Report

by

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Adopted in Paris on 8 September 2000

Index

We

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have received a mandate from the XIV through the President of the European Court of Human Rights to

> "deliver, on the basis of a thorough examination, a report covering:
>
> - the Austrian Government's commitment to the common European values, in particular concerning the rights of minorities, refugees and immigrants;
>
> - the evolution of the political nature of the FPÖ."

The President of the European Court of Human Rights has transmitted to us the letter written by the Portuguese Prime Minister to him according to the last sentence of which:

> "Based on the conclusions of this report the XIV will re-examine their bilateral relations with the Austrian Government."

The President of the European Court of Human Rights has also transmitted to us his answer to the Portuguese Prime Minister in which it is stated that no timeframe has been established for the report and that "accordingly I will make a recommendation to the persons appointed that they should submit their report as soon as is feasibly possible."

The mandate was received by us immediately before it was made public on 12 July 2000 by a press release issued by the Registrar of the European Court of Human Rights.

After having decided to accept that mandate the three of us were of the opinion that we should start proceedings immediately. We already received information collected by the Austrian Government a few days after 12 July.

We met in Helsinki on 20 July and discussed the procedures we should apply in detail. From Helsinki we contacted the Austrian Government to find out whether we could make a visit to Vienna already at the end of the following week.

After the Austrian Government had agreed to the dates and assured full cooperation we had a set of meetings in Vienna from the evening of 27 July until the evening of Sunday, 30 July.

On the basis of our proposals, the Austrian Government arranged a series of discussions with the Federal President, Federal Chancellor, Ministers of the Austrian Federal Government, the President of the Constitutional Court, the Ombudsmen (Volksanwaltschaft), all the political parties represented in the Austrian Parliament, Trade Unions and Employers, the Catholic and Protestant Churches and the Jewish and Islamic Religious Communities and the President of the Judges' Association.

On request of the Platform of European Social Non Governmental Organizations we met on 29 August 2000 at the Max-Planck-Institute for Comparative Public Law and International Law in Heidelberg representatives of Austrian NGOs who presented information concerning areas mentioned in the mandate. In the afternoon we met on her request the President of the FPÖ and Vice-Chancellor Susanne Riess-Passer.

After the discussions in Vienna and Heidelberg and having further considered written documentation provided to us we prepared the present report and adopted it unanimously in Paris on 8 September 2000.

We would like to thank the Austrian Federal Government and all those with whom we had discussions for the excellent preparation of the meetings in Vienna and Heidelberg, the substantive documentation and all the help provided for us.

I. The commitment of the Austrian Government to the common European values, in particular concerning the rights of minorities, refugees and immigrants

1. The international legal framework to define common European values

1 Our mandate consists in the first part of evaluating the Austrian Government's commitment to the common European values in particular areas. It is therefore of importance to clarify the generally accepted standards for the common European values. In the areas mentioned in the mandate, rights of minorities, refugees and immigrants, there are several legally binding but also non-binding documents which enshrine the positive obligation of European States to protect and promote human rights and fundamental freedoms, pluralist democracy and the rule of law.

2 The binding treaties are in particular the European Union Treaty and the European Convention on Human Rights mentioned expressly in Art. 6 para. 2 of the European Union Treaty. The Framework Convention for the Protection of National Minorities and the Convention relating to the Status of Refugees have also to be considered in this context.

3 In its Art. 6, para. 1, the EU Treaty expressly declares that "the Union is based on the principles of freedom, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to all Member States". The commitment to the protection and promotion of human rights constitutes therefore a legal obligation on the part of EU Member States.

4 Among the non-binding, but generally accepted documents in the EU context, the Declaration against Racism and Xenophobia, jointly adopted by the European Parliament, the Council, the Representatives of the Member States meeting within the Council and the Commission on 11 June 1986 has particularly to be taken into account.

5 Finally, the case-law developed by the organs set up under the European Convention on Human Rights is of particular importance in this regard.

a) Standards concerning human rights and fundamental freedoms

6 The European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in 1950, expresses in its preamble that the governments of European countries, which are likeminded and have a common heritage of political traditions, ideals, freedom and the rule of law, take the first steps for the collective enforcement of certain of the rights stated in the Universal Declaration of the United Nations of 1948. All Member States of the Union have ratified the Convention.

7 Of particular importance in the present context is the clear guarantee of non-discrimination in the enjoyment of the rights and freedoms set forth in the Convention which is expressed in Art. 14. According to that Article the rights and freedoms of the Convention shall be secured without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. The Convention organs have clarified that discrimination on the basis of race may amount to inhuman and degrading treatment in violation of Art. 3 of the Convention.

8 Non-discrimination is a fundamental principle in European Union Law. Art. 13 of the EC Treaty as amended by the Amsterdam Treaty gives a mandate to the Council to take measures against discrimination on the basis of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. A Directive has been adopted on 29 June 2000, and must be implemented in all Member States before July 2003. This Directive sets substantive standards, which have to be followed in accordance with its objectives by all national authorities. In the new Draft Charter of Fundamental Rights of 28 July 2000, Art. 21 prohibits any discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinions, membership of a national minority, property, birth, disability, age or sexual orientation.

9 Similarly, freedom of expression is recognised as one of the most important fundamental rights in the European system. The new Draft Charter of

Fundamental Rights adopts in Art. 11 the language of Art. 10, para. 1 of the European Convention on Human Rights guaranteeing freedom of expression.

10 In a number of important cases the European Court of Human Rights has clarified that freedom of expression and freedom of the press are of fundamental importance for a democratic state. Particularly the possibility to criticise the government and to debate aggressively the political line taken by a government are fully protected by the rights to freedom of expression and freedom of the press according to the binding case-law of the European Court of Human Rights.

11 Austria has ratified the European Convention on Human Rights in 1958 and is the only country in which the Convention enjoys full constitutional rank. On the basis of a specific constitutional legislation of 1964, the European Convention on Human Rights became part of Austrian constitutional law.

b) Standards concerning the rights of national minorities

12 In 1995 the Council of Europe adopted the Framework Convention for the Protection of National Minorities which is an important standard with regard to minority protection of the European Union Member States. The Convention entered into force for Austria on 1 July 1998. According to Art. 6 the parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect, understanding and cooperation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media. The parties expressly undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

13 The Convention has been ratified by 32 States, among them 9 Member States of the European Union. The minority provisions in the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE in June 1990 have been accepted by all EU Member States.

c) Standards concerning the rights of refugees

14 All Member States of the European Union are bound by the Geneva Convention on Refugees of 1951 and the Amending Protocol of 1967. According to Art. 33 of the Geneva Convention no contracting state shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. The Dublin Convention of 1990 has confirmed these principles within the Community system, establishing the criteria to be applied for the determination of the State responsible for asylum applications lodged in one of the Member States. In the new Draft Charter of Fundamental Rights of the European Union Art. 18 proclaims the right of asylum on the basis of the Geneva Convention of 1951 and the Amending Protocol of 1967.

