

To: European Commission

**We accuse: End impunity for Austria's inhumane asylum policy!**

*Launched by Asylum Tribunal*

We accuse! We demand legal consequences for the Republic of Austria for human rights violations against refugees and an end to Austria's veto policy against human rights!

This petition was started by the Asylum Tribunal, Hybrid Theatre Collective and SOS Balkan Route and is addressed to the European Commission. A copy will be sent to the Council of Europe.

**We appeal to the EU Commission:**

- To initiate Infringement Procedure for human rights violations against the Republic of Austria, but also against all other countries involved. Austria must comply with the rights of those seeking protection, which are laid down, among others, in Art 18, Art 19 and Art 21 of the Charter of Fundamental Rights (1) of the EU, the European Convention on Human Rights and ultimately in the Convention and Protocol Relating to the Status of Refugees.

**We call on Austria to:**

- Allow legal flight to Austria, exercise and respect the right to asylum and put an end to the propagated externalization (divestiture) of asylum procedures to unsafe third countries.

- End the blockade policy towards evacuations from disastrous camps - as in Greece or Bosnia-Herzegovina. Instead, Austria should agree to safe escape routes and resettlement programs - like from Afghanistan.

- Immediately stop the systematic and illegal chain pushbacks from Austria to the EU - external borders until third countries like Bosnia, and any form of pushing back of protection seekers.

- Grant children's rights in the asylum procedure: accommodation and care in accordance with children's rights instead of inhumane deportations of children (2); as well as an end to the scientifically controversial age determination by radiological examinations and the clarification of the hundreds of cases of disappeared minors during their asylum procedure.

**Why is this important?**

The Republic of Austria violates the rights of those seeking protection - by carrying out deportations to areas of crisis and war, disregarding children's rights and thus the best interests of underage refugees, and preventing legal means of escape not only to Austria but to the whole of Europe through a lobbying policy against the Convention on Human Rights (3). The legally binding conviction of illegal pushbacks before the Regional Administrative Court of Styria (4) from the summer of 2021 is apparently not sufficient to finally put a stop to this practice carried out by the police.

Enough is enough! The rule of law must apply to all! (5) And at the EU level, legal consequences are finally necessary!

Because Austria does not listen to the admonitions of the Council of Europe (6) which reminded the federal government to consider the rights of underage refugees, nor to the

national courts which condemned the chain deportations and undignified treatment of refugees by Austrian border police officers. The Republic is now even going against the ruling of the Federal Administrative Court, which found that the deportation (7) of an underage schoolgirl ("Tina case") was unlawful and complaining about too much child rights friendliness.

### **Background: Austria's veto policy against human rights.**

The Republic of Austria, represented by the current and last governments, has continuously pursued a blockade for humane solutions for refugees within the EU for years.

## PART 2

### **Background: Austria's veto policy against human rights**

The Republic of Austria, represented by the current and last governments, has continuously pursued a blockade of humane solutions for refugees within the EU for years.

In 2016, the then Foreign Minister Kurz propagated the closure of the Western Balkans route, as a result of which the disastrous situation in the refugee camps at the EU's external borders, such as in Greece and Bosnia-Herzegovina, came to a head[1]. Today, we count at least 263 known cases of missing protection seekers on the Balkan route since 2014. Kurz also strongly advocated the suspension of sea rescue at the European level and criminalized civilian sea rescue[2]. Austria, together with the Višegrad states, is blocking a redistribution[3] of refugees in Europe, which could relieve the camps at the EU's external borders and southeastern Europe, and provide protection seekers with a humane reception in Europe.

In 2019, the FPÖ Interior Minister Kickl generally questioned the European Convention on Human Rights[4] and sought ways to deport asylum seekers during the asylum procedure. In 2021, the current Chancellor Nehammer considered the Human Rights Convention a burden[5] and sought alternatives to it in order to be able to deport people despite the Taliban's takeover of power in Afghanistan. The Republic of Austria also rejected any evacuation[6] of people from the once burning disastrous camps of Moria or Lipa and opposed EU-wide resettlement[7] of people from Afghanistan after the Taliban took power. The current ÖVP Minister of the Interior, Karner, calls on the EU to form an "alliance of the sensible"[8] and boasts of leading this, behind which stands an agreement to support border fences at the EU's external borders, a sealing-off and deportation regime and an outsourcing of the asylum system from the EU. This year, Karner hosted a "return conference"[9] in Vienna. Most recently, Austria is again using its veto power to ensure that the temporary protection directive (Council Directive 2001/55/EC)[10], which was supposed to grant protection to all people from Ukraine, does not apply to all refugees from Ukraine after all. Austria tries not only structurally and politically to prevent the flight to Europe and Austria, but also with direct violence at the borders. Austrian border officials have already been convicted by courts of push-back and degrading treatment of refugees. In addition, the Regional Administrative Court of Styria also stated in its ruling that "the pushing back of refugees from Austria is partly systematic". Minister of the Interior Nehammer remained silent about the scandal and the verdict and referred to the regional office of the police.

We therefore see the need to remind Austria through the EU Commission, which is responsible for monitoring Union law and treaties, to comply with the asylum law and the rights of protection seekers and to demand them by legal means!

*The demands are based on the Asylum Tribunal - Lawsuit against the Republic - a public event that addresses abuses in the Austrian asylum policy after true cases events[11].*