



European Network of
National Human Rights Institutions

Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

The situation in Austria



Austria Country Report

Overview

Name of NHRI and mandate:

- Austrian Ombudsman Board (AOB)
- NHRI, also: Ombudsman, NMM under CRPD& NPM

Sources:

- NHRI: [ENNHRI State of the Rule of Law in Europe in 2022, Austria country report](#); [ENNHRI, State of the Rule of Law in the European Union in 2023](#)
- Sub-Committee on Accreditation (SCA) : [SCA report March \(2022\)](#)
- CoE Independent Bodies: [ECRI Report on Austria \(2020\)](#)

Good practices and improvements:

- **CM Principle 1:** the Austrian Ombudsman Board is accredited with A-Status.
- **CM Principle 2 & 13: strong constitutional basis, including NHRI independence:** Due to its position in the constitutional structure, the Austrian NHRI enjoys complete independence and protection from interference.
- **CM Principle 3§4, 3§5 and 8: constitutional right to access to information and to comment on draft legislation:** the Austrian Federal Constitution establishes that the AOB has the right to comment on any proposed draft legislation or ordinance. For these

purposes, all drafts must be forwarded to the AOB in a timely fashion. Moreover, the constitution requires provision of access to files upon request of the NHRI.

- **CM Principle 9: constitutional obligation to comply with NHRIs recommendations or reasoned response:** the Austrian Federal Constitution stipulates that the bodies entrusted with the supreme administrative functions of the Confederation shall either comply with the NHRIs recommendations and inform the Ombudsman Board thereof or give reasons in writing why this recommendation has not been complied with within the term of eight weeks. Furthermore, it grants the Austrian NHRI the power to file a motion for the setting of a time limit aimed at eliminating the default of a court in specific cases (Art. 148a par. 4 Federal Constitutional Law) as well as suggest measures of official supervision.

Key areas where improvement is needed:

- **CM Principle 4: broad, transparent and pluralistic selection and appointment process:** The SCA (2022) finds that the process currently enshrined in the Federal Constitutional Law is not sufficiently broad and transparent. The SCA also recommends the enabling legal framework to ensure pluralism and diversity of the AOB. In a positive sense, since the SCA review in 2022, one of the three appointed ombuds is a woman.

Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

I. Establishment of NHRIs

Principle 1	Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles
Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI	<i>SCA Report March 2022, p. 2 and p.12</i> The SCA recommends that the AOB be re-accredited with A status.
Principle 2	Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI's Sub-Committee on Accreditation.

<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law report in Europe in 2022, p. 5</i></p> <p>Article 148a Federal Constitutional Law explicitly enshrines a broad human rights mandate of the AOB.</p> <p><i>ENNHRI, State of the Rule of Law report in Europe in 2022, p. 4</i></p> <p>The Austrian Ombudsman Board continues to function on the constitutional basis. The AOB enjoys full independence, which is granted within the constitution (Article 148a para 6 Federal Constitutional Law).</p> <p><i>ENNHRI, State of the Rule of Law report in Europe in 2022, p. 7</i></p> <p>Due to its position in the constitutional structure, the Austrian NHRI enjoys complete independence and protection from interference[...] According to the Federal Constitution, the AOB is an auxiliary body of the National Council and is assigned to the legislative state function. The AOB is independent of the entire state administration, the federal government and the governments of the Laender (provinces). Article 148a, para. 6 of the Federal Constitutional Law underlines that “the Austrian Ombudsman Board is independent in the exercise of its duties”. The AOB is not subject to any instructions, neither from administrative, judicial nor legislative bodies.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report March 2022, p. 12</i></p> <p>The SCA welcomes the amendments to AOB’s enabling laws and to the provisions of the Federal Constitutional Law in relation to the AOB since its last review in 2011.</p>

