



# **“FREEDOM OF EXPRESSION IS HIGHLY SELECTIVE”**

**AUSTRIA LIMITS EXPRESSIONS OF SOLIDARITY WITH  
PALESTINIANS**

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# 1. METHODOLOGY

Rooted in Austria's international human rights obligations, this briefing examines how the right to freedom of expression and peaceful assembly for people who express solidarity with Palestinians in Austria has been impacted. This briefing focuses on the period between 7 October 2023 and 31 October 2025, following Israel's military offensive on the occupied Gaza Strip (Gaza), and ongoing genocide against Palestinians in Gaza.

This briefing is based on:

- **Desk research:** this includes academic literature, General Comments by UN human rights treaty bodies, reports by UN Special Rapporteurs, government and non-governmental data on racist incidents, publicly available caselaw of the Viennese Administrative Court, social media posts, media reports, as well as statements and reports of public officials pertaining to expressions of solidarity with Palestinians in Gaza, including protests, between 7 October 2023 and 31 October 2025.
- **Observations from activists** expressing solidarity with Palestinians in this period and other individual's experiences. For the scoping of this briefing, Amnesty International researchers spoke to nine human rights activists holding events and assemblies in solidarity with Palestinians and monitoring cases of repression; two civil society organizations working on anti-Muslim racism and Islamophobia and on press freedom, respectively; and a journalist. No formal Focus Group Discussions (FGDs) were conducted, instead conversations were held both individually and in informal groups. Between July and November 2025, Amnesty International spoke with 19 individuals in semi-structured interviews both online and in person. All interviews were conducted in German. Four interviewees were working for four different Austrian civil society organizations (two interviewees are experts on discrimination and racism and the other two on international law and on communication, respectively). Amnesty International also interviewed three experts (working on Israel and Palestine and/or anthropology and religious studies) as well as two journalists. Ten interviewees were activists: five of them identified as Palestinian, including one who identified themselves as Austrian Palestinian; four activists identified as Jewish (one from Israel, two from Austria and one from the United States); one identified as neither of both. At the time of the interview, all interviewees except one were living in Austria. Amnesty International identified these individuals and organizations through outreach to groups expressing solidarity with Palestinians in Gaza at the launch of Amnesty's global campaign "Stop the Genocide in Gaza" and through desk research.

Amnesty International asked all interviewees about what they experienced when they engaged in actions and expressions of solidarity with Palestinians, when they criticised the actions of the government of Israel, and their experience of racism (online, at their workplace, with their friends/family or in public demonstrations). In line with Amnesty International's policy of informed consent and research standards, the identity of some of the interviewees is being protected, in accordance with their wishes and for personal or security reasons, by using a pseudonym or other means to anonymize identifying details. Eleven interviewees wished to be anonymized: most of them feared negative repercussions at their workplaces or did not want to put themselves, their loved ones or their own businesses at risk.

As an example of academic freedom, Amnesty International analysed the University of Vienna's actions around four events involving discussion of Israel's genocide against Palestinians in Gaza or the Palestinians' situation in the Occupied Palestinian Territory (OPT), as well as the experience of an academic who had expressed solidarity with Palestinians during the recruitment procedure. This

university was chosen because there have been several media reports of lectures on Palestine being restricted there.<sup>1</sup>

On 20 October 2025, Amnesty International approached the Federal Chancellery and the Ministry of Justice with a list of questions and an opportunity to answer them in person or in writing. Amnesty International also approached the University of Vienna with a list of questions and an opportunity to answer them in person or in writing on 6 November 2025. On 24 November 2025, the Office of the Rectorate of the University of Vienna responded by e-mail to the letter sent by Amnesty International Austria. On 24 November 2025, Amnesty International received a written response by the Ministry of Justice concerning Amnesty's questions; and on 29 December 2025 by the Federal Chancellery.

On 13 January 2026, the Federal Chancellery and the Ministry of Justice as well as the University of Vienna were provided with an opportunity to respond to Amnesty International's main findings prior to publication. On 23 January 2026, Amnesty International received written replies by the Federal Chancellery, the University of Vienna and the Ministry of Justice. All information received by the governmental authorities and University of Vienna was considered and incorporated in this briefing, if and where relevant.

## TERMINOLOGY

In this briefing:

Anti-Muslim racism and Islamophobia are used interchangeably. "Anti-Muslim racism" describes fear, prejudice and hatred against Muslims or individuals perceived to be Muslims that leads to provocation, hostility and intolerance. This is based on the working definition of Islamophobia submitted to the United Nations Human Rights Council.<sup>2</sup>

Anti-Palestinian racism is a more recent concept used to describe forms of racism that specifically targets Palestinians. The Arab Canadian Lawyers Association defined "Anti-Palestinian racism" as a form of anti-Arab racism that silences, excludes, erases, stereotypes, defames or dehumanizes Palestinians or their narratives. Anti-Palestinian racism takes various forms including: denying the Nakba and justifying violence against Palestinians; failing to acknowledge Palestinians as an Indigenous people with a collective identity, belonging and rights in relation to occupied and historic Palestine; erasing the human rights and equal dignity and worth of Palestinians; excluding or pressuring others to exclude Palestinian perspectives, Palestinians and their allies; defaming Palestinians and their allies with slander such as being inherently antisemitic, a terrorist threat/sympathizer or opposed to democratic values.<sup>3</sup>

Antisemitism is understood to be discrimination, prejudice, stereotypical discourse and hostility towards people who are Jewish or who are perceived to be Jewish, and/or their property, community or religious institutions because of their religious beliefs or ethnic and cultural identity.<sup>4</sup>

## ACKNOWLEDGEMENTS

Amnesty International would like to express its sincere gratitude to everyone who trusted the organization with their personal stories and experiences. This briefing would not exist without them.

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<sup>1</sup> For instance, Der Standard, "Uno-Expertin Albanese in Wien: "Israel will in Gaza nicht nur siegen, sondern zerstören", 7 December 2024, <https://www.derstandard.at/story/3000000248291/uno-expertin-albanese-in-wien-israel-will-in-gaza-nicht-nur-siegen-sondern-zerstoeren> (in German). Der Standard, "Uni Wien zieht Reißleine und sagt "Palästine"-Vortragsreihe ab", 3 November 2023, <https://www.derstandard.at/story/3000000193723/uni-wien-zieht-reissleine-und-sagt-palastine-vortragsreihe-ab> (in German).

<sup>2</sup> Professor Imran Awan and Dr Irene Zempi, A Working Definition of Islamophobia: A Briefing Paper prepared For the Special Rapporteur on freedom of religion or belief Preparation for the report to the 46th Session of Human Rights Council, November 2020, <https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/Islamophobia-AntiMuslim/Civil%20Society%20or%20Individuals/ProfAwan-2.pdf>.

<sup>3</sup> Arab Canadian Lawyers Association, Anti-Palestinian Racism: Naming, Framing and Manifestations, 2022, <https://static1.squarespace.com/static/61db30d12e169a5c45950345/t/627dcf83fa17ad41ff217964/1652412292220/Anti-Palestinian+Racism+Naming%2C+Framing+and+Manifestations.pdf>, p 17.

<sup>4</sup> This understanding is based on the United Nations (UN) Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which defines religious intolerance and discrimination as "any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis. UN General Assembly (UNGA) Resolution 36/55: *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, adopted on 25 November 1981, UN Doc. A/RES/36/55, Article 2.

## 2. INTRODUCTION

On 7 October 2023, following the deadly Hamas-led attacks in southern Israel, during which Hamas and other armed groups committed war crimes and crimes against humanity, Israel embarked on a military offensive on the occupied Gaza Strip (Gaza) of unprecedented magnitude, scale and duration. Amnesty International has concluded that Israel, through its policies, actions and omissions committed and is continuing to commit genocide against Palestinians in Gaza.<sup>5</sup>

Over this period, Israel has carried out relentless aerial and ground attacks and has killed over 72,000 Palestinians and seriously injured another 170,000, including tens of thousands of children. Israel has forcibly displaced 90% of 2.2 million Palestinians in the Gaza Strip, many of them over ten times. Despite the orders of the International Court of Justice of 2024, Israel is continuing to deliberately obstruct or deny cross-border movement of goods and people and distribution of aid across the Gaza Strip, which for nearly 60% has become a no-go zone for Palestinians due to the persistent deployment of the Israeli army therein. Israel has restricted power supplies in Gaza that, together with damage and destruction, has led to the collapse of the water, sanitation and healthcare systems. It has subjected hundreds, if not thousands, of Palestinians from Gaza to incommunicado detention and acts of torture and other cruel, inhuman or degrading treatment.<sup>6</sup> These actions have occurred within the broader context of Israel's unlawful military occupation of the Occupied Palestinian Territory (OPT) and its system of apartheid against all Palestinians whose rights it controls.<sup>7</sup>

Since October 2023, people in Europe have been taking to the streets to demand a ceasefire, to protest Israel's ongoing genocide against Palestinians in Gaza and Israel's system of apartheid over Palestinians, and to express solidarity with Palestinians in Gaza in other ways. In this period, for example, students have erected protest camps in universities across the region to demand cutting off ties with and disinvest from Israel. Many European countries have responded to these peaceful assemblies and expressions of solidarity by imposing disproportionate restrictions, including discriminatory pre-emptive bans; banning of certain chants, Palestinian flags, keffiyehs and other symbols; stigmatizing and harmful rhetoric by public officials, including senior politicians against protesters; the use of excessive force and arbitrary detention of protesters; and the dispersal of peaceful protests including student encampments.<sup>8</sup> Amnesty International's research has identified a worrying pattern across Europe: many of these restrictions fail to comply with the principles of legality, necessity and proportionality. They also entrench racial prejudice and stereotyping and raise serious concerns regarding the failure of European countries to combat racism and all other forms of discrimination and expose institutionalized racism towards Arab people and Muslim people, and particularly towards Palestinians.

Like in the rest of Europe, people in Austria have also been expressing solidarity with Palestinians and protesting Israel's ongoing genocide against Palestinians in Gaza. Their expressions of solidarity included protests, recurring vigils, student encampments and stunts such as showing anti-genocide

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<sup>5</sup> Amnesty International, *Amnesty concludes Israel is committing genocide in Gaza*, 5 December 2024, <https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/>.

<sup>6</sup> Amnesty International, *Amnesty concludes Israel is committing genocide in Gaza*, 5 December 2024, <https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/>.

<sup>7</sup> Amnesty International, *Israel's apartheid against Palestinians: Cruel system of domination and crime against humanity* (Index: MDE 15/5141/2022), 1 February 2022, <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>.

<sup>8</sup> Amnesty International, *Europe: Under Protected and Over Restricted: The state of the right to protest in 21 European countries* (Index: EUR 01/8199/2024), 8 July 2024, <https://www.amnesty.org/en/documents/eur01/8199/2024/en/>.

banners during parliamentary sessions or at cultural events.<sup>9</sup> Austria's government, on the other hand, has expressed unequivocal solidarity with the state of Israel during this period.<sup>10</sup>

## A. RISING DISCRIMINATION AND INCREASED INCIDENTS OF RACISM

Even prior to 7 October 2023, various international expert organizations highlighted a lack of effective measures by Austria to tackle racism. For instance, in 2020, the European Commission against Racism and Intolerance (ECRI) noted in its report on Austria “high levels of Islamophobia” and that the “public discourse has become increasingly xenophobic”. It further noted that “[w]hile the primary target of hate speech ... has been immigrants, those of Muslim background in particular, a rise in antisemitism has also been documented”.<sup>11</sup>

In December 2025, the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance noted in her preliminary statement at the end of her visit to Austria her deep concerns “about the rising levels of antisemitism in Austria” and that she “received reports that Islamophobia, anti-Arab racism, and anti-Palestinian racism have increased since 7 October 2023, in line with global trends in this regard. Austrian election periods, which tend to invoke harmful rhetoric, were also reported as being a trigger for increasing Islamophobia and related forms of racism.”<sup>12</sup>

Statements by civil society organizations suggest that after 2023 - in the wake of the deadly Hamas-led attacks in southern Israel of late 2023 and Israel's ongoing genocide against Palestinians in Gaza - organizations registered a sharp increase of racist, Islamophobic and antisemitic incidents in Austria.<sup>13</sup>

### INCREASED ANTI-MUSLIM RACISM

Anti-Muslim racism has been a long-standing concern in Austria. Even prior to 7 October 2023, the reports and findings of various international organizations noted, both, high levels of racism in Austria, and that the Austrian government lacked effective measures to tackle racism and racial discrimination. In 2022, Amnesty International noted how over the years, several states in Europe, including Austria, have been stigmatizing Muslims and subjecting them to a range of discriminatory and racist laws, policies and practices.<sup>14</sup> A survey conducted in 2022 for a report by the European Union Agency for Fundamental Rights (FRA) concerning the Muslim population in Austria found that

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<sup>9</sup> Amnesty International, *Europe: Under Protected and Over Restricted: The state of the right to protest in 21 European countries* (Index: EUR 01/8199/2024), 8 July 2024, <https://www.amnesty.org/en/documents/eur01/8199/2024/en/>, p 97; Der Standard, *Mahnwachen für den Frieden: Gewalt führt nur zu mehr Gewalt*, 24 November 2023, <https://www.derstandard.at/story/300000196624/mahnwachen-fuer-den-frieden-gewalt-fuehrt-nur-zu-mehr-gewalt>; Puls 24, *“Stoppt den Genozid” - Störaktion im Parlament*, 15 January 2024, <https://www.puls24.at/news/politik/stoppt-den-genozid-stoeraktion-im-parlament/318246>; FM4, *Wie das Palästina-Protestcamp in der Uni Wien für Aufregung sorgt*, 7 May 2024, <https://fm4.orf.at/stories/3041039/>; Die Presse, *Palästina-Protestcamp vor der TU Wien errichtet – und wieder geräumt*, 29 May 2024, <https://www.diepresse.com/18512066/palaestina-protestcamp-vor-der-tu-wien-errichtet-und-wieder-geraemt#slide-1-1>; ORF, *Antisraelische Demo von Polizei untersagt*, 7 October 2024, <https://wien.orf.at/stories/3276220/>; Die Zeit, *Propalästinensische Aktivisten stören Salzburger Festspiele*, 26 July 2025, <https://www.zeit.de/kultur/2025-07/oesterreich-salzbuerger-festspiele-eroeffnung-gaza-protest>.

<sup>10</sup> Federal Chancellery, Austria, “Bundeskanzler Nehammer: Stehen immer an der Seite Israels”, 9 October 2023, <https://www.bundeskanzleramt.gv.at/bundeskanzleramt/nachrichten-der-bundesregierung/2023/10/kanzler-nehammer-stehen-immer-an-der-seite-israels.html>; Israeli Ministry of Foreign Affairs, *President Herzog meets with Austrian Chancellor Karl Nehammer*, 25 October 2023, <https://www.gov.il/en/pages/president-herzog-meets-with-austrian-chancellor-karl-nehammer-25-oct-2023>; Austrian Ministry of Foreign Affairs, *Foreign Minister Schallenberg in Israel: Overcoming difficult times together as close partners*, 27 February 2024 <https://www.bmeia.gv.at/en/ministerium/presse/aktuelles/2024/02/foreign-minister-schallenberg-in-israel-overcoming-difficult-times-together-as-close-partners>.

<sup>11</sup> Council of Europe, European Commission against Racism and Intolerance (ECRI), *Report on Austria, Sixth Monitoring Cycle*, 7 April 2020, <https://rm.coe.int/report-on-austria-6th-monitoring-cycle-/16809e826f>, para 36.

<sup>12</sup> UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, *End of Mission Statement*, 9 December 2025, <https://www.ohchr.org/sites/default/files/statements/20251209-eom-stm-austria-sr-contemporary-forms-racism-en.pdf>.

<sup>13</sup> Antisemitismus Meldestelle, *Antisemitic cases 2023 in Austria*, 2024, [https://fca755ac-004d-4a98-bf62-6ebd5ba1ecc3.filesusr.com/ugd/49f9f8\\_5da10887d19c44aea2e3773cef56ca91.pdf](https://fca755ac-004d-4a98-bf62-6ebd5ba1ecc3.filesusr.com/ugd/49f9f8_5da10887d19c44aea2e3773cef56ca91.pdf), p. 7. Notably, government authorities as well as non-state actors refer to the IHRA WDA when collecting data. Dokumentationsstelle Islamfeindlichkeit und antimuslimischer Rassismus, *Antimuslimischer Rassismus Report 2023, 2024*, [https://dokustelle.at/fileadmin/Dokumente/Reports/Report\\_2023/Dokustelle\\_Oesterreich\\_Report\\_2023.pdf](https://dokustelle.at/fileadmin/Dokumente/Reports/Report_2023/Dokustelle_Oesterreich_Report_2023.pdf), p. 2, 74.

<sup>14</sup> Amnesty International, *Regional Overview of Islamophobia in Europe, Submission to PACE* (Index: EUR 01/5659/2022), 1 June 2022, <https://www.amnesty.eu/wp-content/uploads/2022/09/PACE-submission-Islamophobia-1-June-2022.pdf>.

