 2006, aims 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. To guarantee adequate exchange, the project management addresses representatives of the Task Force regularly and exchanges reports and recommendations.

Though the Ministry of the Interior is the main beneficiary of this programme, it was of utmost importance to organise a network approach of all involved institutions in order to achieve results in administrations practice. Relevant actors from the Turkish Government on the one hand are the Ministries of Foreign Affairs, Justice, Interior, Labour and Social Affairs, Health and the Prime Ministry and General Directorates of Social Services and Child Protection and on the Status and Problems of Women as well as the Turkish National Police and involved partners from the civil society on the other hand are NGOs like the Foundation For Women's Solidarity and the Human Resource Development Foundation and private sector institutions (e.g. press, public relations).

BIM contributes to this project, which is implemented in cooperation with the Berlin Criminal Police Agency on the Member State side, mainly in the field of victim, return and reintegration assistance and strengthening of law enforcement by sending experts to carry out a series of research, training and awareness raising activities.

Since the project will be concluded in June 2007, most of the BIM's components are in the state of finalisation already. Concerning victim assistance and support strengths, gaps and needs of current available services, structures and stakeholders have been analysed and recommendations for further action have been drafted. Another output of this component is a feasibility study for shelter for which the short term experts gathered information on existing shelter structures and modalities in a series of bi-lateral meetings, analysed infrastructural, personnel, financial and other requirements for the establishment of a shelter for trafficked persons and offered practical recommendations for future steps.

Another major constituent of the BIM's work was the analysis of current practices of returning victims from and/or to Turkey, their access to reintegration services, as well as the cooperation between organisations in countries of transit, destination and origin. An analytical report on recommendations has been produced; a seminar on trans-border cooperation as well as a workshop to foster NGO networking held.

Further activities dealt with the development of a legislative framework to combat trafficking. Trainings, e.g. intercultural ones for border police and aliens' police or trainings on victim's rights for lawyers and judiciary, have been run.

## The Fight against Torture and Enforced Disappearance

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, this absolute prohibition is for the first time seriously challenged even in democratic countries. That is why the fight against torture has become again one of the most controversial issues within the international community.

In a positive sense, the year 2006 has seen the coming into force of the Optional Protocol to the UN Convention against Torture (OPCAT). States who ratify this Protocol commit themselves to establishing an independent national preventive mechanism. This mechanism must be enabled to undertake unannounced visits to all places of detention. Such a national institution demonstrably contributes to an effective prevention of torture and other forms of ill-treatment. In addition, States also agree to visits by an international mechanism established by the UN, the UN Subcommittee on the Prevention of Torture, when ratifying the Protocol.

### 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 2006, Manfred Nowak conducted such missions to Jordan and Paraguay. In both countries the Special Rapporteur found vast evidence of partly serious cases of torture regarding a high number of victims. His deplorable findings are reported to the new UN Human Rights Council, which has been established by General Assembly resolution (A/RES/60/125) in March 2006. A third planned mission to the Russian Federation including a number of North Caucasian republics like Chechnya and North Ossetia had to be cancelled on short notice in October, because the Russian Federation could not guarantee full compliance with the terms of reference of UN special procedures.

In November Manfred Nowak, together with Julia Kozma, travelled to Gambia in order to participate in a session of the African Commission on Human and Peoples' Rights. In the course of this mission he met with, *inter alia*, members of the Commission who, like he, are mandated with similar functions of torture prevention within the regional system of the African Union, in order to establish future cooperation.

In his general reports to the UN Human Rights Council and the General Assembly in New York in 2006, Manfred Nowak addressed issues like diplomatic assurances when deporting a suspected terrorist to a country where he or she might face torture, the distinction between torture and other forms of cruel, inhuman or degrading treatment or punishment, the principle of non-admissibility of evidence extracted by torture, as well as the entry into force of the Optional Protocol to the Convention against Torture.

In 2006, the Special Rapporteur on Torture was supported by a team in Geneva as well as four employees of the BIM in Vienna.

The Special Rapporteur's reports can be downloaded from the website <http://www.ohchr.org/english/issues/torture/rappporteur/>

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

Work continued on the drafting of the Commentary to the UN Convention against Torture in 2006. This year saw the finalisation of all of the substantive Articles of the Convention (Articles 1-16). The Commentary addresses some of the most complex issues of the Convention including Article 5 (State parties' obligation to establish universal jurisdiction in cases of alleged torture where the alleged offenders are not extradited to face prosecution in another State), Articles 6-8 (governing the exercise of universal jurisdiction), Article 9 (the obligation of States parties to assist one another in criminal proceedings concerning torture) and Articles 13 and 14 (the right to redress, protection and compensation).

At the same time, a major part of the work on the procedural Articles of the Convention (Articles 17-33) was completed. This task included work on the provisions for international monitoring, and also the concept of preventative visits to all places of detention as contained in the Optional Protocol to the CAT (OPCAT) which entered into force on 22 June 2006.

Again, the scientific work carried out on the Commentary fed directly into the work of the United Nations Special Rapporteur on Torture. In his report to the General Assembly in 2006, Manfred Nowak discussed the significance of the entry into force of OPCAT, discussing the rationale for independent preventive visits to places of detention, sharing practical experience relevant to the effective implementation of the Optional Protocol and urging States to ratify and establish independent and effective national visiting mechanisms. He also addressed the important and very topical principle of the non-admissibility of evidence extracted by torture (Article 15), analysing the recent decisions of the German courts in the case of *Mounir El Motassadeq* and the House of Lords judgement in *A and Others v. Secretary of State for the Home Department* in the United Kingdom.

Work on the Commentary during this period was assisted by a dedicated team of interns, staff at the Institute and interested PHD candidates at the University of Vienna. This research project is funded by the "Fonds zur Förderung der Wissenschaftlichen Forschung" (Fund for the Promotion of Scientific Research); publication of the Commentary by Oxford University Press is expected in March 2008.

(See <http://www.oup.com/uk/catalogue/?ci=9780199280001>).

## UN Convention for the Protection of All Persons from Enforced Disappearance

Enforced Disappearance is one of the worst human rights violations, which was initially committed during the Latin American military dictatorships of the 1970s and 1980s. Today, enforced disappearance is practiced worldwide. Persons are kidnapped by the military, police or plainclothes secret service agents and are often held for many years in secret places of detention without any contact to the outside world. Regularly, they are severely tortured. Family members are told by the authorities that they have no idea where these persons are. Because of this uncertainty, enforced disappearance also becomes a kind of torture for those who are close to the victim and are often for years torn between hope and desperation.

In January 2002, Manfred Nowak in his function as UN Expert on Enforced Disappearance presented a report on the international legal framework relating to this phenomenon.<sup>10</sup> Based on this report, the UN Commission on Human Rights elaborated a respective convention, which was adopted by the UN General Assembly on 20 December 2006.<sup>11</sup>

<sup>10</sup> Report of 31 January 2002 E/CN.4/2002/71.

<sup>11</sup> A/RES/61/177.

## 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.

At the same time, an efficient judicial system represents the most important element of human rights protection (e.g. right to life, health, freedom) against private perpetrators.

### Support to the Reform of Pre-Trial Proceedings in Criminal Matters in Croatia

In May 2006, the BIM started to implement this *Twinning* project aiming at supporting the Croatian Ministry of Justice in its reform of the criminal procedure law. This comprehensive task broke down into two specific objectives, namely a) to elaborate a comparative study on existing types of preliminary proceedings in some EU Member States and b) to develop a national strategy for conducting preliminary criminal proceedings.

These two objectives were fulfilled by a variety of activities, ranging from an assessment of the effectiveness and efficiency of the current type of preliminary criminal proceedings in Croatia (including an analysis of existing human and financial resources and facilities for conducting investigations) as well as the identification of areas of concern over the study of the situation in other EU Member States (Austria, Germany, Italy) with regard to these areas to, finally, the recommendation of reform measures and the elaboration of an action plan for their implementation.

While the main beneficiary of the project was the Ministry of Justice / Criminal Law Department, the project team also closely cooperated with the State Prosecutor's Office, the Ministry of the Interior and the members of the Working Group for drafting amendments to Croatian criminal procedure legislation. The activities were carried out in the County Courts and the Police Headquarters in Zagreb, Rijeka, Split and Osijek; interviews were also held in Varaždin.

The main results of the above mentioned project activities were presented in a comprehensive final document in November 2006. This document is available on the BIM website in both English and Croatian.

### Improvement of Statement-taking Methods and Rooms in the Republic of Turkey

In February 2006, the final conference of the *Twinning* Project regarding the improvement of statement-taking methods of the Turkish police, which the Institute has been implementing since August 2004, took place in Ankara. The project aimed at improving the human rights situation in the context of the Turkish National Police, especially with regard to common European and international standards and according to an extensive constitutional reform package passed by the Turkish National Assembly in October 2001.

The project was 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.

Therefore, the major intention of this project was to improve the existing examination techniques and to place them within the process of judicial investigations in order to move towards a system of evidence-based prosecutions. Another aim of this project was to strengthen the cooperation, communication and

coordination of police, public prosecutors, judges, lawyers and NGOs with respect to judicial investigations.

In retrospect, not only could all aims of the project be achieved, but also did the mutually achieved results exceed the milestones laid down in the project outline in many areas: The existing examination techniques were analysed and improved with regard to standards of rule of law and human rights; standards of trainings for the police were defined, a training curriculum for examination was developed; more than 200 trainers and 2000 police officers received trainings on examination techniques and on the assessment of other evidence in preliminary proceedings, and 30 rooms of examination were equipped according to international standards. The existing processes of cooperation, communication and coordination could be improved remarkably.

The great success of this *Twinning* Project, which amongst others was also acknowledged in an evaluation report commissioned by the Turkish Delegation of the European Commission, certainly resulted from the good cooperation of all project partners involved. One of the most important achievements, however, lay within the strengthening of communication structures between the aforementioned institutions, which will have sustainable influence on a sorted and constructive coaction of all key-players.

## The Austrian Human Rights Advisory Board

The Human Rights Advisory Board was established in 1999 based on a constitutional provision in the Austrian Security Police Act. 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 achieve this purpose, six regional visiting commissions monitor the behaviour of police and security staff at different facilities holding detainees and the exercise of police force in general.

Two commissions – OLG “Vienna 2” and “Vienna 3” (in charge of Lower Austria, Burgenland and parts of Vienna) – are coordinated by the BIM. In the Secretariat of the Human Rights Advisory Board at the Ministry of the Interior, a further employee of the BIM is in charge of central coordination and communication.

In 2006, the attention of both commissions again 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.

Further important topics were the impact of the Alien Law Reform 2005, the conditions of detention in the police detention centre Roßauer Lände in Vienna and further police detention centres in Burgenland and Lower Austria, as well as the treatment of detainees on hunger strike and detainees with mental health problems, including those who show suicidal tendencies.

The commission “Vienna 2” was considerably involved in the monitoring of the *Bakary Jassey* – case, the first case in the history of the 2<sup>nd</sup> Republic in which torture has been brought to justice and sanctioned by criminal law. The monitoring of the commission and of the Human Rights Advisory Board has contributed to the fact that the Ministry of the Interior has agreed to pay an adequate compensation according to Art.14 CAT and to financially support his medical rehabilitation.

The reports of the commissions are confidential. Further information on the activities of all six commissions is available in the annual report of the Human Rights Advisory Board and on the homepage [www.menschenrechtsbeirat.at](http://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. A study commissioned by the working group of the Human Rights Advisory Board on “allegations of ill-treatment” in 2005, in which all cases of allegations of ill

treatment against police officers pending with the Viennese prosecution authorities in the year 2004 could be finalised. On the basis of this study, the working group has analysed in its report to the Advisory Board the way State institutions (police, prosecution authorities and the courts) cope with allegations of ill-treatment, taking into account international obligations regarding the prevention and punishment of torture and other cruel, inhuman or degrading treatment or punishment. The report will be published in German in March 2007 under the title "The police as perpetrator? An analysis of the handling of State institutions with allegations of ill-treatment" as the third volume of the Series of the Human Rights Advisory Board by the Neuer Wissenschaftlicher Verlag.

Further important activities of the Advisory Board in 2006 include the hosting of a working group on "Law Enforcement Authorities (police) as a Human Rights Organisation" and the evaluation of the implementation of recommendations issued by the Advisory Board in a report written at the occasion of the death of *Cheibani Wague* in the Stadtpark in Vienna, "The Use of Force by the Police – Risk Minimisation in Problematic Situations".

## Data Protection

Based on the steadily increasing number of possibilities for data-collection and –processing within the information society, data protection can be understood as one of the most prevailing fundamental rights. Being part of the Right to Privacy under Article 8 of the European Convention on Human Rights, it has a prominent position in the protection of fundamental rights within the Council of Europe. Similarly, it can be found within the common values of the European Union, as the right to data protection is listed as a separate fundamental right within the European Charter of Fundamental Rights.<sup>12</sup>

In general, it appears that questions on data protection also arise from various other categories of human rights like e.g. the fight against Trafficking in Human Beings or asylum and migration. Extensive scientific effort concerning data protection and its nature as a fundamental right is thus getting more and more important.

### Data Protection in the Czech Republic

In continuation of its previous data protection activities in the years 2004 and 2005, the BIM implemented a *Twinning Light* Project on data protection in the Czech Republic between February and September 2006.

The overall objective of this *Twinning Light* project was to assist the Czech data protection authority, the Office for Personal Data Protection ([OPDP](#)), in achieving the standards and guidelines of the European Union with regard to personal data protection.

The main thematic focuses of this project lay within the fields of Schengen, Europol and Customs Issues on the one hand as well as within the sectors of E-Communication and Data Protection at the Workplace on the other hand. A comprehensive examination of these fields was especially interesting from a human rights perspective, and was in the interest of the BIM. For example, the effects of the Schengen Agreement have been contested for years because due to the abolition of border controls, the participating states are under an obligation to provide adequate, i.e. increased security of external borders to fight escape and illegal immigration. This, however, further strengthens the idea of the „fortress Europe“. Especially planned projects like the synchronisation of the Schengen Information System with the contents of other databases, like for instance the Fingerprint Identification System EURODAC, cause considerable doubts from a data protection, hence human rights perspective. Additionally, also the field of Data Protection at the Working Place raises important human rights relevant questions. Especially due to the weaker position of the employee, his interests worth protecting (right to privacy, privacy of correspondence) must be duly respected.

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<sup>12</sup> Vgl. Walter Dohr, Datenschutz in Österreich, in: Teaching Human Rights Nr. 12/2002.

The project was divided into two main parts. The first part included several joint working meetings on all aforementioned issues, where detailed discussions took place between the Austrian and the Czech experts. The second part attended to the preparation of two manuals, being the basis for further implementation measures in the field of data protection in the Czech Republic.

## Anti-Discrimination

An employee forced to tolerate abusive remarks by her superior, an “African” teenager being denied admission to a night club to which his/her “Austrian” friends are 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 – as widely as all these people may differ from each other, they still share a common experience: that of suffering discriminatory treatment.

The concept of protecting human rights is based on the idea that every human being has the same rights. The protection against discrimination constitutes a principle of structure for human rights. Besides explicit prohibitions against discrimination in the application of various conventions of the United Nations, beginning with the Universal Declaration of Human Rights, there are 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. Another one was added to the body of these conventions in 2006, when the General Assembly adopted the Convention on the Rights of Persons with Disabilities on 13 December, 2006, making the rights of people with disabilities a binding principle of international law<sup>13</sup>.