II. Strengthening of NHRIs

<p>Principle 3.1</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - monitor and analyse the human rights situation in the country, publish reports on these findings and address recommendations to public authorities at national, regional and local levels and, when applicable, to private entities, and present an annual report to the relevant authorities, including before parliament, for its consideration.
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law report in Europe in 2022, p. 9</i></p> <p>Since 2014, the [annual] report has been presented in two separate volumes. The first volume deals with the control of the public administration and essentially includes the audit procedures concerning the federal ministries. The second volume covers, in particular, the preventive tasks to be fulfilled since 1 July 2012 by the Ombudsman Board and the commissions appointed by it in the context of their activities as a National Preventive Mechanism (NPM) in implementation of the Optional Protocol to the UN Convention against Torture and as a control body under the UN Convention on the Rights of Persons with Disabilities. They cover cases of maladministration, shortcomings as well as positive perceptions, investigation and thematic focal points, recommendations, legal opinions, follow up on the reaction of authorities as well as information about projects, held events, conferences joined, statistics, international involvement etc. Moreover, they comprise the impact of the pandemic on the situation of human rights, the actions of the authorities and the AOB's work. In these, you will find a detailed list of our monitoring activities and observations as well as recommendations to the legislator as well as to public authorities.</p>

	<p><i>Information Provided by the NHRI in 2023</i></p> <p>Due to Austria's federal structure, the AOB also publishes reports addressed to the regional parliaments of the 9 <i>Laender</i>, which are then discussed in the respective parliaments. The AOB also regularly publishes special reports on a diverse range of topics and submits it to the Parliament and to the regional parliaments.</p>
<p>Principle 3.2</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - freely address public opinion, raise public awareness on human rights and carry out education and training programmes;
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to § 7 (3) AOB Act, the AOB is mandated to cooperate with scientific and academic institutions and schools and other educational institutions and to inform the public about its activities.</p> <p>There is no legal and factual limitations for the AOB to freely address public opinion, raise public awareness on human rights and to carry out education and training programmes. In practice, the AOB regularly addresses the public and raises awareness on different human rights issues through its weekly TV show, its website, special reports and press conferences. The AOB fulfils its educational mandate through, amongst others, a regular interdisciplinary lecture series on the prevention of violence against women, by regularly hosting study visits for schools and a diverse range of</p>

	<p>interested professional groups and especially by teaching obligatory training modules at the penitentiary and the police academies.</p>
<p>Principle 3.3</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - fully address all alleged human rights violations by all administrative authorities, other relevant State entities and, when applicable, private entities
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to Article 148a Federal Constitutional Law, the AOB is also ombudsinstitution, NPM, monitoring body in accordance with Article 16 para 3 UN Convention on the Rights of Persons with Disabilities, monitors and concomitantly inspects the behaviour of executive bodies and officers of administrative authorities authorized to issue direct orders and carry out coercive measures, and set up a Pension Commission to handle applications for pensions under the Pensions for Victims of Children’s Homes Act (<i>Heimopferrentengesetz</i>) in 2017.</p> <p>In general, the Federal Constitutional Law does not impose any restrictions on the human rights violations the AOB can address.</p> <p>As an ombuds-institution, the AOB is restricted to monitor only acts of public administration in Austria. Private entities are only comprised by the AOB’s mandate if there is a special provision in the law (e.g. Section 60 para 2 Public Employment Service Austria Act, which stipulates that the AOB is entitled to monitor the activities of the Public Employment Service Austria).</p>

	<p>As an NPM and monitoring body in accordance with Article 16 para 3 UN Convention on the Rights of Persons with Disabilities, the AOB monitors public and private facilities.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI Report on Austria 2020, p.10 (para. 8)</i></p> <p>ECRI finally recalls that that the Austrian Ombudsman Board (AOB), which was set up in 1977, is a typical Ombudsperson with competence only in the public but not the private sector and has no specific mandate to combat racism, racial discrimination, xenophobia, antisemitism and intolerance. ECRI was informed that the Ombudsperson has handled around 16 000 complaints against public authorities in 2018.</p>
<p>Principle 3.4</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - have unfettered access to all relevant premises, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;
<p>Assessment of implementation by the NHRI</p>	<p><i>See further under Principle 8 below on the constitutionally guaranteed right to access information.</i></p> <p><i>Information Provided by the NHRI in 2023</i></p>