66% of Muslim respondents experienced discrimination in the twelve months before the survey, the highest percentage amongst surveyed EU Member States.<sup>15</sup>

Following the attacks of 11 September 2001 in the USA, in Europe notions of race, religion and ethnicity have been conflated with a vague concept called “political Islam”. In this context, Muslims are widely perceived as “radicalized” and a danger to Western national security interests.<sup>16</sup> This is relevant to Austria’s so-called “fight against political Islam” – discussed in more detail below – that became prominent during the coalition government of the Peoples’ Party (ÖVP) and Freedom Party (FPÖ) during 2017-2019.<sup>17</sup> Other measures that further entrenched the stigmatization of the Muslim community in Austria as a whole included the establishment by the Austrian government of a new Documentation Center for Political Islam (*Dokumentationsstelle Politischer Islam*) as part of the strategy to “fight political Islam”.<sup>18</sup> One of the first actions of the centre was the creation of an “Islam map”<sup>19</sup> which lists all Muslim associations, religious communities and Muslim umbrella organizations active in Austria. These measures effectively placed Muslim civil society in Austria under general suspicion, as this list stigmatized these organizations and by sharing sensitive information about their membership exposed them to security risks.<sup>20</sup>

The role of politicians invoking harmful rhetoric is further exemplified by some politicians’ public statements that present a negative homogenised image of “Muslims from other countries”, automatically associating Muslims with antisemitism and antisemitism being “imported” to Austria. For instance, in 2020, the then Minister for Integration Susanne Raab publicly said that the “wave of refugees [sic, *Flüchtlingswelle*] in 2015 brought many people to Austria who had internalised antisemitism and hostility towards Jews in their countries of origin.”<sup>21</sup> The same minister stated at a press conference for the so-called “Islam-map” – which intends to give an overview of Muslim institutions and organizations in Austria – that “political Islam, with its different manifestations, is a threat to our value system. It is a threat to our liberal democracy, but also to our fundamental rights and the exercise of our religious freedom. Of course, not all activities of political Islam are criminally relevant, but it is our task as a society to create transparency wherever our democratic value foundation is being threatened.”<sup>22</sup> In 2025, the governor of Lower Austria stated that “one needs measures in the fight against Islam”<sup>23</sup>, which she later and after a public outcry rephrased to “political Islam”.<sup>24</sup>

Statements by Austrian governmental sources and civil society organizations suggest that following the Hamas-led attacks on southern Israel on 7 October 2023 and Israel’s ongoing genocide against

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<sup>15</sup> European Union Agency for Fundamental Rights (FRA), *Being Muslim in the EU*, 2024, [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2024-being-muslim-in-the-eu\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-being-muslim-in-the-eu_en.pdf), p. 36.

<sup>16</sup> Amnesty International, *Regional Overview of Islamophobia in Europe, Submission to PACE* (Index: EUR 01/5659/2022), 1 June 2022, <https://www.amnesty.eu/wp-content/uploads/2022/09/PACE-submission-Islamophobia-1-June-2022.pdf>.

<sup>17</sup> Government Programme of Work, *Zusammen. Für Österreich. Regierungsprogramm 2017 - 2022*, [https://www.oeh.ac.at/sites/default/files/files/pages/regierungsprogramm\\_2017-2022.pdf](https://www.oeh.ac.at/sites/default/files/files/pages/regierungsprogramm_2017-2022.pdf) (accessed 18 December 2025).

<sup>18</sup> Federal Chancellery, Integrationsministerin Raab: Dokumentationsstelle Politischer Islam nimmt Arbeit auf, 15 July 2020, <https://www.bundeskanzleramt.gv.at/bundeskanzleramt/nachrichten-der-bundesregierung/2020/integrationsministerin-raab-dokumentationsstelle-politischer-islam-nimmt-arbeit-auf.html>.

<sup>19</sup> Islam Map, [www.islam-landkarte.at](http://www.islam-landkarte.at) (accessed 18 December 2025)

<sup>20</sup> Amnesty International Austria, Twitter @amnestyaustria, 28 May 2021, <https://twitter.com/amnestyaustria/status/1398203960499097600>; While the Minister for Integration rejected such concerns, stating that the project did not target a specific religion or Muslims but those who “want to undermine Austria’s foundation of values”, and that the map “created transparency and shed light on structures”,<sup>20</sup> the way the map has been created, published and framed is highly stigmatizing, further embedding anti-Muslim racism in public discourse and society, as noted by the Council of Europe Special Representative of the Secretary General on antisemitic, anti-Muslim and other forms of religious intolerance and hate crimes, urging the Austrian authorities to withdraw the map.<sup>20</sup> The representative also noted that through the publication of (private) addresses and other details, people perceived the map as a threat to their security.

<sup>21</sup> Federal Chancellery, Integrationsministerin Raab: Offensive gegen Antisemitismus nach Synagogen-Angriffen, 27 August 2020, <https://www.bundeskanzleramt.gv.at/bundeskanzleramt/nachrichten-der-bundesregierung/2020/integrationsministerin-raab-offensive-gegen-antisemitismus-nach-synagogen-angriffen.html> (accessed 18 December 2025).

<sup>22</sup> Federal Chancellery, Integrationsministerin Raab: Spaltende und integrationsfeindliche Ideologie darf sich in Österreich nicht verbreiten, 27 May 2021, <https://www.bundeskanzleramt.gv.at/bundeskanzleramt/nachrichten-der-bundesregierung/2021/05/integrationsministerin-raab-spaltende-und-integrationsfeindliche-ideologie-darf-sich-in-oesterreich-nicht-verbreiten.html> (accessed 18 December 2025).

<sup>23</sup> ORF, *Muslime empört über Mikl-Leitner-Aussage*, 6 January 2025, <https://religion.orf.at/stories/3228317/>.

<sup>24</sup> Die Presse, *Kampf gegen den Islam – wirklich?*, 7 January 2025, <https://www.diepresse.com/19232665/kampf-gegen-den-islam-wirklich>.

Palestinians in Gaza, there has been a sharp increase of Islamophobic incidents in Austria.<sup>25</sup> The Austrian civil society organization Documentation Centre on Islamophobia and Anti-Muslim Racism registered a total of 1,522 anti-Muslim incidents for 2023 with over 60% being reported between October and December 2023, indicating a sharp increase after 7 October 2023.<sup>26</sup> On 6 November 2023, the organization published a statement titled “Worrying increase of reports of anti-Muslim racism” and warned that “[s]ince October 2023, the Documentation Centre has recorded more cases than in the months of January to September of this year”.<sup>27</sup> Moreover, the Ministry of Interior registered a 13% increase of anti-Muslim hate crimes committed in 2023 compared to 2022.<sup>28</sup> In 2024, 1,336 anti-Muslim incidents were reported to the Documentation Centre, with many occurring in the context of assemblies in solidarity with Palestinians in Gaza.<sup>29</sup> The Ministry of Interior declared that in 2024, 246 hate crimes (7% increase from the previous year) were committed against Muslims.<sup>30</sup>

Two representatives of civil society organizations working in the field of anti-racism and non-discrimination told Amnesty International about the structural racism and discrimination underpinning such attacks. Dunia, the head of legal advice of one of these organizations told Amnesty International:

**“Anti-Muslim racism is normalised both in media and politics. People are not shocked.” She explained further: “Muslims will never be seen solely as victims but also always as perpetrators. We can see this in the public discourse, as Muslims are constantly being asked to distance themselves from 7 October 2023. [This perception of Muslims is] deeply anchored in our society and in racism.”<sup>31</sup>**

## ANTI-PALESTINIAN RACISM

Anti-Palestinian racism is a form of racism that silences, excludes, erases, stereotypes, defames or dehumanizes Palestinians or their narratives. Anti-Palestinian racism takes various forms including: denying the Nakba and justifying violence against Palestinians; failing to acknowledge Palestinians as an Indigenous people with a collective identity, belonging and rights in relation to occupied and historic Palestine; erasing the human rights and equal dignity and worth of Palestinians; excluding or pressuring others to exclude Palestinian perspectives, Palestinians and their allies; defaming Palestinians and their allies with slander such as being inherently antisemitic, a terrorist threat/sympathizer or opposed to democratic values.<sup>32</sup>

An **Austrian-Palestinian**, born in Jerusalem and living in Austria for many years, told Amnesty International researchers about how they experienced racism against Palestinians following 7 October 2023:

**“There was a huge change with 7 October [2023], it was so difficult for many to deal with the issue. I always have a sense that I have to justify myself when someone talks to me. As soon as it becomes apparent that I’m Palestinian,**

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<sup>25</sup> Antisemitismus Meldestelle, *Antisemitic cases 2023 in Austria*, 2024, [https://fca755ac-004d-4a98-bf62-6ebd5ba1ecc3.filesusr.com/ugd/49f9f8\\_5da10887d19c44aea2e3773cef56ca91.pdf](https://fca755ac-004d-4a98-bf62-6ebd5ba1ecc3.filesusr.com/ugd/49f9f8_5da10887d19c44aea2e3773cef56ca91.pdf), p. 7; Dokumentationsstelle Islamfeindlichkeit und antimuslimischer Rassismus, *Antimuslimischer Rassismus Report 2023*, 2024, [https://dokustelle.at/fileadmin/Dokumente/Reports/Report\\_2023/Dokustelle\\_Oesterreich\\_Report\\_2023.pdf](https://dokustelle.at/fileadmin/Dokumente/Reports/Report_2023/Dokustelle_Oesterreich_Report_2023.pdf), p. 2, 74.

<sup>26</sup> Dokustelle Islamfeindlichkeit und antimuslimischer Rassismus, *Antimuslimischer Rassismus Report 2023*, 2024, <https://dokustelle.at/reports/dokustelle-report-2023>, p.9.

<sup>27</sup> The statement referred to smears on residential complexes and Muslim institutions, including calls to “kill all Muslims”. The organization further received reports on teachers asking pupils to give political statements about Israel and Palestine in class. Reportedly, especially on social media, Muslims were not only being equated with terrorism and violence but also given the sole responsibility for antisemitism in Austria. The organisation stated that there was a particular increase on social media, Muslims were being regularly dehumanized, compared to animals and portrayed as “ready to murder”. See Dokustelle für Islamfeindlichkeit & antimuslimischen Rassismus, *Besorgniserregender Anstieg an Meldungen von Antimuslimischem Rassismus*, 6 November 2023, [https://dokustelle.at/fileadmin/user\\_upload/Stellungnahme\\_Dokustelle\\_OE\\_6.11.2023.pdf](https://dokustelle.at/fileadmin/user_upload/Stellungnahme_Dokustelle_OE_6.11.2023.pdf).

<sup>28</sup> Ministry of Interior, *Status report on Hate Crimes 2023*, 2024, [https://www.bmi.gv.at/408/Projekt/files/285\\_2024\\_Hate\\_Crime\\_Bericht\\_2023\\_Englisch\\_V20241009\\_webBF.pdf](https://www.bmi.gv.at/408/Projekt/files/285_2024_Hate_Crime_Bericht_2023_Englisch_V20241009_webBF.pdf), p.53.

<sup>29</sup> Dokustelle Islamfeindlichkeit und Antimuslimischer Rassismus, *Antimuslimischer Rassismus Report 2024*, <https://dokustelle.at/reports/dokustelle-report-2024> (accessed 18 December 2025), see page 12 for increase of reported cases since 2015.

<sup>30</sup> Ministry of Interior, *Status report on Hate Crimes 2024*, July 2025, [https://www.bmi.gv.at/408/Projekt/files/160\\_2025\\_Hate\\_Crime\\_Bericht\\_2024\\_V20250723\\_webBF.pdf](https://www.bmi.gv.at/408/Projekt/files/160_2025_Hate_Crime_Bericht_2024_V20250723_webBF.pdf), p. 92-93.

<sup>31</sup> Interview with Dunia, 31 July 2025, online.

<sup>32</sup> Arab Canadian Lawyers Association, *Anti-Palestinian Racism: Naming, Framing and Manifestations*, 25 April 2022, <https://static1.squarespace.com/static/61db30d12e169a5c45950345/t/627dcf83fa17ad41ff217964/165241229220/Anti-Palestinian+Racism-+Naming%2C+Framing+and+Manifestations.pdf>.

**there is a need for explanation. In the beginning, I understood that it was because the shock of 7 October was so great. At the same time, the Israeli attacks began, and we were emotionally already somewhere else... After half a year, I no longer understood why I always had to say that I condemned the 7 October attacks and that it was a massacre. One is forced to do so. Now it seems to me like a learned slogan. Otherwise, you aren't able to participate in the discourse.”<sup>33</sup>**

Amnesty International could not identify data on racism against Palestinians specifically, as there is in general a lack of disaggregated data on the experience of Palestinians.<sup>34</sup> The Austrian government does not collect this disaggregated data, as a result of which it is difficult to identify and monitor anti-Palestinian racism as a form of racism distinct from anti-Muslim racism. This monitoring is crucial to understand the specific impact on and experiences of Palestinians, and to put in place measures to ensure protection and remedy for acts of discrimination as required under international human rights law.

## **AUSTRIA'S OBLIGATIONS UNDER INTERNATIONAL HUMAN RIGHTS LAW**

The principle of equality and non-discrimination is a cornerstone of international human rights law. Respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion is established as one of the purposes of the United Nations in Article 1 of the Charter of the United Nations.<sup>35</sup> Furthermore, the Universal Declaration of Human Rights provides that everyone is entitled to all the rights and freedoms in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.<sup>36</sup> The core international human rights treaties all have provisions that uphold equality and prohibit discrimination.<sup>37</sup>

As a state party to the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), Austria is obliged to “condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms (...)”.<sup>38</sup> As such, Austria has the obligation under international human rights law to review government, national and local policies and to amend or repeal laws and regulations which create or perpetuate racial discrimination.<sup>39</sup> In addition, Austria is a state party to the core human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) – all of which require Austria to prohibit discrimination with respect to the rights guaranteed under these conventions and treaties.<sup>40</sup>

Austria has also signed the Durban Declaration and Programme of Action which declares that “racism, racial discrimination (...) constitute serious violations of and obstacles to the full enjoyment of all human rights and deny the self-evident truth that all human beings are born free and equal in dignity and rights (...)”<sup>41</sup>

Consequently, Austria is required to take effective measures to combat all forms of discrimination, including on the grounds of religion and national origin, and structural racism, including antisemitism and anti-Muslim racism. However, to date Austria lacks a coherent and consistent prohibition of racial discrimination in domestic legislation and the government does not collect disaggregated data on

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<sup>33</sup> Interview with Anonymous, 10 July 2025, in person.

<sup>34</sup> UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, 9 December 2025, available at <https://www.ohchr.org/sites/default/files/statements/20251209-eom-stm-austria-sr-contemporary-forms-racism-en.pdf>.

<sup>35</sup> United Nations, Charter, 24 October 1945, <https://www.un.org/en/about-us/un-charter>.

<sup>36</sup> United Nations, Universal Declaration on Human Rights, *General Assembly resolution 217 A*, 10 December 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

<sup>37</sup> United Nations Human Rights Council, *Contemporary forms of racism, racial discrimination, xenophobia and related intolerance*, 29 May 2025, UN Doc. A/HRC/59/62, <https://docs.un.org/en/A/HRC/59/62>, para. 11.

<sup>38</sup> United Nations, ICERD, Article 2 (1).

<sup>39</sup> OHCHR, ICERD Factsheet No 12, <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet12en.pdf>.

<sup>40</sup> United Nations, ICCPR Article 2; Council of Europe, ECHR, Article 14.

<sup>41</sup> United Nations High Commissioner for Human Rights, *World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Declaration and Programme of Action*, [https://www.ohchr.org/sites/default/files/Documents/Publications/Durban\\_text\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/Durban_text_en.pdf).

racism in Austria.<sup>42</sup> Despite recommendations by the UN Committee on the Elimination of Racial Discrimination and the UN Human Rights Committee, Austria has not established a national action plan on ending racism in the country, including anti-Muslim racism.<sup>43</sup> As noted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance during her visit to Austria in December 2025, Austria has national strategies to address racism experienced by specific groups, such as the National Strategy for the Inclusion of Roma and the National Strategy against Antisemitism. However, it has so far failed to adopt similar policies regarding other marginalised racial and ethnic groups, including Africans and people of African descent and those affected by Islamophobia.<sup>44</sup>

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<sup>42</sup> Committee on the Elimination of Racial Discrimination (CERD), Concluding Observations: Austria, 23 October 2012, UN Doc. CERD/C/AUT/CO/18-20, para 4, 5, 11.