In the framework of the European Union, the fight against discrimination took its starting point from the principle of equal pay for men and women and the protection against discrimination on the ground of citizenship of one of the Member States. In July 2006, the European Court of Justice sentenced Austria for discriminating against non-Austrian EU citizens in access to universities.

The Amsterdam Treaty of 1997 created the general legal basis – Article 13 TEC – for the Council to combat discrimination on the basis of sex, race or ethnic origin, religion or belief, disability, age or sexual orientation.

The EU Anti-Discrimination Directives of 2000 and 2004<sup>14</sup> binding 27 EU Member States to a transposition in national law have led to an unprecedented process of review and change of anti-discrimination legislation in a considerable number of European countries. In 2006, it was possible to gain a comprehensive overview of the implementation of the two Anti-Discrimination Directives from 2000 in the EU-25. The European Network of Legal Experts in the non-discrimination field gathers and analyses pertinent country information on behalf of the European Commission. A comparative analysis, building on the country reports, concludes that most EU Member States have now adopted more visible specific anti-discrimination legislation than previously, although there are still considerable gaps<sup>15</sup>. The most pressing task for the future consists in the proper application and active enforcement of the newly established rights in practice.

In Austria, essential remaining gaps in the transposition were closed in Austria in 2006, although the Directives should have been implemented by 2004. At the beginning of the year, legislation regarding the equal treatment of persons with disabilities entered into force. Regarding the equal treatment of all persons irrespective of ethnic belonging, religion or belief, age, and sexual orientation, all nine federal provinces have now set up anti-discrimination contact points offering free counselling and support in

<sup>13</sup> See: <http://www.un.org/disabilities/convention>

<sup>14</sup> 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, 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

<sup>15</sup> See: Mark Bell, Isabelle Chopin, Fiona Palmer (2006) Developing Antidiscrimination Law in Europe II, Migration Policy Group, [http://www.migpolgroup.com/multiattachments/3639/DocumentName/CA\\_2\\_en.pdf](http://www.migpolgroup.com/multiattachments/3639/DocumentName/CA_2_en.pdf)

cases of discrimination. Relevant institutions at the level of the Federation established in 2005 - in the framework of the Ombud for Equal Treatment and the Equal Treatment Commission - now have more than one year's experience in the application of the amended Equal Treatment Act. As it turns out, the institutions become increasingly known among the population, and more and more people turn to the two new Ombudswomen for equal treatment<sup>16</sup>. A particularly strong increase was observed in inquiries regarding age discrimination. The new senates of the Equal Treatment Commission have passed initial decisions that are expected to influence the future application of the law. Although the low speed at which these decisions were arrived at is somewhat disappointing, the contents of the decisions are considered important, in particular in so far as they point out the responsibilities of employers regarding non-discrimination at the workplace. The year 2006 also saw the first legally binding judgement of an Austrian court under the new Equal Treatment Act. The Salzburg regional court awarded damages to an employee for suffering sexual harassment and harassment on the ground of sexual orientation. The plaintiff was supported by the Litigation Association for the Defence of the Rights of Victims of Discrimination acting as an intervener in the proceedings<sup>17</sup>. The BIM is a member of the Litigation Association.

The long standing dedication of the BIM to anti-discrimination issues is appreciated by various institutions that have repeatedly awarded relevant projects to the institute. Besides the successful participation in calls for tender, the expertise of the BIM and its members in antidiscrimination is recognised by various actors. This becomes evident e.g. in the invitation to participate in the dialogue with civil society initiated by the Federal Minister for Health and Women in May 2006, the invitation to the Seminar on Racism and Xenophobia organised by the Federal Ministry of Justice in the framework of Austria's EU presidency in June 2006, the invitations to the Conference addressing the Hate Crime Data Deficit organised by the OSCE in November 2006 or to participate in drafting an Austrian Standard in the framework of a working group called European Diversity Management established at the Austrian Standards Institute.<sup>18</sup>

During 2006, the BIM once again carried out several projects, ranging from academic research into discrimination and measures directed against it to carrying out trainings oriented towards the practical application of such measures.

## RAXEN Focal Point for Austria

Already since the year 2000, BIM has been functioning as the Austrian node in the European Racism and Xenophobia Network (RAXEN) together with the Institute of Conflict Research and the Department of Linguistics of the University of Vienna. Information on discrimination, as well as legal and practical initiatives against it, is collected and processed on behalf of the European Monitoring Centre on Racism and Xenophobia (EUMC). This is supplemented by more general information on the situation of migrants and minorities in Austria. Among other tasks completed in 2006, the Focal Point drafted a study giving an overview of the years 2000 - 2005. In the legal arena, the most important development certainly was the transposition of the EU Anti-discrimination Directives into national law. The practical effects of these changes, however, cannot yet be sufficiently assessed. Among the EUMC publications based on RAXEN reports, the study on *Muslims in the European Union* stood out as attracting significant public interest in 2006<sup>19</sup>. In particular, attention was directed to the disadvantaged situation of Muslim youth. The heated and negatively biased public discussion on Islam in Europe that arose in connection with the Mohammed cartoon affairs in 2006 is reflected in the dramatic increase of incidents noted in the EUMC annual report 2006 for several member states. Although the situation in Austria remained comparatively calm, it was still evident that xenophobic elements of public discourse focused on Islamophobic content (as in the "at home instead of Islam" election campaign slogan of the Freedom

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<sup>16</sup> These being the Ombud for Equal Treatment Irrespective of Ethnic Belonging, Religion and Belief, Age and Sexual Orientation in Employment and the Ombud for Equal Treatment of Ethnic Belonging in Other Areas, the latter being competent for access to public goods and services, education and social protection.

<sup>17</sup> Pursuant to Section 62 Equal Treatment Act

<sup>18</sup> See: Bundesministerium für Justiz (ed.) (2006) Seminar on Racism and Xenophobia, Palace of Justice, Vienna, 20-22 June 2006, Neuer Wissenschaftlicher Verlag

<sup>19</sup> Muslims in the European Union: Discrimination and Islamophobia, see: <http://eumc.europa.eu>



Party). Furthermore, the Muslim cemetery under construction in Vienna was the target of assaults twice in 2006 - smearings and an arson attack.

Although no less important, a comprehensive overview on Antisemitism also published by the EUMC in 2006 received far less attention. The destructive frenzy of an outspoken antisemite who vandalised the Lauder Chabad campus in Vienna illustrates how ill this lack of attention is warranted.

## Combating Discrimination from the University

*“While legislation to outlaw discrimination is an essential part of an effective strategy to change attitudes and behaviour, sending clear signals about what society regards as acceptable or unacceptable, it is not sufficient on its own. Legislation must be underpinned by concrete action which enables people [...] to tackle discrimination [...]”*<sup>20</sup>

Against this background, the European project *Combating discrimination within the University: an idea of research and education* had a twofold aim: on the one hand giving all the actors involved in the interpretation of law useful and practice-oriented materials to apply the key concepts of anti-discrimination law consistently; on the other hand promoting anti-discrimination law as a topic to be taught at universities. Therefore, the project's first year was devoted to research and collection of materials by each project partner, while in the second year the partners held anti-discrimination courses at co-operating universities. Taking into account the huge variety among the EU countries as far as literature and case law are concerned, project partners consisting of NGOs and universities were selected from six EU countries including the Czech Republic, Greece, Italy, Spain, Austria and the United Kingdom.<sup>21</sup> One core aspect of the project was to link universities and NGOs in each country. The inclusion of civil society and other actors into the organisation and implementation of the university courses was deemed to be important in order to confront students with reality.

In several meetings of the partners, national experiences were shared and debated with the aim to draft a “best practice” anti-discrimination law course. The university courses implemented in 2006 by each partner organisation together with the gained experiences and recommendations for a ‘best practice’ teaching module are presented in a final publication.

Questions regarding anti-discrimination law and policies also constitute an important part of the research on fundamental rights policies conducted in the framework of the *Reflexive Governance* research project.

## Twinning Projects in the Area of Anti-discrimination

Also in 2006, the BIM had the opportunity to work on the issue of antidiscrimination in two *Twinning* projects and to support the enforcement of anti-discrimination policies in the neighbouring states Slovenia and Hungary.

In joint cooperation with the Slovenian Ombudsman for Human Rights and an international team of experts, a series of seminars on the field of anti-discrimination was set up in the framework of the project: *Strengthening the national institutional structure for the fight against discrimination in Slovenia*. The Anti-Discrimination Department at the Ombudsman for Human Rights was finally set up, prepared for the challenging tasks and is fully operational. With train-the-trainer-seminars, the dedicated team was deepening its skills and was testing it in practice as co-trainers. The objective of awareness raising was achieved with a series of seminars and conferences on all grounds of discrimination with over 500 participants. A network of key-actors has been installed in order to develop new cooperation and combine efforts.

<sup>20</sup> Communication COM (1999) 564, of 25.11.1999, in OJ C 369, p. 4

<sup>21</sup> For project partners, see project data sheet on p. 95

In autumn 2006, the BIM successfully applied for the *Twinning Light* project *Enforcement of equal opportunity policies and the effective implementation of the anti-discrimination law* in Hungary. This project is carried out in cooperation with the Ministry of Social Affairs and Labour and the Equal Treatment Authority in Hungary and with the support of the Austrian Ombud for Equal Treatment. It aims at the development of strategies for the Hungarian Equal Treatment Authority, the fostering of coordination as well as cooperation between the Authority and other involved state bodies and hence the strengthening of a consistent and effective anti-discrimination policy. The project activities, which range from the elaboration of specific reports/studies and a guidebook to a number of training sessions and study visits, will be implemented in 2007.

## Teaching and Trainings in Austria

Anti-discrimination was once again the subject of a university class taught by BIM staff in 2006<sup>22</sup>. Furthermore, trainings not only constituted an integral component of the antidiscrimination projects described above, but were even at the heart of two projects co-funded by the Commission and the Austrian Federal Ministry of Economy and Labour

The project *Youth and discrimination in employment* targeted pupils/apprentices in compulsory vocational schools. Workshops of a four to eight hours duration held at vocational schools as well as train-the-trainer seminars built up competences for perceiving of, knowing about and acting in regard to discrimination. To this effect, the BIM developed a tailor-made concept providing both legal information and the possibility for each individual to reflect on discrimination by interactive and participative methods.

In late 2006, work was begun on the successor project *Protection against discrimination in practice - Training & Awareness Raising regarding the access to goods and services*. In carrying out this project, the BIM co-operates with the anti-racism NGO ZARA - Zivilcourage und Anti-Rassismus-Arbeit. A series of workshops and conferences to be held across Austria focuses on discrimination on the grounds of ethnic belonging in the areas of social protection, social benefits, and access and supply with public goods and services including housing. Thus it addresses the satisfaction of elementary needs. The target group for the information and awareness raising events includes professionals from various fields involved in the subject matter, service suppliers like e.g. real estate agents as well as people working in administration, migrant NGOs or aid organisations. In order to further spread the transmitted information - not least to persons potentially subject to discrimination - an information leaflet will be drafted. The folder shall be made available at relevant counselling organisations. Thus, basic legal information and advice on victim support organisations will be provided beyond the one-year project period.

## Human Rights of Women

Since the beginning of the twentieth century, a series of international agreements for the protection of the human rights of women were accorded. These documents, all of them previous to the 1979 Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), have been of high importance for the reduction of legal and actual oppression of women. Nevertheless, it is a worldwide reality that women are still far away from an equal access to education, resources and authority positions today, and that they have to live under manifold, structurally and traditionally anchored sex-specific forms of violence.

A milestone in the international women rights enforcement is the CEDAW facultative protocol, which came into effect in the year 2000. It entitles women who have suffered some kind of sex-specific discrimination to make individual complaints to the CEDAW committee against discriminatory states. In

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<sup>22</sup> Equal treatment in EC-law and its implementation into Austrian legislation, Hannes Tretter, Constanze Pritz und Katharina Posch, University of Vienna, summer 2006

case of systematic or widespread infractions of women's rights, the committee may also carry out an investigation that upon approval by the affected states would also imply a visit to these territories. In 2005, the committee both determined the first complaints and completed the first investigation procedures. A complaint against Hungary and the investigation of Mexico revealed the use of violence against women, and in both cases it was determined by the committee that discrimination was actually being infringed.

Violence against women and children in the family constitutes also a topic of the BIM research named *Violence in the family from a human rights point of view. Prevention and protection based on the example of family violence against women and children in Austria*. The project analyses the problem of domestic violence in Austria in the view of human right standards and investigates to which extent these specifications are actually put into action in Austria, particularly in the field of prevention and victim protection. The analyses trace a perspective both of women's and children's rights in order to do justice to the relative and specific approaches and standards.

Another relevant women rights subject that was dealt with at the BIM is sexual and reproductive rights of women. Beside a theoretical discussion of the Austrian "definition" of transsexuality<sup>23</sup>, a theoretical input about abortion from a women's rights approach was prepared for an amnesty international workshop. The expertise of the BIM could also be provided for the report of the Centre for Social Innovation on Forced Marriage on behalf of the City of Vienna.

## Human Rights of Children

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.

Since the mid-1990s, the BIM has been actively engaged in research, training, advocacy and networking on human rights of children, founded on the UN Convention on the Rights of the Child (CRC). Austria has ratified the CRC in 1992, but with gaps remaining in policy formulation, legislation and other forms of practical implementation. On the EU side, the Commission issued a "Communication towards an EU Strategy on the Rights of the Child" in July 2006, which will lead to a quite comprehensive EU Strategy by 2008.

As in the previous year, the main focus of academic research in the field of children's rights constituted the *Violence in the Family* project, funded by the Anniversary Fund of the Austrian National Bank. The project benefited in 2006 from the publication of two major UN studies on violence against children and against women, respectively.

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<sup>23</sup> In 2006 a decision of the Austrian Constitutional Court led to a complaint of a transsexual married woman against forced divorces of same-sex marriages enacted by the Federal Ministry of the Interior. The final decision of the Constitutional Court overruled parts of the order of the Federal Ministry of the Interior, see the decision of 21 June 2006, B 525/05, [www.ris.bka.gv.at/vfgh](http://www.ris.bka.gv.at/vfgh).

In the area of Austrian Development Cooperation and foreign policy, the BIM continued to assist the agency/ministry in policy development and integration of children rights into the ODA. The BIM has also been actively supporting a broad training initiative, already since cooperating with the Foreign Ministry in the framework of the Human Security Network in 2002. Based on this, a Pilot Specialisation Course on Child Protection, Monitoring and Rehabilitation has been organised by the Austrian Study Centre for Peace and Conflict Resolution in Stadtschlaining in September 2006.

On the non-state level, the BIM continued its successful collaboration with SOS Children's Villages International and National section. Moreover, the BIM offered a seminar on human/women/child trafficking at the University of Vienna and participated for the first time at the Children's University in July 2006 together with colleagues of the Institute of Criminal Law.

Since the adoption of a National Plan of Action for Human Rights of Children and Youth in Austria in 2004, an inter-ministerial Working Group has been designated to follow-up on implementation of the NPA. The BIM represented the NGO National Coalition platform in this forum. In addition, the BIM lobbied for a stronger focus on child victims of trafficking in another state-level Task Force on Human Trafficking.

Many other activities of the BIM in the children's rights field related to networking with key partners in the human and children's rights field in Austria. Following a major conference organised by CARE Austria and the BIM on the situation of children affected by HIV/AIDS in southern Africa, a regular NGO-subgroup to a national AIDS campaign platform was established, promoting child-focused approaches to HIV/AIDS in Austria and in international development cooperation.