15 Several acts adopted by the Council have developed the close cooperation existing among Member States since the entry into force of the Maastricht Treaty in the fields of Justice and Home Affairs, in particular relating to the formal guarantees to be respected in asylum procedures, a common definition of the status of refugees, and the problem of burden-sharing.

16 The European Court of Human Rights has clarified that Art. 3 of the European Convention on Human Rights prohibits Member States of the Convention from extraditing or deporting persons to countries where they would be exposed to inhuman treatment. The same principle is laid down in Art. 19 para. 2 of the Draft Charter of Fundamental Rights of the European Union.

d) Standards concerning the rights of immigrants

17 With the coming into force of the Treaty of Amsterdam, the European Community has expressly recognised in Art. 13 that discrimination on the ground of race, ethnic origin or religion among others is against the fundamental values of the Community system. The Council may adopt measures to combat all forms of discrimination. The first legislative measure adopted in accordance with this provision is the Directive against discrimination of 29 June 2000 which came into force on 19 July 2000.

18 By adopting the Declaration against Racism and Xenophobia of 1986, Member States have recognized the importance for national governments to provide all the information and education necessary in order to sensitize their citizens to the dangers posed by racism and xenophobia, and the need to avoid and suppress any act of racist or xenophobic nature.

19 The jurisprudence of the European Court of Human Rights has established that second generation immigrants who have no links to their formal country of nationality may be deported only under very specific circumstances where there are particular reasons for such state action.

2. The commitment of the Austrian Government concerning the rights of minorities

a) The Austrian legal system and the factual situation

20 The Republic of Austria has had, since its coming into existence after the First World War, an elaborate system to protect specific national minorities present on Austrian territory. According to the Austrian State Treaty of 1955 the Slovene and Croat minorities in Carinthia, Burgenland and Styria are expressly recognised. Specific cultural rights, particularly concerning schooling, are enshrined in that treaty. There is also legislation concerning the official languages in those parts of the country.

21 Since 1976 the Austrian legislation has recognised a number of national minority groups ("Volksgruppen") with specific rights as to their identity. In this legislation the protection is extended beyond those national minorities which are recognised in the Austrian State Treaty. The national minority groups recognised on the basis of the 1976 legislation are the Croats, Slovenes, Hungarians, Czechs, Slovaks and Roma.

22 According to the popular census of 1991 the strength of the national minority groups was as follows: Croats 29.596, Slovenes 20.191, Hungarians 19.638, Czechs 9.822, Slovaks 1.015 and Roma 122. It must be stressed that this census concerned the use of languages. There are other estimates concerning

the strength of the national minority groups according to which Croats number approximately 30.000 in the Burgenland and 12.000 in Vienna, Slovenes are estimated to number about 50.000 all over Austria, Hungarians between 20.000 and 30.000, Czechs between 15.000 and 20.000, Slovaks between 5.000 and 10.000 and Roma about 25.000. All these figures are mentioned in the first report of the Republic of Austria on the basis of the Framework Convention for the Protection of National Minorities of 30 June 2000.

23 In this report the Austrian Government explains in detail what rights the different national minority groups have in the Austrian legal system. Public elementary schools where minority languages are taught to those who elect to study them exist in Burgenland and Carinthia in particular. In other parts of the country there are private schools that are also teaching in the minority languages. In Burgenland there are altogether 29 elementary schools where Croat is being taught besides German. In Carinthia there were 1620 children who were taught in German and in Slovenian in 1998/99.

24 The Austrian Constitutional Court has rendered several judgments clarifying the rights of minorities under the Austrian State Treaty. On 19 March 2000 the Constitutional Court decided that a limitation of education in the Slovenian language in Carinthia was not in line with the specific provisions of the State Treaty. According to the Court there must be equality between the two languages, German and Slovenian, in elementary school education in the minority schools. We understand that this judgment has not yet been fully implemented.

b) The new minority provision in the Austrian Constitution

25 A proposal by the advisory councils of the different national minority groups concerning a provision for the protection of minorities in the Austrian Constitution had been discussed since 1997. On 31 May 2000 the Austrian Federal Government proposed a specific provision to Parliament. On the basis of deliberations in the Austrian Parliament (Nationalrat) Art. 8 of the Austrian Constitution has been amended by a new paragraph 2. This amendment came into force on 1 August 2000. The wording of the new Article reads as follows:

> "Art. 8 (1) Die deutsche Sprache ist, unbeschadet der den sprachlichen Minderheiten bundesgesetzlich eingeräumten Rechte, die Staatssprache der Republik.
>
> (2) Die Republik (Bund, Länder und Gemeinden) bekennt sich zu ihrer gewachsenen sprachlichen und kulturellen Vielfalt, die in den autochthonen Volksgruppen zum Ausdruck kommt. Sprache und Kultur, Bestand und Erhaltung dieser Volksgruppen sind zu achten, zu sichern und zu fördern."

Translation:

> "Art. 8 (1) The German language is the official language of the Republic. This does not affect the specific rights granted to linguistic minorities by federal legislation.
>
> (2) The Republic (Federation, States and Local Communities) recognises its traditional linguistic and cultural plurality which is represented in its autochthonous national minorities. Language and culture, existence and preservation of these national minorities must be respected, secured and promoted."

26 From the history of this provision it is clear that the amendment of the Constitution was supported by the present Austrian Federal Government. By this amendment a specific constitutional obligation to promote the existence and activities of the national minority groups ("Volksgruppen") became part of Austrian constitutional law.

c) Other measures

27 On 21 June 2000 an ordinance concerning the official names of local communities in the region where the Hungarian and Croat minorities are settled has been adopted. 260 bilingual sign-posts showing the names of villages have been put up in 51 Burgenland villages. In the same context it should be noted that the Austrian Federal Government, with an ordinance adopted on 14 June 2000 which will enter into force on 1 October 2000, has introduced rules concerning the use of Hungarian by members of the Hungarian minority in contacts with the authorities.

d) The "new minorities"

28 The Committee established by the Convention on the Elimination of all Forms of Racial Discrimination noted that the so called "new minorities" are not

particularly protected in Austrian minority law. "New minorities" in this sense are groups which have immigrated recently. The problems of these new minorities will be discussed in the chapter on immigrants. It should, however, be noted in this context that no European country has to date extended minority protection in the formal sense to such ”new minorities”.

e) Conclusions as to rights of minorities

29 The Austrian legal system has established a specific protection for the national minorities living in Austria. This protection is recognized at constitutional level. The Austrian legal system protects the existing national minorities in Austria to a greater extent than such a protection exists in many other European Union countries.