	<p>As NPM, the AOB has unfettered access to all places of deprivation of liberty and to all relevant documents including medical records (Article 148a (3) Federal Constitutional Law, §5 AOB Act, § 11 AOB Act).</p>
<p>Principle 3.5</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - monitor existing and draft policies and legislation with human rights implications before, during and after their adoption in order to advise the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by making relevant and concrete recommendations.
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law report in Europe in 2022, p.5</i></p> <p>The AOB is entitled to take part in procedures for the review of draft laws and regulations (Article 1 para 2 item 4 AOB Act 1982). For this purpose, all drafts must be forwarded to the AOB in a timely fashion (Article 7 para 1 AOB Act). The AOB is then entitled to comment on any proposed draft legislation or ordinance (Article 1 para 2 AOB Act 1982).</p> <p>The AOB can also recommend legislative reforms according to Article 7 para 2 AOB Act 1982 (for further information, kindly consult the annual reports of the AOB).</p> <p><i>See also further under Principle 8 below on the constitutional guarantees.</i></p>

<p>Principle 3.6</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - contribute to an effective justice system for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law report in Europe in 2022, pp. 4-5</i></p> <p>The Austrian NHRI has the mandate to contribute to access to justice for individuals, including through complaints handling and awareness raising.</p> <p><i>Information Provided by the NHRI in 2023</i></p> <p>According to Article 148a para 4 Federal Constitutional Law, the AOB is entitled to investigate the length of court proceedings. According to Article 148c Federal Constitutional Law, the AOB may request a deadline to cure the delay by a court and suggest measures of supervisory control.</p> <p>Additionally, the AOB has the right to apply to the Constitutional Court for a review of the lawfulness of administrative ordinances (Article 139 (1) items 5 & 6 Federal Constitutional Law).</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI Report on Austria 2020, p.7 (para. 8)</i></p>

	<p>In its fifth report, ECRI recommended that the authorities consider removing the restriction that victims of discrimination can only lodge a complaint with the AOB if they have no other legal remedy. ECRI notes that this restriction was not yet removed.</p>
<p>Principle 3.7</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - encourage the signature, ratification of and accession to international human rights treaties and contribute to the effective implementation of such treaties, as well as related judgments, decisions and recommendations as well as to monitor States' compliance with them.
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to Article 148d Federal Constitutional Law, the AOB annually submits its reports to the National Council and to the Federal Council. The reports contain recommendations with regard to the implementation of international human rights treaties and decisions of international courts.</p> <p>It also regularly publishes special reports on various topics. Just recently, the AOB presented a special report, which was discussed in Parliament, on the implementation of the European Social Charter into Austrian constitutional law. The special report was drafted in the course of an NGO forum under participation of several NGOs.</p> <p>The AOB regularly issues recommendations and includes them in its annual reports (Article 148c Federal Constitutional Law). Since the implementation of the Federal Constitutional Act on the</p>

	<p>OPCAT 2012, the AOB is moreover entitled by law to recommend legislative reforms according to Article 1 para 2 item 5 in conjunction with Article 7 para 2 Ombudsman Act 1982.</p>
<p>Principle 4</p>	<p>The process of selection and appointment of the leadership of a NHRI should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The appointment of the members of the AOB is set forth in Article 148g para 2 Federal Constitutional Law, according to which the members of the AOB are elected by the National Council on the basis of a joint recommendation drawn up by the Main Committee in the presence of at least half its members. Article 148g para 5 Federal Constitutional Law stipulates that members of the AOB must have knowledge of the organization and functioning of the administration and knowledge in the field of human rights.</p> <p>In a positive sense, since the SCA review in 2022, one of the three appointed ombuds is a woman.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report March 2022, p. 13</i></p> <p>The SCA notes that the process currently enshrined in the Federal Constitutional Law is not sufficiently broad and transparent. In particular, the process does not: — Require the advertisement</p>