<sup>43</sup> Committee on the Elimination of Racial Discrimination (CERD), Concluding Observations: Austria, 23 October 2012, UN Doc. CERD/C/AUT/CO/18-20, para 9; Human Rights Committee, Concluding observations on the fifth periodic report of Austria, 3 December 2015, UN Doc. CCPR/C/AUT/CO/5, para 16; Human Rights Committee, Sixth periodic report submitted by Austria under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2025, 24 November 2025, UN Doc. CCPR/C/AUT/6, para 46. Regarding measures against anti-Muslim racism, the Federal Chancellery referred Amnesty International in a written response received on 29 December 2025 to the "Anti-racism Strategy". It was adopted by the former Ministry of Art, Culture, Public service and Sports (BMKÖS) in 2024 and addresses, for instance, the issue of anti-Muslim racism. However, the strategy is limited to the responsibilities of said Ministry and does not constitute a comprehensive national action plan against racism. See BMKÖS, Antirassismus-Strategie (ARS), 2024, <https://www.bmwkms.gv.at/dam/jcr:ec8e92ef-f349-44d1-8700-94b5f5293030/ars.pdf>, p. 27.

<sup>44</sup> UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, End of Mission Statement, 9 December 2025, <https://www.ohchr.org/sites/default/files/statements/20251209-eom-stm-austria-sr-contemporary-forms-racism-en.pdf>.

### 3. BARRIERS TO EXPRESSING SOLIDARITY WITH PALESTINIANS

In their 2024 report, the UN Special Rapporteur on Freedom of Expression noted that “[t]he conflict in Gaza has unleashed a global crisis of freedom of expression [and that] rarely has a conflict challenged freedom of opinion and expression so broadly and so far beyond its borders.”<sup>45</sup> The Special Rapporteur identified challenges to the right to freedom of expression relating directly and indirectly to Israel’s attacks on Gaza, among them the “suppression of Palestinian voices and views in a discriminatory and disproportionate manner” and “the blurring of the boundaries between protected and prohibited speech”.<sup>46</sup>

#### A. AUSTRIA’S HUMAN RIGHTS OBLIGATIONS

Austria is a state party to several international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR)<sup>47</sup> and the European Convention on Human Rights (ECHR).<sup>48</sup> In line with the right to non-discrimination, Austria has to respect and ensure that all individuals within its territory and subject to its jurisdiction can exercise the rights enshrined in the ICCPR without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.<sup>49</sup>

#### RIGHT OF PEACEFUL ASSEMBLY

Everyone has an equal right to exercise the right to freedom of peaceful assembly. States must respect, protect and facilitate this right without discrimination of any kind in law and practice.<sup>50</sup> The right of peaceful assembly protects the non-violent gathering by persons for specific purposes, for instance in order to express themselves.<sup>51</sup>

Under international human rights law, assemblies are protected by a presumption of peacefulness and the burden rests on the authorities to present convincing evidence to the contrary when imposing any restrictions.<sup>52</sup> Moreover, human rights law protects peaceful assemblies, even in instances where they are considered illegal under domestic law. Crucially, an assembly does not lose its peaceful character due to isolated acts of violence by participants, and an assembly can only be characterized as non-peaceful when the authorities demonstrate that the level of violence is both serious and manifestly widespread within the assembly.<sup>53</sup> In this respect, the Human Rights Committee has stated that violence “typically entails the use by participants of physical force against others that is likely to result in injury or death, or serious damage to property. Mere pushing and shoving or disruption of vehicular or pedestrian movement or daily activities do not amount to ‘violence’.”<sup>54</sup>

States must accept that peaceful assemblies can sometimes express contentious ideas or pursue contentious goals<sup>55</sup> and as part of their positive obligations, states must not use stigmatizing rhetoric in

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<sup>45</sup> UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Global threats to freedom of expression arising from the conflict in Gaza* (previously cited) para. 1.

<sup>46</sup> UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Global threats to freedom of expression arising from the conflict in Gaza* (previously cited) para. 6.

<sup>47</sup> International Covenant on Civil and Political Rights (ICCPR), Austria ratified on 10 September 1978.

<sup>48</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), Austria ratified on 3 September 1958.

<sup>49</sup> ICCPR, Article 2(1); UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Global threats to freedom of expression arising from the conflict in Gaza* (previously cited) para. 9.

<sup>50</sup> UDHR, Article 20; ICCPR, Article 21; ECHR, Article 11.

<sup>51</sup> HRC, General Comment 37 (previously cited), para. 4.

<sup>52</sup> HRC, General Comment 37 (previously cited), para. 17.

<sup>53</sup> HRC, General Comment 37 (previously cited), paras. 15, 17 and 19.

<sup>54</sup> HRC, General Comment 37 (previously cited), paras. 15-17.

<sup>55</sup> HRC, General Comment 37 (previously cited), para. 7.

relation to the objectives of the assembly or its participants.<sup>56</sup> The principle of “content neutrality” is fundamental to the assessment of what constitutes permissible restrictions of the right of peaceful assembly and it dictates that any interference with the right must not be aimed at restricting the message of an assembly, other than messages that international human rights law already requires states to prohibit.<sup>57</sup> In this regard, states have also an obligation to take action against advocacy of hatred that reaches the level of incitement in the context of assemblies. When individual participants engage in advocacy of hatred, the authorities shall identify and take measures against the specific individuals but should allow the remainder of the participants to continue exercising their right to peaceful assembly.<sup>58</sup> An intervention against the entire assembly may only be warranted when the advocacy of hatred constituting incitement is intrinsically connected with the dominant message of the event.<sup>59</sup> Any restrictions to the right of peaceful assembly must be prescribed by law and be necessary for and proportionate to at least one of the permissible grounds of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.<sup>60</sup> This means that the restriction must be the least intrusive measure amongst those which might achieve its legitimate aim (principle of necessity), it should not impair the essence of the right, and it must also be proportionate, meaning that the impact on the restricted right is smaller than the benefit obtained by the interference.

Regarding the policing of assemblies, the Human Rights Committee has made it clear that it should be guided by human rights considerations.<sup>61</sup> When imposing restrictions, authorities must always be guided by the objective of facilitating the right,<sup>62</sup> and the burden is on the authorities to justify that those restrictions are necessary and proportionate on a case-by-case basis. The UN Human Rights Committee in its General Comment 37 on the right of peaceful assembly, clarifies that the prohibition of an assembly must always be a measure of last resort and that rather than imposing preventative bans, States should consider allowing the assembly to take place and decide afterwards whether measures should be taken in light of possible transgressions during the event.<sup>63</sup> Assemblies may only be dispersed in exceptional cases, for example if the assembly is no longer peaceful “or if there is clear evidence of an imminent threat of serious violence that cannot be reasonably addressed by more proportionate measures, such as targeted arrests.”<sup>64</sup> The fact that a peaceful assembly is considered unlawful under domestic law, or that minor violations of the law occur during a peaceful assembly, should not necessarily lead to a decision to disperse an assembly.<sup>65</sup>

## **FREEDOM OF EXPRESSION AND ADVOCACY OF HATRED**

Everyone has an equal right to exercise their right to freedom of expression and Austria has the obligation to respect, protect and fulfil this right under international human rights law.<sup>66</sup> All branches of the state, that is executive, legislative and judicial branch, and other public or governmental authorities, at every level – national, regional or local – have this responsibility.<sup>67</sup> The right to freedom of expression guarantees the right to seek, receive and impart information and ideas of all kinds. It extends to expression which shocks, offends or disturbs. It protects for example political discourse, discussion of human rights, media freedom, comments on public affairs, cultural and artistic expression and teaching.<sup>68</sup> All forms of expression are protected, including spoken, written and sign language and non-verbal expression such as images and objects of art. Also, the means of their

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<sup>56</sup> UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Report: *Protecting the rights to freedom of peaceful assembly and of association from stigmatization*, 31 July 2024, UN Doc. A/79/263, para. 11.

<sup>57</sup> HRC, General Comment 37 (previously cited), paras. 22, 26 and 48.

<sup>58</sup> HRC, General Comment 37 (previously cited), para. 65.

<sup>59</sup> HRC, General Comment 37 (previously cited), para. 50.

<sup>60</sup> ICCPR, Article 21; HRC, General Comment 37 (previously cited), para 40.

<sup>61</sup> HRC, General Comment 37 (previously cited), para. 74 – 95.

<sup>62</sup> HRC, General Comment 37 (previously cited), para. 36 and 74.

<sup>63</sup> HRC, General Comment 37 (previously cited), para. 37.

<sup>64</sup> HRC, General Comment 37 (previously cited), para. 85.

<sup>65</sup> HRC, General Comment 37 (previously cited), paras. 15, 17, 85.

<sup>66</sup> UDHR, Article 19; ICCPR, Article 19; ECHR, Article 10.

<sup>67</sup> HRC, General Comment 34 (previously cited), para. 7.

<sup>68</sup> HRC, General Comment 34 (previously cited), para. 11.

dissemination are protected, including books, newspapers, pamphlets, posters, banners, dress and legal submissions. This includes all forms of audio-visual and electronic and online modes of expression.<sup>69</sup>

According to Article 19 (3) ICCPR, restrictions on the right to freedom of expression have to meet all elements of a stringent three-part test. They must be provided for by law that is precise, public and does not give undue discretion to authorities<sup>70</sup>, be demonstrably necessary and proportionate for the purpose of protecting the legitimate aims of national security, public order or public health or morals or the rights or reputations of others.<sup>71</sup> Restrictions that do not comply with this test violate the right to freedom of expression, even when no penalties occur. They must never jeopardize the right to freedom of expression itself<sup>72</sup> and must not be discriminatory in their intention or effect.<sup>73</sup> There must be procedural safeguards against abusive imposition of restrictions, including provision for appeal to an independent body with some form of judicial review.<sup>74</sup> The Human Rights Committee has clarified that “paragraph 3 [of Article 19 ICCPR] may never be invoked as a justification for the muzzling of any advocacy of multi-party democracy, democratic tenets and human rights”.<sup>75</sup>

However, freedom of expression cannot be used as a licence to incite discrimination, hostility and violence against others. According to Article 20 ICCPR, states are required to prohibit “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”<sup>76</sup> in a manner that complies with the three-part test.<sup>77</sup> Prohibited advocacy of hatred is more than just the expression of ideas or opinions that are hateful towards members of a particular group. Authorities must assess on a case-by-case basis, ensuring due process guarantees, and demonstrate that the author or authors of the given expression have an intention to promote hatred publicly toward a target group and that the statement creates an imminent risk of discrimination, hostility or violence against said group.<sup>78</sup>

The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, adopted in 2012 under the auspices of the Office of the United Nations High Commissioner for Human Rights (OHCHR), calls for a clear distinction between three types of expression: expression that constitutes a criminal offence; expression that is not criminally punishable, but may justify a civil suit or administrative sanctions; and expression that does not give rise to criminal, civil or administrative sanctions, but still raises concern in terms of “tolerance, civility and respect for the rights of others”. It sets out six criteria for identifying what falls in the category of expression that should constitute a criminal offence in states’ national laws:

- **“Context:** Context is of great importance when assessing whether particular statements are likely to incite discrimination, hostility or violence against the target group, and it may have a direct bearing on both intent and/or causation. Analysis of the context should place the speech act within the social and political context prevalent at the time the speech was made and disseminated;
- **Speaker:** The speaker’s position or status in the society should be considered, specifically the individual’s or organization’s standing in the context of the audience to whom the speech is directed;

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<sup>69</sup> HRC, General Comment 34 (previously cited), para. 12.

<sup>70</sup> HRC, General Comment 34 (previously cited), para. 25.

<sup>71</sup> ICCPR, Article 19(3); HRC, General Comment 34 (previously cited), paras. 21-22.

<sup>72</sup> HRC, General Comment 34 (previously cited), para. 21.

<sup>73</sup> HRC, General Comment 34 (previously cited), para. 26.

<sup>74</sup> ICCPR, Article 2(3).

<sup>75</sup> HRC, General Comment 34 (previously cited), para. 23.

<sup>76</sup> ICCPR, Article 20(2).

<sup>77</sup> HRC, General Comment 34 (previously cited), para. 50.

<sup>78</sup> Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred that Constitutes Incitement to Discrimination, Hostility or Violence, UN Doc. A/HRC/22/17/Add.4, appendix, footnote 5; Regarding the assessment of incitement, see for instance UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Report, 7 September 2012, UN Doc. A/67/357, para. 46.

- **Intent:** Article 20 ICCPR anticipates intent. Negligence and recklessness are not sufficient for an act to be an offence under article 20 of the Covenant, as this article provides for “advocacy” and “incitement” rather than the mere distribution or circulation of material. In this regard, it requires the activation of a triangular relationship between the object and subject of the speech act as well as the audience.
- **Content and form:** The content of the speech constitutes one of the key foci of the court’s deliberations and is a critical element of incitement. Content analysis may include the degree to which the speech was provocative and direct, as well as the form, style, nature of arguments deployed in the speech or the balance struck between arguments deployed;
- **Extent of the speech act:** Extent includes such elements as the reach of the speech act, its public nature, its magnitude and size of its audience. Other elements to consider include whether the speech is public, what means of dissemination are used, for example by a single leaflet or broadcast in the mainstream media or via the Internet, the frequency, the quantity and the extent of the communications, whether the audience had the means to act on the incitement, whether the statement (or work) is circulated in a restricted environment or widely accessible to the general public;
- **Likelihood, including imminence:** Incitement, by definition, is an inchoate crime. The action advocated through incitement speech does not have to be committed for said speech to amount to a crime. Nevertheless, some degree of risk of harm must be identified. It means that the courts will have to determine that there was a reasonable probability that the speech would succeed in inciting actual action against the target group, recognizing that such causation should be rather direct.”

## HUMAN RIGHTS DEFENDERS

International human rights law and standards recognise the right to defend human rights as an autonomous and independent right.<sup>79</sup> A human rights defender is a person who, individually or in association with others, acts to defend and promote human rights at the local, national, regional or international levels, in a peaceful manner and without resorting to or advocating hatred, discrimination or violence. Amongst other activities, human rights defenders have the right to form and participate in non-governmental organizations, associations or groups; to participate in the conduct of public affairs; to meet or assemble peacefully; to develop and hold opinions about the protection of human rights and to critique any aspect of the work of governmental bodies that may hinder or impede the promotion, protection and realization of human rights; to draw these matters to public attention and to advocate for human rights.<sup>80</sup>

Article 12 of the UN Declaration on Human Rights Defenders declares that states should ensure that human rights defenders can work in a safe and enabling environment and to protect them against undue restrictions, violence, threats, discrimination or any form of retaliation due to their human rights activism. It calls on states to ensure that human rights defenders are protected effectively in national law.<sup>81</sup> When states retaliate against human rights defenders or fail to protect them from retaliation in the form of stigmatization, criminalization or otherwise, it creates a “chilling effect” on those who may want to voice their human rights concerns or express their solidarity with the victims of violations.

A “chilling effect” for the purposes of international human rights law may be defined as “the negative effect any state action has on natural and/or legal persons, and which results in pre-emptively dissuading them from exercising their rights or fulfilling their professional obligations, for fear of being

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<sup>79</sup> Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders), UN Doc A/RES/53/144, 8 March 1999.

<sup>80</sup> Declaration on Human Rights Defenders, Articles 5, 6, 7, 8, 9 and 12.

<sup>81</sup> Declaration on Human Rights Defenders, Articles 5 and 12.

subject to formal state proceedings which could lead to sanctions or informal consequences such as threats, attacks or smear campaigns.”<sup>82</sup>

## B. RESTRICTIONS ON THE CHANT “FROM THE RIVER TO THE SEA”

The chant “from the river to the sea, Palestine will be free” has been used since the 1960s by many different groups in many different contexts with various meanings.<sup>83</sup> For some, it is seen as a chant to demand equal rights for Palestinians wherever they are located. Some groups have described it as a call for Palestinians to be free from the oppression of apartheid, which Palestinians are subjected to whether in the West Bank and Gaza, in Israel, or as refugees who are denied the right to return.<sup>84</sup> For others, it represents a call for Israel’s destruction. By 2017, also Hamas claimed the slogan, as it is opposing a 2-state solution.<sup>85</sup> The phrase “between the river to the sea” has also been used by Israeli political parties such as the Likud 1977 in its founding charter, which states: “Between the sea and the Jordan there will only be Israeli sovereignty.”<sup>86</sup>

In Austria, this chant has been restricted and subject to a non-public decree issued in November 2023 by the Ministry of Justice.<sup>87</sup> Police authorities prohibited at least seven assemblies between October and November 2023 in Vienna, where this chant was likely to be used, because they assessed the chant as “inciteful”. According to their interpretation, the chant amounted to a call to “violently erase Israel” and “reinforce antisemitic feelings against the Jewish population in Austria” in the context following the Hamas-led attacks on southern Israel on 7 October 2023.<sup>88</sup> During a press conference following the banning of a protest on 11 October 2023, a representative of the police force said that in “the current context”, the police interpreted the chant as “a clear call to violence” meaning to “wipe Israel off the map”.<sup>89</sup> On other occasions, the Austrian authorities have said the chant stands for “the establishment of a State of Palestine from the Jordan to the Mediterranean and thus effectively erasing Israel from the map”, therefore “denying Israel the right to exist” and is thus “antisemitic”.<sup>90</sup> This is also reflected in the government’s revised “National Strategy against Antisemitism”, published in November 2025, where the government continues to equate the chant with “[the call for the] establishment of a Palestinian State from the Jordan to the Mediterranean and

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<sup>82</sup> Laurent Pech, *Open Society European Policy Institute, The Concept of Chilling Effect: Its untapped potential to better protect democracy, the rule of law, and fundamental rights in the EU*, March 2021, <https://www.opensocietyfoundations.org/uploads/c8c58ad3-fd6e-4b2d-99fa-d8864355b638/the-concept-of-chilling-effect-20210322.pdf>, p.4.