3. The commitment of the Austrian Government concerning the rights of refugees

30 Austria has a long tradition of granting asylum to refugees. After the second world war it accepted over one million war refugees. In the aftermath of the crises in Hungary (1956), in Czechoslovakia (1968) and Poland (1980/1981) about 375.000 refugees were granted asylum in Austria. Following the civil wars on the territory of the former Yugoslavia 115.000 refugees were admitted to the country. Austria has in fact received the highest per capita number of refugees from the former Yugoslavia of any EU Member State. The Austrian Government estimates that since 1945 more than two million refugees have come to the country, 650.000 of whom have stayed there permanently, making up about 9% of the total population.

a) The current factual situation concerning applications for asylum in Austria

31 Located at the external borders of the European Union, Austria is among the countries in Europe which receive the highest numbers of applications for asylum in proportion to the size of their population. According to the statistics of the United Nations High Commissioner for Refugees (UNHCR) more than

20.000 applications were lodged in Austria in 1999. In a EU perspective Austria ranks sixth in total numbers (after Germany, the United Kingdom, the Netherlands, Belgium and France). Viewed in relation to the population of each country this puts Austria together with the Netherlands with the third highest rate (after Luxembourg and Belgium). The EU average in 1999 was 0.98 applications for asylum per 1000 inhabitants; the Austrian rate 2.49 (Luxembourg 6.78; Belgium 3.50; the Netherlands 2.49; Ireland 2.09; United Kingdom 1.55; Sweden 1.27; Denmark 1.22; Germany 1.16; Finland 0.60; France 0.52; Italy 0.21; Spain 0.21; Greece 0.15; Portugal 0.03).

b) Treaty obligations which bind the Austrian State

32 Austria is bound by the obligations arising from the Convention relating to the Status of Refugees of 28 July 1951 (Geneva Convention) which entered into force for Austria on 30 January 1955. The Protocol to the Convention of 31 January 1967, which complements the Convention, became binding for Austria on 5 September 1973. In the context of the Council of Europe Austria is bound by the obligations concerning the treatment of refugees arising from the European Convention of Human Rights and the relevant case-law of the European Court of Human Rights.

33 Within the framework of the European Union, the Dublin Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities of 15 June 1990 entered into force for Austria on 1 October 1997. The purpose of the Convention is to determine the State responsible for examining applications for asylum from citizens of a third-party state in one of the EU Member States. In doing so, the Convention requires the Member States to investigate every application for asylum made by an alien at the border or on its territory, in as far as the respective Member State is responsible under the Convention. The Convention also introduces consultations regarding the taking over of the applicants for asylum by the relevant State.

c) Austrian legislation

34 The 1997 national law on asylum (Asylum Law) integrates Austria's international obligations into a national concept of asylum. As far as the danger of persecution is concerned the law refers to the criteria and exceptions mentioned in the Geneva Convention. In order to speed up asylum procedures the law contains a provision concerning manifestly ill-founded applications. The Asylum Law also refers in general terms to the system established by the Dublin Convention in declaring inadmissible applications for asylum lodged in Austria if another State is conventionally bound to investigate the application.

35 Austria's commitment to the European Convention on Human Rights is confirmed by the legal obligation to extend asylum to close family members of an applicant in order to protect an existing family life as defined in Art. 8 of the European Convention on Human Rights (Art. 11 Asylum Law). It is also important to note that the Asylum Law expressly adresses the obligations for non-refoulement under Art. 33 of the Geneva Convention concerning refugees. It requires the authorities to state ex officio and in a formal decision that non-admission to or expulsion from Austria would not create any danger for the applicant to be subjected to inhuman treatment or punishment or the death penalty or to be subjected to threats to his or her life or freedom on account of race, religion, nationality, membership of a particular social group or political opinion. In doing so, the authorities must reassure themselves that no grounds for a decision of non-refoulement exist. Specific provisions provide for the admission of refugees in emergency situations as in the case of the former Yugoslavia.

d) Role of the UN High Commissioner for Refugees

36 The Asylum Law contains a specific provision concerning the role of the UN High Commissioner for Refugees. According to that provision any applicant may at any time contact the High Commissioner. In addition to this, UNHCR has to be informed of any proceedings on asylum applications and any measures aiming at expulsion or non-admission of an applicant. Applications lodged by persons having arrived via air in Austria may only be rejected as

manifestly ill-founded or on grounds of the safe third country concept (except for a contractual third country concept such as the Dublin Convention) if the High Commissioner agrees. The High Commissioner has access to the files and a right to be represented at hearings and in oral proceedings. According to the Austrian Ministry of Interior contacts with the UNHCR have increased during 1999/2000. This assessment has been confirmed by UNHCR where especially the contacts with the new appeals body (the Independent Federal Asylum Senate) are described as a "close and constructive working relation".

e) Areas with certain problems

37 A specific problem relating to the appeals procedure was solved in 1998 by a decision of the Federal Constitutional Court. The 1997 Asylum Law required that appeals against decisions on asylum be filed within a period of two days after the communication of the decision, if the application has been declared inadmissible on the grounds of the safe third country concept or has been considered to be manifestly ill-founded. This extremely short period for appeal was declared unconstitutional in a decision by the Constitutional Court of June 1998. Following that decision the Asylum Law was amended and now requires the appeal to be lodged within 10 days.

38 Certain problems concerning social care for asylum seekers have been brought to our attention. In principle, applicants for asylum are entitled to federal care which includes accommodation, food, medical care etc. However, the Federal Care Provisions Act expressly stipulates that there is no corresponding legal right for the applicant which means that applicants have no effective judicial remedy if they are denied access to the federal care and maintenance scheme. According to information provided by the UN High Commissioner for Refugees about two thirds of the applicants are not admitted to the scheme. They are dependent on assistance from NGOs, churches, other charitable institutions or private persons. According to the UNHCR this has led to a considerable number of applicants for asylum being homeless.

39 With respect to the detention of applicants for asylum the UNHCR has noted with concern that in Austria applicants are being held in detention even without

the realistic possibility of returning them to a third country or their country of origin. UNHCR has also criticised the relatively high number of minors who are kept in detention.

f) Conclusions as to the rights of refugees

40 The legal situation of applicants for asylum is similar to that in other European Union countries. In our assessment the current Government continues Austria's traditionally open policy towards refugees. Austria is a Central-European country with external borders of the Schengen system. This accounts for the relatively high percentage of refugees among Austrian inhabitants. As in other European Union countries such a refugee rate creates problems of social integration. We have, however, not discovered any indications that the new Austrian Government has deviated from the principles followed by its predecessors. As described above, there remain, however, some problems in specific enforcement areas.

4. The commitment of the Austrian Government concerning the rights of immigrants

a) The factual situation concerning immigrants in Austria

41 The number of foreigners living in Austria has increased considerably throughout the last decades. In 1998 the number was 749.126, i. e. 9,26 % of the population in Austria. This is one of the highest percentages in the European Union. The number of immigrants coming from third states outside of the European Union, was at that time 88 % of all the foreigners, one of the highest percentages in the Union.