Since fall 2006, the NGO network of ECPAT Austria working against commercial sexual exploitation of children established itself as a formal association, with the BIM represented as a board member. One key event has been a well received press conference on the publication of a major monitoring report prepared by ECPAT International, with support from the Austrian group, highlighting some of the deficiencies in protecting the rights of children from prostitution, pornography and trafficking in Austria.

The BIM, together with *polis*, continued to work closely in the Austrian National Coalition for the Implementation of the CRC on a broad range of activities, including a survey on political parties' statements on children's rights prior to the general election in October 2006, preparations for a networking conference with National Coalitions in Germany and Switzerland, the development of a new website and the acceptance of new members to the group. Both *polis* and the BIM form part of the Executive Team of the Coalition. Austria's EU Presidency in the first half of 2006 further strengthened close cooperation between the NC and the European Children's Network EURONET, at which General Assembly the BIM was representing the NC Austria in September. At that meeting, EURONET agreed on a new mid-term agenda for promoting child rights in EU policies and legislation.

## Political and Human Rights Education at Austrian Schools

Human rights cannot be realised through international treaties alone – the contribution of every single person to their protection and support counts as well. This is the approach of human rights education. Its core message is: "Know and defend your rights and also acknowledge and defend the rights of others!"

The right to human rights education is anchored in the Universal Declaration of Human Rights. Article 26 relates to a comprehensive view of education "directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms". The core of human rights education is human dignity, which every human being deserves regardless of origin, religion, gender or culture.

In the context of schools, this means the protection of the fundamental right of children and adolescents to education as well as their basic personal recognition. The didactics of a holistic human rights education comprises the interaction of political education and social learning. Its basis is a multidimensional

concept of education containing not only the transfer of knowledge, but also of abilities and value systems, i.e. not only the cognitive, but also the behavioural and affective level. A fourth, equally important dimension is personality development, especially with regard to self-respect and strengthening of the individual in the sense of “empowerment”.

In Austria, political and human rights education are formally integrated into the school system through the educational principle of “political education” since 1978. According to this principle, political education is a basic component of all school subjects, at all levels of education and all types of schools. According to the decree on political education issued by the Austrian Ministry of Education, one of its intentions is to support the ability and willingness to defend inviolable basic values such as freedom and human dignity, to reduce prejudices and to stand up for the interests of disadvantaged persons.<sup>24</sup> Moreover, political and human rights education is contained in all school types starting from the 9<sup>th</sup> school level in the compulsory subject Political Education – mostly in connection with subjects such as History, Law or Economics. In 2001, the subject History and Political Education was introduced into the 11<sup>th</sup> and 12<sup>th</sup> school level at general secondary schools of higher education.

For several years already, the BIM hosts two service centres working in the area of political and human rights education (the Service Centre for Human Rights Education established in 1997 and the Service Centre for Civic Education established in 2002). At the beginning of 2006, these two service centres were merged into one. Since then, the BIM on behalf of the Austrian Federal Ministry of Education, Science and Culture operates the centre “*polis – Politik Lernen in der Schule*” concerned with political and human rights education at schools.

Responsible citizens do not develop without education, the understanding for political issues has to be specifically supported and democratic awareness has to be built. The willingness for political and social participation can only be activated if a connection to the personal situation is established. The centre *polis* supports Austrian teachers to meet the high demands that they have to fulfil with respect to the realisation of political and human rights education at schools against the background of steady societal changes.

The centre *polis* is engaged in education and training of teachers and regularly offers trainings on topics such as democracy, human rights and political education. The activities of the centre also comprise workshops for school classes (e.g. the award-winning workshop series *Everyone has/is right(s)*).

Steadily, new teaching material is researched, developed and published. The magazine “*polis aktuell*” is issued monthly for teachers and multipliers and treats selected subjects for school lessons.

The centre *polis* also operates the most comprehensive online information platform on political and human rights education [www.politik-lernen.at](http://www.politik-lernen.at) with theoretical background information, teaching advice, project suggestions, an instructors' database and free-of-charge teaching material, which can be ordered in an online shop. Around 60 dossiers on different topics especially arranged for teachers each contain a collection of training materials, links, event suggestions and informative texts: [www.politische-bildung.schule.at/themendossiers](http://www.politische-bildung.schule.at/themendossiers).

The excellent national and international network of the centre *polis* ensures the up-to-dateness of its activities (e.g. membership of DARE – Network Democracy and Human Rights Education in Europe – [www.dare-network.org](http://www.dare-network.org)). Regular event series such as the Action Days Political Education ([www.aktionstage.politische-bildung.at](http://www.aktionstage.politische-bildung.at)) are organised in order to raise awareness for political education among the public and at schools and other education facilities.

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<sup>24</sup> GZ 33.464/6-19a/78, announced again in GZ 33.466/103-V/4a/94



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## **Teaching at the University**

### **Courses at the University of Vienna**

In summer term 2006 and winter term 2006/2007, 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, Nicole Lieger

#### **International and European Human Rights Regime**

Manfred Nowak, Walter Suntinger

#### **Human Rights and Business Corporations**

Hannes Tretter, Karin Lukas

#### **Trafficking in Human Beings, in particular Woman and Children**

Manfred Nowak, Iris Golden, Helmut Sax

#### **Torture**

Manfred Nowak, Elizabeth McArthur, Julia Kozma

#### **European Human Rights Protection**

Hannes Tretter

#### **Human Rights Aspects and Perspectives regarding the EU Accession of Turkey**

Hannes Tretter

#### **The Digital Human Being – Data protection related challenges between Echelon and Amazon**

Hannes Tretter

#### **Equal Treatment in EU Law and its Implementation in Austrian Legislation**

Hannes Tretter, Constanze Pritz, Katharina Posch

#### **The Prohibition of Torture**

Manfred Nowak, Isabelle Tschan

#### **Human Rights in Practice**

Hannes Tretter, Manfred Nowak, Nicole Lieger

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

The European Master's (EMA), which is primarily funded by the European Union, is a unique example of a European inter-university co-operation of 39 participating universities from 25 EU member States. It is coordinated by the EIUC (European Inter-University Centre for Human Rights and Democratisation) in Venice. The University of Vienna (represented by Manfred Nowak and supported by the BIM) is actively involved in the EMA programme since 1998. Since December 2000, Manfred Nowak holds the function of EMA chairperson. During the winter semester the approximately 90 students receive a comprehensive introduction into the historical, philosophical, anthropological, political and legal foundations of international human rights protection. Manfred Nowak, supported by Julia Kozma, was also in 2006 academically responsible for the teaching week "Human Rights in the Field" in Venice. The course is completed by a field trip to Kosovo also organised by the BIM (Marijana Grandits). During the summer semester, students participate in specific seminars at one of the 39 partner universities and write a master's thesis in order to prepare for their future tasks as human rights experts within an international organisation (especially EU, UN, and OSCE) or an NGO.

At the start of the summer semester 2006, the BIM welcomed 5 EMA students to Vienna. They were supported substantively in their research as well as organisationally in their every day life by Julia Kozma, Roland Schmidt and other BIM employees. The students participated in different seminars in the area of fundamental and human rights. Besides social activities, like a skiing weekend on the Semmering, the BIM organised a number of field trips for the EMA students, in particular to the OSCE, the International Helsinki Federation, UN Vienna, UNDP Bratislava and to Sarajevo, Bosnia and Herzegovina.

<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 2006.

<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. Within this course, the students receive basic knowledge of European human rights protection. Through active student participation, important human rights relevant developments within the Council of Europe, the European Union and the OSCE are discussed. In addition, excursions to the OSCE have been organised since 2003.

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

## 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". In September 2006, Karin Hiltgartner represented the BIM as lecturer in the course of the Summer School.

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

## European Regional Master on Human Rights and Democratisation in South East Europe – ERMA

The European Regional Master's Degree in Democracy and Human Rights in South East Europe (ERMA) is a regional interdisciplinary Master programme. The programme was founded by 11 universities and research institutions in 2000 and is coordinated by the Centre for Interdisciplinary Postgraduate Studies of the University of Sarajevo in cooperation with the University of Bologna.

In 2006, the topic of the annual lecture held by Manfred Nowak together with experts of the BIM was "The UN Human Rights Commission and the Special Procedures".

<http://www.cps.edu.ba/ENGLESKI/ermaprogram.html>

## Academy on Human Rights and Humanitarian Law

The Academy on Human Rights and Humanitarian Law forms part of the American University Washington College of Law. In June 2006, Manfred Nowak held a lecture at the academy about "United Nations Human Rights System".

<http://www.wcl.american.edu/humright/hracademy/>

## Dissertations and EMA Master Theses

Under supervision of BIM staff, the following dissertations on human rights topics and EMA Master's Theses were completed and approved in 2006:

### Dissertations:

Päivi Gynther, From Utopia to Quintessence: Education Law from the Viewpoint of Roma and Skills Deficiency

Sebastian Schumacher, Das Prinzip des rechtsstaatlichen Verwaltungsverfahrens

### EMA Master Theses:

Antonie Curtius, Bullying Violates! A Common Social Phenomenon amongst Schoolchildren from a Child Rights Perspective

Sophie Poldermans, Combating Female Genital Mutilation in Europe: A comparative Analysis of Legislative and Preventive Tools in the Netherlands, France, the United Kingdom and Austria

Angelika Reder, Enforced Disappearances in Peru (1980-2000). Examination of the Process of Implementation of the Truth and Reconciliation Commission's Recommendations which are of Particular Relevance for Family Members of Disappeared Persons

Emma Reilly, The Trade Union Rights of Working Children: Do, and Should Working Children Have a Human Right to Access Trade Unions?

Alexandra Santos de Alcântara Carreira, The Media and Terrorism – A Case Study: Anthrax Attacks in 2001 in the American Press

## 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.

### **Rights and Realities – Children affected by HIV/AIDS**

Lecture in the context of the CARE Austria/BIM Conference „Childhood in Africa in the Shadow of HIV/AIDS“ in cooperation with Matthias Themel – Vienna, January 2006

### **Fundamental and Human Rights**

Training for members of law enforcement authorities, Federal Security Academy Vienna – Vienna, February 2006.

### **Human Rights of Detainees**

Human rights training of Latin-American prison officers, Raoul Wallenberg Institute of Human Rights and Humanitarian Law – March 2006

### **Human Rights, Peace Education, Intercultural Dialogue**

Workshops within the presentation of the Austrian network of the Anna Lindh foundation – Vienna, April 2006

### **Orient – Occident: Encounters and Visions**

Diplomatic Academy – Vienna, April 2006

### **Everybody has rights/is right ?!**

Trainings about coexistence in daily life especially for pupils in cooperation with “WUK” (Werkstätten- und Kulturhaus) – April to May and November 2006

### **Transitional Justice**

2nd Vienna Workshop on International Constitutional Law „Transitional Constitutionalism“, Department of Constitutional and Administrative Law – Vienna, May 2006

### **Workshops Children’s rights**

for SOS Children’s Villages Austria und SOS Children’s Villages International – May 2006 and November 2006

### **Which rights do children have in war?**

Lecture in the framework of the Children’s University 2006 together with Romana Schweiger, Julia Kolida and Michaela Krömer – Vienna, July 2006

### **Corporate Social Responsibility – Basics and CSR as an instrument of human rights and development**

Input within the workshops „CSR as tool of campaign for NGOs?“ European Community Project on Training for Civilian Aspects of Crisis Management. Concept Core Course – Kuopio/Finland, September 2006.

**Money rules the world?**

Workshop for Amnesty Academy Austria– Vienna, September 2006

**Human Rights and Business**

Human Rights Workshop OMV –Vienna, September 2006

**International Economic Order and Division of Labour**

Training for the Social Academy of Ried/Innkreis – Ried, September 2006

**Introduction to the International Human Rights Framework**

Swiss Agency for Development and Cooperation Training: Workshop on „Human Rights and Sustainable Development: Integrating Human Rights, Social Justice and Poverty Reduction” – Leissigen/Switzerland, September 2006

**International Cooperation and Development**

Training for the Social Academy of Ried/Innkreis– Ried, October 2006

**Human Rights– Empowerment und Accountability**

Training for the Social Academy of Ried/Innkreis– Ried, October 2006

**What is the responsibility of the „good corporate citizen“ today?**

Workshop of the University of Siegen within projects on media – Siegen, November 2006

**Women’s Rights - Men’s Rights - Human Rights?**

Workshop for the Amnesty Academy Austria – Vienna, December 2006

**Corporate Social Responsibility – Marketing gag or responsible management?**

Workshop for the Vienna University of economics and business administration, Centre of Excellence

**Lecture of Human Rights**

within the Bachelor programme in Social Work at the St. Pölten University of Applied Sciences

**Basic and Advanced Training of Teachers**

In cooperation with the pedagogic institutes and academies, the centre *polis* provides trainings on civic and human rights education for teachers.



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## International and European Networks

### EU Network of Independent Experts in Fundamental Rights – EUGEN

Already in December 2003, the Council of the European Union decided to expand the mandate of the European Monitoring Centre of Racism and Xenophobia (EUMC) and to transform the EUMC into an EU Agency for Fundamental Rights. The Agency, which has taken up its work on 1 March 2007, is seated in Vienna, as was already the case with the EUMC.

Until mid 2006, it remained unclear from side of the EU Council whether and in which form the EU Network of Independent Experts in Fundamental Rights (EUGEN), which was founded in 2002 by the European Commission on the initiative of the European Parliament and was led and coordinated by Olivier de Schutter (Université catholique de Louvain), could remain in existence next to the Fundamental Rights Agency. Finally, with a view to the planned “Fundamental Rights Platform” within the framework of the Agency, it was decided to let EUGEN expire in December 2006.

The main function of EUGEN, a network which consisted of one independent expert per Member State plus one EU expert, was to publish annual reports on the legal and factual human rights situation of the Union and its Member States and to prepare legal opinions and recommendations on selected human rights issues, usually on request by the Commission.

In 2006, opinions were requested on the following topics:

- Freedom of movement of drivers with a view to road tolls;
- Equalisation of treatment between homosexual and heterosexual relations with regard to the age limits for sexual offences;
- The human rights responsibilities of the EU member states in the context of the C.I.A. activities in Europe (‘extraordinary renditions’);
- Ethnic profiling.

The Austrian EUGEN expert Manfred Nowak, together with other BIM employees, had the main responsibility for drafting the last two opinions. Manfred Nowak’s inquiries in the context of his mandate as UN Special Rapporteur on Torture into C.I.A. activities, like the illegal “extraordinary renditions” programme and secret places of detention, proved to be an excellent basis for the legal opinion on the human rights responsibilities of the EU member states in this regard.

In April 2006, the Austrian country report on the human rights situation in 2005 was publicly presented at a press conference. The report specifically focused on the aliens’ law codification 2005 and its human rights related impacts, the current situation concerning detention, cases of death occurring during police interventions as well as developments in the context of legal protection against discrimination.

The pan-European synthesis reports and the individual country reports as well as the legal opinions are published on the website of the Network: [http://europa.eu.int/comm/justice\\_home/cfr\\_cdf/index\\_en.htm](http://europa.eu.int/comm/justice_home/cfr_cdf/index_en.htm)

### Association of Human Rights Institutes – AHRI

AHRI is an association of independent Human Rights Institutes in a growing number of mainly European states. Until 2004, the secretariat of this scientific association, whose aim is the implementation of joint research projects, was accommodated 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 secretary’s tasks to the Norwegian Centre for Human Rights. Representatives of 22 renowned human rights institutes from all over Europe meet annually mainly in order to implement the EU Commission’s COST project on „Human Rights, Peace and Security in EU Foreign Policy”. The annual conference 2006 was organised by the BIM. Under the heading „Indicators and Monitoring Systems as Preventive Tools for ensuring Peace and Security and Respect for Human Rights in External Policy-

Making of the EU“, more than 60 international human rights experts discussed in four working groups human rights related activities of the EU foreign policy. 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.