<sup>83</sup> Article 19, *‘From the River to the Sea’: Protecting freedom of expression in public discourse and protest during the conflict in Israel and Palestine*, 22 May 2024, <https://www.article19.org/wp-content/uploads/2024/05/From-the-River-to-the-Sea-analysis-1.pdf>, p. 2; Amos Goldberg, Alon Confino “‘From the river to the sea’: One slogan, many meanings”, 27 March 2024, *The Review of Democracy*, <https://revdem.ceu.edu/2024/03/27/from-the-river-to-the-sea-one-slogan-many-meanings/>.

<sup>84</sup> <https://apnews.com/article/river-sea-israel-gaza-hamas-protests-d7abbd756f481fe50b6fa5c0b907cd49>; The Brown Daily Herald, *An open letter from Jewish students*, 7.11.2023 <https://www.browndailyherald.com/article/2023/11/an-open-letter-from-jewish-students>

<sup>85</sup> Middle East Eye, “Hamas in 2017: The document in full”, 2 May 2017, <https://www.middleeasteye.net/news/hamas-2017-document-full>.

<sup>86</sup> The Likud Party’s *original platform* stated in 1977, “Judea and Samaria”—also known as the West Bank—“will not be handed to any foreign administration; between the Mediterranean Sea and the Jordan River there will only be Israeli sovereignty.” See also <https://www.thenation.com/article/world/its-time-to-confront-israels-version-of-from-the-river-to-the-sea/>.

<sup>87</sup> See below, for instance Reuters, “‘From the river to the sea’ prompts Vienna to ban pro-Palestinian protest”, 11 October 2023, <https://www.reuters.com/world/from-river-sea-prompts-vienna-ban-pro-palestinian-protest-2023-10-11/>;

According to media reports, court decisions and statements by interviewees, the Ministry of Justice released a non-public decree on 30 November 2023 to the Public Prosecution Office containing their legal assessment of the slogan. The Ministry of Justice stated in its written response received by Amnesty International on 24 November 2025 that the decree was not public and which was why it could not be transmitted. See Ministry of Justice, written response to Amnesty International enquiry dated 20 October 2025, received on 24 November 2025.

<sup>88</sup> Vienna Administrative Court, VGW-103/040/15922/2023, 4 December 2024, [https://www.ris.bka.gv.at/Dokumente/Lvwg/LVWGT\\_WI\\_20241204\\_VGW\\_103\\_040\\_15922\\_2023\\_00/LVWGT\\_WI\\_20241204\\_VGW\\_103\\_040\\_15922\\_2023\\_00.html](https://www.ris.bka.gv.at/Dokumente/Lvwg/LVWGT_WI_20241204_VGW_103_040_15922_2023_00/LVWGT_WI_20241204_VGW_103_040_15922_2023_00.html) (in German) p. 9; Vienna Administrative Court, VGW-103/040/16069/2023, 4 December 2024, [https://www.ris.bka.gv.at/Dokumente/Lvwg/LVWGT\\_WI\\_20241204\\_VGW\\_103\\_040\\_16069\\_2023\\_00/LVWGT\\_WI\\_20241204\\_VGW\\_103\\_040\\_16069\\_2023\\_00.html](https://www.ris.bka.gv.at/Dokumente/Lvwg/LVWGT_WI_20241204_VGW_103_040_16069_2023_00/LVWGT_WI_20241204_VGW_103_040_16069_2023_00.html) (in German) p. 11; Vienna Administrative Court, VGW-103/040/16067/2023, 4 December 2024, [https://www.ris.bka.gv.at/Dokumente/Lvwg/LVWGT\\_WI\\_20241204\\_VGW\\_103\\_040\\_16067\\_2023\\_00/LVWGT\\_WI\\_20241204\\_VGW\\_103\\_040\\_16067\\_2023\\_00.html](https://www.ris.bka.gv.at/Dokumente/Lvwg/LVWGT_WI_20241204_VGW_103_040_16067_2023_00/LVWGT_WI_20241204_VGW_103_040_16067_2023_00.html), p.11.

<sup>89</sup> Reuters, “‘From the river to the sea’ prompts Vienna to ban pro-Palestinian protest”, 11 October 2023, <https://www.reuters.com/world/from-river-sea-prompts-vienna-ban-pro-palestinian-protest-2023-10-11/>.

<sup>90</sup> Federal Chancellery, Austria, “Was ist Antisemitismus?” [“What is antisemitism?”], <https://www.bundeskanzleramt.gv.at/kampagne-gegen-antisemitismus/fragen-und-antworten/was-ist-antisemitismus.html> (in German, accessed on 19 December 2025); Federal Chancellery, Austria, “Welche Erscheinungsformen von Antisemitismus gibt es?” [“What are the forms of antisemitism?”], <https://www.bundeskanzleramt.gv.at/kampagne-gegen-antisemitismus/fragen-und-antworten/erscheinungsformen-von-antisemitismus.html> (in German, accessed on 19 December 2025).

therefore effectively erase Israel from the map” and thus saying that the use of the chant amounts to “Israel-related antisemitism”.<sup>91</sup>

According to media reports, the Ministry of Justice adopted a non-public decree to the Chief Prosecution Office, which included the ministry’s legal assessment on when the voicing of the chant could be considered unlawful.<sup>92</sup> Amnesty International requested information on the contents of this decree in its correspondence with the Ministry of Justice and asked the Ministry about what the criteria for its legal assessment are. In its written response to Amnesty International, the Ministry of Justice stated that the decree is not public and hence, cannot be shared with Amnesty International. It further stated that, in the Ministry’s view, the chanting of this phrase, in particular at rallies which are public, were suitable to present an initial suspicion of “approval of terrorist offences” according to Section 282a (2) Austrian Criminal Code. On this basis, they considered it necessary to carry out an investigation in individual cases where the chant was used.<sup>93</sup> In the written statement to Amnesty International in January 2026, the Ministry of Justice further emphasised that there were very different interpretations of the chant and that individual circumstances would be considered during the investigation, particularly the specific intent of the person voicing the chant. It noted that the decree did not prohibit the chant in all circumstances nor that voicing it is generally permissible. Instead, it stipulated the need for an individual investigation when the chant was used, which was needed to determine whether any offence had been committed, as it depended on the specific circumstances of the case.<sup>94</sup>

As a result, the ministerial decree led to investigations by the authorities based on initial suspicion.<sup>95</sup> Even though these may not necessarily lead to criminal charges in all cases, these proceedings have a chilling effect on people using the chant, as they may refrain from voicing the chant or joining protests where the chant might be voiced, out of fear facing any kind of investigation or stigmatization.

Furthermore, four interviewees told Amnesty International researchers that authorities requested the notifier of an assembly to sign a declaration whereby the slogan would not be voiced at the assembly.<sup>96</sup> Amnesty International analysed six publicly available rulings of the Administrative Court of Vienna about the prohibition and/or dispersal of a total of ten assemblies held in solidarity with Palestinians in Gaza between October 2023 and December 2024. The organization found that Austria’s authorities have suppressed the voicing of the chant “from the river to the sea, Palestine will be free” from public assemblies through policies and practice, without consulting relevant communities. For instance, in May 2024, police authorities dispersed a protest at the main campus of the University of Vienna namely the “Palestine Solidarity Encampment” because protesters were voicing the chant “from the river to the sea, Palestine shall be free”, among other chants.<sup>97</sup> In November 2024, a court ruled that the dispersal was unlawful, as the authorities could not establish the intent of the protesters uttering those chants.<sup>98</sup> In December 2024, in a similar case, police dispersed an assembly in Vienna for voicing the chant. During the appeal, a court deemed the

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<sup>91</sup> Federal Chancellery, Austria, “Nationale Strategie Gegen Antisemitismus 2.0”[“National Strategy against Antisemitism 2.0”], November 2025 [https://www.bundeskanzleramt.gv.at/dam/jcr:750dec5b-c99d-4c95-ba6d-3abde6141618/nationale\\_strategie\\_gegen\\_antisemitismus\\_2-0\\_bf.pdf](https://www.bundeskanzleramt.gv.at/dam/jcr:750dec5b-c99d-4c95-ba6d-3abde6141618/nationale_strategie_gegen_antisemitismus_2-0_bf.pdf) (in German) p. 52.

<sup>92</sup> A network of activists published it on their website [https://www.palaestinasolidaritaet.at/wp-content/uploads/2024/03/erlass\\_bmj\\_geschwaerzt.pdf](https://www.palaestinasolidaritaet.at/wp-content/uploads/2024/03/erlass_bmj_geschwaerzt.pdf) (accessed on 19 December 2025); Kurier, “Justizministerium klärt per Erlass: Pro-Palästina-Parole ist Terror-Gutheißung”[“ Ministry of Justice clarifies by decree: pro-Palestinian slogans constitute approval of terrorism”], 4 January 2024, <https://kurier.at/politik/inland/justizministerium-klart-per-erlass-pro-palaestina-parole-ist-terror-gutheissung/402729769> (in German); The decree is quoted in a judgment of the Vienna Administrative Court, case number VGW-102/067/8305/2024-29, 26 November 2024, <https://www.verwaltungsgericht.wien.gv.at/Content.Node/rechtsprechung/VGW-102-067-8305-2024.pdf>, p. 31. See Ministry of Justice, written response to Amnesty International enquiry dated 20 October 2025, received on 24 November 2025.

<sup>93</sup> Ministry of Justice, written response to Amnesty International’s written enquiry dated 20 October 2025, received on 24 November 2025.

<sup>94</sup> Ministry of Justice, written response to Amnesty International received on 23 January 2025.

<sup>95</sup> Amnesty International comes to this conclusion as procedural rules in Austria stipulate ex officio investigation of any initial suspicion of a criminal offence (see sections 1 and 2 Austrian Code of Criminal Procedure).

<sup>96</sup> Interview with Dalia, 3 September 2025, in person; Interview with Atheer, 17 September 2025, in person; Interview with Anonymous, 25 September 2025, in person; Interview with Anonymous, 3 October 2025, in person.

<sup>97</sup> See Vienna Administrative Court, case number VGW-102/067/8305/2024-29, 26 November 2024, <https://verwaltungsgericht.wien.gv.at/Content.Node/rechtsprechung/VGW-102-067-8305-2024.pdf>, p. 33. Another reason for the dispersal was voicing “Student Intifada Camp” and violations of the Austrian prohibition of face covering. However, the court decided that these were also not enough to disperse the assembly.

<sup>98</sup> Vienna Administrative Court, case number VGW-102/067/8305/2024-29, 26 November 2024, <https://verwaltungsgericht.wien.gv.at/Content.Node/rechtsprechung/VGW-102-067-8305-2024.pdf>, p. 33.

dispersal unlawful for the same reasons.<sup>99</sup> While the court's decision found the dispersals unlawful several months after the actual dispersals by the police due to protesters voicing the chant "from the river to the sea, Palestine will be free", the dispersals of the assemblies already had a chilling effect, negatively impacting the right to freedom of expression more broadly.

Furthermore, according to media reports, 50 unspecified criminal charges were brought against protesters for voicing the slogan by mid-November 2023.<sup>100</sup>

Palestine solidarity activists - Palestinian, Jewish, Austrian and Israeli - told Amnesty International researchers what they thought of when voicing this chant. **Ben** shared that he was "thinking of Palestine, a country that is free. You can be whoever you want, gay, Jewish and so on. It would make me sad if Jews did not have access to the Wailing Wall, or Christians to the churches in Jerusalem, or Muslims to the Al Aqsa Mosque ..."<sup>101</sup> **Dalia** explained that "[for her], the slogan means that there is a colonial conflict. The country should have become Palestine, the whole country should have been called Palestine. Everyone there should have the same rights."<sup>102</sup>

Austrian authorities violated the right to freedom of peaceful assembly and expression, where they prohibited or dispersed assemblies simply because the chant "From the river to the sea, Palestine will be free" was or could be used. Furthermore and as stated above, regulating the use of the chant through a non-public decree that leads to investigations based on initial suspicion, has a chilling effect on the freedom of expression for people using the chant, as they may refrain from voicing the chant or joining protests where the chant might be voiced, out of fear facing any kind of investigation or stigmatization. The non-public nature of this decree also raises concerns around the requirement of legality.

When assessing whether expression is discriminatory or hateful towards Jewish people, authorities should act in compliance with international human rights laws and standards and evaluate on a case-by-case basis whether any such restriction complies with the requirements of legality, pursues one or several legitimate aims, and is necessary and proportionate to achieving such aim/s. Additionally, when assessing whether expressions amount to advocacy of hatred that constitutes incitement, the authorities must also demonstrate a higher threshold is met by taking into account the factors laid out by the Rabat Plan of Action, such as the speaker's intent. This also includes considering the various meanings of the chant "From the river to the sea, Palestine will be free" to the people who use it.

### C. BROAD ALLEGATIONS OF 'ANTISEMITISM' CAN LEAD TO A CHILLING EFFECT

The majority of interviewees – 14 out of 19, told Amnesty International that they faced allegations of antisemitism from members of the public for criticising Israel and its violations of international law or when critically discussing historical context and giving space to Palestinian voices. **A Palestinian interviewee** told Amnesty International: "[T]he fear is always there: once you are accused of antisemitism, there is no turning back. It's a knockout criterion in Austria and Germany."<sup>103</sup> Another explained: "Yes [I am concerned], because they [people who may accuse you of antisemitism] can hit you economically. Then you will no longer be politically active. These are things that everyone in the Palestinian community is afraid of – this fear of being branded an antisemite and the economic consequences that may follow."<sup>104</sup> Some activists further told Amnesty International that they did not

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<sup>99</sup> Vienna Administrative Court, case number [VGW-102/067/1784/2025](https://www.ris.bka.gv.at/Dokumente/Lwvg/LVWGT_WI_20250424_VGW_102_067_1784_2025_00/LVWGT_WI_20250424_VGW_102_067_1784_2025_00.pdf), 24 April 2025, [https://www.ris.bka.gv.at/Dokumente/Lwvg/LVWGT\\_WI\\_20250424\\_VGW\\_102\\_067\\_1784\\_2025\\_00/LVWGT\\_WI\\_20250424\\_VGW\\_102\\_067\\_1784\\_2025\\_00.pdf](https://www.ris.bka.gv.at/Dokumente/Lwvg/LVWGT_WI_20250424_VGW_102_067_1784_2025_00/LVWGT_WI_20250424_VGW_102_067_1784_2025_00.pdf), p. 28.

<sup>100</sup> Der Standard, "Etwa 50 Strafanzeigen in Österreich wegen 'From the River to the Sea'-Parole" ["Approximately 50 criminal because of 'From the river to the sea'"], 16 November 2023, <https://www.derstandard.at/story/3000000195536/etwa-50-strafanzeigen-in-oesterreich-wegen-from-the-river-to-the-sea-parole> (in German).

<sup>101</sup> Interview with Ben, 9 July 2025, in person.

<sup>102</sup> Interview with Dalia, 3 September 2025, in person.

<sup>103</sup> Interview with Anonymous, 10 July 2025, in person.

<sup>104</sup> Interview with Anonymous, 10 September 2025, in person.

express their thoughts, criticism, solidarity with Palestinians in Gaza in fear of being considered antisemitic by public authorities or employers. Seven interviewees confirmed that they at least once withheld criticism of Israel's human rights violations out of fear of being considered antisemitic or facing negative repercussions, for instance, at their workplace.<sup>105</sup> **Dunia** summarized the effects of the narratives and discussions and broad allegations of 'antisemitism' in Austria the following:

**“Solidarity with Palestine is not only undesirable but also criminalized. The discourse reveals this well. This was also seen during the protests. People have received criminal charges. Protests have been cancelled. [...] Freedom of expression is highly selective. Solidarity with Israeli victims is desired and demanded. Solidarity with Palestinian victims is not desired but is criminalized.”**<sup>106</sup>

In addition, all the Jewish activists interviewed told Amnesty International that while advocating for a ceasefire or end to Israel's ongoing genocide against Palestinians in Gaza, they have been routinely called antisemitic or “self-hating Jews” by members of the public. **One Jewish activist** who started to openly advocate for a ceasefire in Gaza two weeks after 7 October 2023, explained: “[O]ne loses a lot of credibility, because [you are seen as a] self-hating Jew... Or [your position is supposedly used as] a token”.<sup>107</sup> Similarly, **Monika**, who is Jewish, experienced that people would make antisemitic comments at events critical of the Israeli government as they consider criticism of Israel as encompassing antisemitism.<sup>108</sup> **Dalia** told Amnesty International about her specific experience, when giving a speech at a peaceful protest in Vienna against Israel's genocide against Palestinians in Gaza: “I spoke about my [Jewish] great-grandfather who was forced to clean sidewalks [during the Nazi-regime]. I said ‘Never again is never again for anyone’. Then I was attacked on social media for ‘trivialisation of the Holocaust’.”<sup>109</sup>

## I. DISCOURAGING PARTICIPATION IN THE BDS MOVEMENT

Austrian parliament and city councils have issued several non-binding resolutions, addressing the Austrian authorities, which discourage participation in the Boycott, Divestment and Sanctions (BDS) movement, often labelling it ‘antisemitic’.<sup>110</sup> While these resolutions are not legally binding, they are supported by all political parties represented in the Austrian parliament, and are widely interpreted as authoritative guidance leading to undue restrictions on expression.<sup>111</sup> For example, in 2021, the City of Vienna filed a lawsuit against an activist of BDS Austria, which refers inter alia to the motion of the Municipal Council.<sup>112</sup> The lawsuit led to the intervention of four UN Special Rapporteurs, expressing concern “that the City of Vienna's motion follows a worrying trend of unduly limiting the rights to freedom of opinion and expression, peaceful assembly and of association in its decision to make

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<sup>105</sup> According to international human rights law, states have the obligation to protect individuals within its jurisdiction from human rights violations at the hands of third parties. Daniel Moeckli, Sangeeta Shah, Sandash Sivakumaran, *International Human Rights Law*, 2nd edition, 2014, p. 102.

