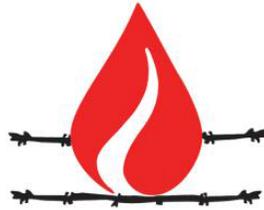


Organization for Defending Victims of Violence (ODVV)

UPR Submission

37th session of UPR Working Group (November 2020)

Austria



سازمان دفاع از قربانیان خشونت
Organization for Defending Victims
of Violence

www.odvv.org

About ODVV

1. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-partisan organization in Special Consultative Status to ECOSOC. ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.

2. ODVV is also associated to the United Nations Department of Public Information (UNDPI), a member of the Conference of Non-Governmental Organizations (CONGO), AMAN Network of Rehabilitation Centers in the Middle East and North Africa and International Rehabilitation Council for Torture Victims (IRCT). ODVV has cooperated with international organizations in a variety of issues and has working relations with many NGOs in Iran and around the globe.

3. ODVV is focused on promoting human rights, supporting victims of violence, empowering Iranian civil society, and offering human rights consultations to the Iranian institutions and organizations. ODVV is actively involved in running various human rights education courses, workshops, seminars, and conferences. Other activities include:

- Participation in UN Commission on Human Rights and the Human Rights Council sessions in Geneva;
- Publication of different books and booklets on human rights such as Rights of the Child, Unilateral Coercive Measures (Economic Sanctions), Racism, Racial Discrimination, Islamophobia and Xenophobia;
- Publishing *Defenders* Quarterly (in English), human rights news and developments *Weekly* (in Farsi), daily updating ODVV websites in English, Farsi and Arabic;
- Internship for Iranian and international students.

4. ODVV is submitting the following report on the human rights situation of Austria, in order to contribute to the improvement of the human rights situation.

1) Refugees' and Migrants' Rights

5. Austria seems to be in breach of its international human rights obligations relating to refugees. According to reports, the authorities deport rejected Afghan asylum-seekers and undocumented migrants to Afghanistan despite the deterioration of the security situation in the country.¹

6. A new law has been passed that allows the federal government to declare a state of emergency and drastically curtail the right to seek asylum at Austria's borders. The law, however, fails to define exactly what could trigger and justify the imposition of these special measures. Appeals against returns will only be possible after the return has taken place.²

7. Austria is one of a handful of countries that have not made any places available for the implementation of an EU plan decided in September 2015 to relocate 106,000 Syrian, Iraqi, and Eritrean asylum seekers from Italy and Greece.³

2) Discrimination

8. As a signatory to many conventions combating discrimination and promoting Human Rights, the government of Austria has failed to meet some of its obligations towards protection of human rights of minorities. According to figures compiled by the Austrian Jewish Community (IKG), there were between 12,000 and 15,000 Jews in the country. The IKG expressed concern that anti-Semitism remained at a "high but stable" level. The NGO Forum against Anti-Semitism reported 503 anti-Semitic incidents during 2017.⁴

9. An NGO operating a hotline for victims of racist incidents reported that racist internet postings comprised 44 percent of cases and were mostly directed against Muslims and migrants.⁵ The Islamic Faith Community (IGGIO) reported 540 anti-Muslim incidents in 2018, a 75 percent increase in relation to 2017. Courts convicted individuals of anti-Islamic rhetoric and anti-Semitic or neo-Nazi activity, generally handing down fines or sentences, some of which they suspended.⁶

10. The rise in hate crimes towards Muslims in Austria is part of a broader trend in its policy that has real and negative ramifications for Muslim's safety in Europe. The government is carefully taking steps against Muslims and migrants. There are arguments for the shutdown of

¹ <https://www.amnesty.org/en/countries/europe-and-central-asia/austria/report-austria/>

² <https://www.hrw.org/news/2016/04/27/austria-drastic-unjustified-measures-against-asylum-seekers>

³ Ibid

⁴ <https://at.usembassy.gov/wp-content/uploads/sites/39/Human-Rights-Report-Austria-2018.pdf>

⁵ Ibid

⁶ <https://www.state.gov/reports/2018-report-on-international-religious-freedom/austria/>

Islamic kindergartens, saying they are dangerous.⁷

11. A new law entered into force banning any kind of full-face covering in public spaces. Despite its purpose of “promoting active participation in society”, the law disproportionately restricted the rights to freedom of expression and of religion or belief.⁸

12. Non-white Austrians were more likely to be suspected of crime and ill-treated by police. Complaints of police ill-treatment from members of ethnic minorities were often followed by an inadequate response by both the police force and the judicial system; complaints were not properly investigated, and police officers were seldom prosecuted and lightly sanctioned.⁹

3) Counter-terror and Security

13. While countering terrorism is essential to protect people, some acts of governments may violate fundamental freedoms and human rights which undermine good governing and democracy in the state. The government tabled an amendment to the Criminal Procedure Code that would introduce several new far-reaching surveillance methods. The amendment gave rise to concern regarding the right to privacy. The methods included software to access and monitor data from smartphones and techniques to intercept mobile phone traffic.¹⁰

4) Recommendations

14. Austria should be working with other European Union countries to make sure asylum seekers have a fair chance to get the protection they need, not taking unilateral decisions to pass them around.

15. ODVV urges the Austrian government to live up to its international human rights responsibilities and amend its abusive laws towards migrants.

16. ODVV calls on the government to take necessary measures to tackle hate speech carried out by politicians targeting members of minorities.

17. Austria should ensure combating discrimination, xenophobia and related intolerance against persons belonging to religious and ethnic minorities, particularly Muslims.

28. The authorities should take prompt action against violation of the right to privacy while countering terrorism.

⁷ <https://www.trtworld.com/opinion/are-austrian-politicians-responsible-for-increased-anti-muslim-hate-crimes-26005>

⁸ <https://www.amnesty.org/en/countries/europe-and-central-asia/austria/report-austria/>

⁹ <https://www.amnestyusa.org/countries/austria/>

¹⁰ <https://www.globsec.org/2018/03/08/european-counter-terrorism-tango/>