

SUBMISSION TO THE HUMAN RIGHTS COMMITTEE (CCPR) 141ST 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 Voluntary Team Vienna/Austria hereby avails itself of the opportunity to submit information on Austria to the Committee on Human Rights.

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.

The ELSC Voluntary Team Vienna/Austria is deeply concerned about repression and censorship of international solidarity with Palestine, particularly the right to advocate for the rights of self-determination of the Palestinian people in Austria. While such dynamics and measures are not new, they have been exaggerated since October 2023, amounting in an alarming rise in the often overlapping phenomena of anti-Muslim, anti-Arab and anti-Palestinian racism. Since 2023, the group of volunteer specialists has compiled a list of 30¹ cases that highlight serious violations of human rights in Austria. This submission provides a selection of case studies and presentations (see page 2).

The documented cases include severe restrictions on the freedom of expression and assembly, undue restrictions and pre-emptive bans on protests, police violence against and intimidation of protesters, the use of legal action or threat of legal action as well as SLAPP proceedings against individuals and groups.

In addition to the intensified state repression, Austrian media is also assuming a considerable part in the widespread portrayal of events advocating for the rights of Palestinians as negative and dangerous. Through the use of racist imagery, the creation of a narrative of general suspicion, and the undifferentiated attribution of a willingness to use violence on the part of protesters. These media outlets seemingly seek to reframe

¹ These cases have been documented via ELSC [incident report forms](#) and are collected in the ELSC database.

the narrative around events advocating for the rights of Palestinians in ways that contribute to further criminalizing and intimidating pro-Palestinian voices. Furthermore, media coverage of the ongoing Israeli assault on Gaza and the enormous violence and destruction is one-sided as well as biased. The extent of the assault is hardly ever shown in its entirety, as well as covering the context in ways that dehumanize Palestinians, thus reducing empathy instead of making room for empathy and association with the struggles of Gazans. It is evident that the voices of people in Gaza, and Palestinian voices in general, are suppressed and overlooked.

Furthermore, the ELSC Voluntary Team Vienna/Austria observes the pattern of instrumentalisation of antisemitism as a phenomenon, the abuse of regulations targeting antisemitism and counter-terrorism laws as well as policies to suppress fundamental freedoms, and to restrict civil society's access to resources. Alarming youth and adults have been subjected to unjust and burdensome penalties, with heavy repercussions on their livelihoods.

It is particularly alarming that people without secure legal status in Austria are confronted with unjustified and disproportionate state measures that can have existential consequences. It is particularly important to us to draw attention to this specific threat and to provide impetus to counteract it.

SELECTION OF DOCUMENTED TRENDS OF ATTACKS AGAINST FUNDAMENTAL FREEDOMS IN RELATION TO PALESTINE IN AUSTRIA:

1. Violation of Freedom of Assembly

On October 11 2023, the Vienna police canceled a vigil in solidarity with Gaza shortly before the start of the event, stating that the organizers posted a slogan that allegedly calls for "violence" and supports "terrorism." The slogan in question was: "From the river to the sea, Palestine will be free!" - a slogan widely used in the Palestinians freedom struggle. After the organizers were forced to cancel the event through their social media platform, people nevertheless turned up at the proposed location. That evening, the police kettled more than 300 protesters and held them for about two to three hours, releasing individuals, one by one, only after police recorded their personal details and issued more than 300 individual fines. The general appeal against the decision to cancel the demonstration is still pending and demonstrators are struggling with their individual appeals refusing to pay fines of more than 500 EUR for attending that protest. Lawyers and organizers view this cancellation as one of the first acts of repression and intimidation of protests after October 2023 that set precedent for further cancellations of protests and vigils.

2. Police Violence against and Intimidation of Protesters

On October 14, 2023, the Styrian Peace Platform, together with Palestine Solidarity Styria, registered a rally to protest the war in Gaza. The police banned the rally.

Nevertheless, approximately 40 people attended, which later grew to around 70 as they walked through Graz's city center. Among them were many young people. Following police provocations, one person under age was violently arrested and accused of resisting public authority and grievous bodily harm.

