

## **SUPPLEMENTARY SUBMISSION TO THE HUMAN RIGHTS COMMITTEE (CCPR) 141<sup>ST</sup> SESSION ON AUSTRIA IN PREPARATION OF THE COMMITTEE'S LIST OF ISSUES PRIOR TO REPORTING**

**Rise of Anti-Palestinian Racism & Repression of Advocacy for the Rights  
of Palestinian People for Self-Determination and Freedom in Austria in  
violations of their obligations under ICCPR**

(May 2024)

### **INTRODUCTION**

The ELSC<sup>1</sup> Voluntary Team Vienna/Austria hereby avails itself of the opportunity to submit a supplementary briefing to the first submission to the Human Rights Committee sent at the beginning of May<sup>2</sup> with information on the Austrian context.

As expressed in its first submission, the ELSC Voluntary Team Vienna/Austria is deeply concerned about repression and censorship of solidarity with Palestine, particularly in relation to the right to advocate for the right to self-determination of the Palestinian people in Austria. While such dynamics and measures are not new, they have been intensified since October 2023, amounting to an alarming rise of anti-Muslim, anti-Arab and anti-Palestinian racism. As elaborated in the previous submission, the group of volunteer experts has compiled a list of 30<sup>3</sup> cases since 2023 that highlight serious human rights violations in Austria. A small and incomplete selection of case studies was presented in the previous submission. This supplementary submission outlines a specific and more recent case of police violence and state repression. The case is highly relevant when it comes to assessing the situation in Austria regarding solidarity with Palestine and Palestinians.

### **SUPPLEMENTARY CASE OF AN ATTACK TO FUNDAMENTAL FREEDOMS IN RELATION TO PALESTINE IN AUSTRIA:**

#### **Police Violence against and Intimidation of Protesters: Students' "Palestine Solidarity Encampment"**

On May 8, 2024, the "Palestine Solidarity Encampment", initiated by students on May 5th on the campus of the University of Vienna, was violently evicted by the Vienna police as well as its WEGA special unit. Approximately over 100 police officers, drones, and police dogs were employed during the eviction and against the protest action which followed the arrest of four students. According to the press statement of the Vienna

<sup>1</sup> The European Legal Support Center (ELSC) is the first and only independent organisation defending and empowering the Palestine solidarity movement in Europe through legal means. After October 7th 2023, a team of expert volunteers was formed to monitor restrictive measures particularly in the Austrian context.

<sup>2</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICS%2FAUT%2F58491&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICS%2FAUT%2F58491&Lang=en)

<sup>3</sup> These cases have been documented via ELSC [incident report forms](#) and are collected in the ELSC database.

Police Department, after “a final assessment by the Directorate of State Security and Intelligence Service (DSN) [...] the purpose of this gathering was no longer compatible with the Austrian legal situation after extensive consideration.” According to the AT-based ELSC Monitoring team, who did field monitoring throughout the days of the encampment as well as throughout the eviction, these accusations contradict what the protest of students put forth, which was, first and foremost, calling for a permanent ceasefire in Gaza and an end to university cooperation between Austria and Israel during times of genocide. In light of the ongoing repression of assemblies in solidarity with Palestine in Austria, the police procedures during the eviction are yet another example of the violation of the right to protest, assembly, and free expression. The AT-based monitoring team documented the violent evictions, police misconduct, the closure of the whole campus to the public, and ultimately the arrest and detention of four students for up to 21 hours.

During the operations at the university campus, the police did not let anyone in or out except for police officers while the arrested students were held in police vehicles. Media representatives and the press, who were briefly allowed to enter at the beginning of the operations, were eventually completely banned from the on-site happenings within the following hours. From today's perspective, it can be stated that some police officers acted provocatively and applied aggressive, racist, and sexist behaviour. The eviction caused extensive material damage to all those who implemented and maintained the camp. In reaction, there was a spontaneous protest against the detentions and the eviction. Between 25 and 30 people were identified on the spot by the police, kettled and threatened to be investigated with criminal charges for incitement to hatred. It is not yet clear how many criminal charges will result from this. However, based on experiences from previous demonstrations, which include identifications, groundless accusations as well as non-legal charges, it can be assumed that such charges will not be further prosecuted. Among other things, this creates an enormous chilling effect and contributes to the repression of society as a whole and the restriction of freedom of expression.

## **RECOMMENDATIONS:**

In light of our first submission and the present supplement, we call the UN Human Rights Committee to urge the Austrian government to:

1. Respect and uphold the right to freedom of assembly and freedom of speech as guaranteed by Article 149 of the Austrian Constitution;
2. Ensure the alignment of policies regarding the freedom of assembly and expression with the principles of proportionality, non-discrimination and anti-racism;
3. Condemn all legislation, policies and practices aimed at silencing and criminalising international solidarity with Palestinians, including through the criminalization of BDS and the misuse of laws and policies against terrorism and antisemitism;
4. Building upon the work of the mandate of the Special Rapporteur on racism, condemn the use and the adoption of the IHRA definition of antisemitism to silence Palestinians and their supporters including by conflating criticism of Israel and of Zionism with anti-Semitism;

5. Protect the civic space and allow society to contribute to public debates by exercising their fundamental freedoms;
6. Ensure the pursuit of impartial investigations of cases of police violence, detention of minors, criminalization of slogans, and unjust treatment by law enforcement such as denying medical treatment and the right to have a safe person. Implement proper processes of reparation for those victimised;
7. Install independent monitoring mechanisms (e.g. working groups, independent experts etc) to track and implement safeguards against forms of repression and discrimination of those in solidarity with Palestine;
8. Uphold policies and laws against anti-Muslim racism, and closely monitor the policies adopted by the aforementioned Documentation Center for Political Islam;
9. Ensure that universities and learning institutions in Austria are spaces of learning and non-discrimination. We reiterate the UN special procedures [recommendation](#) to “states and relevant academic institutions should respect academic freedoms, and ensure that students and teaching staff can freely associate, assemble and express their views with regards to the war in Gaza and the Israeli occupation of Palestine. Employees in the public and private sectors should also not face reprisals, such as disciplinary measures or loss of employment, for speaking out”;
10. Uphold its obligations under international law, in particular with regards to the adoption of UN General Assembly resolution 194, the termination of Israel’s illegal occupation, the continuous financial support of UNRWA and the support of an immediate ceasefire in Gaza.