42 During the recent years immigration into Austria has decreased slightly. Most new immigrants have been members of families immigrating on the basis of family reunification. In 1998 the percentage of immigrants on the basis of family reunification was 59,7 %, 66,4 % in 1999, and during the year 2000 the percentage is likely to be 68,2 %. The figures do not include asylum

procedures and special procedures concerning refugees from Bosnia-Herzegovina and Kosovo.

b) Austrian legislation

43 With respect to the mandate given to us, the following section is restricted to the legal régime applicable to so-called "third country citizens", i.e. not nationals of EU countries.

44 In order to regulate the number of immigrants per year the Austrian legislation provides for a settlement ordinance which sets up annual quotas for the admittance of third country citizens. The settlement ordinance for 2000 limits the maximum number of settlement permits which are distributed among the Austrian states (Bundesländer) to 7.860.

45 The Aliens Act takes care of the problems of immigrant families by granting foreigners a right to family reunification. However, the family members must find access within the quotas fixed by the settlement ordinance. If an applicant does not mention the intention to bring any family members to Austria the family members must fit into a quota specifically designed for the purpose of family reunification.

46 In order to facilitate the integration of foreigners into Austrian society, the Aliens Act provides for an integration commission (Integrationsbeirat) consisting of 14 members. The integration commission has the right to make recommendations concerning general issues of integration as well as to granting a right to residence on humanitarian grounds.

47 According to our information, problems have arisen particularly with family reunification because the waiting period seems to be very long in some cases. The Federal Government has declared that in April 2000 there were more than 10.000 applications which could not be granted because the quotas applied had been exhausted. The Government is studying the possibility of making it easier for family members to immigrate. From 1988 until 1999 the yearly number of naturalisations has increased from 8.200 to 25.032.

48 Through a specific reference to the European Convention on Human Rights the Austrian legislation on aliens provides for an application of the standards developed by the case-law of the European Convention organs in expulsion procedures. Art. 37, para. 1 of the Austrian Aliens Law states as follows:

> "Would an expulsion ... interfere with the private or family life of the alien the termination of the title for residence is only lawful if this is absolutely necessary to achieve one of the aims mentioned in Art. 8 para. 2 ECHR."

c) The program of the Federal Government

49 The Federal Government in its program of February 2000 has underlined that the integration of foreign nationals legally resident in Austria must have priority over new immigration. In the area of employment, Austrians and appropriately qualified foreigners legally resident in Austria should, according to that program, be given preferential treatment. The program stresses that the central question is the acquisition of good linguistic competence in German. Therefore, the increase of language training, including compulsory German language courses is being announced.

50 The Minister for Education, Science and Culture has indicated in a report of 23 May 2000 that some initiatives concerning language education have been taken. The Ministry of the Interior has announced on 20 July 2000 that access to the labour market has been facilitated for those foreigners who have been legal residents in Austria for many years as well as for young foreigners who have completed their schooling in Austria. In addition a specific study shall determine consequences of a facilitated access of fully integrated foreigners into the labour market. The harmonisation of the rights of residence in Austria and the right of access to the labour market should be achieved according to that governmental report.

d) Conclusion as to the rights of immigrants

51 The present Austrian Government has continued the policy of former governments to restrict new immigration and to give priority to the integration of the foreigners residing legally in the country. It has also recognised the principle that family reunification should be possible. It can be stated that the

policy of the Austrian Government as to immigration shows a commitment to common European values.

5. The commitment of the Austrian Government to the fight against racism, anti-Semitism, discrimination and xenophobia

a) The program of the Federal Government

52 In the declaration which precedes the program of the Federal Government and which was signed on behalf of the two coalition parties the following is stated:

> "Austria accepts her responsibility arising out of the tragic history of the 20th century and the horrendous crimes of the National Socialist regime. Our country is facing up to the light and dark sides of its past and to the deeds of all Austrians, good and evil, as its responsibility. Nationalism, dictatorship and intolerance brought war, xenophobia, bondage, racism and mass murder. The singularity of the crimes of the Holocaust which are without precedent in history are an exhortation to permanent alertness against all forms of dictatorship and totalitarianism.
>
> The European Union's project for a broad, democratic and prosperous Europe, to which the Federal Government is unconditionally committed, is the best guarantee against a repetition of this darkest chapter of Austrian history.
>
> The Federal Government is committed to a self-critical scrutiny of the National Socialist past. It will ensure unreserved clarification, exposure of the structures of injustice, and the transmission of this knowledge to coming generations as a warning for the future. As regards the question of forced labour under the National Socialist regime, the Federal Government will endeavour to arrive at objective solutions in the light of the intermediate report by the Austrian commission of historians, while having regard to the primary responsibility of the companies concerned."

53 In the program the Federal Government declares that it will continue to make use of opportunities in order to promote respect for human and minority rights as well as to combat xenophobia and discrimination against foreigners, both at European and global level. It will support the relevant work of the European Union's Vienna-based Monitoring Centre on Racism and Xenophobia.

b) Activities of the Government in this field

54 In the governmental reports about measures against racism, anti-Semitism, discrimination and xenophobia in Austria the Government stresses that it takes part in several international activities in the context of the United Nations, the Council of Europe and the EU.

55 Already in 1999 the former government had decided to establish an Advisory Council for Human Rights with specific authority to visit all people under detention in Austria. This Council became operative on 1 July 2000 under the present Government, thereby demonstrating the continuation of the policy of the former government. The present Austrian Government has also continued measures to educate police personnel, particularly as to the treatment of foreigners.

56 As far as education is concerned one report underlines that the Republic of Austria is taking measures against prejudices and racism. Special emphasis in this context should be given to a critical discussion of the history of National Socialism. Information is to be provided about the background and origins of racism and xenophobia. According to the report specific publications will be made available for the schools to counteract racist developments by providing education and information concerning the origin of prejudice, as well as about globalization and other cultures.

57 In the context of continuous teacher training, specific measures to prevent racist attitudes are being developed. Since the beginning of the 90s there have been special programs in operation concerning this issue. It is to be noted that on 7 May 2000 a special memorial event, supported by the Government of Austria, took place at the former concentration camp Mauthausen.

58 Of particular interest in this regard is the cooperation program established with the Anti-Defamation League ("ADL") in New York. Since the beginning of these joint activities, permanent contacts have been established between the ADL and the Ministries of Interior and Education, as well as with Austrian institutions specialized in human rights issues, like the Ludwig Boltzmann Institute for Human Rights. The programs initiated so far involve the training

of police agents, teachers and young people, with the objective of making those targeted groups more sensitive to the discriminatory and historical connotations of specific language.

59 The Government also foresees some new initiatives in these areas, such as a new museum on contemporary Austrian history ("House of Contemporary Austrian History"), a broad distribution of documentation on Nazi-burdened terminology, programs adressed to sharpen the public perception concerning the integration of minorities ("Hinschauen statt Wegschauen"), and a contribution to international proposals enforcing legal prosecution against Nazi-propaganda disseminated via the internet.