<sup>106</sup> Interview with Dunia, 31 July 2025, online.

<sup>107</sup> Interview with Anonymous, 15 September 2025, in person.

<sup>108</sup> Interview with Monika, 10 July 2025, in person.

<sup>109</sup> Interview with Dalia, 3 September 2025, in person.

<sup>110</sup> In 2018, the Municipal Council of Vienna unanimously voted for a legally non-binding motion condemning the BDS movement as antisemitic and calling upon the regional government of Vienna not to grant any municipal spaces to BDS campaigns or events, exhibitions or assemblies that support the aims of BDS. It also called on the regional government to not support any events that advertise BDS. See Municipal Council of Vienna, Austria, “39. Sitzung vom 27.06.2018, Wörtliches Protokoll” [“39. Session of 27.6.2018, verbatim transcript”], 27 July 2018, p. 81, <https://www.wien.gv.at/mdb/gr/2018/gr-039-w-2018-06-27-081.htm> (in German). In 2019, the Municipal Council of Graz published a “declaration against antisemitism and BDS” saying that “[m]unicipal departments may not support events organised by groups that pursue or promote the goals of the BDS movement”. See Municipal Council of Graz, Austria, “Erklärung gegen Antisemitismus und BDS” [“Declaration against antisemitism and BDS”], 14 November 2019, [https://www.ris.bka.gv.at/Dokumente/Gemeinderecht/GEMRE\\_ST\\_60101\\_Pr%c3%a4s\\_078079\\_2019\\_0001/GEMRE\\_ST\\_60101\\_Pr%c3%a4s\\_078079\\_2019\\_0001.html](https://www.ris.bka.gv.at/Dokumente/Gemeinderecht/GEMRE_ST_60101_Pr%c3%a4s_078079_2019_0001/GEMRE_ST_60101_Pr%c3%a4s_078079_2019_0001.html) (in German). In 2019, the federal parliament also passed a legally non-binding motion for a resolution with similar content which addresses the federal government. See Federal Parliament, Austria, “Entschließung des Nationalrates vom 27. Februar 2020 betreffend Verurteilung von Antisemitismus und der BDS-Bewegung” [“Resolution of the National Council of the 27 February 2020 regarding condemnation of antisemitism and the BDS movement”], 27 February 2020, [https://www.parlament.gv.at/dokument/XXVII/E/12/fname\\_785457.pdf](https://www.parlament.gv.at/dokument/XXVII/E/12/fname_785457.pdf) (in German).

<sup>111</sup> See for instance the Federal Chancellery's website, „Erscheinungsformen von Antisemitismus“ [Forms of antisemitism], <https://www.bundeskanzleramt.gv.at/kampagne-gegen-antisemitismus/fragen-und-antworten/erscheinungsformen-von-antisemitismus.html> accessed on 2 March 2026.

<sup>112</sup> The City of Vienna sued a member of BDS Austria for publishing a Facebook post a picture of a poster depicting stating “Visit Apartheid”, that was stuck on a billboard along with the official logo of the Municipality of Vienna. The post included a sarcastic caption. The litigation value was set to 35,000 euros; European Legal Support Center (ELSC), “Austrian Activist Facing Lawsuit”, <https://elsc.support/de/case/m/>.

premises or facilities unavailable to campaigns or events organized by the BDS movement or by groups pursuing its aims” and further “that the City of Vienna’s filing of a lawsuit against a member of BDS Austria may hinder the peaceful activities of human rights defenders committed to monitor and denounce human rights violations in occupied Palestine, shrinking the civic space available to them to express legitimate grievances.”<sup>113</sup> In December 2024, the international CASE Coalition identified this case as a strategic lawsuit against public participation (SLAPP)<sup>114</sup> by the City of Vienna against the activist of BDS Austria.<sup>115</sup>

Five interviewees told Amnesty International researchers about their personal consequences of Austria’s practice and policy regarding the BDS movement. Two interviewees from civil society organizations told Amnesty International that they have been avoiding cooperation with the Austrian BDS groups as they fear their organization could lose state funding if associated with them.<sup>116</sup> Another interviewee involved in organizing peaceful protests to call for an end to Israel’s ongoing genocide against Palestinians in Gaza explained that they were worried about organizations not joining their protest if BDS were to support it.<sup>117</sup> An activist from a student group expressing solidarity with Palestinians summarized the effects of the anti-BDS resolution by the federal parliament as such:

**“Of course, we think a lot about how to express ourselves [with respect to BDS]. The fact that we do not address BDS publicly is based on the decision by parliament. Because this is a reality in Austria and one can be, at least legally, associated with something problematic. [...] We thought about whether we should publicly comment that [the assessment of] BDS [as antisemitic] should be reconsidered as a whole, but we chose not to do it. I am scared how it would affect the discourse. Because then we give [our critics] even more opportunities to say that we are spreading antisemitic narratives. I might speak to decision-makers about boycotting products from Israeli settlements – but only after giving it thorough thinking.”<sup>118</sup>**

The right to advocate for non-violent boycotts, including BDS, is protected under the right to freedom of opinion and expression, as well as the rights to freedom of association and peaceful assembly. The European Court of Human Rights (ECtHR) has found that a call for a boycott as a means of expressing a protest is protected under the right to freedom of expression and has held that incitement to differential treatment is not necessarily the same as incitement to discrimination.<sup>119</sup> Any restriction on freedom of expression must be provided by law, pursue a legitimate aim and be necessary and proportionate to the purpose of protecting such legitimate aim. The anti-BDS motions are not legally binding, however, as resolutions supported by all political parties, they are widely interpreted as authoritative guidance. Thus, by labelling BDS as antisemitic, these non-binding resolutions have a chilling effect on freedom of expression as activists and civil society organizations fear court proceedings, smear campaigns or financial losses, in particular state funding when advocating for non-violent boycotts or engaging with BDS.

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<sup>113</sup> Communication of four UN special rapporteurs on the case of the City of Vienna vs. BDS Austria, AUT 2/2022, 20 May 2022 <https://spcommreports.ohchr.org/tmresultsbase/downloadpubliccommunicationfile?gid=27241>; The Austrian government replied on 8 July 2022 denying that the City of Vienna filed the lawsuit on the basis of the anti-BDS motion of the City Council of Vienna: “The City of Vienna’s lawsuit is based on the gross violation of the rights of the City of Vienna, including the violation of the personal and name rights as well as defamation. The lawsuit, however, does not constitute an attempt of intimidation or even a violation of human rights and fundamental freedoms.” <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37005>.

<sup>114</sup> Strategic Lawsuits Against Public Participation (SLAPPs) is the term used to describe the malicious and abusive use of legal tactics by powerful actors, such as state authorities or corporations, with the aim of intimidating, silencing or punishing critics or those who expose wrongdoing or human rights abuses. For additional information about SLAPPs and how to counter them see for instance: Recommendation CM/Rec (2024)2 of the Committee of Ministers of the Council of Europe to member States on countering the use of strategic lawsuits against public participation (SLAPPs), adopted by the Committee of Ministers on 5 April 2024, <https://rm.coe.int/0900001680af2805>.

<sup>115</sup> CASE Coalition, “City of Vienna singles out BDS Austria member with vexatious lawsuit”, 20 December 2024, <https://www.the-case.eu/latest/city-of-vienna-singles-out-bds-austria-member-with-vexatious-lawsuit/>.

<sup>116</sup> Interview with Anonymous, 28 August 2025, online; Interview with Anonymous, 15 September 2025, in person.

<sup>117</sup> Interview with Anonymous, 10 September 2025, in person.

<sup>118</sup> Interview with Anonymous, 14 November 2025, in person.

<sup>119</sup> European Court of Human Rights (ECtHR), *Baldassi and Others v. France*, Application 15271/16, 11 June 2020, <https://hudoc.echr.coe.int/fre?i=001-203213> paras 63-64. In its written reply to Amnesty International, the Federal Chancellery stated that “The questioning or even the rejection of the right of the State of Israel to exist and the systematic use of terms of struggle such as those frequently used by the BDS movement and organizations that actively support the goals of the BDS movement, are, in our view, to be rejected as antisemitic, as they lead to even more hatred towards Jews and polarization in our Western, free and democratic society.” Federal Chancellery, Written reply to Amnesty International, received on 23 January 2026.

## II. ROLE OF THE IHRA DEFINITION

There is no universally agreed-upon legal definition of antisemitism in international law. On the contrary, several definitions of antisemitism exist which were developed by organizations, scholars and experts alike. In her 2024 report, the UN Special Rapporteur on Freedom of Expression noted that “[a]ntisemitism is a serious form of religious and racial hatred, and States and private actors must take all necessary measures to fight it. The weeks following October 2023 have seen a surge in complaints of antisemitism around the world, compared with the same period the previous year. It is vital that the fight against antisemitism be framed according to international human rights standards, so that there is a shared understanding of the problem and its root causes and, consequently, more effective responses to eradicate it. Otherwise, there is a risk that discrimination against one vulnerable group will be replaced with discrimination against another group, which, far from reducing antisemitism, will fuel more hatred and intolerance.”<sup>120</sup>

Amongst the several definitions of antisemitism, the most prominent ones are the working definition of the International Holocaust Remembrance Alliance (IHRA) and the Jerusalem Declaration on Antisemitism (JDA).

### **INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE WORKING DEFINITION OF ANTISEMITISM (IHRA WDA)**

The IHRA is an intergovernmental organization of 35 Member States, including Austria, and eight observer countries. Those countries include most European countries, Israel, Canada, the U.S. Australia and Argentina. Its Plenary adopted the working definition of antisemitism in 2016.<sup>121</sup> It is a legally non-binding definition adopted or endorsed by 45 states<sup>122</sup> to provide guidance on what constitutes antisemitism.

According to the IHRA WDA, “[a]ntisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

Furthermore, the IHRA WDA provides eleven “contemporary examples of antisemitism”. Out of these eleven examples, seven focus on Israel, including:

- “denying the Jewish people their right to self-determination; e.g. by claiming that the existence of a State of Israel is a racist endeavour”;
- “applying double standards by requiring of it [Israel] a behaviour not expected or demanded of any other democratic nation.”

Notably, the IHRA WDA is not legally binding and states that endorse it are not bound by international law to enshrine it in law or policy and practice.

Repeated statements by representatives of the IHRA, as well as laws and policies put in place by states that have adopted the IHRA WDA, indicate that the definition and these eleven examples form a complete package and should be considered as a whole.<sup>123</sup> However, scholars, legal experts and civil society organizations have criticized this definition as it is at

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<sup>120</sup> United Nations, General Assembly, Irene Khan, *Global threats to freedom of expression arising from the conflict in Gaza*, August 2024, UN Doc. A/79/319, <https://docs.un.org/en/A/79/319>, para 78.

<sup>121</sup> International Holocaust Remembrance Alliance (IHRA), Working definition of antisemitism, <https://holocaustremembrance.com/resources/working-definition-antisemitism>.

<sup>122</sup> IHRA, “Who has adopted the working definition of antisemitism?”, <https://holocaustremembrance.com/resources/working-definition-antisemitism>.

<sup>123</sup> Jamie Stern-Wiener, *The politics of a definition*, April 2021 <https://www.documentcloud.org/documents/20689366-stern-wiener-j-fsoi-the-politics-of-a-definition/>.

odds with international human rights law, including as it legitimize the suppression of criticism of Israel's policies by wrongly labelling such criticism as antisemitic.<sup>124</sup>

### **JERUSALEM DECLARATION ON ANTISEMITISM (JDA)**

In response to the criticism of the IHRA WDA, a group of scholars in the fields of Holocaust history, Jewish studies, and Middle Eastern studies developed the JDA in 2021.<sup>125</sup> It has been supported by almost 400 signatories, including by scholars of antisemitism studies, Holocaust studies, Jewish studies and Middle Eastern studies. The JDA defines antisemitism as “discrimination, prejudice, hostility or violence against Jews as Jews (or Jewish institutions as Jewish)” and includes ten guidelines of what is and what is not, “on the face of it” antisemitic in the context of Israel and Palestine.<sup>126</sup> For example, “criticising or opposing Zionism as a form of nationalism” is, on the face of it, not antisemitic according to the JDA.

Its preamble explicitly cites international standards, including the Universal Declaration on Human Rights, the Convention on the Elimination of all Forms of Racial Discrimination, the Declaration of the Stockholm International Forum on the Holocaust, and a United Nations resolution on Holocaust Remembrance. Furthermore, it situates the fight against antisemitism and its distinctive features as inseparable from the fight against all forms of racial, ethnic, cultural, religious, and gender discrimination.

The JDA is not legally binding and states that endorse it are not bound by international law to enshrine it in law or policy and practice. While international human rights bodies have not explicitly recognised or welcomed the JDA, UN Special Rapporteurs have voiced criticism of the IHRA WDA and mentioned the JDA as alternative.<sup>127</sup>

In the context of Israel's ongoing genocide against Palestinians in Gaza, the UN Special Rapporteur on Freedom of Expression has documented how the IHRA WDA is being used to restrict criticism of Israeli government policies and actions by different state authorities, and to stifle growing calls for an end to Israel's human rights violations against Palestinians.<sup>128</sup> The Special Rapporteur has further noted that the IHRA WDA was “never intended to be used as a framework for regulating expression and does not meet the international legal standards for restriction or prohibition of speech laid out in the Covenant.”<sup>129</sup> According to the Special Rapporteur, the IHRA WDA is firstly “overly broad, vague and equivocal and fails the test of legal certainty required under article 19 (3) of the Covenant”. Secondly, the definition lacks “the element of incitement as required” for the prohibition of advocacy of hatred under article 20 (2) ICCPR.<sup>130</sup>

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<sup>124</sup> For example the UN Special Rapporteur on Freedom of Expression in *Global threats to freedom of expression arising from the conflict in Gaza* A/79/319, 23 August 2024, <https://docs.un.org/en/A/79/319>, para 80; the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in *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, <https://docs.un.org/en/A/77/512> para 74-75; EU Observer, *128 scholars warn: Don't trap the United Nations in a vague and weaponized definition of antisemitism*, 3 November 2022 <https://media.euobserver.com/9e86df02ddf67c6046d190b65e4380df.pdf>; Human Rights Watch and 103 other organizations, “Human Rights and other Civil Society Groups Urge United Nations to Respect Human Rights in the Fight Against Antisemitism”, 20 April 2023, <https://www.hrw.org/news/2023/04/04/human-rights-and-other-civil-society-groups-urge-united-nations-respect-human>.

<sup>125</sup> When enquired about the JDA, the Federal Chancellery referred to critical remarks by Tanja Kinzel, Daniel Poensgen „Zur Jerusalem Declaration on Antisemitism (JDA): Eine kritische Analyse“, 2 December 2024 and Amadeu Antonio Stiftung, „Wie definiert man Antisemitismus? Zur IHRA-Arbeitsdefinition und Jerusalem Erklärung“. Federal Chancellery, Written reply to Amnesty International, received on 23 January 2026.

<sup>126</sup> Jerusalem Declaration on Antisemitism, <https://jerusalemdeclaration.org/> (accessed 18 December 2025).

<sup>127</sup> UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, *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, para 73; UN Special Rapporteur on Freedom of Expression, *Global threats to freedom of expression arising from the conflict in Gaza* A/79/319, 23 August 2024, para 79.

<sup>128</sup> UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Global threats to freedom of expression arising from the conflict in Gaza* (previously cited).

<sup>129</sup> UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Global threats to freedom of expression arising from the conflict in Gaza* (previously cited), para. 80.

<sup>130</sup> UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Global threats to freedom of expression arising from the conflict in Gaza* (previously cited), para. 80.