### **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. The University of Vienna is represented by the rector of the university, the implementation is carried out 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 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>

## Networks in Austria

### Litigation Association for the Rights of Victims of Discrimination

The NGOs ZARA (offering legal advice for victims of ethnic discrimination), BIZEPS (representing the rights of disabled persons), and HOSI Vienna (representing the rights of homosexuals) founded the Litigation Association, which was joined by the BIM Research Association and the Austrian Association of the Deaf in spring of 2005. Meanwhile the Litigation Association counts – together with Helping Hand Graz and Selbstbestimmt Leben Innsbruck – seven members.

The goal of the association is to coordinate various organisations which work in the field of anti-discrimination, and to provide information about Austrian anti-discrimination law to interested parties. For this purpose, the Litigation Association set up a homepage (see below) where all relevant laws and links to competent public bodies on federal as well as provincial level are to be found. Furthermore, a comprehensive overview of existing Austrian anti-discrimination case-law is presented on the homepage. Relevant cases of courts or the new Senates of the Equal Treatment Commission are summarised and commented. Due to financial subsidies of the Ministry for Economics and Labour and the Ministry for Health and Women, continuous office routine has been possible since September 2006. The Litigation Association supported victims of discrimination in front the court in two cases as an intervener. In one court case, which came to a decision in 2006, the victim was awarded damages on grounds of sexual harassment and harassment on grounds of his homosexuality. In 2006, the Litigation Association also supported disabled persons in conciliation proceedings.

<http://www.klagsverband.at>

### Austrian Standards Institute

In March 2006, the committee dealing with “Corporate Social Responsibility” of the Austrian Standards Institute (ON) installed a working group, in which the BIM is also represented, in order to develop an Austrian Standard (ÖNORM) of diversity management. This working group, which consists of representatives of different organisations<sup>25</sup>, firstly developed a definition of the term “diversity management” by applying a resource-based approach to diversity. Afterwards, different working parts were defined following the structure required for an Austrian Standard. Additional working parts covered the fields of application, normative references, definitions and other basic principles of diversity management and its implementation. Further literature and annexes should increase the acceptance of the Austrian Standard. In summer 2007, a draft of the Austrian Standard is expected to be discussed in the committee and to be opened for comments of the public.

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<sup>25</sup> Confederation of Austrian Trade Unions (OEGB), Vienna University of economics and business administration, Adult Education Centre (Volkshochschule) Ottakring, Austrian Red Cross, ZARA, equalizent Schulungs- und BeratungsGmbH, Dr. Sauber European Business Consultancy Management and More, Federal Ministry of Economics and Labour, BIM.

## Network Social Responsibility

The Network Social Responsibility stands for advancement, development and monitoring of social responsibility of companies in terms of the stakeholder. Social responsibility of companies is a transparent and socially, economically and ecologically sustainable way of management without any discrimination. The management follows an integrated approach and the stakeholders can participate in the selection, implementation and control of Corporate Social Responsibility measures. The network of organisations of employees and NGOs builds a platform of information and communication, which can find new ways in supporting and organising the monitoring of business activities as well as in developing and implementing projects in order to achieve an increased sensitisation for the topic, and to demand its respective responsibility on political, legal and economic level.

The BIM is a member of this network and contributes mainly through its human rights expertise.

## 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 2006, the network was enlarged by the new members "Welt der Kinder Vorarlberg" and FICE Austria/"Kinderrechtbüro Österreich". The BIM and *polis* are represented in the executive team of the network. Since October 2005, the BIM, the NGO "Kinderfreunde" (Friends of Children) and the Child and Youth Ombudsoffice of Styria have been members of the executive team.

<http://www.kinderhabenrechte.at>

## ECPAT Österreich

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.

Since autumn 2006, the ECPAT Austria NGO-platform newly constituted in the form of the association "ECPAT AUSTRIA – Working Group for the Protection of Children's rights from Sexual Exploitation". The BIM is represented in its executive committee and mainly focuses on child trafficking issues.

<http://www.ecpat.at>

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## 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, 257 pages
- Volume 3: *Ursula Kriebaum*: Folterprävention in Europa – Die Europäische Konvention zur Verhütung von Folter und unmenschlicher oder erniedrigender Behandlung oder Bestrafung, 2000, 786 pages
- Volume 4: *Manfred Nowak / Xin Chunying (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, 431 pages
- 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 Flüchtlinge in Europa – Analysen und Schlussfolgerungen, 2005, 364 pages
- Volume 8: *Christian Hainzl*: Human Rights in Bhutan, The Legal System, The Southern Problem, 2000, 166 pages
- Volume 9: *Angelika Kartusch / Katharina Knaus / Gabriele Reiter*: 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
- Volume 15: *Anne Charbord*: Human Rights of Internally Displaced Persons in Bosnia and Herzegovina, 2005, 477 pages

### Publications 2006

Lubich, Alexander / Nowak, Manfred / Pritz, Constanze / Weyss, Birgit: Fundamental Rights in Austria – Report 2005, Vienna 2006

Hunt, Paul / Nowak, Manfred / Osmani, Siddiq: Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies, published by the United Nations High Commissioner for Human Rights, Geneva 2006

Ananiev, Jovan / Sax, Helmut: The International and National Human Rights Legal Framework for Macedonia. A Human Rights Based Approach to MDG-based Development Planning and Poverty Reduction, Vienna/Skopje April 2006

Zentrum polis (Ed.): SchulKOMPASS Österreich, Vienna 2006

Zentrum polis (Ed.): Programmheft Aktionstage, Vienna 2006

## Co-publishing 2006

Deile, Volkmar / Hutter, Franz-Josef / Kurtenbach, Sabine / Tessmer, Carsten (Ed.): Jahrbuch Menschenrechte 2007. Privat oder Staat? Menschenrechte verwirklichen! Frankfurt am Main 2006

## Individual Publications and Articles 2006

Binder, Christina / Lukas, Karin: Building Peace. Frauen in Konfliktsituationen und Friedensprozessen, in: Konfliktsituationen. Guatemala, Kolumbien, Mexiko, Nepal, Sri Lanka, Uganda. Enlazando Alternativas 2, eine Nachlese (Frauensolidarität 96 2/06), 6-7

Egger, Peter / Pfaffermayr, Michael / Schmidt, Roland: Trade in Western and Eastern Europe in the aftermath of COMECON: an assessment of behavioral change, Oxford Economic Papers, 59 (1), 2007, 102 - 126.

Kühhas, Barbara: Aufständisch, indigen, Frau. Interviews mit Mitgliedern der bewaffneten und friedlichen Widerstandsbewegung in Guatemala, in: Konfliktsituationen. Guatemala, Kolumbien, Mexiko, Nepal, Sri Lanka, Uganda. Enlazando Alternativas, eine Nachlese (Frauensolidarität 96 2/06), 12-13.

Kühhas, Barbara: Mehr Einsatz für Menschenrechte, VolksanwältInnen und Ombudsleute aus Lateinamerika und Europa trafen im Rahmen der Konferenz REAL 2006 im April in Wien zusammen, um konkrete Empfehlungen zum verstärkten Einsatz für den Schutz der Menschenrechte zu erarbeiten, in: Weltnachrichten 07/2006

Lukas, Karin / Röhler, Maria-Theresia: Vorwärts in die Vergangenheit? Die Europäische Union und Corporate Social Responsibility, in: Deile, Volkmar / Hutter, Franz-Josef / Kurtenbach, Sabine / Tessmer (Ed.): Jahrbuch Menschenrechte 2007. Privat oder Staat? Menschenrechte verwirklichen! Frankfurt am Main 2006

Lukas, Karin / Röhler, Maria-Theresia: Corporate Social Responsibility und Menschenrechte, in: Globalist 110/2006, 17-21

Lukas, Karin / Röhler, Maria-Theresia: Konzernverhalten menschlich hinterfragt, in: Erwin Riefler (Ed.): Sir Karl Popper und die Menschenrechte, Frankfurt am Main 2007

Reindl, Susanne / Liegl, Barbara / Köhler, Katharina: Report of Working Groups 3 and 4: Freedom of Expression Including Hate Speech and Criminal Repression and Racism and Xenophobia on the Internet, in: Bundesministerium für Justiz (Ed.): Seminar on Racism and Xenophobia, Palace of Justice, Vienna, 20-22 June 2006, Vienna 2006, 75-77

Nowak, Manfred: Vorwort zu: Pérez Solla, María Fernanda: Enforced Disappearances in International Human Rights, Jefferson 2006, 1-2

Nowak, Manfred: Guided Tour nach Guantánamo Bay, in: Der Standard Album, 1 July 2006, A4

Nowak, Manfred: Der mühsame Kampf gegen die Folter, Juridikum 2006/2, 60-64

Nowak, Manfred: The International Covenant on Civil and Political Rights, in: Gómez Isa, Felipe / de Feyter, Koen (Ed.): International Protection of Human Rights: Achievements and Challenges, Bilbao 2006, 137-153

Nowak, Manfred: What Practices Constitutes Torture? US and UN Standards, HRQ 4/2006, 809-841

Nowak, Manfred: Saddam-Urteil falsches Signal, Gastkommentar, in: Österreich, 28 December 2006, Regionalteil, 11

Nowak, Manfred: Menschen und ihre Rechte, Weltnachrichten 2006/4, 10-11

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Sax, Helmut: Baustelle Kinderrechte, *ai-info* September 2006, 4-5

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Tretter, Hannes: Scheitert die Errichtung der Europäischen Agentur für Grundrechte? In: *Journal für Rechtspolitik* 2006, 173-182

## Studies, Working Papers, Reports 2006

Within the framework of ongoing projects, several studies, working papers and reports have been published. They can be downloaded from the BIM-homepage or requested directly from the authors. This includes inter alia:

Brenes Abelardo / Kühhas, Barbara: Estado actual y desafíos de la protección y promoción de los derechos humanos en América Latina y Europa. Conclusiones de la Mesa Redonda de Derechos Humanos, 26 April 2006, Vienna 2006

EU Network of Independent Experts on Fundamental Rights: Synthesis Report: Conclusions and Recommendations on the Situation of Fundamental Rights in the European Union and its Member States in 2005, European Communities Brussels 2005 (Contributions about Austria: Alexander Lubich, Manfred Nowak and Constanze Pritz)

Kartusch, Angelika / Reiter, Gabriele / Uhl, Bärbel: Assessment on Victim Assistance and Support. An analysis of the National Referral Mechanism in Turkey. Activity No. 3.1 of the EU Twinning Project "Strengthening Institutions in the Fight Against Trafficking in Human Beings", April 2006

Kühhas, Barbara / Lukas, Karin: Analysis of the Uganda J/LOS Sector Investment Plan II on the Basis of Relevant OEZA Criteria, Vienna, April 2006

Kühhas, Barbara: Zusammenfassung wichtiger Referenzdokumente zu Friedenssicherung und Konfliktprävention für OEZA Kriterien, Vienna, April 2006

Kühhas, Barbara / Lukas, Karin / Nowak, Manfred / Sax, Helmut: A Human Rights Based Approach to MDG 1 – Selected Experiences from the Balkans. OEDC/DAC Exploratory Guidance Note, Vienna, May 2006

Kühhas, Barbara: Uganda Justice, Law and Order Sector Investment Plan (JLOS SIP II) Analysis (with feedback of Karin Lukas), Vienna, October 2006

Kühhas, Barbara: Kurze Darstellung der Ergebnisse des Menschenrechte-Roundtables der Konferenz REAL 2006 of 26 April 2006, Vienna, May 2006

Kühhas, Barbara: Budget Support und Menschenrechte. Good Governance in der Entwicklungszusammenarbeit, Schnittpunkte und Herausforderungen (with feedback of Manfred Nowak und Karin Lukas), Vienna, January 2007

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Nowak, Manfred: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his Mission to Nepal, submitted on 9 January 2006 to the United Nations Commission on Human Rights, UN-Doc. E/CN.4/2006/6/Add.5

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Preidt, Heidrun: Bericht über die Teilnahme an der UN-Konferenz „UN Conference on Anti-Corruption Measures, Good Governance and Human Rights“, Vienna, November 2006

RAXEN National Focal Point for Austria: Roma and Travellers in Public Education (on Austria). URL: <http://www.univie.ac.at/bim/focalpoint> > Publikationen > 2004, 16 April 2007

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Sax, Helmut: Internationale rechtliche Grundlagen zum Menschenrechtsschutz in der Entwicklungszusammenarbeit, Vienna, April 2006

Sax, Helmut: Donor Mapping. Reintegration im Kontext von Friedenssicherung und Konfliktprävention, Vienna, September 2006

Sölkner, Andrea / Uhl, Bärbel: Assessment of Return and Reintegration Assistance. An analytical report. Activity 4.1 of the EU Twinning Project “Strengthening Institutions in the Fight Against Trafficking in Human Beings”, July 2006

## Expert Opinions and Statements 2006

Tretter, Hannes: Statement on the issue of bi-lingual "town signs", February 2006

Press statement on the occasion of the visit of US-president George W. Bush in Austria, June 2006

Children of binational parents are having a hard time in Austria Kinder. Press statement of the „National Coalition – Netzwerk Kinderrechte“, July 2006

Development Cooperation: Development for Children and People with Disabilities: Common Statement with Caritas, Light for the world und SOS Children's Villages, August 2006

## Periodicals

### Monthly of polis – Centre for Citizenship Education in Schools

#### Forced marriage, *polis* aktuell, Nr.1/March 2006

The first edition of the publication is dedicated to the problem of forced marriage.

#### Action Days Civic Education 2006 Nr. 2/March 2006

76-page programme booklet with information chapter on the political actors

#### Poverty in Austria, *polis* aktuell, Nr. 3/April 2006

Defintion of poverty. Consequences of Poverty. Who is affected by poverty. Projects against poverty.

#### Child labour in Sporting Goods Industry, *polis* aktuell, Nr. 4/May 2006

Where do our clothes come from. Cause network child labour. Siaklot, the capital of football production. Alternative actions.

#### Torture, *polis* aktuell, Nr. 5/June 2006

Torture from a historic, philosophical and psychological point of view.

#### Civic and Political Education 2006/07, *polis* aktuell, Nr. 6/September 2006

Assistance to civic and human rights education in the school year 2006/2007. New publications, events, advanced training, project ideas and much more.

#### Elections, *polis* aktuell, Nr. 7/September 2006

Election of the National Assembly and electoral law in Austria. How do elections of the National Assembly work? From the ballot to the mandate. Development of the right to vote.

#### Forced migration and Migration, *polis* aktuell, Nr. 8/October 2006

Definition of terms. Historic observations. Conclusions from international migration studies.

#### HIV/Aids, *polis* aktuell, Nr. 9/November 2006

Medical facts on the disease. Living with the therapy. Youth prevention. Materials, Resources, Institutions.

#### Education of Sustainable Development, *polis* aktuell, Nr. 10/December 2006

Sustainability and sustainable development. Education for sustainable development. Austrian education initiatives. Implementation in school.

## Library and Website

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, torture and humanitarian law. The library can be searched via the online database <http://www.univie.ac.at/bim/library/> (currently about 4.500 entries) both in English and German. About half of the books and documents are in English.