60 We have been informed that violence against foreigners has been less frequent in Austria than in many other European Union countries. There have been some dramatic incidents but there have been no waves of violence as in some other European Union countries.

61 The Austrian Government has addressed the issue of forced labourers in Austria during the National Socialist period. On 7 and 19 July 2000 the two Chambers of the Austrian Parliament unanimously passed the "Reconciliation Fund Law" which establishes a fund for payments to former slave and forced labourers of the Nazi Regime. On 28 July 2000 an agreement was reached with the United States on the text of an Executive Agreement which will be signed soon.

62 The "Reconciliation Fund Law" will enter into force once the amount of 6 Billion Austrian Shillings is made available to the fund through contributions by Austrian industry, business and public sources, and once the signing of bilateral agreements with the states concerned has taken place. The Government has also put in place a program which aims at the restitution of art works to their legitimate owners.

c) Conclusions as to the fight against racism, anti-Semitism, discrimination and xenophobia

63 From the material quoted in this part of the report it can be concluded that the present Austrian Government is committed to continue the fight against racism, anti-Semitism, discrimination and xenophobia in Austria.

64 The determination of the present Federal Government must, however, be evaluated in the context of what will be described as the ambiguous language being repeatedly used by some high representatives of the FPÖ.

II. The evolution of the political nature of the FPÖ

1. The framework for the interpretation of the mandate

65 We also have received a general mandate to deliver a report on the evolution of the political nature of the FPÖ. We understand this part of our mandate to be clearly linked to the first part. This means that the evolution of the political nature of the FPÖ is to be seen in the context of the common European values as expressly referred to in the first part of the mandate. Only in so far as the evolution of the political nature of the FPÖ may raise issues in the context of these common European values should our report address them.

a) The principle of party freedom and its limits

66 The formation of political parties as well as their activities are fully covered by Arts. 11 and 10 of the European Convention on Human Rights, guaranteeing freedom of association and freedom of expression.

67 As the European Court of Human Rights has stated, the protection of opinions and the freedom to express them is one of the objectives of the freedoms of assembly and association as enshrined in Art. 11 of the Convention. This applies all the more, according to the Court, in relation to political parties in view of their essential role in ensuring pluralism and the proper functioning of democracy. The Court has said many times that there can be no democracy without pluralism.

68 As the Court has added, free elections as provided for in Art. 3 of Protocol No. 1 to the Convention which ensure the free expression of the opinion of the people in the choice of the legislature are inconceivable without the participation of a plurality of political parties representing the different shades of opinion to be found within a country's population.

69 However, the freedom of political parties in the European system is not unlimited. According to Art. 11, para. 2 of the Convention the freedom of association can be limited where it is necessary in a democratic society for the

protection of the rights and freedoms of others. It is part of the European public order that propaganda for racial discrimination is not protected by the rights of freedom of expression or association.

70 The European history of the 20th century reinforces the positive obligation on the part of European governments to combat any form of direct or indirect propaganda for xenophobic and racial discrimination, as well as to react against any kind of ambiguous language which introduces a certain trivialization or negative "normalization" of the National Socialist past.

71 All European countries have ratified the International Convention on the Elimination of all Forms of Racial Discrimination. According to Art. 4 of this treaty states parties condemn all propaganda and all organisations which attempt to justify or promote racial hatred and discrimination in any form. States parties undertake to adopt positive measures designed to eradicate all incitement to, or acts of, such discrimination.

72 The European Court of Human Rights as well as the European Commission of Human Rights have established that racist statements are not protected by freedom of expression under Art. 10 of the Convention. Art. 17 of the European Convention on Human Rights proclaims expressly that nothing in the Convention may be interpreted as implying for any group or person any right to engage in any activity aimed at the destruction of any of the rights and freedoms set forth in the Convention.

b) The Austrian legislation concerning political parties

73 The principle of party freedom is recognised in the Austrian Constitution and in special legislation for political parties. However, a strong prohibition concerning National Socialist organisations has been in existence since 1945. According to this prohibition law ("Verbotsgesetz") all National Socialist organisations are prohibited and it is a criminal act to reactivate National Socialist organisations.

74 This legislation has been applied in practice continuously. In 1988, the Austrian Constitutional Court decided that a particular organisation was in fact

an organisation reactivating National Socialist ideas and was therefore prohibited. According to the jurisprudence of the Austrian Constitutional Court the prohibition automatically applies and must be implemented by every state authority which deals with such an organisation. This shows that no National Socialist party is lawful under the Austrian constitutional system.

75 It is clear from the case-law of the Austrian Constitutional Court that in any case where a political party appears before the Court, the Court may ex officio rule on the question whether the prohibition law applies where the Court has reason to take up that issue. The FPÖ has been an applicant before the Court in many cases concerning electoral matters. The Court has not seen any reason to question the lawfulness of the FPÖ in relation to the "Verbotsgesetz".

2. The political nature of the FPÖ

a) The history and political positions of the FPÖ

76 In 1945 only three political parties were authorised by the occupying powers in Austria: the Social Democratic Party, the People's Party and the Communist Party.

77 With the aim of offering a new political home also to former members of the National Socialist Party, a new party, the "Association of Independents" ("Verband der Unabhängigen", VdU) was created in 1949. The "core group" of the VdU founded the FPÖ in 1956. A considerable number of former National Socialist party members, including some who had held higher positions became members of the FPÖ. During the 70s, the FPÖ strove to incorporate liberal economic ideas into its program. For a long period, two main groupings were fighting for political power within the FPÖ, a radical nationalist wing and a wing mainly striving for economic liberalism.

78 From 1983 to 1986 the FPÖ participated in the Federal Government forming a coalition with the Social Democratic Party. When Mr. Haider was elected Chairman of the FPÖ, the then Federal Chancellor discontinued the coalition with the FPÖ on the federal level. The Party stayed in opposition until 2000

although it has been represented in many of the Land Governments throughout Austria for a considerable time.

79 The party program adopted in 1997 underlines the importance of the community in which the individual finds its place. The community, from the family to the people, has specific freedom rights according to the program. The party program stresses the historic and cultural traditions of Austria. It also underlines the importance of the national minorities in Austria. Austria is described as a non-immigration country. The program points out that political asylum must be granted to those who come with justified claims.

80 In 1993 the FPÖ was responsible for a referendum on the situation of foreigners in Austria ("Österreich zuerst" – "Austria first"). The intention was to mobilise the people against what was considered an excessive number of immigrants. The strong popular reaction against the FPÖ plans resulted in only 7,3 % of the people participating in this referendum.

81 The electoral campaign of the FPÖ for the national elections in October 1999 was seen by many local observers as being xenophobic. Posters with the expression "Stop der Überfremdung" ("Stop Foreignization") were widely used by the FPÖ in Vienna. In fact, a vivid discussion about the campaigning practice of the FPÖ arose in that context. It was pointed out to us that the campaigning of the FPÖ in October 1999 had the immediate consequence that openly expressed remarks against foreigners became acceptable ("salonfähig") and created feelings of anxiety ("Angst") among foreigners in Austria.