The Special Rapporteur stated that “[t]he central conceptual flaw of the “working definition” is the inherent conflation of Zionism, a political ideology, with antisemitism. The practical consequence is the suppression of legitimate criticism of Israel, not the enhancement of protection of Jews from racial and religious hatred and intolerance. Jewish groups and individuals who engage in anti-Zionist protests have been labelled as antisemitic.”<sup>131</sup> The Special Rapporteur stressed that “antisemitism is a serious form of racial and religious hatred that must be condemned. However, the fight against antisemitism should not be instrumentalized and politicized to protect Israel or block criticism of the political ideology of Zionism. The “working definition” of the International Holocaust Remembrance Alliance on antisemitism is inconsistent with international human rights law and should not be used to define policy or regulate speech.”<sup>132</sup>

**Ben**, a Jewish activist, grew up in what he describes as a “strictly Zionist family” in the United States and started to support antizionist movements, when he grew older. He told Amnesty International about his perceptions of the fight against antisemitism in Austria being strongly conflated with being supportive of Israel: “In Austria, you don’t have to worry about your own antisemitism as long as you support Israel.”<sup>133</sup>

**Dalia**, another Jewish activist who grew up in what she herself describes as a “left-wing Zionist community” in Austria, moved to Israel to live in a Kibbutz at the age of 18 and learned then how Palestinians were dispossessed and expelled as a result of the 1947-49 conflict during which the State of Israel was established. She has engaged in solidarity movements with Palestinians ever since. In Austria, she publicly condemned Israel’s ongoing genocide against Palestinians in Gaza, criticizing Israel’s actions and Austria’s support of the Israeli government. She is the founder of the Viennese initiative “Not in our name” where she advocates for an end to conflating Judaism, Zionism and Israel. She explained:

**“Antizionism means a state with equal rights for all citizens. But there is a conflation with antisemitism. I find it absurd that there is such an outcry when people demand equality.”<sup>134</sup> She told Amnesty International researchers about her experiences in Austria and people’s reactions to her activism, and their expectation that her religious background would automatically mean she must be supportive of Israel: “It constantly happens to me that people deny me any independent narrative. That is deeply antisemitic. It corresponds to: ‘all Jews must think in a specific way’.”<sup>135</sup>**

In her 2022 report on Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on contemporary forms of racism found that the IHRA WDA was largely instrumentalized on the basis of its eleven examples of antisemitism, and found that “some of the examples are being invoked and leveraged to suppress human rights and fundamental freedoms, such as freedom of expression, assembly and political participation and the right to equality and non-discrimination. Although the International Holocaust Remembrance Alliance working definition is promoted as being “non-legally binding”, its de facto influence on the policy and practice of governments and private actors has contributed to violations of the human rights of freedom of expression, assembly and political participation, among others.” The Special Rapporteur observed that “it was precisely the “soft law” status of the working definition that effectively helped to undermine certain co-existent rights, without offering any remedy or means to legally challenge such violations.”<sup>136</sup> They called upon Member States to “suspend the adoption and promotion of the

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<sup>131</sup> UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Global threats to freedom of expression arising from the conflict in Gaza* (previously cited) para. 81.

<sup>132</sup> UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Global threats to freedom of expression arising from the conflict in Gaza* (previously cited), para. 87.

<sup>133</sup> Interview with Ben, 9 July 2025, in person.

<sup>134</sup> Interview with Dalia, 3 September 2025, in person.

<sup>135</sup> Interview with Dalia, 3 September 2025, in person.

<sup>136</sup> UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, *Combating glorification of Nazism, neo-Nazism and other practices that contribute to fueling contemporary forms of racism, racial discrimination, xenophobia and related intolerance*, 7 October 2022, UN Doc. A/77/512, para. 74-75.

International Holocaust Remembrance Alliance working definition of antisemitism and the examples attached to it.”<sup>137</sup>

The findings of the UN Special Rapporteurs are shared by numerous scholars who specialize in antisemitism. For example, scholars of holocaust studies and history,<sup>138</sup> legal scholars,<sup>139</sup> Jewish intellectuals,<sup>140</sup> as well as Israeli<sup>141</sup> and international<sup>142</sup> civil society groups have all widely criticized efforts to codify the IHRA WDA into law and policy, including on UN level.<sup>143</sup>

Particular criticism relates to the eleven examples described as “contemporary examples of antisemitism”. These are seen by many experts as unprecise, particularly because authorities in different countries have relied on them to stifle criticism of Israel or Zionism by wrongly labelling this criticism as antisemitic.<sup>144</sup> In an expert submission to the EU strategy against antisemitism, the issue was summarized as the following:

**“...[P]eople assume that all 11 examples should be treated the same way. They see that the list includes the blood libel, Holocaust denial, the myth about a world Jewish conspiracy, and so on: some of the most vivid and clear-cut expressions of antisemitism. Consequently, for many people, the proviso about context in the preamble is cancelled out or forgotten. [...] At first sight, this sentence [“However, criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic.”] seems to provide for free speech, but actually it does the opposite. It implies that excessive criticism is, in and of itself, antisemitic. But it is not – any more than excessive criticism of the PLO [Palestine Liberation Organization – an umbrella political organization claiming to represent the worlds Palestinians] is necessarily racist against Arabs or Palestinians.”<sup>145</sup>**

Austria incorporated the IHRA WDA in its national strategy as a matter of policy and adopted it on 25 April 2017 by governmental declaration.<sup>146</sup> There is no legal definition of antisemitism based on the

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<sup>137</sup> UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, *Combating glorification of Nazism, neo-Nazism and other practices that contribute to fueling contemporary forms of racism, racial discrimination, xenophobia and related intolerance*, 7 October 2022, UN Doc. A/77/512, para 94; Council of Europe, Commissioner for Human rights, Ref: CommHR/MOF/sf 092-2025, 6 June 2025,

<https://rm.coe.int/letter-to-federal-minister-of-the-interior-germany-by-michael-o-flaher/1680b64870> (accessed 18 December 2025)

<sup>138</sup> Letter from 128 scholars specializing in Antisemitism, Holocaust Studies, Modern Jewish History and related fields, ‘Don’t trap the United Nations in a vague and weaponized definition of antisemitism’, 3 November 2022,

<https://media.euobserver.com/9e86df02ddf67c6046d190b65e4380df.pdf> (accessed 18 December 2025).

<sup>139</sup> Neve Gordon, Antisemitism and Zionism: The Internal Operations of the IHRA Definition, *Middle East Critique*, Vol. 33, 2024, <https://doi.org/10.1080/19436149.2024.2330821>; Ambos, Kai, Barskanmaz, Cengiz, Bönnemann, Maxim, Fischer-Lescano, Andreas, Goldmann, Matthias, Mangold, Anna Katharina, Markard, Nora, Michaels, Ralf, Montag, Jerzy, Steinbeis, Maximilian, Tabbara, Tarik, Wihl, Tim; Zechlin, Lothar, Die Implementation der IHRA-Arbeitsdefinition Antisemitismus ins deutsche Recht – eine rechtliche Beurteilung, *VerfBlog*, 2023/12/18, <https://verfassungsblog.de/die-implementation-der-ihra-arbeitsdefinition-antisemitismus-ins-deutsche-recht-eine-rechtliche-beurteilung/> (accessed 18 December 2025).

<sup>140</sup> Le Monde, Appel de 127 intellectuels juifs aux députés français : « Ne soutenez pas la proposition de résolution assimilant l’antisionisme à l’antisémitisme », December 2019, [https://www.lemonde.fr/idees/article/2019/12/02/appele-de-127-universitaires-juifs-aux-deputes-francais-ne-soutenez-pas-la-proposition-de-resolution-assimilant-l-antisionisme-a-l-antisemitisme\\_6021348\\_3232.html](https://www.lemonde.fr/idees/article/2019/12/02/appele-de-127-universitaires-juifs-aux-deputes-francais-ne-soutenez-pas-la-proposition-de-resolution-assimilant-l-antisionisme-a-l-antisemitisme_6021348_3232.html).

<sup>141</sup> Academia for Equality et al., Human rights organizations in Israel urge UN not to promote IHRA definition of antisemitism, 7 June 2023, [https://hamoked.org.il/files/2023/human\\_rights\\_organizations\\_in\\_Israel.pdf](https://hamoked.org.il/files/2023/human_rights_organizations_in_Israel.pdf).

<sup>142</sup> Human Rights Watch, *Human Rights and other Civil Society Groups Urge United Nations to Respect Human Rights in the Fight Against Antisemitism - Joint Letter to UN Secretary-General António Guterres and Under Secretary-General Miguel Ángel Moratinos*, April 2023 <https://www.hrw.org/news/2023/04/04/human-rights-and-other-civil-society-groups-urge-united-nations-respect-human>; Human Rights Watch, *Human Rights Watch Letter to Co-Sponsors of Proposed ABA Resolution 514 on Antisemitism*, January 2023

<https://www.hrw.org/news/2023/01/26/human-rights-watch-letter-co-sponsors-proposed-aba-resolution-514-antisemitism>

<sup>143</sup> In April 2023, Amnesty International joined a coalition of 104 civil society organisations calling on the UN “not to endorse or adopt a proposed working definition of antisemitism which has been used to suppress criticism of human rights violations by the Israeli authorities”. Other signatories included Human Rights Watch, Palestinian organizations such as Al-Haq and Al-Mezan, Israeli organization such as B’Tselem and Breaking the Silence, and numerous global and national Jewish groups such as Jewish Voice for Peace and Jewish Network for Palestine. See Amnesty International, *Global: UN must respect human rights while combatting antisemitism*, 20 April 2023

<https://www.amnesty.org/en/latest/news/2023/04/global-un-must-respect-human-rights-while-combatting-antisemitism/>

<sup>144</sup> UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Global threats to freedom of expression arising from the conflict in Gaza* (previously cited), para. 80-81.

<sup>145</sup> Peter Ullrich, Amos Goldberg and Brian Klug, Expert submission to European Commission public consultation for “Strategy on combating antisemitism and fostering Jewish life in the EU”, 5 July 2021, [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13068-Strategy-on-combating-antisemitism-and-fostering-Jewish-life-in-the-EU/F2661357\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13068-Strategy-on-combating-antisemitism-and-fostering-Jewish-life-in-the-EU/F2661357_en), p. 3-4. In its written reply to Amnesty International, the Federal Chancellery stated that “Finally, it should be noted that the IHRA WDA does not explicitly consider criticism of Israel, which is comparable to criticism of other states, to be antisemitic. The questioning or even the rejection of the right of the State of Israel to exist and the systematic use of terms of struggle such as those frequently used by the BDS movement and organizations that actively support the goals of the BDS movement, are, in our view, to be rejected as antisemitic, as they lead to even more hatred towards Jews and polarization in our Western, free and democratic society.”. Federal Chancellery, Written reply to Amnesty International, received on 23 January 2026.

<sup>146</sup> Federal Chancellery, *Beschlussprotokoll des 40. Ministerrates vom 25. April 2017*, <https://www.bundeskanzleramt.gv.at/bundeskanzleramt/die-bundesregierung/ministerratsprotokolle/ministerratsprotokolle-xxv-regierungsperiode/beschlussprotokoll-des-40-ministerrates-vom-25-april-2017.html>.

IHRA WDA in Austrian legislation. However, according to the written response by the Federal Chancellery to Amnesty International, the IHRA WDA “best reflects how antisemitism can manifest itself across the political and societal spectrum. In addition, it is the only definition of antisemitism that has been adopted in an intergovernmental process within the framework of an intergovernmental organization.”<sup>147</sup>

Austria’s reliance on the IHRA WDA is concerning from the perspective of its human rights obligations and raises further challenges as well.

First - as mentioned previously, relying on the IHRA WDA can lead to legitimate critical speech, which is fully protected by freedom of expression under international law, being labelled antisemitic. It risks chilling and sometimes suppressing, non-violent protest, activism and speech critical of Israel. This is also reflected in practice in Austria.

During this research, seven interviewees<sup>148</sup> explicitly identified Austria’s policy adoption of the IHRA WDA – even though it is not a statutory definition – as a “root cause” for curbing expressions of solidarity with Palestinians and public demonstrations against Israeli authorities’ violations of international law. This instrumentalization of the use of the IHRA WDA risks creating a situation where organizations, activists and human rights defenders fear negative consequences when expressing solidarity with Palestinians. This contributes to a situation where activists in Austria experience a chilling effect on the exercise of their rights to freedom of expression and peaceful assembly, which ultimately results in activists becoming more cautious when expressing solidarity with Palestinians, and for an end to Israel’s ongoing genocide against Palestinians in Gaza and other human rights violations by the Israeli government.

Second – reliance on the IHRA WDA also risks limiting Austria’s policies and efforts against antisemitism within the country. Antisemitism has a long history in Austria, predating the Holocaust, rooted in deep-seated social prejudices. For instance, in the 19<sup>th</sup> century antisemitism was fuelled by rising nationalism and a pervasive association of Jewish people with perceived “foreignness”.<sup>149</sup> After the end of World War II, the Austrian government refused to acknowledge its role in the Holocaust until 1991. The government has taken steps to address this long-standing concern in Austria through a number of laws<sup>150</sup> and policies, and combatting antisemitism is currently a governmental priority in

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<sup>147</sup> Federal Chancellery, Written response that Amnesty International Austria received on 29 December 2025. When presented with Amnesty International’s preliminary findings on the IHRA WDA’s implications on human rights, the Federal Chancellery stated: “We do not understand the assertion made by you in your letter of 13 January 2026 that the IHRA WDA “fuels existing antisemitism and anti-Muslim racism and affects freedoms of expression, assembly and academic freedom”. In this context, and with particular reference to the so-called Jerusalem Declaration on Antisemitism (JD) preferred by Amnesty International, reference should be made to the critical statements made by experts from civil society organisations (see, for example, Tanja Kinzel, Daniel Poensgen, On the Jerusalem Declaration on Antisemitism (JDA): A Critical Analysis, [2024-12-02\\_RIAS\\_Working-Paper-2.pdf](https://www.riias.org/working-paper-2.pdf) or Amadeu Antonio Foundation, [How to Define Antisemitism? On the IHRA Working Definition and Jerusalem Declaration](https://www.aafoundation.org/en/how-to-define-antisemitism-on-the-ihra-working-definition-and-jerusalem-declaration)).”, Federal Chancellery, Written reply to Amnesty International, received on 23 January 2026. Austria’s federal “National Strategy against Antisemitism” contains, amongst others, policy measures to implement the IHRA WDA in education, research, training for candidate judges, as well as documentation and data comparison (see *National strategy against antisemitism*, 2024, [https://www.bundeskanzleramt.gv.at/dam/jcr:1a1eef15-318d-45e2-95e1-a564ed4d54f2/national\\_strategy\\_against\\_antisemitism.pdf](https://www.bundeskanzleramt.gv.at/dam/jcr:1a1eef15-318d-45e2-95e1-a564ed4d54f2/national_strategy_against_antisemitism.pdf), 2021, p. 51); The government also refers to the IHRA WDA in its “Measures against Antisemitism Online (2024)” (See Federal Chancellery, National strategy against antisemitism, 2024, [https://www.bundeskanzleramt.gv.at/dam/jcr:027be36a-9a8d-4d2f-b58b-b3894101d27e/online-antisemitismus\\_massnahmenpaket.pdf](https://www.bundeskanzleramt.gv.at/dam/jcr:027be36a-9a8d-4d2f-b58b-b3894101d27e/online-antisemitismus_massnahmenpaket.pdf) page, p. 51); The Federal Ministry of Education and the Austrian Exchange Service (OeAD), Austria’s Agency for Education and Internationalisation, have both implemented the IHRA WDA in some educational programmes on antisemitism (See Federal Chancellery, Implementation Report 2023/2024 and Evaluation, [https://www.bundeskanzleramt.gv.at/dam/jcr:e2c4c0b6-5a76-4510-93d8-f8983b160aba/250723\\_evaluierungsbericht\\_umsetzungsbericht\\_2023\\_bf\\_en.pdf](https://www.bundeskanzleramt.gv.at/dam/jcr:e2c4c0b6-5a76-4510-93d8-f8983b160aba/250723_evaluierungsbericht_umsetzungsbericht_2023_bf_en.pdf), p. 94); The Federal Ministry of Justice (MoJ) and the Higher Courts of Appeal have integrated the IHRA WDA in training materials of two mandatory seminars for candidate judges, namely “Contemporary history of the Judiciary” and “Fundamental Rights”, as well as in specific seminars on hate crimes and on the National Socialism Prohibition Act 1947 (See European Commission, Handbook for the practical use of the IHRA Working Definition of Antisemitism, <https://op.europa.eu/en/publication-detail/-/publication/d3006107-519b-11eb-b59f-01aa75ed71a1/language-en>, p. 25; Federal Chancellery, Umsetzungsbericht 2023/2024, [https://www.parlament.gv.at/dokument/XXVIII/III/102/imfname\\_1665603.pdf](https://www.parlament.gv.at/dokument/XXVIII/III/102/imfname_1665603.pdf), p.104). Further, the Ministry of Interior (MoI), the ministry to which police forces and state protection authorities report, uses a definition of antisemitism based on the IHRA WDA (See European Commission, Handbook for the practical use of the IHRA Working Definition of Antisemitism, <https://op.europa.eu/en/publication-detail/-/publication/d3006107-519b-11eb-b59f-01aa75ed71a1/language-en>, p.25 ; Ministry of Interior, 2024 hate crime report, [https://www.bmi.gv.at/408/Projekt/files/160\\_2025\\_Hate\\_Crime\\_Bericht\\_2024\\_V20250723\\_webBF.pdf](https://www.bmi.gv.at/408/Projekt/files/160_2025_Hate_Crime_Bericht_2024_V20250723_webBF.pdf), p. 91).