The library is open to the public from Monday to Wednesday 9.00 a.m. to 2.00 p.m.

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.

## Events

Within the framework of projects and in order to publish results of research, the BIM continuously organises – often in cooperation with other institutions and organisations – discussion panels and presentations. In the following, a selection of events of the BIM is presented:

### **Corporate Social Responsibility – fig leaf or joker in competition?**

Presentation of the results of a survey on human rights related activities of Austrian businesses in the field of Corporate Social Responsibility (CSR)

23 January 2006, Presseclub Concordia, Vienna

### **Human Rights Lecture of the Yearbook Human Rights**

"Human Rights Related Responsibilities of Businesses": The Human Rights Lecture takes place annually in preparation of next year's focus of the Yearbook Human Rights.

3 April 2006, Federal Ministry of social Security, Generations and Consumer Protection, Vienna

### **Action Days Political Education 2006**

During the annual action days organised by *polis*, Austrian schools and other educative organisations focus on civic and human rights education.

From 16 April to 5 May 2006, throughout Austria

### **Report on the Human Rights situation in Austria 2005**

Presentation of the report compiled in the framework of the EU Network of Independent Experts in Fundamental Rights

20 April 2006, Vienna

**The Status quo of Human Rights in Turkey**

Organised by the Society for Threatened Persons in cooperation with the BIM  
From 19 till 21 May 2006, Renner Institute, Vienna

**Indicators and Monitoring Systems as Preventive Tools for ensuring Peace and Security and Respect for Human Rights in External Policy-Making of the EU**

COST Action Workshop/Annual Conference 2006 of the Association of Human Rights Institutes  
8 - 10 September 2006, Vienna and Baden

**Consultative Meeting – IDP Legislators’ Manual Project**

International Conference on internal displacement in cooperation with Brookings – Bern Project on Internal Displacement  
15 - 16 September 2006, Vienna

**Antidiscrimination law in academic education**

Panel discussion in the framework of the EU-project “Combating Discrimination from the University”  
29 November 2006, Republikanischer Club, Vienna



**Thematic Areas**

**Teaching and Training**

**Networks**

**Documentation and Publications**

**Facts & Figures**

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**Project data**





## Partner Organisations and Funding

The work of the BIM is vitally supported by the Ludwig Boltzmann Gesellschaft, the responsible body of the Institute, and the University of Vienna. (The previous Cooperation Agreement with the Department of Constitutional and Administrative Law will be replaced with a new agreement with the University of Vienna in 2007.) Furthermore, 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 Federal Ministry for Economy and Labour has – in cooperation with the European Commission – funded a number of projects in the field of anti-discrimination in the past few years. At the moment, two research projects are funded by the Anniversary Fund of the Austrian National Bank.

The most important partner for the BIM Research Association is the Austrian Federal Ministry for Education, Science and Art (bm:bwk), who facilitates the work of the centre *polis*, which received a funding contract lasting several years after the merger of the two Service Centres in the end of 2006. In addition, an essential part of our funding comes from the Austrian Ministry of the Interior together with the Human Rights Council as well as the European Monitoring Centre on Racism and Xenophobia with regard to the RAXEN Focal Point. In 2006, a new important field was added with the project *Poverty Reduction in Macedonia* funded by the ADA, supported by a BIM-office in Skopje.

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. A detailed summary of each project can be found in the Project Data sheets in the Annex.

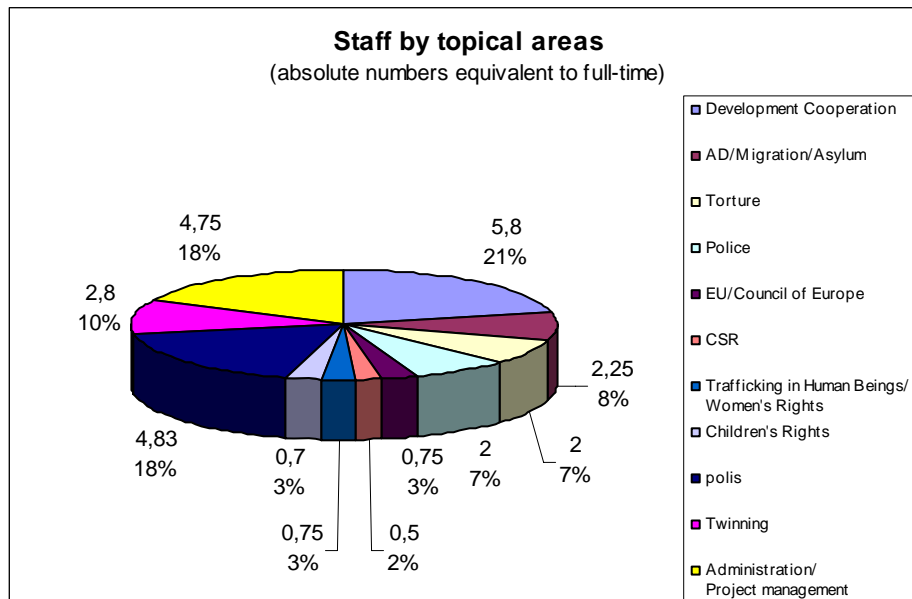
Last but not least we also thank the members of the Association who have continued to support us with great loyalty!

We would like to thank our partner organisations for the good cooperation as well as the necessary financing of our joint work.

## Personalia

In terms of number of personnel, the BIM has continually grown over the last years, having reached a staff of almost 40 employees. On the one hand, the financially more secure situation of the past two years has made it possible to invest into project development and project management in order to pursue a more strategic approach to the Institute's further development and to take some burden from the scientific capacities. On the other hand, the implementation of certain temporary projects requires an increase in staff.

The following diagram illustrates the proportions of employees in relation to the different thematical fields at the end of 2006:



Changes in staff which occurred in 2006, among others, also affected the team of directors, with Fiona Steinert following Nicole Lieger. Furthermore, Constanze Pritz took a new job at the Ombud for Equal Treatment. Bettina Frisslovics has left the BIM heading for the Seychelles and the coordination of the Commissions 2 and 3 of the Human Rights Advisory Board was taken over by Iris Golden. Karin Hirschmüller concluded her work at the BIM shortly after the completion of the project *Youth and Discrimination in Employment*.

Birgit Weyss and Angelika Kartusch are on temporary leave since the beginning of the year respectively mid-2006 in order to gain more expertise through working for the Council of Europe in Strassburg respectively UNIFEM in New York. Reinhard Eckert has taken educational leave and during this time works for an organisation in Cyprus dealing with conflict resolution. Sabine Mandl is on maternity leave since mid-2006; Patricia Hladschik has taken the position of new head of *polis*.

Thank you to all of them and the whole staff of the BIM for their commitment!

## Directors

### Institute Directors

Nicole LIEGER (until September 2006)  
Manfred NOWAK  
Hannes TRETTER

### Permanent staff

Margit BRAUN  
Kerstin BUCHINGER  
  
Reinhard ECKERT  
Simon FELBAR  
  
Susanne FRACZEK  
Bettina FRISSLOVICS  
René FRITZ  
Iris GOLDEN  
Karin HIRSCHMÜLLER  
  
Patricia HLADSCHIK  
Marta HODASZ  
Claudia HÜTTNER  
Rainer JANTSCHER  
Angelika KARTUSCH  
  
Marion KIRSCH  
Katharina KÖHLER  
Julia KOZMA  
Barbara KÜHHAS  
Karin LUKAS  
  
Sabine MANDL  
Liz McARTHUR  
Ninoslav MLADENOVIC  
  
Dina NACHBAUR  
Martin NEUBAUER  
Michael NUßBAUMER

### Administrative Director

Fiona STEINERT (since October 2006)

Administration and Library  
Twinning Project Management, Anti-discrimination, Torture  
Centre *polis* (since May 2006: educational leave)  
Project „Protection against Discrimination in Practice – Training & Awareness Raising in the field of social basic care“  
Twinning Project Management  
Human Rights Advisory Board (until Sept. 2006)  
Administration  
Human Rights Advisory Board (since Sept. 2006)  
Project „Youth and Discrimination in Employment“, Project Development (until Nov. 2006)  
Centre *polis*  
RAXEN Focal Point for Austria, Anti-discrimination  
Twinning Project Management  
Website- und Network Support  
Trafficking in Human Beings, Women's Rights, (on leave since July 2006)  
Twinning Project Management  
RAXEN Focal Point for Austria  
Torture, E.MA  
Development Cooperation  
Women's Rights, Development Cooperation, Globalisation, Corporate Social Responsibility  
Centre *polis* (on leave since June 2006)  
Torture  
BIM Skopje: Human Rights and Poverty Reduction in Macedonia  
Trafficking in Human Beings, Women's Rights, Administration, Accounting  
Project „Youth and Discrimination in Employ-

Caroline PAAR	Secretary of the Human Rights Advisory Board
Constanze PRITZ	Anti-discrimination, EUGEN (until Sept. 2006)
Gabriele REITER	Trafficking in Human Beings, Twinning Turkey Fight against Trafficking in Human Beings
Helmut SAX	Children's Rights, Human Security Network, Economic, Social and Cultural Rights, Development Cooperation
Roland SCHMIDT	Torture
Martina SEKULIN	Administration/Accounting, Centre <i>polis</i>
Fiona STEINERT	Project planning und acquisition (until Sept. 2006)
Astrid STEINKELLNER	Project Juristras, Assistant of Prof. Tretter
Dorothea STEURER	Centre <i>polis</i>
Jagoda STRASEVSKA	BIM Skopje: Human Rights and Poverty Reduction in Macedonia
Mirije SULMATI	BIM Skopje: Human Rights and Poverty Reduction in Macedonia
Elisabeth TUREK	Centre <i>polis</i>
Filippo UNTERHOFER	BIM Skopje: Human Rights and Poverty Reduction in Macedonia
Tanja VOSPERNIK	Library and Documentation, EUGEN
Christoph WAGNER	Centre <i>polis</i>
Birgit WEYSS	Anti-discrimination, EUGEN (on leave since February 2006)
Katharina WÖLFEL	Project planning und acquisition (since December 2006)

### Temporary staff/Freelancers

Karin BISCHOF	Twining Slovenia, Anti-discrimination
Ray BROWN	Twining Croatia, Pre-trial Criminal Proceedings
Barbara COHEN	Twining Slovenia, Anti-discrimination
David CORTEZ	Anti-discrimination
Albin DEARING	Twining Croatia, Pre-trial Criminal Proceedings (Project Leader), Twining Turkey, Fight against Trafficking in Human Beings
Andres DELGADO	Twining Slovenia, Anti-discrimination
Günther DICHATSCHEK	Civic and Human Rights Education
Nikolaus DIMMEL	Twining Turkey, Statement-Taking Methods
Heinz DROBESCH	Twining Croatia, Pre-trial Criminal Proceedings

Walpurga EDER	Human Rights Education
Mariola EGGER	Anti-discrimination
Elamin ELYAS	Anti-discrimination
Heide-Marie FENZL-STACHEL	Twinning Turkey, Fight against Trafficking in Human Beings
Tom FRAWLEY	Twinning Slovenia, Anti-discrimination
Volker FREY	Anti-discrimination
Elfriede FRÖSCHL	Victim Protection
Vlatka FRKETIC	Anti-discrimination
Elisabeth GAGER	Human Rights Education
Ulrike GATZKE	Twinning Turkey, Fight against Trafficking in Human Beings
Andreas GOERG	Anti-discrimination
Karl-Heinz GRUNDBÖCK	Twinning Turkey, Statement-Taking Methods (Resident Twinning Adviser) and Fight against Trafficking in Human Beings; Twinning Croatia, Pre-trial Criminal Proceedings
Franz GRÜNBART	Victim Protection
Iska GSCHAIDER	Human Rights Education
Lukas GUNDERMANN	Twinning Czech Republic, Data Protection
Katja HABERMANN	Twinning Turkey, Fight against Trafficking in Human Beings
Ernst HALBMAYER	Development Cooperation
Alexander HASENBURGER	Human Rights Education
Marcus HILD	Twinning Czech Republic, Data Protection
Marianne HILF	Twinning Croatia, Pre-trial Criminal Proceedings, Victim Protection
Johann Peter Wilhelm HILGER	Twinning Turkey
Monika HÖGLINGER	Human Rights Education
Franz-Josef HUTTER	Business and Human Rights
Udo JESIONEK	Victim Protection
Nils JÜRGENSSEN	Human Rights Education
Aniko KAPOSVARI	Civic and Human Rights Education
Mümtaz KARAKURT	Anti-discrimination
Bernhard KARNING	Twinning Czech Republic, Data Protection
Herbert KEINDL	Human Rights Education, Anti-discrimination
Peter Paul KLEIN	Twinning Czech Republic, Data Protection
Sabine KLOCKER	Civic and Human Rights Education
Gregor KOENIG	Twinning Czech Republic, Data Protection

Sandra KONSTATSKY	Anti-discrimination
Waltraut KOTSCHY	Twinning Czech Republic, Data Protection
Lotte KREISSLER	Civic and Human Rights Education
Ursula KRIEBAUM	Twinning Turkey, Statement-Taking Methods
Friedrich LACHMAYER	Twinning Czech Republic, Data Protection
Erika LAGALLY	Translation
Philipp LEEB	Civic and Human Rights Education
Christine LOHWASSER	RAXEN Focal Point for Austria
Alexander LUBICH	EUGEN, M.E.S. Programme European Studies
Ilse MARSCHALEK	Anti-discrimination
Gualtiero MICHELINI	Twinning Turkey, Statement-Taking Methods
Vito MONETTI	Twinning Turkey, Statement-Taking Methods, Twinning Croatia, Pre-trial Criminal Proceedings
Stephan MÜLLER	Twinning Slovenia, Anti-discrimination
Ingrid NIKOLAY-LEITNER	Twinning Slovenia, Anti-discrimination
Brigitte NURSCHER	Victim Protection
Friedrich OEHL	Civic and Human Rights Education
Seher PEHERSTORFER-CAKIR	Anti-discrimination
Bernhard PERCHINIG	Twinning Slovenia, Anti-discrimination
Siawasch PEYMAN	Human Rights Education, Anti-discrimination
Julia PLANITZER	EUGEN, Juristras
Markus POPOLARI	Twinning Czech Republic, Data Protection
Katharina POSCH	Anti-discrimination
Veronika PRÄNDL-ZIKA	Human Rights Education
Susanne PUSCH	Victim Protection
Barbara RAINER	Human Rights Education
Sebastian REIMER	Twinning Czech Republic, Data Protection
Niko REINBERG	Human Rights Education, Anti-discrimination
Thomas SAGEDER	Human Rights Education
Ulrike SALINGER	Anti-discrimination
Martin SCHENK	Civic and Human Rights Education
Dieter SCHINDLAUER	Twinning Slovenia, Anti-discrimination
Rainer SCHOLZ	Anti-discrimination
Ernst SCHWAGER	Human Rights Education
Geraldine SCULLION	Twinning Slovenia, Anti-discrimination
Ruth Marina SIERRA LEON	Anti-discrimination
Michael SILBERGASSER	Human Rights Education