82 In a public statement one month after the last general elections, the Austrian Bishops Conference expressed the feelings and fears of many of their fellow Austrian citizens concerning the radicalization of the political climate as follows:

> "The Catholic bishops of Austria are deeply concerned about the serious deterioration of the social climate in our country. Even though Austria is one of the richest and most stable countries in the world, apprehension and fear have increasingly surfaced in recent times.
>
> In this context it is important to make a clear distinction:

- There are fears that are due to prejudice and lack of information. Such fears have been exploited, and are still being exploited, in the political discussion. They provide the soil on which hatred and intolerance grow – phenomena which we believed had forever been banished from social discourse in Austria. The Christian faith is incompatible with any form of anti-Semitism, racism and xenophobia.

- However, there is also concern about potentially excessive immigration and integration problems that might result therefrom. Such concern has to be taken seriously and should be dealt with in an unbiased and unemotional way and in the spirit of justice. The Catholic Church encourages the establishment of discussion fora that would seek new ways for integration in the spirit of mutual respect and tolerance. In keeping with the objectives of the ”Dialogue for Austria” the Church considers it its duty to propose that the same road, that of the dialogue, should be pursued for the purpose of overcoming the crisis of social orientation in our country.

We have to reject with determination any attempt to marginalise certain groups of human beings on account of their national origin or religious belief. All human beings are endowed with equal dignity. In this respect, those that sow the wind are likely to reap the whirlwind. Austria’s history over the past century is a case in point.

In the same way, however, justice must be done to those who vent their serious concerns. Neither should they be stigmatised or marginalised. The Church sees it as its duty to free human beings from fear. Fear is a poor adviser, as it darkens people’s vision."

83 There were also statements from the Protestant Church, the Jewish and Islamic Communities concerning the same problems.

b) The formation of the coalition Government

84 After lengthy but unsuccessful negotiations between the Social Democrats, the largest party in Parliament, and the People’s Party a coalition between the People’s Party and the FPÖ was formed as a result of comparatively short negotiations in early February 2000. The Government program of the new coalition is preceded by a Declaration "Responsibility for Austria – a Future in the Heart of Europe". It has been made public from the beginning that this Declaration was added to the governmental program on request of the Federal President.

85 The Declaration reads in part:

> "The Federal Government reaffirms its unswerving adherence to the spiritual and moral values which are the common heritage of the peoples of Europe and the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy.
>
> The Federal Government stands for respect, tolerance and understanding for all human beings irrespective of their origin, religion or weltanschauung. It condemns and actively combats any form of discrimination, intolerance and demagoguery in all areas. It strives for a society imbued with the spirit of humanism and tolerance towards the members of all social groups.
>
> The Federal Government works for an Austria in which xenophobia, anti-Semitism and racism have no place. It will take vigorous steps to counter every way of thinking which seeks to denigrate human beings, will actively combat the dissemination of such ideas and is committed to full respect for the rights and fundamental freedoms of people of any nationality – irrespective of the reason for their stay in Austria. It acknowledges its special responsibility as regards the respectful treatment of ethnic and religious minorities.
>
> The Federal Government supports the Charter of European Political Parties for a Non-Racist Society and commits itself to work for the exemplary realisation of its fundamental principles in Austria.
>
> The Federal Government is committed to the protection and promotion of human rights as well as to their unconditional implementation at national and international level. ..."

86 This Declaration which is unique in Austrian constitutional history was a consequence of the political positions of the FPÖ and its campaign slogans during the federal elections.

87 The Federal President has continued to act as guarantor of the values which are particularly underlined in that Declaration. He has rejected two candidates proposed as cabinet ministers by the FPÖ on the basis of their past public use of xenophobic statements. In a formal speech on 13 March 2000 at the occasion of the International Theodor Herzl Symposium the Federal President asked for a "disarmament of language". In a very outspoken way, he underlined that words cannot only "injure" but finally can "kill".

c) The continuous use of ambiguous language by leading members of the FPÖ

88 In fact, it seems to have become a typical phenomenon in Austrian politics that representatives of the FPÖ use very ambiguous language. High level officials of the FPÖ have over a long period of time used statements that can be interpreted to be xenophobic or even racist. The language used is seen by many observers to carry nationalist undertones, sometimes even undertones close to characteristic National Socialist expressions, or to trivialize the history of that period.

89 The FPÖ has reportedly not taken any action against its members who have used xenophobic statements in public; it has neither condemned nor suppressed those statements, nor clearly apologized for them. When confronted with these statements the authors will deny that any National Socialist intention or even character really existed.

90 There are, unfortunately, several political groupings using similar language in Europe. The FPÖ has, however, become the second strongest party in Austria and has been, since February 2000, a coalition partner in the Austrian Federal Government. We are of the opinion that a governmental party must be under much heavier scrutiny as far as its language and statements are concerned than opposition parties.

91 The Austrian Federal Ministers from the FPÖ have not, as far as we could establish, used these types of expressions since the forming of the Austrian Federal Government. Several other officials of the party have, however, continued to use such language.

92 The FPÖ has been described as a "right wing populist party with extremist expressions". This description is, according to our judgment still applicable after the party joined the Federal Government. This must give rise to concern, since Governments are the organs of the European states which have the direct responsibility to implement their positive obligations concerning the protection and promotion of human rights, democracy, and the suppression of any kind of ethnic or racial discrimination.

d) Attacks on the freedom of criticism

93 One of the most problematic features concerning important members of the FPÖ are attempts to silence or even to criminalize political opponents if they criticize the Austrian Government. The frequent use of libel procedures against individuals who have criticized the FPÖ or the statements of its political leaders should also be seen in this context.

94 The possibility of using a provision in the Criminal Code for deputies who criticise the Government was mentioned in a press conference by the Landeshauptmann (Prime Minister) of Carinthia in presence of the Federal Minister of Justice. When the opposition parties introduced formal parliamentary questioning, the Minister of Justice insisted on the freedom of opinion of those submitting such a proposal. He underlined that everybody should have the possibility to express his opinion.

95 We are of the opinion that such a position by a Minister in the Federal Government is not in line with his obligations as an organ of the state under the constitutional structure of the European Union as confirmed by Art. 6 of the Union Treaty. All governments in the European Union are bound by the principles of free democracy and freedom of speech. This means that any move by a government or a government minister towards suppressing criticism must be seen as a grave threat to the fundamental principles enshrined in Art. 6 of the European Union Treaty and the common European values. Again, in such a situation all members of a government in the European Union have a positive obligation to defend those common European values.