On October 20, 2023, a demonstration in Graz was banned by the police at the last minute. Nevertheless, approximately 150 protesters gathered for the planned demonstration. Organizers informed attendees in both German and Arabic that the demonstration was dissolved and encouraged them to walk in pairs towards the main square, where they were confronted by police orders to disperse. However, within minutes, the police surrounded the protesters, preventing anyone from leaving, including small children. Despite pleas for leniency, the police held the crowd captive for about twenty minutes before allowing them to leave individually after identity verification. A drone surveilled the scene throughout.

3. Violation of the Freedom of Expression, Legal Action or Threat to Legal Action

The Austrian Ministry of Justice as well as the Austrian Ministry of Interior are working on declaring specific slogans used by pro-Palestine protesters as 'incitement' and started to ban vigils on the basis of these arguments. Referring to 'incriminating' slogans like "From the river to the sea, Palestine will be free!" or even "Free Palestine!", the authorities have been documenting, interrogating, as well as legally investigating protesters. As far as we have insight the authorities use a one-sided, unreflective, and unfounded interpretation of these slogans to justify its erroneous legal position. These assessments, for instance, show great similarity to a basic document on the assessments of the slogan, which was published on October 25, 2023, by the "Documentation Center for Political Islam", which was set up in 2020 by the Austrian government of the Austrian People's Party (ÖVP) and the Greens. These interpretations, according to our knowledge, are used as a pretext to prohibit peaceful gatherings of thousands of people who want to protest against a war. For further details see cases under "the violation of freedom of assembly."

Special procedures have decried the fact that "some States have also banned and criminalised the use of Palestinian symbols that have been used during protests such as flags, the Palestinian keffiyeh (traditional black and white scarf), and the use of certain slogans such as "from the river to the sea" (which is fully legitimate when it infers the realization of freedom, human rights and dignity of everyone in Israel and the oPt). Concerns related to risks of potential anti-Semitism have also been used as a justification by some States to ban and criminalize peaceful assemblies and expressions in support of Palestinians' rights. Protesters have been arbitrarily arrested for the use of slogans allegedly for constituting "hate speech" or "anti-Semitism". These measures create a hostile environment for pro-Palestinian expressions and activists."

Censorship measures and the curtailing of academic freedom and the right to freedom of expression is increasing, among others, in universities as well as art and cultural institutions. Cases range from the repression of student protests, the cancellation of events and lecture series discussing the ongoing genocide in Gaza and the situation in Palestine and Israel more broadly. Educational institutions in Austria have started

internal screening processes of programs, research projects, exhibitions and cultural events. Furthermore, educational staff and, more generally, citizens are asked to report “suspicious” evidence under the umbrella term of antisemitism, which to our knowledge is understood and applied along the lines of the highly contested IHRA definition and anti-terror regulations. These measures create intimidation techniques and have a recognizable chilling effect on students and staff affected by them. Herewith we want to refer to the Public Statement on “Israel/oPt: Respecting and enabling civil society, human rights defenders and peaceful protests is vital for achieving sustainable ceasefire and just peace”² by among others Mr. Clément Nyaletsossi Voule, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; Ms. Francesca Albanese, Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967.

4. Violations of Freedom of Expression in and through Academic Settings

Cancellation of the Teach-In Series “Against the Present³: Past and Future Perspectives on Palestine”

A teach-in series titled Against the Present: Past and Future Perspectives on Palestine, was co-organized by the Department of Social and Cultural Anthropology (IKSA) at the University of Vienna in cooperation with the Department of Gender Studies at the Central European University (CEU) in Vienna. On November 3rd, the Rectorate of the University of Vienna announced the cancellation of the teach-in series through a thread on X (previously Twitter), citing “one-sided representations, intolerance, racism and antisemitism” as reasons for the cancellation. The cancellation was followed by the removal of a statement against violence in Israel and Palestine from the department's webpage. Students, professors, scholars and members of the academic community wrote a letter of protest to the University of Vienna condemning these actions, arguing that they violate principles of academic freedom, freedom of expression, and the university's commitment to hearing diverse perspectives. The letter calls for transparency, an apology from the Rectorate, the reinstatement of the removed statement, and the establishment of clear policies to prevent similar incidents in the future. No reply to this letter has been received to date.