<sup>148</sup> Interview with Monika, 10 July 2025 in person; Interview with Anonymous, 10 July 2025 in person; Interview with Anonymous, 30 July 2025, online;

Interview with Helmut, 28 August 2025, online; Interview with Dalia, 3 September 2025, in person; Interview with Anonymous, 15 September 2025, in person; Interview with Amira, 17 October 2025, in person.

<sup>149</sup> Andreas Peham, *Antisemitismus in Österreich: Ein (unvollständiger) Überblick*, 2019, pp 6, 7, 10

[https://www.parlament.gv.at/dokument/fachinfos/publikationen/andreas\\_pehamantisemitismus\\_in\\_oesterreich\\_ein\\_unvollstaendiger\\_oeberblick.pdf](https://www.parlament.gv.at/dokument/fachinfos/publikationen/andreas_pehamantisemitismus_in_oesterreich_ein_unvollstaendiger_oeberblick.pdf)

<sup>150</sup> Austria, Criminal Code, Sections 115, 117, 282a, 283 (1).

Austria. Notably, in January 2021, the government adopted a federal “National Strategy against Antisemitism”<sup>151</sup> and committed to implement the International Holocaust Remembrance Alliance working definition of antisemitism (IHRA WDA) as a general policy. The Strategy included its dissemination in the education and law enforcement sectors. According to the government, most of the action points and measures contained in the national strategy have been implemented.<sup>152</sup> The current government’s programme of work 2025-2029 foresees the strengthening and further development of the National Strategy against Antisemitism, which was revised in November 2025.<sup>153</sup>

When collecting data on antisemitism, government authorities (including the Ministry of Interior)<sup>154</sup> and non-state actors (for example private research institutes)<sup>155</sup> refer to the IHRA WDA<sup>156</sup> and include a section on “Israel-related antisemitism”. This makes it difficult to distinguish which incidents constitute antisemitism or discrimination against Jewish people and which relate to expression that is protected under international law (for instance criticism of Israel’s policies and conducts). In this context, some of the Jewish interviewees who spoke with Amnesty International explained how they felt reluctant to report incidents as being ‘antisemitic’. For instance, a **person** shared that “[i]t would have to be very bad [to report a case]. I’m generally not that kind of guy to email [to the Reporting Centre]. While discussing the matter of reporting antisemitism, the person said “I am aware that the term is interpreted in a problematic way for cases that are not. This then creates a distorted picture. [For instance,] when you hear that since 7 October, there were 300 per cent more [antisemitic] cases, but, among other things, because [there are cases where] someone’s wearing a Kufiyah has been seen at university and someone else has felt threatened ... .”<sup>157</sup>

Similarly, **Monika**, a Jewish activist said: “Antisemitism is becoming increasingly meaningless. I would no longer report antisemitism. (...) In a context where everything is collected under antisemitism, I would not feel comfortable. Because there are so many things about criticizing Israel. There is a lot of mixing up. Data is not handled sensibly.”<sup>158</sup>

## D. NGOS FEAR LOSING STATE FUNDING

The right to freedom of association is protected in international human rights law, for instance under Article 22 ICCPR and Article 11 European Convention on Human Rights (ECHR). The right of association protects the right to seek, receive and use resources, including financial resources,<sup>159</sup>

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<sup>151</sup> Federal Chancellery, *National Strategy against Antisemitism*, 2021, [https://www.bundeskanzleramt.gov.at/dam/jcr:1a1eef15-318d-45e2-95e1-a564ed4d54f2/national\\_strategy\\_against\\_antisemitism.pdf](https://www.bundeskanzleramt.gov.at/dam/jcr:1a1eef15-318d-45e2-95e1-a564ed4d54f2/national_strategy_against_antisemitism.pdf)

<sup>152</sup> Federal Chancellery, *Implementation Report 2023/2024 and Evaluation*, [https://www.bundeskanzleramt.gov.at/dam/jcr:e2c4c0b6-5a76-4510-93d8-f8983b160aba/250723\\_evaluierungsbericht\\_umsetzungsbericht\\_2023\\_bf\\_en.pdf](https://www.bundeskanzleramt.gov.at/dam/jcr:e2c4c0b6-5a76-4510-93d8-f8983b160aba/250723_evaluierungsbericht_umsetzungsbericht_2023_bf_en.pdf), p. 56.

<sup>153</sup> Federal Chancellery, *Government Work Program 2025-2029*, [https://www.bundeskanzleramt.gov.at/dam/jcr:8d78b028-70ba-4f60-a96e-2fca7324fd03/Regierungsprogramm\\_2025-2029.pdf](https://www.bundeskanzleramt.gov.at/dam/jcr:8d78b028-70ba-4f60-a96e-2fca7324fd03/Regierungsprogramm_2025-2029.pdf), p. 86.

<sup>154</sup> Ministry of Interior, *Status report on Hate Crimes 2024*, July 2025, [https://www.bmi.gov.at/408/Projekt/files/160\\_2025\\_Hate\\_Crime\\_Bericht\\_2024\\_V20250723\\_webBF.pdf](https://www.bmi.gov.at/408/Projekt/files/160_2025_Hate_Crime_Bericht_2024_V20250723_webBF.pdf), p. 92.

<sup>155</sup> Israelitische Kultusgemeinde Wien, *Antisemitic cases 2024 in Austria*, 2025, [https://www.antisemitismus-meldestelle.at/\\_files/ugd/ed51c1\\_d4d2fa144b5847ca962da62aceb21215.pdf](https://www.antisemitismus-meldestelle.at/_files/ugd/ed51c1_d4d2fa144b5847ca962da62aceb21215.pdf), p. 24 ; Dokumentationsarchiv des österreichischen Widerstands (DÖW), *Rechtsextremismusbericht 2023*, commissioned by the Ministry of Interior and Ministry of Justice, [https://www.parlament.gov.at/dokument/XXVIII/III/126/imfname\\_1671101.pdf](https://www.parlament.gov.at/dokument/XXVIII/III/126/imfname_1671101.pdf), p. 22, 60; IFES, *Antisemitismus Studie 2024*, commissioned by the federal parliament, [https://www.parlament.gov.at/dokument/fachinfos/publikationen/Antisemitismus\\_2024\\_Gesamtbericht.pdf](https://www.parlament.gov.at/dokument/fachinfos/publikationen/Antisemitismus_2024_Gesamtbericht.pdf), p. 29; IFES, *Snapshot Studie 2024 Junge*, commissioned by the parliament, <https://www.parlament.gov.at/dokument/fachinfos/publikationen/Antisemitismus-2024-Bericht-Snapshot-Junge.pdf>, p. 26, 34.

<sup>156</sup> In its written reply to Amnesty International received on 23 January 2026, the Federal Chancellery stated that “Israel-related antisemitism in particular has been the greatest challenge for Jews worldwide and also in Austria since the terrorist attack by Hamas on 7 October 2023 (see the latest report by the Antisemitism Reporting Office [...]) Only through the application of the IHRA WDA can this be recorded by practitioners and analysed accordingly”.

<sup>157</sup> Interview with Anonymous, 15 September 2025, in person.

<sup>158</sup> Interview with Monika, 10 July 2025, in person

<sup>159</sup> UN Human Rights Council (UNHRC), Resolution 22/6: *Protecting human rights defenders*, adopted on 12 April 2013, UN Doc. A/HRC/RES/22/6”, para. 9(b); Declaration on Human Rights Defenders, Article 13; OSCE/ODIHR-Venice Commission, *Joint Guidelines on Freedom of Association*, para. 32; African Commission on Human and Peoples’ Rights (ACHPR), *Guidelines on Freedom of Association and Assembly in Africa*, 2017, para. 38; UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Report, 24 April 2013, UN Doc. A/HRC/23/39, paras 8 and 20.

without discrimination and in order to comply with international human rights law, any restrictions must meet requirements of legality, legitimate aim, necessity and proportionality.<sup>160</sup>

In the context of Israel's ongoing genocide against Palestinians in Gaza, representatives of two civil society organizations told Amnesty International that they fear losing state funding<sup>161</sup> when speaking out against human rights violations committed by Israel against Palestinians because of being labelled as antisemitic.<sup>162</sup>

An interviewee working for a NGO told Amnesty International that they used to speak out on international issues and developments in the past, until in December 2024, when a public official suggested that they would have a "problem" with their public funding in case the organization would start being "too pro-Palestine".<sup>163</sup> Consequently, the organization fears to speak out publicly on Israel's ongoing genocide against Palestinians in Gaza, which in turn led to collaboration partners and donors questioning whether they should continue supporting the organization. The interviewee told Amnesty International that management at the organization told staff not to post anything about Israel and Palestine on their private social media accounts because of the fear of repercussions for the whole organization:

**"[It was] terrible. There were tears and anger. Everyone who works at a NGO has values of human rights, which is one reason why people work for NGOs. The fact is that a decision had to be made for saving the organization [...]. It was also decided that employees were not allowed to talk to journalists about the conflict and in job interviews, applicants were asked how they feel if they work for this organization and are not able to comment on this topic. We also had some declines to job offers. It goes even so far that employees are not allowed to comment and post anything on this topic on their private channels. Because if it becomes public, then I'm sure it would have negative consequences. [...] We even think about any potential repercussions a posting could have on us. [...] I am constantly thinking about what impact this could have on us whenever I like or re-post something [on social media]."**<sup>164</sup>

Another local NGO used to be vocal about human rights violations in Israel and Palestine, as the political and societal discourse in Austria after 7 October 2023 was strongly impacting people they worked with. A representative told Amnesty International that they felt increasingly scrutinized:

**"We have become very cautious during this time because of this accusation. We didn't want to make any mistakes. It is actually a miracle that we still exist at all. [...] We had to consider what private statements meant for the organization. [...] There was this overall intent to put us on the side of "Solidarity with Palestine", and that we should be criminalized for it. Someone even created a fake profile of our organization on Instagram, with our logo and the Palestinian flag."**<sup>165</sup>

There are at least three cases of politicians publicly questioning this local NGO's eligibility for state funding via online posts on Facebook and X and through parliamentary enquiries. They reached a wide audience. In one case, for example, a social media posting by a member of the national parliament about this organization had over 30,000 views.<sup>166</sup> This public scrutiny and criticism due to this NGO's solidarity with Palestinians has made organizations, their staff and affiliates more cautious about their public advocacy on this issue, indicating a chilling effect.

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<sup>160</sup> The right to freedom of association is protected by article 22 ICCPR, article 11 ECHR and article 12 of the EU Charter of Fundamental Rights. See also the Declaration on Human Rights Defenders, especially articles 5, 6, 7, 8, 9, 12, 13 and 16.

<sup>161</sup> Amnesty International enquired with the Federal Chancellery standards and processes for public funding in this respect. In its written response received on 29 December 2025, the Federal Chancellery stated that the rules Allgemeine Rahmenrichtlinien für die Gewährung von Förderungen aus Bundesmitteln (ARR 2014) and Allgemeine Bedingungen für die Gewährung von Förderungen durch das Bundeskanzleramt dating 1 September 2025 apply to any funding. In addition, concerning funding in that concrete aspect, it is assessed whether a project can be subsumed under at least one of the measures of the National Strategy against Antisemitism and thus contributes to the prevention and fight against antisemitism and the promotion of Austrian-Jewish cultural heritage. Federal Chancellery, written response to Amnesty International's enquiry dated 20 October 2025, received on 29 December 2025. The National Strategy against Antisemitism follows the IHRA WDA.

<sup>162</sup> Interview with Anonymous, 31 July 2025, online; Interview with Anonymous, 28 August 2025, online.

<sup>163</sup> Interview with Anonymous, 28 August 2025, online. Amnesty International did not approach the public official as it would have exposed their identity.

<sup>164</sup> Interview with Anonymous, 28 August 2025, online.

<sup>165</sup> Interview with Anonymous, 31 July 2025, online.

<sup>166</sup> The details of the cases are known to Amnesty International, which reviewed social media postings on X and facebook.com, parliamentary enquiries, media reports and public statements. Links to those posts are not included in order to preserve the NGO's anonymity.

## E. EXPERIENCE OF ACADEMICS AT THE UNIVERSITY OF VIENNA

In her 2024 report *Global threats to freedom of expression arising from the conflict in Gaza*, the UN Special Rapporteur on Freedom of Expression found that “academic freedom of students and scholars, as well as the autonomy of institutions, have come under scrutiny and attack in several Western countries, affecting both Jewish and Palestinian members of the academic communities.”<sup>167</sup> She described the right to academic freedom<sup>168</sup> as “rooted in a number of rights, including freedom of opinion and expression, [which] signifies the right of members of the academic community, including students and scholars, to enjoy, individually and collectively, the freedom to develop, pursue and share knowledge and ideas without censorship, and to express, debate and challenge issues peacefully, without discrimination, fear or censorship. Academic freedom also includes the autonomy and self-governance of academic institutions.”<sup>169</sup>

In his 2020 report on academic freedom, the former UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stated that academic institutions “[...] should also adopt and enforce policies that ensure the protection of the free expression rights of the members of their communities, resisting official or social pressure and promising human rights compliance institutionally. Their policies should be transparent, they should be active and accessible defenders of their academic missions (and of their sibling institutions) and they should be accountable for their acceptance and use of funding.”<sup>170</sup>

In this section, this briefing describes incidents when speech and expression on and in solidarity with Palestinians was interfered with at the University of Vienna, contributing to a shrinking space for such discussion.<sup>171</sup>

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<sup>167</sup> UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Global threats to freedom of expression arising from the conflict in Gaza* (previously cited) para. 39.

<sup>168</sup> UN Special Rapporteur on the Right to Education, Report, 27 June 2024, UN Doc. A/HRC/56/58, para. 10.

<sup>169</sup> UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Global threats to freedom of expression arising from the conflict in Gaza* (previously cited) para. 38.

<sup>170</sup> UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Report, 28 July 2020, UN Doc. A/75/261, para. 12.

<sup>171</sup> Amnesty International has also on file an internal checklist issued the University of Vienna concerning disruptive actions during teaching events.

## THE UNIVERSITY OF VIENNA AS A PUBLIC ENTITY

Under Austrian legislation, the University of Vienna is a public university established as a “legal entity under public law”.<sup>172</sup> It conducts sovereign activities, such as issuing ordinances (for example statutes<sup>173</sup>) or decisions. When doing so, it has to act according to the Austrian Constitution and the fundamental rights enshrined in it. In Austria, the ECHR has constitutional status which makes the University of Vienna directly bound by the ECHR.<sup>174</sup>

Regarding state actors’ human rights obligations towards employees, the ECtHR has ruled that “the Convention nowhere makes an express distinction between the functions of a Contracting State as holder of public power and its responsibilities as employer” and it states that Article 11 (freedom of assembly and association) “is accordingly binding upon the “State as employer”, whether the latter’s relations with its employees are governed by public or private law.”<sup>175</sup>

Furthermore, under domestic law, the University of Vienna is also explicitly bound by provisions of non-discrimination on the ground of religion or belief when establishing employment contracts.<sup>176</sup>

As a state actor, the University of Vienna has legal obligations to respect, protect and fulfil the right to freedom of expression of its academic staff and students under international human rights law.<sup>177</sup> Where it restricts freedom of expression, these restrictions must pass strict tests of legality, legitimate aim, necessity and proportionality, and must never be applied in a discriminatory way.

On 3 November 2023, the rectorate of the University published a statement on social media announcing the cancellation of the teach-in series “Against the Present: Past and Future Perspectives on Palestine”. The statement stated that “one-sided representations, intolerance, racism and antisemitism have no place at the University of Vienna” and that “based on the list of speakers and the content of the programme for this event, the university does not believe that this diversity of perspectives is guaranteed.”<sup>178</sup> A spokesperson of the university later confirmed the cancellation to an Austrian newspaper, and explained that additionally, there were indications of “various connections of speakers to relevant organisations”, such as the BDS movement. The news article also explained that the then speaker on education of the governing Green Party had requested the cancellation of the course in a publicly available social media post.<sup>179</sup> Amnesty International could not establish whether this post had impacted the rectorate’s decision. The cancellation led to a letter of protest joined by over 700 international scholars. This letter also criticised the rectorate’s unilateral removal from its website of a statement titled “Against Violence in Israel and Palestine” which was published and signed by a number of students and faculty members of the Department of Social and Cultural Anthropology on the same day.<sup>180</sup> This statement included condemnation of the “Hamas’ attacks on civilians” and calls for the release of all hostages. It further noted a “desperately asymmetrical war on

<sup>172</sup> Austria, Universities Act 2002, <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20002128> (in German) Section 4 (as amended on 19 December 2025).