96 It must also be stressed that propositions of that sort may easily create a certain chilling effect for those who want to criticise the Government. While it is our impression that political opposition forces in Austria do not feel curtailed in their criticism of the Government, it has been brought to our attention that people not organised in important associations may feel uncertain about the consequences of directing strong criticism against the Government.

e) The use of libel procedures by the FPÖ

97 The chilling effect just mentioned is apparently strengthened by what has been described to us as a strategy to use the courts to suppress criticism wherever that criticism is expressed in strong terms. FPÖ politicians have used the courts continuously during the recent years. At the present time, according to information given to us, there is a peak in the number of court cases brought by politicians of the FPÖ.

98 Experience in many countries has shown that the use of libel procedures in the political context can easily amount to an unjustifiable limitation of freedom of expression and of open criticism of the government. That is the reason why the United States Supreme Court, the Federal Constitutional Court of Germany and the European Court of Human Rights have found in important judgments that the use of libel procedures to protect politicians may be in violation of the guarantee of freedom of expression and freedom of the press. The European Court of Human Rights has held this to be the case in several cases during the last 20 years.

99 In this context a special problem in the Austrian legal system should be mentioned. A conviction for libel by a criminal court cannot be appealed to the Austrian Constitutional Court. In most cases not even the Austrian Supreme Court will give final judgment and the last instance is a Court of Appeal. It has been pointed out to us that the case-law of the Appeal Courts is not uniform. Not all of them seem to take into account the case-law of the European Court of Human Rights in a sufficient manner.

100 A rather typical example for the problems arising in this context is the libel procedure brought against Mr. Pelinka by Mr. Haider which led to a conviction by a judgment of 11 May 2000 which is under appeal. Mr. Pelinka had said that in a speech Mr. Haider had trivialized the significance of the National Socialist concentration camps by calling them just "Straflager" ("punitive camps"). Although it was proved that Mr. Haider had used such expression, Mr. Pelinka was convicted, because he had failed to add that Mr. Haider had spoken of an ethnic minority which was almost annihilated 50 years ago in

those "punitive camps". According to the Court Mr. Pelinka should have added this element.

101 The judgment shows how difficult the situation is for somebody who wants to criticise the use of ambiguous language in that context. It is completely incomprehensible in the normal use of the German language to use the notion "Straflager" for camps where ethnic minorities are annihilated.

102 It should be underlined, in this context, what the European Court of Human Rights has consistently stated in its jurisprudence concerning the protection of criticism of politicians. In the first judgment concerning that matter, the 1986 Lingens judgment, the Court held (para. 42):

> "Freedom of the press furthermore affords the public one of the best means of discovering and forming an opinion of the ideas and attitudes of political leaders. More generally, freedom of political debate is at the very core of the concept of a democratic society which prevails throughout the Convention.
>
> The limits of acceptable criticism are accordingly wider as regards a politician as such than as regards a private individual. Unlike the latter, the former inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large, and he must consequently display a greater degree of tolerance. No doubt Article 10 § 2 enables the reputation of others – that is to say, of all individuals – to be protected, and this protection extends to politicians too, even when they are not acting in their private capacity; but in such cases the requirements of such protection have to be weighed in relation to the interests of open discussion of political issues."

103 It can only be concluded that the systematic use of libel procedures to suppress criticism of ambiguous statements gives rise to very serious concern in the context of the political debate pursued by the FPÖ in Austria, in particular after the FPÖ forms part of the Federal Austrian Government.

f) Performance of the FPÖ in Government

104 We have gained the impression that the overall performance of the Ministers of the FPÖ in Government since February 2000 cannot be generally critizised. Some actions of the Minister of Justice have caused concern.

105 It is of importance to note that the FPÖ in Government and in Parliament has supported the constitutional amendment concerning the national minorities in Austria as well as the solution of the slave labour issue.

3. Conclusions as to the evolution of the political nature of the FPÖ

106 The evolution of the political nature of the FPÖ from a right wing party with extremist expressions to a responsible governmental party is not excluded. However, such an evolution is not clear from the comparatively short record available so far.

107 It should be stressed again that the Austrian Government as constitutional organ of the state is bound to uphold democracy, freedom of expression, tolerance and the prohibition of racial discrimination. It must be seen as a clear positive obligation on the part of the Austrian Government, also concerning the internal debate, to actively defend the values enshrined in Art. 6 of the Union Treaty, in particular human rights, democracy and the rule of law.

III. General Conclusions

1. Concerning the commitment of the Austrian Government to the common European values, in particular relating to the rights of minorities, refugees and immigrants

108 In line with our mandate and based on a thorough examination, it is our considered view that the Austrian Government is committed to the common European values. The Austrian Government's respect in particular for the rights of minorities, refugees and immigrants is not inferior to that of the other European Union Member States. The legal situation in the three mentioned areas is well up to the standards applied in other EU Member States. In some areas, particularly concerning the rights of national minorities, Austrian standards can be considered to be higher than those applied in many other EU countries.

109 The Government has also taken practical measures to improve its compliance with these values and standards, including by implementing the declaration that the leaders of the governmental parties signed on 3 February 2000. The specific activities continued or introduced by the new Austrian Government to combat racism, xenophobia and anti-Semitism show that in this field the Austrian Government is aware of the specific problems existing in the country. Here again, the standard of the activities by the Government in order to effectuate a self-critical scrutiny of the past and to combat the obscuring of the crimes of the National Socialist regime and any kind of direct or indirect discrimination and xenophobic prejudices reflect common European values.

2. Concerning the evolution of the political nature of the FPÖ

110 There are reasons why the description of the FPÖ as a right wing populist party with radical elements appears to still be correct. The FPÖ has exploited and enforced xenophobic sentiments in campaigns. This has created an atmosphere

in which openly expressed remarks against foreigners became acceptable, causing feelings of anxiety.

111 It is our opinion that the Federal Government should be as ready as the Federal President to condemn xenophobic or defamatory expressions.

112 The FPÖ has also tried to suppress criticism by the continuous use of libel procedures.

113 In contradiction with past FPÖ behaviour and statements made by other FPÖ officials, the Ministers of the FPÖ have by and large worked according to the Government's commitments in carrying out their governmental activities so far. It is not excluded that with the passing of time new directions within the party may emerge. Whether this will happen remains to be seen.

3. Concerning the measures adopted by the Fourteen

114 It is not within our mandate to pronounce ourselves on the lawfulness of the measures adopted by the XIV Member States.

115 The measures taken by the XIV Member States of the EU have hightened awareness of the importance of the common European values, not only in Austria but also in other Member States. There is no doubt that in the case of Austria the measures taken by the XIV Member States have intensified the efforts by the Austrian Government. They have also energized the civil society to defend these values.

116 It is our opinion, however, that the measures taken by the XIV Member States, if continued, would become counterproductive and should therefore be ended. The measures have already stirred up nationalist feelings in the country, as they have in some cases been wrongly understood as sanctions directed against Austrian citizens.