Cancellation of the Lecture Course “Palestine in Global Context”⁴

On 5 March 2024, a group of scholars were meant to convene the lecture course (“Ringvorlesung”) Palestine in Global Contexts - On Mobilities, Solidarities, and Memory Cultures at the University of Vienna. Palestine in Global Contexts - On Mobilities, Solidarities, and Memory Cultures at the University of Vienna. Altogether, its program included twelve scholars whose work focuses on Palestine - seven from the University of Vienna itself, and five from other renowned institutions within or outside Austria. Five of the scholars were female Palestinian scholars. Palestine in Global Contexts was listed in the course directory from 1 February onward; and within one week, an already large number of students (54) registered for it. The University of Vienna's cancellation of the

²<https://www.ohchr.org/sites/default/files/documents/issues/association/statements/2024-02-13-stm-peaceful-assembly.pdf>

³<https://docs.google.com/forms/d/e/1FAIpQLSdURShhPCmZsfFoleOZ4-iDAgli3wtkSl80Xb1fpQsjkgGLsg/viewform>

⁴https://afrika.univie.ac.at/fileadmin/user_upload/i_afrika/AG_Rassismus/Statement_in_protest_of_the_removal_of_the_Palestine_in_Global_Contexts_Lecture_Course_5.3.2024.pdf

"Palestine in Global Contexts" lecture course amid accusations of anti-Israel propaganda reflects a broader pattern of silencing critical voices regarding Palestine within academic institutions. Organized by scholars from various departments, including Birgit Englert and Maya Rinderer, the course aimed to provide diverse perspectives on Palestine's history, society, culture, and politics. However, following pressure from external sources, including accusations of antisemitism and one-sidedness, the university administration removed the course from the program. This decision underscores concerns about academic freedom and the suppression of critical discourse surrounding the Israeli-Palestinian conflict.

5. Violations of Freedom of Expression, particularly in and through Institutions in the Field of Art and Culture

Cancellation of a lecture at the Museum moderner Kunst Stiftung Ludwig Wien (Mumok) in 2022

Walaa Alqaisiya was invited to participate in the annual "Spring Curatorial Programme 2022: Art Geographies" which was co-organised by the Academy of Fine Arts Vienna and Verein K to take place in Mumok on the 30th of May 2022. The abstract of her envisaged lecture on "Queering Aesthesis: Unsettling the Zionist Sensual Regime" was labeled as antisemitic by pro-Israel groups who threatened Walaa and pressured the organisers to disinvite her from the event. On the 26th of May, the event was canceled at the request of Mumok.

Names and Identities Removed from Exhibition at Belvedere 21⁵

The artists, cultural workers and curators of Improper Walls and the art institution Belvedere 21 had planned an exhibition together. In connection with October 7, 2024, the Belvedere 21 curatorial team, exercising power and without consultation, decided to censor the dates and identities of two people who had fled, Ali from Lebanon and Firas from Palestine, who had inspired one of the artworks planned to be exhibited. Despite the artists' written objection, Belvedere 21 upheld the censorship, citing the concern that the identities of the refugees could be perceived as a one-sided statement. The artists expressed their disappointment at the lack of critical thinking and sensitivity towards refugees and condemned the erasure of their identities as violent and cruel. They called for an open debate on cultural censorship and reiterated their rejection of any form of discrimination. To our knowledge Belvedere 21 is currently engaging in dialogue with Improper Walls and affected artists. We currently do not know how this process is progressing.

Gideon and Elias Mendel removed from Vienna Jewish Museum's Holocaust 'Generations' exhibition⁶

Gideon and Elias Mendel, father and son, two Jewish artists, wrote an open letter addressing their removal from the Vienna Jewish Museum's exhibition. They had been in communication with the museum since January 2023, discussing their participation in a Holocaust exhibition. However, they were informed during a recent meeting that they were being removed from the show due to Gideon's past activism, particularly his support for a cultural boycott of Israel. Despite their attempts to engage in dialogue,

⁵ <https://improperwalls.com/events/2023/10/25/the-myth-of-the-liminal-old-growth>

⁶ <https://gideonmendel.com/an-open-letter/>

the decision had already been made. They express concern over the silencing of critical Jewish voices, attributing it to a wider trend of unquestioning support for the Israeli state. They emphasize their peaceful protest stance and highlight their family's history of persecution during the Holocaust. The letter serves as both a historical record and a call for reflection on the museum's decision. The fact that they were removed from the exhibition was not made public. There is no coverage of it in the Austrian context.