	<p>of vacancies, and — Promote broad consultations and or participation in the application, screening, selection and appointment process.[...]</p> <p>The existing enabling legal framework is silent with regard to the pluralism and diversity of members of the AOB Board. While the SCA notes that the recruitment of AOB’s members is based on merit and a professional background in maladministration and human rights, the SCA was not provided with evidence of provisions or practices that ensure ethnic, geographic, religious, and minority representation.</p> <p>[...]The SCA emphasizes that pluralism refers to broader representation of national society. Consideration must be given to ensuring pluralism in the context of gender, ethnicity, geographic, and minority status. This includes, for example, ensuring the equitable participation of women in the NHRI. This facilitates its appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates. In addition, it promotes the accessibility of the NHRI.</p>
<p>Principle 5</p>	<p>To ensure independence, the enabling legislation of a NHRI should contain an objective dismissal process for the NHRI leadership, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The members of the AOB enjoy almost absolute independence and cannot be dismissed. This does not apply in cases of constitutional responsibility (Article 142 Federal Constitutional Law) or in the case of accountability according to the Austrian Criminal Code.</p>

	<p>According to Article 148g (1) Federal Constitutional Law, the term of office lasts six years. The members of the AOB can be re-elected once.</p>
<p>Principle 6</p>	<p>Member States should provide NHRIs with adequate, sufficient and sustainable resources to allow them to carry out their mandate, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law report in Europe in 2022, p.4</i></p> <p>Parliament has not only significantly increased the AOB's number of staff but the budget in total. This enables the Ombudsman Board to fulfil all of its tasks.</p> <p><i>Information Provided by the NHRI in 2023</i></p> <p>Moreover, pursuant to Article 148d para 2 Federal Constitutional Law, the members of the AOB have the right to participate in the debates by the National Council and its committees (sub-committees) on the draft Federal Finance Law's chapter subdivisions concerning the AOB.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI Report on Austria 2020, p.20 (para 42)</i></p> <p>[...] Moreover, as confirmed to ECRI during the meetings with the respective institutions, neither the AOB nor the Ombud for Equal Treatment is equipped with adequate resources to actively monitor 'hate speech' or to design specific responses.</p>

<p>Principle 7</p>	<p>NHRIs should have the authority to determine their staffing profile and recruit their own staff, as well as sufficient resources available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The AOB is independent in determining their staffing profile and recruiting their own staff. There are sufficient resources available to ensure this independence.</p>
<p>Principle 8</p>	<p>Member States should ensure that NHRIs enjoy adequate access to information and to policy makers and legislators, including timely consultations on the human rights implications of draft legislation and policy strategies.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The AOB enjoys full access to policy makers and legislation, because of its right to participate in the debates by the National Council and the Federal Council and by their committees (sub-committees) on its annual reports and budget (Article 148d para 2 Federal Constitutional Law). This is especially guaranteed through participation in meetings of the Ombudsman Committee (<i>Volksanwaltschaftsausschuss</i>) in Parliament.</p> <p>Moreover, the AOB is entitled to take part in procedures for the review of draft laws and regulations (Article 1 para 2 item 4 AOB Act 1982) and to issue recommendations.</p>

<p>Principle 9</p>	<p>Member States should implement the recommendations of NHRIs and are encouraged:</p> <ul style="list-style-type: none"> - to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame, - to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and - include information thereon in their relevant documents and reports.
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law report in Europe in 2022, p. 5</i></p> <p>If the AOB identifies a grievance or for another reason deems it necessary, it is entitled to make a recommendation to the bodies entrusted with the supreme administrative functions of the Confederation Article 148c Federal Constitutional Law in conjunction with Article 6 AOB Act 1982 stipulates that, the organ concerned shall either comply with these recommendations within a term of eight weeks and inform the Ombudsman Board thereof or give reasons in writing why the recommendation has not been complied with. Furthermore, it grants the AOB the power to file a motion for the setting of a time limit aimed at eliminating the default of a court in specific cases (Art. 148a par. 4 Federal Constitution) as well as suggest measures of official supervision. Moreover, the AOB can recommend legislative reforms (Article 7 (2) Austrian Ombudsman Act 1982 (Volksanwaltschaftsgesetz).</p>

<p>Principle 10</p>	<p>When member States grant NHRIs additional competences to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should have access to sufficient resources to develop the capacity to effectively discharge its functions, including having appropriately qualified and trained staff.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>In order to fulfil its responsibilities as NPM, the AOB is supported by 7 expert commissions, which were set up by the AOB. The AOB is moreover supported by the Human Rights Advisory Council and the Pension Commission, which was set up in 2017 in order to compensate victims of children’s homes in accordance with the Pensions for Victims of Children’s Homes Act.</p> <p>There are sufficient financial resources and staff available to fulfil these tasks.</p>