4. Recommendations arising from the report

117 We strongly recommend the development of a mechanism within the EU to monitor and evaluate the commitment and performance of individual Member States with respect to the common European values. We are therefore in favour of the introduction of preventive and monitoring procedures into Article 7 of the EU Treaty, so that a situation similar to the current situation in Austria would be dealt with within the EU from the very start. This would underline the fundamental commitment of the EU to common European values. Such a mechanism would also allow from the beginning an open and non-confrontational dialogue with the Member State concerned.

118 Through this monitoring procedure the Council should be able to follow up, evaluate and take actions concerning the development of a specific situation in an EU country. Besides this monitoring procedure, a system of prevention should be put in place which would react through information and educational measures to any forms of direct or indirect discrimination or xenophobia.

119 It is important that institutional arrangements within the Community institutions for furthering these aims are established. These may include the creation of a Human Rights office within the Council reporting to the European Council; the appointment within the Commission of a Commissioner responsible for human rights issues; and, particularly, the extension of the activities, budget and status of the existing EU Observatory on racism and xenophobia, which is based in Vienna, in order to make possible the establishment of a full EU Agency on Human Rights.

Paris, 8 September 2000

Martti Ahtisaari Jochen Frowein Marcelino Oreja

Annex I: Program of the meetings in Vienna

Friday, 28 July 2000

10:00 – 11:00

Mr. Wolfgang Schüssel, Federal Chancellor

11:00 – 12:00

Mr. Herbert Scheibner, Minister of Defence, representing Vice-Chancellor Susanne Riess-Passer

12:00 – 13:00

Mr. Ludwig Adamovich, President of the Austrian Constitutional Court

15:00 – 17:00

Mrs. Elisabeth Gehrer, Minister of Education, Science and Culture

Mr. Ernst Strasser, Minister of the Interior

Mr. Dieter Böhmdorfer, Minister of Justice

Mrs. Benita Ferrero-Waldner, Minister for Foreign Affairs

17:00 – 17:45

Volksanwaltschaft/Ombudsmen

Mrs. Christa Krammer, Volksanwältin

Mrs. Ingrid Korosec, Volksanwältin

Mr. Horst Schender, Volksanwalt

18:00 – 19:00

Mr. Thomas Klestil, Federal President of the Republic of Austria

19:15 – 20.30

Mr. Ariel Muzikant, President of the Jewish Community of Vienna

Saturday, 29 July 2000

10:00 – 11:00

Mr. Heinz Fischer, First President of the Austrian Parliament

11:00 – 12:10

Mr. Alexander van der Bellen, Chairman of the Green Parliamentary Group and Federal Spokesperson of the Austrian Green Party

Mrs. Ulrike Lunacek, Member of Parliament, Spokesperson of the Green Parliamentary Group for Foreign Affairs

Mr. Karl Öllinger, Member of Parliament

12:00 – 13:15

Mr. Peter Westenthaler, Vice-Chairman of the Freedom Party and Chairman of the Freedom Party's Parliamentary Group

15:00 – 16:00

Mr. Fritz Verzetnitsch, President of the Federation of Austrian Trade Unions (Österreichischer Gewerkschaftsbund, ÖGB), Member of Parliament

Mr. Günter Weninger, Vice-President of the Federation of Austrian Trade Unions, Member of Parliament

16:00 – 17:00

Mr. Christoph Leitl, President of the Austrian Chamber of Commerce

Mr. Peter Mitterbauer, President of the Austrian Federation of Industries

17:00 – 17:45

Mr. Klaus Küng, Bishop, representing the Conference of Austrian Bishops

Mr. Gregor Henckel-Donnersmarck, Abbot of Heiligenkreuz

Mr. Franz Küberl, President of Caritas

17:45 – 18:30

Mr. Herwig Sturm, Bishop of the Protestant Church

Mr. Peter Krömer, President of the General Synod of the Protestant Church

Mr. Michael Chalupka, Director of the Diakonie

Sunday, 30 July 2000

9:00 – 10:00

Mr. Alfred Gusenbauer, Chairman of the Austrian Social Democratic Party and Chairman of the Social Democratic Parliamentary Group

Mrs. Cornelia Zoppoth, Spokesperson of Mr. Gusenbauer

10:00 – 10:45

Mr. Anas Sakfeh, President of the Islamic Community in Austria

Mr. Omar Al-Rawi, Assistant to President Sakfeh

Mrs. Carla Amina Baghajati, Spokesperson of the Islamic Community in Austria

10:45 – 11:50

Mrs. Barbara Helige, President of the Judges' Association

12:30

Working lunch with Mr. Wolfgang Schüssel, Federal Chancellor

Annex II: Program of the meetings in Heidelberg

Tuesday, 29 August 2000

08:00 – 10:30

Mr. Eugene Sensenig-Dabbous, GenderLink, Salzburg

Mrs. Jasmina Jankovic, ANAR (Austrian Network against Racism), Salzburg

Mr. Di-Tutu Bukasa, MigrantInnenforum, Wien

Mr. Kurt Krickler, Wien, Hosi (Homosexuelleninitiative)

Mrs. Dorothea Brozek, Selbstbestimmt-Leben-Österreich

Mrs. Rubia Salgado, Armutskonferenz, MAIZ (Autonomes Migrantinnen Integrationszentrum), Linz

Mr. Hubert Mittermaier, Wohnplattform Linz/Bundesarbeitsgemeinschaft Wohnungslosenhilfe

Mr. Wilhelm Mohaupt, Österreichischer Seniorenbund

Mrs. Veada Stoff, Ausländerbeirat Graz/ISOP (Innovative Soziale Projekte)

Mr. Oscar Azocar, Wiener Integrationskonferenz

Mr. Mümtaz Karakurt, BAMM (Bundesarbeitsgemeinschaft Multikulturelle Mitbestimmung), Linz

Mrs. Manuela Vollmann, ABZ (Arbeit-Bildung-Zukunft), Wien

Mr. Andreas Oechsner, Österreichische Arbeitsgemeinschaft für Rehabilitation

10:45 – 13:00

Mr. Max Koch, SOS Mitmensch

Mr. Doron Rabinovici, Demokratische Offensive

Mrs. Sivel Sahan, Jugendprojekt "Echo"

Mr. Yavuz Kuscu, Präsident des Dachverbands der türkischen Vereine in Österreich

Mr. Birol Kilic, Generalsekretär des Dachverbands der türkischen Vereine in Österreich

Mr. Tsehay Sintaheyu, EU-Migrantenforum und AHDA (afrikanische Gemeinde)

Mr. Dieter Schindlauer, Ludwig-Boltzmann-Institut für Menschenrechte

Mr. Valentin Sima, Slowenische Minderheit in Kärnten

Mrs. Angelika Hödl, Interessengemeinschaft der Kulturinitiativen in Kärnten

Mrs. Anny Knapp, AsylKoordination Österreich

13:00 – 15:30

Mrs. Susanne Riess-Passer, Vice-Chancellor and Chairperson of the FPÖ