6. The use of Anti-BDS legislation and policies to silence Palestinians and their supporters and the use of SLAPP proceedings

In May 2022, four UN Special Rapporteurs (on the situation of human rights in the Palestinian territory occupied since 1967, on the promotion and protection of the right to freedom of opinion and expression, on the rights to freedom of peaceful assembly and of association and SR on the situation of human rights defenders) sent a [joint communication](#) to Austria addressing the adoption of a motion to the Vienna City Council in 2018 which “condemns the argumentation patterns and methods of the Boycott, Divestment and Sanctions (BDS) movement as anti-Semitic” and the subsequent “lawsuit against a member of BDS Austria in November 2021.”⁷ The Special Rapporteurs reiterated the rights to freedom of expression, freedom of peaceful assembly and freedom of association as well as “the right to promote, discuss and participate in boycott campaigns to raise awareness and advocate for the respect of human rights”. They recalled that in the *Baldassi and Others v. France*, the European Court of Human Rights affirmed that “boycott is above all a means of expressing an opinion of protest. [...] [I]ncitement to differential treatment does not necessarily amount to incitement to discriminate”. This decision laid the foundations for the French Criminal Court of Lyon (Tribunal judiciaire de Lyon) to hold, on 18 May 2021, that a call for boycott did not constitute incitement to discrimination.”⁸

8. Defunding and Criminalisation of Muslim and/or Palestinian-led Organizations and Organizations Advocating for the Rights of on Palestinian

Criminalisation and Extensive Observation of the Association Dar al Janub⁹

Dar Al Janub, an association for anti-racist and peace policy initiatives, faced defamation and attacks orchestrated by the Documentation Center for Political Islam, media outlets, and political parties. It faced forms of criminalisation, and extensive forms of observations as well as demands for eviction from its premises by the Vienna ÖVP (Austrian People's Party) and FPÖ (Freedom Party Austria) parties, prompted by

⁷<https://elsc.support/news/four-un-special-rapporteurs-address-their-concerns-to-austrian-authorities-about-anti-bds-resolution-and-lawsuit-against-activist>

⁸ Communication AL AUT 2/2022 sent to Austria by the Mandates of the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders. 20 May 2022. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27241>

⁹ <https://judeobolschewienerinnen.wordpress.com/2023/12/07/solidaritat-mit-dar-al-janub/>

accusations from the Documentation Center for Political Islam¹⁰. The center alleged ties between Dar Al Janub and militant organizations, using this as a pretext for eviction. This action reflects a broader trend of structural Islamophobia and racism in Austria. The Documentation Center, established by the Austrian government, targeted Dar Al Janub with baseless accusations of ties to militant and/or terrorist organizations and anti-Semitic activities. Despite lacking evidence, these accusations led to calls for the dissolution of Dar Al Janub from various political entities aligned with the ruling parties. The Documentation Center's credibility was called into question due to its politically motivated agenda and reliance on questionable sources. Dar Al Janub defended its transparent activities over the past 20 years, including organizing events, educational trips, and advocacy for Palestinian rights, all of which were conducted openly and without secrecy. The attacks on Dar Al Janub were seen as part of a broader pattern of repression aimed at silencing voices critical of Israeli policies and promoting Palestinian liberation. In response, Dar al Janub itself as well as the Judeobolschewienerinnen (JBW), a Jewish collective in Vienna, wrote statements. JBW¹¹ expressed solidarity with Dar Al Janub, rejecting attempts to silence alternative perspectives on Palestinian liberation and criticizing the instrumentalization of antisemitism to suppress criticism of Israeli policies. They emphasized the importance of offering spaces for marginalized groups and advocating for a free Palestine.

9. Abuse of Anti-Terror Laws

Furthermore, it is of high concern that Muslim communities in Austria have been increasingly affected by the spread of racist narratives over the past years. Muslim communities, as well as mosques are being placed under heavy scrutiny by the state and are portrayed as suspicious and dangerous. The drastic effects of anti-Muslim, anti-Arab, and anti-Palestinian racist narratives have been particularly evident in the implementation of Operation Luxor¹² in November 2021. During which - after more than 21,000 hours of surveillance and more than 1.2 million taken images of individuals¹³ - over 60 family homes were raided in an unjustifiable, groundless, and disproportionately violent manner that led to traumatization of affected individuals, particularly children.