Andrea SÖLKNER	Asylum, Internally Displaced Persons, Twinning Turkey, Fight against Trafficking in Human Beings
Uwe STARK	Twining Croatia, Pre-trial Criminal Proceedings
Elisabeth STRASSER	Human Rights Education, Anti-discrimination
Walter SUNTINGER	Twining Turkey, Statement Taking Methods Human Rights Education OMV
Wolf SZYMANSKI	Twining Turkey, Statement-Taking Methods
Renate TANZBERGER	Civic and Human Rights Education
Marion THUSWALD	Civic and Human Rights Education
Harald TIEGS	Twining Turkey, Statement-Taking Methods, Twining Croatia, Pre-trial Criminal Proceedings
Bärbel TRAUNSTEINER	Civic and Human Rights Education
Bärbel UHL	Twining Turkey, Fight against Trafficking in Human Beings
Viktoria WAGNER	Reflexive Governance
Gudrun WEISS	Anti-discrimination
Thomas WENZEL	Victim Protection
Melanie WIDDER	Civic and Human Rights Education, Anti-discrimination
Katrin WLADASCH	Twining Slovenia, Anti-discrimination
Alfred ZAUNER	Twining Turkey, Statement-Taking Methods
Wolfgang ZIMMER	Anti-discrimination

### Academic Trainees / Interns

Kiran AUERBACH	Katja DAMROW
Agnes GRÜNBERG	Maria HAUPT
Kristian HENK	Eva HOFFMANN
Bernadette KARNER	Mareen KLINGBERG
Julia KOLDA	Marion KREISSL
Anne-Kathrin KRÖMER	Michaela KRÖMER
Lisa MÜLLER	Leonie MUNZ
Julia OBERREITER	Zahra Akpınar ÖZLEM
Florian PANTHENE	Julia PLANITZER
Heidrun PREIDT	Barbara RAMBERGER
Angelika REDER	Emma REILLY
Astrid Marie REINPRECHT	Sophie Anne RYAN
Stefanie SCHWARZ	Barbara STRASSER
Elisabeth STRASSER	Erich STRIESSNIG
Saskia TRAUTEWIG	Barbara UNTERLERCHNER
Norman WOJAK	Daniel ZIPFL

**Board and auditors of BIM Research Association**

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Hannes TRETTER	Vice Chair Person
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Jutta ZALUD	Second Auditor

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- **European Network of Independent Experts in Fundamental Rights**
- **Strengthening the Principles of Human Rights in Austrian Development Cooperation**
- **Poverty Reduction and Human Rights in Macedonia**
- **OMV Gap Analysis. Support of OMV in the Implementation of its human rights related Corporate Social Responsibility strategy**
- **Business and Human Rights. The Human Rights Responsibilities of companies, states and the international community**
- **IDP Consultative Meeting/Legislator's Manual Project**
- **EU-Twinning: Strengthening Institutions in the Fight against Trafficking in Human Beings**
- **Teaching Materials for High School Students on Trafficking in Women and Children for the Purpose of Sexual Exploitation**
- **Trafficking in Human Beings: Protection of Victims' Rights in Criminal Proceedings and beyond**
- **Support of the UN Special Rapporteur on Torture**
- **Commentary on the Convention against Torture**
- **EU-Twinning: Support to the Changes of the Pre-trial Proceedings in Criminal Matters**
- **EU Twinning: Improvement of Statement-Taking Methods and Statement-Taking Rooms in the Republic of Turkey**
- **Assistance for the Human Rights Advisory Board and its Visiting Commissions at the Austrian Ministry of the Interior**
- **EU-Twinning: Assistance to the Office for Personal Data Protection (OPDP) in seinen Exercising Supervision in Personal Data Protection**
- **RAXEN Focal Point for Austria**
- **Combating Discrimination from the University: An Idea of Research and Education**
- **EU-Twinning: Strengthening the National Institutional Structure for the Fight against Discrimination**
- **EU-Twinning: Enforcement of Equal Opportunity Policies and the Effective Implementation of the Anti-discrimination Law**
- **Youth and Discrimination in Employment**
- **Protection against Discrimination in Practice– Training & Awareness Raising regarding the Access to Goods and Services**
- **Domestic Violence from a Human Rights Perspective. Prevention and Protection of Violence against Women and Children – the Austrian Experience**
- **polis – Centre for Citizenship Education in Schools**

## Juristras - The Strasbourg Court, Democracy and Human Rights of Individuals and Communities

<b>Summary</b>			
<p>The Juristras project studies the relationship between courts and politics, between judicial review of human rights at the supranational level and domestic politics and policies in Europe. Specifically, it aims at exploring processes of human rights litigation and state implementation of ECtHR judgments, as well as the effects of the latter in national legislative reform in a number of EU member states and Associate Candidate States, whereas the BIM focuses on the Austrian situation. The project tries to examine under what conditions Strasbourg Court judgments that find state authorities to have breached provisions of the ECHR promote broader domestic reforms or policy-changes and expand justice for individuals and communities. It specifically focuses on the Court's growing jurisprudence pertaining to the civil rights of individuals and communities and their participation in the public sphere in a democratic setting. Such case law has primarily grown out of specific categories of cases brought to the ECtHR in which individuals claim a violation of their right to privacy and family life, religious freedom and conscience, freedom of expression, assembly and association, or discriminatory treatment. In the course of research, best practices concerning the establishment or improvement of national and European mechanisms for addressing human rights claims and resolving disputes between individual rights and State interests will be identified. Moreover, policy recommendations concerning the rights of religious and ethnic minorities, the combating of discrimination and the protection of personal privacy will be formulated in the course of the project.</p>			
<b>Country</b>	Austria		
<b>Persons involved</b>	<i>Project leader (BIM)</i>	Hannes Tretter	
	<i>Researchers</i>	Astrid Steinkellner, Barbara Liegl, Kerstin Buchinger	
<b>Contact person</b>	Astrid Steinkellner, <a href="mailto:astrid.steinkellner@univie.ac.at">astrid.steinkellner@univie.ac.at</a>		
<b>Lead organisation</b>	Hellenic Foundation for European and Foreign Policy, Greece	<b>Partner-organisation(s)</b>	<ul style="list-style-type: none"> <li>• Ludwig Boltzmann Institute of Human Rights, AT</li> <li>• University of Kent, UK</li> <li>• Università degli Studi di Siena, IT</li> <li>• Yildiz Technical University, TR</li> <li>• Foundation Centre for Liberal Strategies, BG</li> <li>• Université Libre de Bruxelles, BE</li> <li>• Universität Bielefeld, DE</li> <li>• Romanian Academic Society, RO</li> </ul>
<b>Starting/end date</b>	September 2006 to August 2009		
<b>Funded by</b>	European Commission, 6th Framework Programme		

## Reflexive Governance

<b>Summary</b>			
<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 five 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>			
<b>Country</b>	-		
<b>Persons involved</b>	<i>Overall coordination of the sub-network</i>	Olivier de Schutter, Université catholique de Louvain	
	<i>Austrian project lead</i>	Manfred Nowak	
	<i>Researchers</i>	Marta Hodasz, Barbara Liegl	
	<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	
<b>Contact person</b>	Marta Hodasz, <a href="mailto:marta.hodasz@univie.ac.at">marta.hodasz@univie.ac.at</a>		
<b>Lead organisation</b>	Université catholique de Louvain	<b>Partner organisation(s)</b>	<ul style="list-style-type: none"> <li>• Universiteit Leiden, NL</li> <li>• European University Institute, Florence, IT</li> <li>• Université catholique de Louvain, BE</li> <li>• University of Cambridge, GB</li> <li>• Vrije Universiteit Brussel, BE</li> <li>• University College London, GB</li> </ul>
<b>Starting/ end date</b>	June 2005 to June 2008		
<b>Funded by</b>	European Commission, DG Research		

## European Network of Independent Experts in Fundamental Rights

<b>Summary</b>			
<p>In 2002, on the initiative of the European Parliament, the EU Network of Independent Experts in Fundamental Rights was established by the EU Commission. In view of the newly established EU Fundamental Rights Agency, which has taken up its activities on 1 March 2007 in Vienna, the Network project expired in 2006.</p> <p>From 2002 to 2005, the Network, which consisted of one independent expert for each EU member State, published annual reports on the fundamental rights situation within the European Union and the individual member States with regards to the EU Charter of Fundamental Rights. It also issued special reports on particular topics specified by the EU Commission. In April 2006, the Austrian expert Manfred Nowak, together with Alexander Lubich and Constanze Pritz publicly presented the Austrian country report on the human rights situation in 2005 at a press conference.</p> <p>In 2006, special opinions were delivered on freedom of movement of drivers with a view to road tolls, equalisation of treatment between homosexual and heterosexual relations with regard to the age limits for sexual offences, the human rights responsibilities of the EU member states in the context of the C.I.A. activities in Europe ('extraordinary renditions'), and ethnic profiling. The main contributions for the latter two reports came from BIM employees.</p> <p>The European reports and the individual country reports as well as the Network's opinions are published on the website of the Network:  <a href="http://europa.eu.int/comm/justice_home/cfr_cdf/index_en.htm">http://europa.eu.int/comm/justice_home/cfr_cdf/index_en.htm</a>.</p>			
<b>Country</b>	EU member states		
<b>Persons involved</b>	<i>Overall coordination</i>	Olivier de Schutter, Université catholique de Louvain	
	<i>Austrian member of the network</i>	Manfred Nowak	
	<i>Researchers</i>	Alexander Lubich, Constanze Pritz	
	<i>Researchers (Opinions)</i>	Julia Kozma, Elizabeth McArthur, Julia Planitzer, Barbara Ramberger, Tanja Vospersnik, Katrin Wladasch	
<b>Contact person</b>	Manfred Nowak, <a href="mailto:manfred.nowak@univie.ac.at">manfred.nowak@univie.ac.at</a>		
<b>Lead organisation</b>	Université catholique de Louvain	<b>Partner organisation(s)</b>	One independent expert per EU member state
<b>Starting/ end date</b>	2002 to 2006		
<b>Funded by</b>	European Commission, DG Justice, Freedom and Security		

## Strengthening the Principles of Human Rights in Austrian Development Cooperation

<b>Summary</b>			
<p>The annual framework agreement between the Ludwig Boltzmann Institute of Human Rights and the Austrian Federal Ministry of Foreign Affairs aims at strengthening the principles of human rights, democratisation and good governance in the work of the Austrian Development Agency (ADA) and the Ministry. Four main topics are covered:</p> <ul style="list-style-type: none"> <li>• Consultancy regarding policy related questions</li> <li>• Strengthening of the project and program level</li> <li>• Capacity building</li> <li>• Electronic documentation</li> </ul> <p>Work on the project and programme level in 2006 focused on piloting draft guidelines of the Human Rights Based Approach (HRBA) in poverty reduction related to Millenium Development Goal 1, the elaboration of an ADA – strategic paper on human rights, a strategic document on „Fostering Reintegration“ (conflict prevention and peace building), the analysis of the „Justice, Law - and Order Sector Investment Plans“ of the Uganda budget support programme, work on „Corruption and Human Rights“, the integration of children’s rights into Austrian development cooperation, the elaboration of a background paper on „Budget support and HR/Governance in development cooperation“ and a number of papers on people with disabilities as a cross-cutting issue in Austrian development cooperation.</p> <p>In the field of strengthening the human rights expertise, an initiative with FIAN, the European Training Centre Graz and KommEnt (Association for communication and development) was started: BIM will train members of NGOs in the specific use of the HRBA in their program and project work.</p> <p>Cooperation regarding Latin America Conference in Vienna in the framework of Austria’s EU-Presidency stood at the centre of the cooperation with the human rights department of the Ministry of Foreign Affairs. BIM moderated the Human Rights-Round Table where Ombudspersons from all over Latin America and Europe met for two days in working groups. The results were published in a number of articles.</p>			
<b>Country</b>	Austria		
<b>Persons involved</b>	<i>Coordination</i>	Barbara Kühhas	
	<i>Researcher (CSR)</i>	Karin Lukas	
	<i>Researcher, Director</i>	Manfred Nowak	
	<i>Researcher (Children’s rights)</i>	Helmut Sax	
	<i>Interns</i>	Heidrun Preidt, Agnes Grünberg	
<b>Contact person</b>	Barbara Kühhas, <a href="mailto:barbara.kuehhas@univie.ac.at">barbara.kuehhas@univie.ac.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights	<b>Partner organisation(s)</b>	FIAN, KommEnt, ETC Graz
<b>Starting/ end date</b>	February 2006 to June 2007		
<b>Funded by</b>	Austrian Development Agency		

## Poverty Reduction and Human Rights in Macedonia

<b>Summary</b>			
<p>The overall objective of BIM activities in Macedonia is the implementation of the project <i>Human Rights and Poverty Reduction in Macedonia</i> through piloting the UN OHCHR <i>Principles and Guidelines on Human Rights Approach in Poverty Reduction Strategies</i>. A bottom-up approach from the local to the national level is pursued.</p> <p>At local level, BIM is conducting various activities in seven pilot municipalities aimed at strengthening the capacity of the local self-government and main stakeholders to include vulnerable and poor in the elaboration of the local development strategies, primarily through: Implementation of a baseline study on poverty in the selected municipalities, elaboration of a set of tools at disposal of UNDP, organisation of trainings and workshops on the elaborated tools, organisation of Peer Discussion Groups with the representatives of the most marginalised social groups, funding micro-projects to ensure the implementation of Human Rights Based Approach (HRBA) in the elaboration of local development plans. A set of training sessions for the members of the Local Leadership Groups from Negotino, Strumica and Gostivar have been already conducted. In order to underline the most common problems faced by vulnerable and poor citizens, and to assess their needs and propose adequate solutions to be included in local development plans, two focus groups in each of the abovementioned municipalities have been organised and at least two additional ones will be organised in the newly selected municipalities. In order to measure the impact of the HRBA implementation, one micro-project aiming at poverty reduction and greater social inclusion per municipality will be supported in 2007.</p> <p>At national level, BIM will participate in elaborating the Joint Inclusion Memorandum (JIM) – a strategic document referring to the main challenges and political measures related to poverty and social exclusion, which the Macedonian Government (through the Ministry of Labour and Social Policy) needs to adopt in the EU accession process. BIM will strengthen the participation of civil society, support the collection of relevant data both at local and national level (through the State Statistical Office), and provide technical human rights assistance for developing mechanisms and indicators for poverty reduction and greater social inclusion to relevant human rights.</p>			
<b>Country</b>	Republic of Macedonia		
<b>Persons involved</b>	<i>General Coordination</i>	Barbara Kühhas	
	<i>Project Manager</i>	Filippo Unterhofer	
	<i>Local Human Rights Expert</i>	Ninoslav Mladenovic	
	<i>Junior Professional Assistant</i>	Mirije Sulmati	
	<i>Administrative Assistant</i>	Jagoda Strasevska	
<b>Contact person</b>	Barbara Kühhas, <a href="mailto:barbara.kuehhas@univie.ac.at">barbara.kuehhas@univie.ac.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights - Research Association	<b>Partner organisation</b>	United Nations Development Programme - Macedonia
<b>Starting/ end date</b>	August 2006 to July 2008		
<b>Funded by</b>	Austrian Development Agency		

### OMV Gap Analysis. Support of OMV in the implementation of its human rights related Corporate Social Responsibility strategy