<sup>173</sup> Austria, Universities Act 2002, <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20002128> (in German) Section 19 (1) (2) (as amended on 19 December 2025).

<sup>174</sup> Austria, Federal Constitutional Provision: Amendment and supplementation of provisions of the Federal Constitutional Law in the version of 1929 on international treaties, [https://ris.bka.gv.at/Dokumente/BgblPdf/1964\\_59\\_0/1964\\_59\\_0.pdf](https://ris.bka.gv.at/Dokumente/BgblPdf/1964_59_0/1964_59_0.pdf) (in German) Article 2.

<sup>175</sup> European Court of Human Rights (ECtHR), *Swedish Engine Drivers’ Union v. Sweden*, Application 5614/72, 6 February 1976, <https://hudoc.echr.coe.int/eng?i=001-57527>, para. 37.

<sup>176</sup> Austria, Universities Act 2002, <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20002128> (in German) Section 44 (as amended on 19 December 2025) which stipulates the applicability of the Federal Equal Treatment Act, which specifically applies to federal authorities; Austria, Federal Equal Treatment Act, <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008858> (in German) Section 13 (as amended on 19 December 2025).

<sup>177</sup> HRC, General Comment 34 (previously cited), para. 7.

<sup>178</sup> Interview Helmut, 28 August 2025, online; University of Vienna, X Post: “The event series “Teach-In: Against the Present: Past and Future Perspectives on Palestine” announced by the Institute for Cultural and Social Anthropology will not take place.”, 3 November 2023, <https://x.com/univienna/status/1720443849586192755>

<sup>179</sup> Der Standard, “Uni Wien zieht Reißleine und sagt “Palestine“-Vortragsreihe ab”, 3 November 2023, <https://www.derstandard.at/story/3000000193723/uni-wien-zieht-reissleine-und-sagt-palestine-vortragsreihe-ab> (in German)

<sup>180</sup> Interview Helmut, 28 August 2025, online; Letter in Protest of University of Vienna’s Cancellation of Events on Palestine and Further Censorship <https://docs.google.com/forms/d/e/1FAIpQLSdURShhPCmZsfFoleOZ4-iDAgl3wtkSI80Xb1fpQsjkgGLsg/viewform>;

Gaza” and mentioned that “scholars warn of a “textbook case of genocide””. The statement calls, among others, for an immediate ceasefire and unrestricted humanitarian aid and further condemns “repression of peaceful pro-Palestine solidarity actions”.<sup>181</sup>

On 5 March 2024, nine scholars who were supposed to speak at a lecture course called “Palestine in global contexts – on mobilities, solidarities and memory cultures”, published a statement on the website of the University of Vienna, stating that the rectorate had removed the course from the lecture program of the summer term 2024. The scholars stated that according to the University, the course in its current form would “ostensibly fail to avoid one-sidedness and to reflect a diversity of perspectives”. According to their statement, the rectorate would allow for the course to be held as a seminar, under the condition, that two Palestinian guest lecturers would not be speaking.<sup>182</sup> The statement also refers to a blog article which was published the same day on which the rectorate had cancelled the lecture course, that criticised the lecture course and these two scholars for bringing “anti-Israel propaganda” into the University of Vienna.<sup>183</sup> Amnesty International could not establish whether there is a connection between the article and the rectorate’s decision. The organization spoke with one of the invited speakers, **Helmut**, a senior scientist and senior lecturer on Israel and Palestine at the University of Vienna, who explained: “The rectorate changed it from a lecture to a seminar with maximum 20 participants. They did not provide any substantive argument against the content of the lecture. The difference is: a lecture is more open, interested individuals can simply come and listen. A closed course, like a seminar, allows 20 participants – no one else can participate.”<sup>184</sup>

The University of Vienna imposed restrictions on lectures by the Palestinian-American Historian Rashid Khalidi and the UN Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967, Francesca Albanese. On 14 May 2024, Rashid Khalidi was supposed to join a public lecture and discussion online called “Ongoing Nakba? The War on Gaza and its Historic Roots” in a 400-capacity lecture hall. Helmut, who had organised this event, told Amnesty International that the rectorate had cancelled the lecture hall because of security reasons two days before the event was scheduled – without any further explanations.<sup>185</sup> As a consequence, the event had to be held exclusively online which led to students informally gathering outdoors to follow Khalidi’s talk online.<sup>186</sup>

Similarly, the University cancelled the large lecture hall for an event with UN Special Rapporteur Francesca Albanese, that was organized on 6 December 2024. As a result, the interested audience and attendees had to be accommodated in three different lecture rooms and the talk to be live streamed.<sup>187</sup> Helmut described the situation to Amnesty International:

**“I have to make extensive preparations [for these events]. For example, Albanese’s visit in December 2024 [with over 1,000 registrations]: I set up an awareness group. [...] At the event itself, 50 police officers were on campus. Three hours before the beginning, the head of operations had called me and asked me about the emergency exits to provide security for all those who were coming. I took responsibility for safety as a course lecturer, because the rectorate has let me down.”**

And he concludes: “Personally, I have an absolute privilege: I am not confronted with genocidal warfare of the Israeli army or shootings like my academic colleagues in Gaza. Today, it is even more

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<sup>181</sup> “Statement: Against Violence in Israel and Palestine” [https://docs.google.com/document/d/e/2PACX-1vSPiRMvGAomEj\\_wUUiNacxMzjXpprMMfoyltvVFKmlNp57B\\_IUQF\\_10QW5-xZ\\_TLqTavZ9Hcx9DzQI/pub](https://docs.google.com/document/d/e/2PACX-1vSPiRMvGAomEj_wUUiNacxMzjXpprMMfoyltvVFKmlNp57B_IUQF_10QW5-xZ_TLqTavZ9Hcx9DzQI/pub)

<sup>182</sup> University of Vienna, “Statement in protest of the removal of the “Palestine in Global Contexts” Lecture Course at the University of Vienna, Summer term 2024”, 5 March 2024, <https://afrika.univie.ac.at/ueber-uns/rassismuskritische-ag/proteste/>

<sup>183</sup> mena-watch, “Universität Wien: Israelfeindliche Propaganda im Hörsaal”, 8 February 2024, <https://www.mena-watch.com/uni-wien-israelfeindliche-propaganda-hoersaal/> (in German).

<sup>184</sup> Interview with Helmut, 28 August 2025, online.

<sup>185</sup> Interview with Helmut, 28 August 2025; Falter Podcasts, “Von der Uni Wien gecancelt: Rashid Khalidi über Gaza” [“Cancelled by the University of Vienna: Rashid Khalidi about Gaza”], 30 May 2024, <https://www.falter.at/podcasts/radio/20240530/von-der-uni-wien-gecancelt-rashid-khalidi-ueber-gaza-1160>; Die Wochenzeitung, “Es braucht absolut gleiche Rechte”, 11 July 2024, <https://www.woz.ch/2428/rashid-khalidi/es-braucht-absolut-gleiche-rechte/!KV3C15E5P9ZS> (in German).

<sup>186</sup> Camp4palestine\_Vienna Instagram post, [https://www.instagram.com/p/C7V\\_C5qsa2i/?utm\\_source=ig\\_web\\_copy\\_link&img\\_index=2](https://www.instagram.com/p/C7V_C5qsa2i/?utm_source=ig_web_copy_link&img_index=2); Jacobin, “How Austrian Liberals Silenced Pro-Palestinians”, 2024, <https://jacobin.com/2024/12/austria-liberals-pro-palestine-antisemitism>

<sup>187</sup> Interview with Helmut, 28 August 2025, online; Der Standard, “Uno-Expertin Albanese in Wien: ‘Israel will in Gaza nicht nur siegen, sondern zerstören’”, 7 December 2024, <https://www.derstandard.at/story/3000000248291/uno-expertin-albanese-in-wien-israel-will-in-gaza-nicht-nur-siegen-sondern-zerstoeren> (in German).

urgent to make this visible and audible. It is a scientific responsibility to show different positions. It is [also] a political and moral responsibility. [...] I owe it to my colleagues from Palestine.”<sup>188</sup>

Amnesty International also spoke to **Amira**, professor of anthropology and religious studies at the University of Toronto, who experienced the implications by Austria’s anti-BDS resolutions on her professional and personal life. After a year-long application procedure, Amira was selected as the top candidate for tenure at the University of Vienna in 2023. “For me, [the job] was a clear-cut matter because I had received the contract [though it wasn’t signed yet]. I had even already chosen a school for my child in Vienna. The salary was fine. I would never have thought that anything would get in the way [between me and this job]. Therefore, I had already told my former [employer] that I planned to resign, they then made me a counteroffer [for me to stay with them].”<sup>189</sup>

Amira told Amnesty International, that the University of Vienna then confronted her with a social media post that a member of parliament of the then governing Green Party had published on 7 November 2023: “Amira Mittermaier ranked first for the professorship in anthropology of religion at the KSA [Department of Social and Cultural Anthropology] of @univienne, who with her signature for the BDS, calls “to boycott Israeli academic institution”. Really now? That can’t be!”<sup>190</sup> and contained a link to the anti-BDS resolution of the federal parliament. Amira believes that the post refers to a signature she gave in 2014 for the “anthroboycott” campaign<sup>191</sup> to protest Israel’s human rights violations in the Gaza strip.

Amira further explained to Amnesty International, that in a subsequent conversation, the rector of the University of Vienna clearly told her that she would not get the job unless she publicly distanced herself from BDS. **Amira** explained:

**“The important thing about the conversation was the emphasis that it is not acceptable to have this position [on BDS] here in Austria, even if it is not illegal. According to him, there were several things that would not be acceptable: supporting BDS is not acceptable, talking about genocide is not acceptable, talking about apartheid is not acceptable, talking about settlement politics is not acceptable. Because of Austria’s history and after 7 October. That was the message. [...] BDS is so demonized. But if you believe that Israel is committing human rights violations and want to exert pressure, what other means do we have?! Boycott is not perfect, but BDS is a peaceful means of protest. It does not resort to violence, and I stand behind it. It is my right to support it. [...]. He reprimanded me and requested a deal. How am I supposed to freely teach here?”**<sup>192</sup>

Amira decided not to publicly distance herself from the boycott letter as doing so would have contravened her personal convictions and her research. Consequently, she did not get the professorship at the University of Vienna but was able to continue working with her previous employer.<sup>193</sup>

Amnesty International reached out to the University of Vienna, including to ask about their actions regarding the incidents mentioned above. The University responded to Amnesty International on 23 January 2026; their response did not include any details on the specific incidents described above.

The UN Educational, Scientific and Cultural Organization (UNESCO) and the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression have outlined a range of responsibilities that universities and higher education institutions owe to their staff and students, drawn from international law and statements of intergovernmental bodies, including among others to provide “effective support for academic freedom and fundamental human rights” to students

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<sup>188</sup> Interview with Helmut, 28 August 2025, online.

<sup>189</sup> Interview with Amira, 17 October 2025, online.

<sup>190</sup> Eva Blimlinger, X Post: “Amira Mittermaier ranked first for the professorship in anthropology of religion at the KSA of @univienne, who with her signature for the BDS, calls “to boycott Israeli academic institution”. Really now? That can’t be!”, 7 November 2023, <https://x.com/blimlinger/status/1721897879621783609>.

<sup>191</sup> Anthroboycott, “ARCHIVED: Anthropologists for the Boycott of Israeli Academic Institutions, 2014 – 2016 Campaign”, <https://anthroboycott.wordpress.com/the-statement/>.

<sup>192</sup> Interview with Amira, 17 October 2025, online.

<sup>193</sup> Interview with Amira, 17 October 2025, online.

and staff;<sup>194</sup> to ensure that higher education personnel are not impeded in their work in the classroom or in their research capacity by violence, intimidation or harassment;<sup>195</sup> or to ensure that members of academic communities have protection against coercion by third parties, whether the state or groups in society, which requires, in particular, institutions to stand up for members of their communities who face attack or restriction owing to the exercise of their academic freedom.<sup>196</sup>

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<sup>194</sup> UN Educational, Scientific and Cultural Organization (UNESCO), *Recommendation Concerning the Status of Higher-Education Teaching Personnel*, 11 November 1997, <https://unesdoc.unesco.org/ark:/48223/pf0000113234.page=2>, para. 22(c).

<sup>195</sup> UNESCO, *Recommendation Concerning the Status of Higher-Education Teaching Personnel*, 11 November 1997, para. 22(h).

<sup>196</sup> UN Special Rapporteur on freedom of opinion and expression, Report, 28 July 2020, UN Doc. [A/75/261](#), para. 58.

## 4. CONCLUSIONS AND RECOMMENDATIONS

This briefing describes how Austrian authorities have been failing to live up to their international human rights obligations in the context of expressions of solidarity with Palestinians and calls for an end to Israel's ongoing genocide against Palestinians in Gaza. It has outlined multiple factors that have combined to impact the right to freedom of expression in Austria, insofar as expressions of solidarity with Palestinians are concerned: namely (i) restrictions on the chant "from the river to the sea, Palestine will be free"; (ii) the chilling effect associated with allegations of 'antisemitism' that people expressing solidarity with Palestinians face: efforts to address antisemitism are largely based on the IHRA WDA, and are not consistent with Austria's human rights obligations. The government's reliance on this definition risks negatively impacting its fight against antisemitism and has also contributed to a chilling effect amongst activists expressing solidarity with Palestine; (iii) fear amongst some CSOs that they may lose state funding because they express solidarity with Palestinians; and (iv) the experience of academics at the University of Vienna. As a result, this has led to violations of the right of peaceful assembly and freedom of expression in some instances and has also resulted in a chilling effect on the exercise of these rights in other cases.

The briefing also notes that the government has failed to address long standing anti-Muslim racism and to adopt tools to identify, document and address anti-Palestinian racism in Austria, which has become further entrenched in this period. Austrian legislation on the prohibition of racial discrimination is highly fragmented and no national action plan on racism or comprehensive disaggregated data collection system for racist incidents and discrimination exists.

In this context, Amnesty International recommends:

### To the federal government:

- Adopt a national action plan against racism in line with the Durban Declaration and Programme of Action, as recommended by the CERD in its CO to Austria in 2012
  - In meaningful consultations with affected groups adopt definitions and monitoring tools to increase awareness of forms of racism, including anti-Muslim and anti-Palestinian racisms and antisemitism (relying on the JDA as needed), that are in line with Austria's human rights obligations, and use monitoring tools to increase awareness of the same, with a view to develop plans to eradicate it through awareness raising, education, capacity development and community building, including by deconstructing stereotypes, removing stigma and economic barriers in order to promote social cohesion.
  - Ensure that any definition of antisemitism is strictly aligned with international human rights law and revoke any policy and decision legitimizing and disseminating the IHRA WDA due to its lack of compliance with international law.
  - Revise the National Strategy against antisemitism in meaningful consultation with affected groups and civil society organizations, in particular organizations working on anti-discrimination and anti-racism, adequately resourced to address the historical and societal roots of this for anti-discrimination and strictly aligned with Austria's obligations on anti-discrimination and freedom of expression.
- Take steps to address and prevent racist political rhetoric from state officials and MPs that are in contravention with Austria's human rights obligations on anti-discrimination.
- Ensure meaningful participation of all affected communities in designing, establishing and implementing measures against discrimination and racism, including anti-Muslim and anti-Palestinian racism and antisemitism.
- Remove any form of undue restrictions on the work of human rights defenders and associations to be able to operate in a safe and enabling environment. Protect them from any form of stigmatization and ensure their access to public funding without discrimination.

- Refrain from imposing restrictions on freedom of expression, including chants, use symbols or other forms of expression in support of Palestinians that would be in contrast with Austria's legal obligations under international human rights law.
- In meaningful consultations with affected groups and experts, increase efforts and ensure sustainable funding for designing and implementing education and awareness raising tools on freedom of expression and hate speech with a view to preventing weaponization of speech offline and online.

To the Ministry of Justice:

- Repeal the ministerial decree on the chant "From the river to the sea, Palestine will be free" and officially declare it null and void.
- Assess any restrictions on the right to freedom of expression always on a case-by-case basis, ensuring due process guarantees and in accordance with international human rights law and standards and in particular, in compliance with the requirements of legality, legitimate aim, necessity and proportionality. In addition, in assessing whether expression constitutes advocacy of hatred that amounts to incitement to discrimination, hostility or violence, and must be prohibited, a higher threshold must be met, in accordance with the Rabat Plan of Action.

To the federal government, the Municipality of Vienna and Municipality of Graz:

- Respect and protect the right to advocate for boycotts, divestments and sanctions as these are legitimized forms of political expression that should not be prohibited or criminalized under human rights law.
  - Refrain from complying with non-binding resolutions that consider the Boycott, Divestment and Sanctions Movement antisemitic in general.
  - Ensure that advocates of BDS can express their views and take forward their campaigns without harassment, threats of prosecution or criminalization, or other measures that violate the right to freedom of expression.

To the University of Vienna:

- Immediately investigate and address any allegations of human rights violations and interferences with the freedom of expression, including those illustrated in this briefing, with a view of holding those responsible to account and provide effective remedy where adverse impacts are identified.

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