The operation targeted Muslim-led institutions, charity organizations, renowned scholars and social media activists. The raids in the course of "Operation Luxor" in November 2020 were unlawful, as ruled by the Higher Regional Court (OLG) of Graz after it upheld several complaints against this measure. According to the OLG, the "suspicious situation" prior to the raids was not sufficient for a raid in nine cases. Those impacted by the operation were affected by restrictions on the right to a fair trial for months, the freezing of their bank accounts, leading to existentially threatening situations. Defamation campaigns associated with the operation in addition to job suspensions have led some of the affected individuals to leave Austria and start anew outside. Furthermore, children and adolescents from the raided families consistently

¹⁰ <https://dar-al-janub.net/expertise-repression-english/>

¹¹ https://www.dokumentationsstelle.at/fileadmin/dpi/publikationen/DPI_Focus_Dar-al-Janub.pdf

¹² <https://bridge.georgetown.edu/research/factsheet-operation-luxor/>

¹³ <https://kurier.at/chronik/oesterreich/operation-luxor-ueber-20-millionen-euro-vermoegen-sichergestellt/401097669>

showed signs of trauma and PTSD. The enormous effect of this operation on Muslim communities in Austria must not be underestimated.

While there have been no convictions in several of the ongoing investigations, the current political climate of censorship, surveillance and dehumanization of Palestinian life is ongoing. In this context it is important to mention that Austria was one of the few countries that voted against a humanitarian cease-fire at the UN in October and December 2023. Additionally in January 2024 Austria has suspended its funding for UNRWA amid the unfolding genocide.

10. Abuse of “anti-semitism” and “anti-terrorism” legislation and policy measures to suppress fundamental freedoms, restrict civil society’s access to resources and criminalize their work

Closely connected to harboring a climate of suspicion and repression of support for the Palestinian right of self-determination is the risk of potential misuse of the IHRA working definition of antisemitism as justification of state repression (foremost against Arab and Muslim communities).

Austria has adopted the IHRA working definition of antisemitism in 2008 and has issued a strong recommendation to educational and public institutions and organisations to insist on using this definition to combat antisemitism in Austria.

We want to crucially emphasize that the “conflation between antisemitism and legitimate criticism of Israeli crimes against Palestinian civilians (heightened by the adoption of the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism by many States and organisations), leads to the silencing of Palestinian voices.”¹⁴ The normalization of anti-Palestinian racism, particularly but far from only evident in unequal treatment by the media and politicians, has contributed to the dehumanization of Palestinians. This was highlighted by the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who noted that governments justify restrictions by citing risks of inciting hatred or supporting terrorism, without evidence¹⁵. Such an approach not only lacks consistency but also unfairly associates Palestinians with criminal activities and terrorism. The IHRA definition has played a significant role in silencing Palestinians and

¹⁴ “Disinformation and Hate Speech on Social Media Contribute to Inciting War Crimes Against Gaza.” Arab Center Washington DC, 13 October 2023.

<https://arabcenterdc.org/resource/disinformation-and-hate-speech-on-social-media-contribute-to-inciting-war-crimes-against-gaza/>

¹⁵ “Israel/oPt: Respecting and enabling civil society, human rights defenders and peaceful protests is vital for achieving sustainable ceasefire and just peace, say UN experts.” OHCHR, 13 February 2024.

<https://www.ohchr.org/en/statements/2024/02/israelopt-enabling-human-rights-defenders-and-peaceful-protests-vital-achieving>

their allies, by equating criticism of Israel and Zionism with antisemitism. The Special Rapporteur on racism has cautioned against relying on the IHRA definition, highlighting its misuse to suppress legitimate critiques of Israel's human rights violations against Palestinians.¹⁶

RECOMMENDATIONS:

In light of the above, 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 the Austrian constitution, as evident in 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 criminalizing international solidarity with Palestinians, including at the United Nations, and through the criminalization of BDS and the misuse of laws and policies against terrorism and antisemitism.
4. 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, building upon the work of the mandate of the Special Rapporteur on racism
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. And install processes of reparation for those victimized.
7. Install independent as well as monitoring mechanisms, by, among other things, working group to monitor and to ensure the rights of those in solidarity with Palestine are not breached nor are those individuals being discriminated against.
8. Uphold policies and laws against anti-muslim racism, and closely monitor 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

¹⁶ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: "Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance." [A/77/512](#), 7 October 2022, paras 71-79.

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 support of an immediate ceasefire in Gaza, the funding of UNRWA.