<b>Summary</b>			
<p>In this project, BIM and Human Rights Consulting Vienna support the Oil &amp; Gas company OMV in implementing its human rights strategy. On the one hand, the consultants analyse the conformity of OMV's Corporate Social Responsibility documents (Codes of Conduct, guidelines etc.) with human rights and CSR standards. Relevant standards are the major human rights conventions and business-related standards of international organisations, as well as other pertinent CSR standards such as the UN Global Compact, OECD Guidelines and SA 8000.</p> <p>Furthermore, all CSR activities of OMV will be collected and analysed in a matrix. This matrix encompasses all pertinent human rights and a selection of relevant countries where OMV operates. At the end of the project, the consultants will make recommendations regarding the further effective implementation of a human rights strategy within OMV.</p>			
<b>Country</b>	Austria		
<b>Persons involved</b>	<i>Researchers, consultants</i>	Karin Lukas, Anton Lorenz, Walter Suntinger, Alfred Zauner	
	<i>Project Leader</i>	Manfred Nowak	
<b>Contact person</b>	Karin Lukas, <a href="mailto:karin.lukas@univie.ac.at">karin.lukas@univie.ac.at</a>		
<b>Lead organisation</b>	Human Rights Consulting Vienna	<b>Partner organisation(s)</b>	Ludwig Boltzmann Institute of Human Rights - Research Association
<b>Starting/ end date</b>	April 2006 to December 2007		
<b>Funded by</b>	OMV		



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

<b>Summary</b>			
The research project seeks to analyse the human rights responsibilities 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 focuses at voluntary initiatives of “corporate social responsibility” particularly in the European Union in order to identify “good practice” in this field.			
<b>Country</b>	Austria		
<b>Persons involved</b>	<i>Authors</i>	Karin Lukas, Franz-Josef Hutter	
	<i>Project leader</i>	Hannes Tretter	
	<i>Research support</i>	Kristian Henk, Astrid Steinkellner	
<b>Contact person</b>	Karin Lukas, <a href="mailto:karin.lukas@univie.ac.at">karin.lukas@univie.ac.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights	<b>Partner organisation(s)</b>	-
<b>Starting/ end date</b>	February 2005 to April 2007		
<b>Funded by</b>	Anniversary Fund of the Austrian National Bank		

**IDP Consultative Meeting / Legislators' Manual Project**

<b>Summary</b>			
<p>The aim of this project is to provide legislators and decision makers dealing with the issue of internal displacement at national level with a concrete guide to implementing the UN "Guiding Principles on Internal Displacement". After the Steering Group of this project agreed upon the topics to be covered in the manual, distinguished experts started to elaborate ten problem-oriented studies. The drafts of these studies were presented and discussed at the Consultative Meeting, which was organised by BIM in September, 2006. The group of participants included the authors of the studies, other experts with various professional and regional backgrounds, representatives of NGOs, international institutions and governments, the UN Special Representative of the Secretary General on Internally Displaced Persons as well as the UN Special Rapporteur on Adequate Housing. The feedback gained in the course of the Consultative Meeting shall now be integrated into the final versions of the studies. Furthermore the proceedings of the meeting will be used as a basis for the drafting of the Legislators' Manual. The completion of the Manual is envisaged for spring 2008. At this occasion, a final conference will be hosted in Vienna.</p> <p>For further information see: <a href="http://www.univie.ac.at/bim/idp">www.univie.ac.at/bim/idp</a></p>			
<b>Country</b>	Austria		
<b>Persons involved</b>	<i>Researcher, project coordination BIM</i>	Andrea Sölkner	
	<i>Project coordination BIM</i>	Roland Schmidt	
	<i>Researcher, Project Leader</i>	Manfred Nowak	
<b>Contact person</b>	Roland Schmidt, <a href="mailto:roland.schmidt@univie.ac.at">roland.schmidt@univie.ac.at</a> Andrea Sölkner, <a href="mailto:andrea.soelkner@univie.ac.at">andrea.soelkner@univie.ac.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights	<b>Partner organisation(s)</b>	Brookings-Bern Project on Internal Displacement/ The Brookings Institution, Washington (D.C)
<b>Starting/ end date</b>	2005 - 2008		
<b>Funded by</b>	Austrian Development Agency		

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

<b>Summary</b>			
<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 contributes to this project mainly in the field of victim assistance and protection. A series of research, training and awareness raising activities has been carried out already.</p> <p>The implementation period started in January 2006 and will conclude in June 2007.</p>			
<b>Country</b>	Turkey		
<b>Persons involved</b>	<i>Project leaders</i>	Uwe Wilhelms (Berlin Criminal Police Agency) Mehmet Tokgöz (Turkish National Police)	
	<i>Project management at BIM</i>	Angelika Kartusch (until May 2006) Kerstin Buchinger Marion Kirsch	
	<i>Resident Twinning Advisor</i>	Andreas Reinhardt (Berlin Criminal Police Agency)	
	<i>Short Term Experts</i>	11	
<b>Contact person</b>	Kerstin Buchinger, <a href="mailto:kerstin.buchinger@univie.ac.at">kerstin.buchinger@univie.ac.at</a> Marion Kirsch, <a href="mailto:marion.kirsch@univie.ac.at">marion.kirsch@univie.ac.at</a>		
<b>Lead organisation</b>	Berlin Criminal Police Agency	<b>Partner organisation(s)</b>	Supporting institution: BIM  Beneficiary: Turkish Ministry of Interior
<b>Starting/ end date</b>	January 2006 to June 2007		
<b>Funded by</b>	European Commission		

## Teaching Materials for High School Students on Trafficking in Women and Young People for the Purpose of Sexual Exploitation

<b>Summary</b>			
<p>For their geographic position, Italy, Poland and Austria are three of the most used transit routes for trafficking women and young people für the purpose of sexual exploitation, in particular from Eastern to Western Europe. They are also countries of destination, and Poland is itself a country of origin. Several initiatives have been developed in these countries to fight against the phenomenon. Still, there is a big gap in the area of high school education. Because of the complexity of trafficking, it is very difficult for high school teachers – in terms of content and methodology – to develop courses on the issue.</p> <p>The project aims at raising awarness of high school teachers and students on trafficking by developing a comprehensive educational package (toolkit) for schools, based on a human rights approach.</p> <p>The toolkit will contain</p> <ul style="list-style-type: none"> <li>• a brochure on how to use the toolkit</li> <li>• a manual for teachers on human rights and trafficking in its European dimension</li> <li>• a teacher's guide with some methodological instructions for trainers including examples of activities and modules to be contained in lectures</li> <li>• a user-friendly illustrated booklet for students</li> <li>• a legal pocket compilation with references to the main human rights instruments on trafficking at regional and international level</li> <li>• a Pocket Book with a guide on other instruments available on trafficking in each partner's country</li> <li>• three National Reports (Poland, Italy, Austria) with a detailed analysis of trafficking for the purpose of sexual exploitation in their own countries bases on interviews with experts.</li> </ul> <p>The toolkit will be produced in four languages and disseminated in Europe.</p>			
<b>Country</b>	Poland, Italy and Austria		
<b>Persons involved</b>	<i>Coordination, researcher</i>	Dina Nachbaur	
	<i>Project leader</i>	Hannes Tretter	
	<i>Interns</i>	Evelyn Bergsmann, Iris Kronlacher, Maria Tcholakova	
<b>Contact person</b>	Dina Nachbaur, <a href="mailto:dina.nachbaur@univie.ac.at">dina.nachbaur@univie.ac.at</a>		
<b>Lead organisation</b>	Centro interdipartimentale di ricerca e servizi sui diritti della persona e dei popoli, Università di Padova, Italy	<b>Partner organisation(s)</b>	<ul style="list-style-type: none"> <li>• La Strada Foundation, Poland</li> <li>• Associazione Diritti Umani Sviluppo Umano, Italy</li> <li>• Ludwig Boltzmann Institute of Human Rights</li> </ul>
<b>Starting/ end date</b>	May 2006 to May 2007		
<b>Funded by</b>	European Commission, Daphne		

## Trafficking in Human Beings: Protection of Victims' rights in Criminal Proceedings and beyond

<b>Summary</b>			
<p>This project aims at the sensitisation of judges, prosecutors and police officers to satisfy the rights and needs of victims of Trafficking in Human Beings, as well as at increasing their knowledge of relevant European standards and their ability to realise them. Furthermore, judges, prosecutors and representatives of NGOs in Romania and selected EU member states (assumed to be target countries for trafficked Romanian citizens) shall have the possibility to make contacts and exchange experience concerning victim involvement in legal procedures and assistance to victims.</p> <p>In the course of the project, a symposium on "Victim Rights in Criminal Proceedings and European Standards" will be held in Vienna in cooperation with the Ministry of Justice. In 2007 and 2008, five trainings will be held in Romania.</p>			
<b>Country</b>	Romania, Germany, Netherlands, Austria		
<b>Persons involved</b>	<i>Coordination for he BIM and research assistance</i>	Dina Nachbaur, Barbara Unterlerchner	
	<i>Researchers, project leaders</i>	Hannes Tretter, Fiona Steinert	
<b>Contact person</b>	Barbara Unterlerchner, <a href="mailto:barbara.unterlerchner@univie.ac.at">barbara.unterlerchner@univie.ac.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights	<b>Partner-organisation(s)</b>	<ul style="list-style-type: none"> <li>• IRZ, DE</li> <li>• Generalstaatsanwaltschaft, RO</li> <li>• AFI Pro Familia, RO</li> <li>• La Strada International, NL</li> </ul>
<b>Starting/end date</b>	December 2006 to June 2008		
<b>Funded by</b>	European Commission, AGIS Federal Ministry of Justice Office for Democratic Institutions and Human Rights (ODIHR/OSZE) City of Vienna – Magistrate Department for Foreign Affairs		

## Support of the UN Special Rapporteur on Torture

<b>Summary</b>			
<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 2006, Manfred Nowak has conducted such missions to Jordan and Paraguay in order to assess the situation regarding torture in these countries and to offer his cooperation in eliminating the practice of torture. A third planned mission to the Russian Federation including a number of North Caucasian republics like Chechnya and North Ossetia had to be cancelled on short notice in October, because the Russian Federation could not guarantee full compliance with the terms of reference of UN special procedures.</p>			
<b>Country</b>	-		
<b>Persons involved</b>	<i>UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment</i>	Manfred Nowak	
	<i>Research assistants</i>	Julia Kozma, Roland Schmidt	
	<i>Researcher</i>	Elizabeth McArthur, Martin Neubauer	
	<i>Assistants in Genf</i>	Birgit Kainz, Anna Crawford	
<b>Contact person</b>	Manfred Nowak, <a href="mailto:manfred.nowak@univie.ac.at">manfred.nowak@univie.ac.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institut of Human Rights	<b>Partner organisation(s)</b>	-
<b>Starting/ end date</b>	Since January 2005		
<b>Funded by</b>	Austrian Ministry of Foreign Affairs		

**Commentary on the Convention against Torture**

<b>Summary</b>			
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 in 2008.			
<b>Country</b>	Austria		
<b>Persons involved</b>	<i>Authors</i>	Manfred Nowak, Elizabeth McArthur	
	<i>Contributions</i>	Kerstin Buchinger	
	<i>Support</i>	Sophie Ryan, Roland Schmidt, Janina Berg, Tatiana Urdaneta-Schnabel	
<b>Contact person</b>	Manfred Nowak, <a href="mailto:manfred.nowak@univie.ac.at">manfred.nowak@univie.ac.at</a> Elizabeth McArthur, <a href="mailto:elizabeth.mcarthur@univie.ac.at">elizabeth.mcarthur@univie.ac.at</a>		
<b>Lead organisation</b>		<b>Partner organisation(s)</b>	
<b>Starting/ end date</b>	2004 until end of 2007		
<b>Funded by</b>	Fund for the Promotion of Scientific Research (Fonds zur Förderung der Wissenschaftlichen Forschung)		

## EU-Twinning: Support to the Changes of the Pre-trial Proceedings in Criminal Matters

<b>Summary</b>			
<p>The overall objective of this Twinning Light project was to support the Croatian Ministry of Justice in its reform of the criminal procedure law. This comprehensive task broke down into two specific objectives, namely firstly to elaborate a comparative study on existing types of preliminary proceedings in some EU Member States and secondly to develop a national strategy for conducting preliminary criminal proceedings in Croatia. This second specific objective of the project included the preparation of recommendations for legislative and institutional reform as well as the elaboration of an action plan for the implementation of the reform.</p>			
<b>Country</b>	Croatia		
<b>Persons involved</b>	<i>Project leaders</i>	Albin Dearing Velimir Čolović (Croatian Ministry of Justice)	
	<i>Project management at BIM</i>	Susanne Fraczek	
	<i>Short Term Experts</i>	8	
<b>Contact person</b>	Susanne Fraczek, <a href="mailto:susanne.fraczek@univie.ac.at">susanne.fraczek@univie.ac.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights	<b>Partner organisation(s)</b>	Beneficiary: Croatian Ministry of Justice
<b>Starting/ end date</b>	May 2006 to January 2007		
<b>Funded by</b>	European Commission		



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

<b>Summary</b>			
<p>This project aimed 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 was 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. Therefore, the major intention of this project was to improve the existing examination techniques and to place them within the process of judicial investigations in order to move towards a system of evidence-based prosecutions. Another aim of this project was to strengthen the cooperation and coordination of all different law enforcement institutions with respect to judicial investigations.</p>			
<b>Country</b>	Turkey		
<b>Persons involved</b>	<i>Resident Twinning Advisors</i>	Karl-Heinz Grundböck, Albin Dearing	
	<i>Assistants</i>	Salih Efe, Rüya Koman	
	<i>Project manager</i>	Kerstin Buchinger	
	<i>Project leader</i>	Hannes Tretter	
	<i>Short Term Experts</i>	32	
<b>Contact person</b>	Kerstin Buchinger, <a href="mailto:kerstin.buchinger@univie.ac.at">kerstin.buchinger@univie.ac.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights	<b>Partner organisation(s)</b>	Junior partner: German Foundation for International Legal Cooperation (IRZ)  Beneficiary: General Security Directorate, Ministry of Interior
<b>Starting/ end date</b>	August 2004 to February 2006		
<b>Funded by</b>	European Commission		

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

<b>Summary</b>			
<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 Regional Appeal Court Vienna 2 and 3 is located at the BIM.</p> <p>Homepage: <a href="http://www.menschenrechtsbeirat.at">www.menschenrechtsbeirat.at</a></p>			
<b>Country</b>	Austria		
<b>Persons involved</b>	<i>Legal assistant HRAB</i>	Caroline Paar	
	<i>Coordination Commissions 2 and 3</i>	Bettina Frisslovics (until August, 2006) Iris Golden (since September, 2006)	
	<i>Director Commission 2</i>	Manfred Nowak	
	<i>Director Commission 3</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	
<b>Contact person</b>	Commissions 2 and 3: Iris Golden, <a href="mailto:mrk2-3.bim@univie.ac.at">mrk2-3.bim@univie.ac.at</a> Human Rights Advisory Board: Caroline Paar, <a href="mailto:office@bmi.gv.at">office@bmi.gv.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights – Research Association	<b>Partner organisation(s)</b>	Federal Ministry of the Interior
<b>Starting/end date</b>	Since July 2000		
<b>Funded by</b>	Federal Ministry of the Interior		

### EU-Twinning: Assistance to the Office for Personal Data Protection (OPDP) in Exercising Supervision in Personal Data Protection

<b>Summary</b>			
<p>The overall objective of this Twinning Light project was to assist the Office for Personal Data Protection (OPDP) in achieving the standards and guidelines of the European Union with regard to personal data protection. The main thematic focuses of this project lay within the fields of Schengen, Europol and Customs Issues on the one hand as well as within the sectors of E-Communication and Data Protection at the Workplace on the other hand. The project was divided into two main parts. The first part included several joint working meetings on all aforementioned issues, where detailed discussions took place between the Austrian and the Czech experts. The second part attended to the preparation of two manuals, being the basis for further implementation measures in the field of data protection in the Czech Republic.</p>			
<b>Country</b>	Czech Republic		
<b>Persons involved</b>	<i>Project management</i>	Kerstin Buchinger	
	<i>Project leader</i>	Hannes Tretter	
	<i>Short Term Experts</i>	10	
<b>Contact person</b>	Kerstin Buchinger, <a href="mailto:kerstin.buchinger@univie.ac.at">kerstin.buchinger@univie.ac.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights	<b>Partner organisation(s)</b>	Beneficiary: Office for Personal Data Protection (OPDP)
<b>Starting/ end date</b>	February to September 2006		
<b>Funded by</b>	European Commission		