III. Safe and Enabling Environment

<p>Principle 11</p>	<p>Member States should ensure that NHRIs can operate independently, in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of impartiality, integrity, transparency and fairness.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to Article 148a para 6 Federal Constitutional Law, the AOB is independent in the exercise of its authority.</p>
<p>Principle 12</p>	<p>Member States should foster awareness and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law report in Europe in 2022, p. 6</i></p> <p>The relevant state authorities have good awareness of the Austrian Ombudsman Board's' mandate, independence and role of the NHRI, also because of the 45 years of activity of the AOB and the high level of recognition of the AOB among the civil society.</p> <p><i>Information provided by the NHRI for ENNHRI's report State of the Rule of Law in the European Union in 2023</i></p> <p>According to Article 148b para 1 of the Federal Constitutional Law, all federal, provincial, and</p>

	<p>municipal authorities are obliged to support the AOB in the performance of its tasks. This involves inter alia the inspection of their records and the suspension of official confidentiality towards the AOB. In general, state authorities show themselves cooperative towards the AOB (for further information kindly consult the AOB's annual reports).</p>
<p>Principle 13</p>	<p>Member States should take all measures necessary to protect and support NHRIs against threats and harassment and any other forms of intimidation, including through ensuring functional immunity. Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law report in Europe in 2022, p. 7</i></p> <p>Due to its position in the constitutional structure, the Austrian NHRI enjoys complete independence and protection from interference hence there are no specific, additional measures introduced to protect the NHRI, heads of institution and its staff against threats and harassment.</p> <p>According to Article 148g, para. 6, Federal Constitutional Law, the members of the AOB have the same legal liability as the members of the Federal Government. A member may also not be voted out of office by the National Council or the parliament (Landtag) of one of the Laender (provinces). For the performance of their duties, the three Ombudspersons are solely subject to legal liability before the Constitutional Court. (Article 141, para. 1, lit. e, Article 142, para. 2, lit. b, Article 148g, para. 6, Federal Constitutional Law ; §§ 72 et seq., Constitutional Court Law).</p>

<p>Principle 14</p>	<p>Member States should ensure that confidential information collected by NHRIs in the context of their mandate is privileged and is not unduly made public.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to Article 148b para 1 Federal Constitutional Law, all authorities are required to support the AOB in the performance of its tasks, allow it to inspect their records, and upon request furnish the information required. Therefore, official confidentiality is inoperative towards the AOB.</p> <p>The AOB, in turn, must observe official confidentiality (Article 148b para 2 Federal Constitutional Law).</p> <p>According to Article 5 AOB Act 1982 in conjunction with Section 17 General Administrative Procedure Act, the AOB has to observe official confidentiality regarding personal data.</p> <p>Pursuant to Article 11 para 6 AOB Act 1982, the AOB and the commissions set up by it have to delete any references to persons in the data processed by them.</p>

IV. Co-operation and Support

<p>Principle 15</p>	<p>Member States should take effective measures to enable NHRIs to communicate and co-operate with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI; b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment; c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities; d. international and regional organisations working in related or similar fields.
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law report in Europe in 2022, p.5</i></p> <p>According to Art 148a (5) Federal Constitutional Law, the AOB is also responsible for participating in the handling of petitions and citizens' initiatives submitted to the National Council.</p>

	<p><i>Information Provided by the NHRI in 2023</i></p> <p>The AOB is part of international networks, such as the IOI, SEE NPM Network, and the “D-A-CH”-network (network of German-speaking NPMs). The AOB is moreover part of the EU-framework, for example by cooperating with the European Ombudsman.</p> <p>Furthermore, the AOB cooperates with civil society on a regular basis, for example by organising so-called “NGO-for a”.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report March 2022, p. 12</i></p> <p>The SCA encourages the AOB to continue to actively engage with the OHCHR, GANHRI, ENNHRI, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods.</p> <p><i>SCA Report March 2022, p. 14</i></p> <p>The SCA encourages the AOB to continue to enhance and formalize its working relationships and cooperation with civil society organizations and human rights defenders, including those working on the rights of vulnerable groups.</p>