

Business and Human Rights

SUMMARY OF KEY ISSUES FROM PREVIOUS CYCLES

During the second UPR, Austria received a recommendation to strengthen oversight of Austrian companies operating abroad with regard to any negative impact of their activities on the enjoyment of human rights. Since the adoption of [the UN Guiding Principles](#) in 2011, Austria has also received several recommendations to adopt a National Action Plan on Business and Human Rights, to implement measures for the protection of human rights by the State and the respect of human rights by Austrian businesses operating abroad, for instance from the Committee on Economic, Social and Cultural Rights in 2013 and from the Committee on the Rights of the Child in 2020. Austria has failed to implement a National Action Plan on Business and Human Rights and has not adopted any legislation to strengthen oversight of Austrian companies operating abroad with regard to the respect of international human rights yet.

NATIONAL FRAMEWORK

DKA Austria has been advocating for the adoption of a national legislation for the regulation of activities of Austrian companies abroad with regard to the respect of international human rights. A focal point of our work lies in the promotion of children rights and the eradication of child labour. Our organisation has also been contributing to the work of the open ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights.

So far, the Austrian government has only promoted the [OECD Guidelines for Multinational Enterprises](#) and its [National Contact Point](#) (NCP). The Austrian NCP is integrated in the structure of the Federal Ministry for Digital and Economic Affairs and therefore lacks independence. The NCP is a voluntary mechanism for businesses and has shown many shortcomings such as the intensive cost of mediation, the voluntary decision to join in, the high level of confidentiality during the process and the uncertainty of the outcome after several years of mediation.

GAPS

1. The lack of oversight on Austrian companies operating abroad
2. The lack of legally binding and effective remediation and grievance for victims of Human Rights abuse by Austrian companies operating abroad.
3. Austria has not implemented a National Action Plan on Business and Human Rights in line with the [UN Guiding Principles](#).
4. Austria is not actively contributing to the development of a [UN legally binding Instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises](#).
5. Austria is lacking a comprehensive [SDG](#) strategy with goals, indicators and measures to achieve the SDGs until 2030. A gap analysis as a basis for policies and action is missing. Synergies and trade-offs between various SDGs are not reflected in the Austrian approach of mainstreaming the SDGs into various sustainability dimensions and national policy areas.

IMPACTS

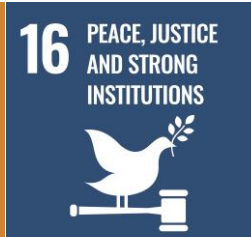
The Committee on Economic, Social and Cultural Rights stated in its [General Comment 24 \(2017\)](#) on States obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities *that among the groups that are often disproportionately affected by the adverse impact of business activities are women, children, indigenous peoples, particularly in relation to the development, utilization or exploitation of lands and natural resources, peasants, fisherfolk and other people working in rural areas, and ethnic or religious minorities where these minorities are politically disempowered.*

Human Rights Approach for the Austrian Raw Material Strategy: As mentioned above the exploitation of national resources has a significant human rights impact. Austria does not currently have a human rights-based approach in its current raw material strategy. Austria did plan on having a high participation of all relevant stakeholder in the current revision of its strategy in order to develop a truly integrated new strategy. Civil society organisations were prepared to make constructive contributions on how to mitigate the human rights and environmental impact of Austria's raw material consumption but the announced broad consultation has not been launched as foreseen.

Universal Periodic Review of Country

SUSTAINABLE DEVELOPMENT GOALS AND BUSINESS AND HUMAN RIGHTS

In promoting human rights in a business context, Austria will also be contributing to the full realisation of the SDGs. In line [with SDG 12.6](#) and the UN Guiding Principles we call for a holistic approach to sustainability measures through the adoption of effective sustainability analysis and reporting tools for Austrian companies to reduce their negative impacts on people associated with their own business activities and value chains. The social and human rights impact assessment can help to identify risk for individuals and reduce these impacts along the supply and value chain by acting on the findings. In its last [report \(May 2020\)](#) on the implementation of the SDGs, Austria did not provide a gap analysis and according targets and measures to fulfil SDG 12.6 and the UNGPs are not reflected at all.



RECOMMENDATION

Austria should adopt and implement regulations to ensure that the business sector complies with international human rights and to provide access to justice and remedies to affected individuals in case of abuse of international human rights by Austrian businesses operating abroad. These regulations have to be in line with international human rights obligations.

QUESTION

Will Austria establish a legal framework within the coming years that will regulate the oversight of Austrian businesses operating abroad and their responsibilities to respect international human rights and provide access to justice and remedy for victims of business-related abuses?

SOURCES

Joint civil society submission for third UPR of Austria: <https://www.globaleverantwortung.at/joint-submission-zur-3-universellen-menschenrechtspruefung-oesterreichs-2020>

CONTACT DETAILS

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