**RAXEN Focal Point for Austria**

<b>Summary</b>			
<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 2006, the coverage of the five main areas selected by the EUMC, which was begun in 2001/2003, was continued, namely</p> <ul style="list-style-type: none"> <li>• changes in legislation concerning migrant and autochthonous minorities,</li> <li>• racist and xenophobic incidents,</li> <li>• racism and discrimination in education,</li> <li>• racism and discrimination in employment, and</li> <li>• racism and discrimination in housing.</li> </ul> <p>Key activities in 2006:</p> <ul style="list-style-type: none"> <li>• The „National Data Collection Report Austria“ summarises the most important trends evident from quantitative and qualitative data in the five areas</li> <li>• A special study on: Combating Ethnic and Racial Discrimination and Promoting Equality: Trends and Developments 2000 - 2005</li> <li>• A short study on antidiscrimination case law</li> </ul> <p>Project homepage: <a href="http://www.univie.ac.at/bim/focalpoint">http://www.univie.ac.at/bim/focalpoint</a></p>			
<b>Country</b>	Austria		
<b>Persons involved</b>	<i>Researchers</i>	Marta Hodasz 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>Research contribution to case-law study</i>	Volker Frey	
	<i>Support in research and data base maintenance</i>	Christine Lohwasser	
<b>Contact</b>	<a href="mailto:focalpoint.bim@univie.ac.at">focalpoint.bim@univie.ac.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights – Research Association	<b>Partner organisation(s)</b>	<ul style="list-style-type: none"> <li>• Institute of Conflict Research (IKF)</li> <li>• Department of Linguistics, University of Vienna</li> </ul>
<b>Starting/ end date</b>	RAXEN 7: February 2006 to January 2007 RAXEN 6: February 2005 to January 2006		
<b>Funded by</b>	European Monitoring Centre on Racism and Xenophobia (EUMC)		

## Combating Discrimination from the University: An Idea of Research and Education

<b>Summary</b>			
<p>The project aimed at fostering 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. In the first year the involved partners contributed to a collection and an exchange of academic literature, case law and other relevant material regarding national and European anti-discrimination law. In the second year teaching modules dedicated to anti-discrimination law in the curriculum of law studies were implemented by the project partners. Through the exchange of their experience a teaching module, qualifying as best practice was developed. The contents, experiences and the results of the project were discussed with experts in the field, students and other interested persons in final events held in Florence as well as in Vienna.</p> <p>The different teaching modules implemented in 2006 by each partner organisation together with the gained experiences and recommendations for a 'best practice' teaching module are presented in a final publication.</p> <p>The publication „Anti-discrimination law as a new subject of law?“ is available from BIM upon request (see contact person).</p>			
<b>Country</b>	Austria, Italy, UK, Greece, Czech Republic, Catalonia (Spain)		
<b>Persons involved</b>	<i>Lecturer / Project coordination</i>	Constanze Pritz (until August 2006) Marta Hodasz (since September 2006)	
	<i>Lecturers</i>	Hannes Tretter, Katharina Posch, Dieter Schindlauer	
<b>Contact person</b>	Marta Hodasz, <a href="mailto:marta.hodasz@univie.ac.at">marta.hodasz@univie.ac.at</a>		
<b>Lead organisation</b>	Unità e Cooperazione per lo Sviluppo dei Popoli (IT)	<b>Partner organisation(s)</b>	<ul style="list-style-type: none"> <li>• Università degli studi di Firenze/European Union Law Desk, IT</li> <li>• Informagay, IT</li> <li>• Aristotle University of Thessalonica, GR</li> <li>• University College London – Faculty of Law, GB</li> <li>• Centro UNESCO de Catalunya, ES</li> <li>• Ludwig Boltzmann Institute of Human Rights,</li> </ul>
<b>Starting/ end date</b>	November 2004 to November 2006		
<b>Funded by</b>	European Commission – EU action programme to combat discrimination		

## EU-Twinning: Strengthening the National Institutional Structure for the Fight against Discrimination

<b>Summary</b>			
<p>To provide adequate training of the experts involved in the anti-discrimination department of the Ombudsman for Human Rights and other key persons in the national institutional structure was the overall objective of this Twinning Light project. The project also contributed to raising general awareness of the importance of non-discrimination, human rights and fundamental freedoms as basic principles of EU law.</p> <p>The project purpose was the strengthening of the administrative capacity by introducing good practices and standards that have proved successful in European member states. The first aim was to train the trainers and adjust the training program to be introduced. A tailor made training program assured the effective transfer of knowledge of working methods and best practices of hearing complaints, research, promotion and education in the area of the systemic battle against all forms of discrimination, particularly racist and ethnic, prevention of xenophobia and preserving the principle of equal treatment.</p>			
<b>Country</b>	Slovenia		
<b>Persons involved</b>	<i>Project leaders</i>	Hannes Tretter Matjaž Hanžek (Human Rights Ombudsman of the Republic of Slovenia)	
	<i>Project management at BIM</i>	Claudia Hüttner	
	<i>Mid Term Experts</i>	Dieter Schindlauer, Andres Delgado	
	<i>Short Term Experts</i>	12	
<b>Contact person</b>	Claudia Hüttner, <a href="mailto:claudia.huettner@univie.ac.at">claudia.huettner@univie.ac.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights	<b>Partner organisation(s)</b>	Supporting institution: Austrian Ombud for Equal Opportunities  Beneficiary: Human Rights Ombudsman of the Republic of Slovenia
<b>Starting/ end date</b>	June 2006 to December 2006		
<b>Funded by</b>	European Commission		

## EU-Twinning: Enforcement of Equal Opportunity Policies and the Effective Implementation of the Anti-discrimination Law

<b>Summary</b>			
<p>The overall objective of this Twinning light project is to promote equal treatment of all persons without discrimination on any grounds in Hungarian society.</p> <p>More specifically, the project aims at</p> <ul style="list-style-type: none"> <li>• supporting the enforcement of equal opportunity policies and the effective implementation of the anti-discrimination law through the capacity development of the Equal Treatment Authority;</li> <li>• clarifying the anti-discrimination policy of the Hungarian Government and making it more consistent and effective;</li> <li>• developing an overall strategy for the Equal Treatment Authority for coordinating, strengthening and implementing the anti-discrimination policy based on best practices of other EU Member States.</li> </ul> <p>These goals shall be achieved by a variety of project activities ranging from the elaboration of specific reports and a guidebook to a number of training sessions as well as three study visits for Hungarian officials working in the fields of equal opportunities and anti-discrimination. The development of policy coordination mechanisms and cooperation procedures will be an important aim throughout the project.</p>			
<b>Country</b>	Hungary		
<b>Persons involved</b>	<i>Project leaders</i>	Hannes Tretter Edit Rauh (Hungarian Ministry of Social Affairs and Labour)	
	<i>Project management at BIM</i>	Susanne Fraczek	
	<i>Short Term Experts</i>	13	
<b>Contact person</b>	Susanne Fraczek, <a href="mailto:susanne.fraczek@univie.ac.at">susanne.fraczek@univie.ac.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights	<b>Partner organisation(s)</b>	Supporting institution: Austrian Ombud for Equal Opportunities  Beneficiary: Hungarian Equal Treatment Authority
<b>Starting/ end date</b>	December 2006 to August 2007		
<b>Funded by</b>	European Commission		

## Youth and Discrimination in Employment

<b>Summary</b>			
<p>In the course of this project, a total of 37 workshops/trainings for pupils and teachers on the issue of equal treatment and antidiscrimination were conducted in Austrian vocational schools and in institutions representing youth interests.</p> <p>The key features of the project were:</p> <ul style="list-style-type: none"> <li>• development of a concrete and target-group oriented training concept</li> <li>• adequate advertising of the project</li> <li>• forming a training team</li> <li>• compilation of a training manual for trainers including legal background information and exercises for to communicating the project goals and contents</li> <li>• train-the-trainer workshop and ongoing support for trainers</li> <li>• carrying-out workshops in teams of two trainers each</li> <li>• evaluation and follow-up measures.</li> </ul> <p>Project outcome: The decision for students of vocational schools/apprentices as the main target group proved to be a reasonable choice. On the one hand, members of this group are prejudiced themselves; on the other hand they often experience discrimination at the work place. The target-group oriented design of the trainings, interactive training methods, and the composition of the training team met with lively interest and very positive feedback from the participants regarding the methodology and the usefulness of the trainings. Involving NGOs produced additional synergies and networks were created that will be valuable for the future work at the schools beyond the end of the project.</p>			
<b>Country</b>	Austria		
<b>Persons involved</b>	<i>Project leader, research</i>	Karin Hirschmüller (since April 2006 Kerstin Buchinger (until March 2006)	
	<i>Leader of team of trainers, research</i>	Michael Nußbaumer	
	<i>Project evaluation, research</i>	Elisabeth Turek	
	<i>Trainers</i>	24 trainers	
<b>Contact person</b>	Michael Nußbaumer, <a href="mailto:michael.nussbaumer@univie.ac.at">michael.nussbaumer@univie.ac.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights	<b>Partner organisation(s)</b>	-
<b>Starting/end date</b>	November 2005 to October 2006		
<b>Funded by</b>	European Commission, EU action programme to combat discrimination Austrian Federal Ministry of Economy and Labour		



## Protection against Discrimination in Practice - Training & Awareness Raising Regarding the Access to Goods and Services

<b>Summary</b>			
<p>Within the project there will be nine events in different cities across Austria in 2007. The conferences and workshops deal with the obligation to equal treatment irrespective of ethnic origin in access to goods and services resulting from the implementation of the EU race equality-directive 2000/43/EC. One focus is on the training of actors in professions providing access to goods and services, e.g. housing. On the other hand, the project aims at empowering persons potentially affected by discrimination - in line with the aims of the 2007 - European Year of Equal Opportunities for All.</p> <p>The main goals of this project are:</p> <ul style="list-style-type: none"> <li>• Clarification of concepts like discrimination, equal opportunities, equal treatment</li> <li>• Legal framework</li> <li>• Concrete action in institutions</li> </ul> <p>Events are carried out in co-operation with the anti-racism NGO ZARA. The trainers during the events are professional experts from our cooperation partner ZARA. In total this project is implemented for 405 persons all over Austria who are interested in this theme.</p>			
<b>Country</b>	Austria		
<b>Persons involved</b>	<i>General coordination</i>	Simon Felbar	
	<i>Experts</i>	Marta Hodasz Kerstin Buchinger	
	<i>Project folder</i>	Katharina Köhler	
	<i>Evaluation</i>	Barbara Liegl	
	<i>Public relations, support for trainers</i>	Karin Bischof (ZARA)	
	<i>Trainers</i>	8 Trainers	
<b>Contact person</b>	Simon Felbar <a href="mailto:simon.felbar@univie.ac.at">simon.felbar@univie.ac.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights	<b>Partner organisation(s)</b>	ZARA - Zivilcourage und Anti-Rassismuarbeit
<b>Starting/end date</b>	November 2006 to October 2007		
<b>Funded by</b>	European Commission - EU action programme to combat discrimination, Austrian Federal Ministry of Economy and Labour		

## Domestic Violence from a Human Rights Perspective. Prevention and Protection of Violence against Women and Children – the Austrian Experience

<b>Summary</b>			
<p>This study analyses domestic violence in Austria in its legal and factual dimension from a human rights perspective. 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 victims of violence.</p> <p>The study in particular pursues the following questions:</p> <ul style="list-style-type: none"> <li>• 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 recent 2006 UN Studies on Violence against Children, and against Women, respectively)?</li> <li>• What are the binding legal obligations for Austria?</li> <li>• How is Austria complying with its international obligations?</li> <li>• What are the areas in most pressing need of reform in Austria beyond the existing a specific Law on Protection against Violence, in particular considering the specific needs of children and particular social groups such as migrants?</li> <li>• What is the added value of a rights-based approach to prevention and protection from violence?</li> </ul>			
<b>Country</b>	Austria		
<b>Persons involved</b>	<i>Coordinator, legal researcher and author of the study</i>	Dina Nachbaur (since June 2006), Angelika Kartusch (until June 2006)	
	<i>Legal researcher and author of the study</i>	Helmut Sax	
	<i>Project leader</i>	Manfred Nowak	
	<i>Research support</i>	Barbara Unterlerchner	
<b>Contact person</b>	Dina Nachbaur, <a href="mailto:dina.nachbaur@univie.ac.at">dina.nachbaur@univie.ac.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights	<b>Partner organisation(s)</b>	-
<b>Starting/end date</b>	September 2004 to June 2007		
<b>Funded by</b>	Anniversary Fund of the Austrian National Bank		

***polis* – Centre for Citizenship Education in Schools**

<b>Summary</b>			
<p><i>polis</i> – Centre for Citizenship Education in Schools supports teachers in putting citizenship education into practice at schools. The Centre provides teaching materials, acts as information and consultation platform, offers formation and continuing education for teachers as well as workshops for students. Apart from knowledge transfer activities the Centre also engages in awareness raising and sensitisation for all issues concerning politics, democracy, human rights, consumer education, sustainable development as well as the strengthening of social skills.</p> <p><i>polis</i> was initiated by the Federal Ministry of Education, Science and Culture at the BIM-FV in 2006. The Centre emerged from the Service Centre for Human Rights Education (at the BIM since 1997) and the Service Centre for Civic Education (at BIM since 2002).</p> <p>Main tasks of <i>polis</i> are, among others:</p> <ul style="list-style-type: none"> <li>• Website <a href="http://www.politik-lernen.at">www.politik-lernen.at</a></li> <li>• Monthly information brochure for teachers „<i>polis</i> aktuell“</li> <li>• Purchase, publishing und distribution of teaching materials on civic education</li> <li>• In-service teacher trainings</li> <li>• Organization of workshops for school classes</li> <li>• Organization of events, e.g. Civic Education Action Days, EuropeQuiz</li> <li>• Coordination of a teacher’s network</li> <li>• Counselling and support of teachers</li> </ul>			
<b>Country</b>	Austria		
<b>Persons involved</b>	<i>Leader</i>	Sabine Mandl (on leave) Patricia Hladschik (since February 2006)	
	<i>Staff members</i>	Reinhard Eckert (May 2006 – April 2007 on educational leave) Michael Nußbaumer Martina Sekulin Dorothea Steurer Elisabeth Turek Christoph Wagner	
	<i>Trainees</i>	Maria Haupt, Lisa Müller, Barbara Strasser	
<b>Contact person</b>	Patricia Hladschik, <a href="mailto:patricia.hladschik@politik-lernen.at">patricia.hladschik@politik-lernen.at</a>		
<b>Lead organisation</b>	Ludwig Boltzmann Institute of Human Rights - Research Association	<b>Partner organisation(s)</b>	-
<b>Starting/ end date</b>	Established in February 2006, contracted until the end of 2009 Emerged from: Service Centre for Human Rights Education (since 1997); Service Centre for Civic Education (since 2002)		
<b>Funded by</b>	Federal Ministry for Education, Science and Culture, Department for Civic Education		