



Civic Space Report 2024

**ESCALATING RESTRICTIONS
ON ORGANISATIONS AND
INDIVIDUALS EXPRESSING
SOLIDARITY WITH THE
PALESTINIAN PEOPLE**





About this report

This analysis was published as part of the European Civic Forum's Civic Space Report 2024. The full report contains chapters written by its secretariat, by member organisations, or by partner organisations and individuals. Much of the content originally appeared as part of ECF's submission to the European Commission's Rule of Law consultation. Each chapter reflects the views and analysis of its respective author. For more information about the European Civic Forum, please visit www.civic-forum.eu

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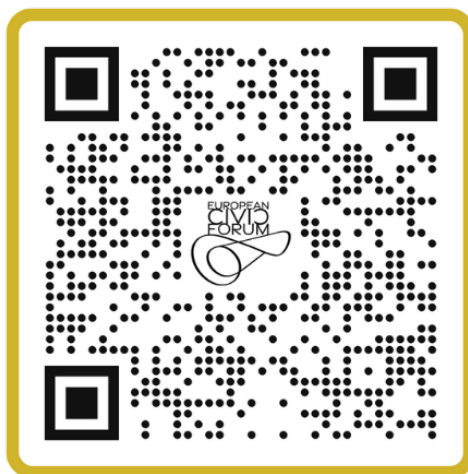


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Key trends

- 🔍 **Disproportionate measures enforced on protests, including pre-emptive banning based on risk to “public order” and “security”**
- 🔍 **Protesters subject to intimidation, harassment, and arbitrary detentions**
- 🔍 **Legitimate criticism of Israeli authorities conflated with antisemitism and “apology for terrorism”; and used to silence Palestinian and Jewish activists and organisations**

Summary

Following the new dramatic escalation of violence in Israel and Palestine, people in Europe expressed solidarity, concerns, their opinions, their demands, hope, anger and grief collectively in numerous ways. Several member states have imposed undue restrictions on the right to peaceful assembly and freedom of expression on those standing in solidarity with the Palestinian people, in violation of international human rights standards, the EU Charter of Fundamental Rights and rule of law principles. These developments have contributed to further polarisation in society, leading to an increase in hate speech and hate crimes targeting both Jewish and Muslim communities in Europe. Rights' restrictions have also disproportionately affected Palestinians, people of Arab descent and Muslim people and those perceived as such with cases of racial profiling to justify curtailment of rights. Additionally, while the restrictions were often justified in the name of fighting anti-semitism, Jewish organisations and activists critical of Israeli policies have been silenced and marginalised, and at times been accused of not being representative of Jewish people in Europe. In the context of the ruling of the International Court of Justice (ICJ) on 26 January, which found it plausible that Israel's acts could amount to genocide, and the new tragic developments on the ground in Gaza and across Israel/Palestine, ensuring accountability and justice is extremely urgent.

Introduction

Following the new dramatic escalation of violence in Israel and Palestine, many people, reflecting the diversity that constitutes our societies in Europe, want to express their concerns, their opinions, their demands, hope, anger and grief collectively in demonstrations. They continue to call on their governments and international institutions to take responsibility and action to ensure the protection of civilians and the respect of human rights and dignity. They are urging the international community to act for peace and justice.

Everyone has the right to peaceful assembly and to free speech as outlined in [international law](#). In addition, states have an obligation to respect and ensure peaceful protest without discrimination.¹

The right to peaceful assembly and protest are crucial means for political participation. According to the [OHCHR General Comment on the right of peaceful assembly](#), “states must leave it to the participants to determine freely the purpose or any expressive content of an assembly. The approach of the authorities to peaceful assemblies and any restrictions imposed must thus in principle be content neutral, and must not be based on the identity of the participants or their relationship with the authorities.”²

It is even more crucial in times of conflict that society benefits from a fully functioning civic space, fundamental rights and democracy. However, over the last month there have been many breaches of these international standards as people across Europe have expressed solidarity against the dramatic escalation of violence in the Middle East.

While fears of incitements to hate, antisemitism and islamophobia are fully legitimate and should be addressed with the legal tools that ensure that perpetrators are held accountable, according to human rights standards the authorities have a duty to facilitate and guarantee freedom of expression and freedom of peaceful assembly. In line with these standards, in case of violent demonstrators, the police’s action should be aimed at removing those enacting or inciting violence in order to enable the peaceful protesters to continue exercising their right.

It is important to note that some protests took place without interference in several member states, including in European cities, such as Belfast, Stockholm³, across Belgium and Spain, Innsbruck,

¹ <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful>

² <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful>

³ <https://www.aa.com.tr/en/europe/thousands-attend-pro-palestine-rally-in-sweden/3044914>

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Amsterdam⁴ and many more⁵. However, in several countries, authorities enforced disproportionate measures such as pre-emptive banning of protests based on risk to “public order” and “security”, and the use of excessive force and detention of protesters as well as the conflation of legitimate criticism of Israeli authorities with antisemitism, leading to a chilling effect. In several cases, the bans were appealed, and courts intervened against banning protests in solidarity with Palestine.

International human rights standards state that placing blanket bans on all demonstrations is considered a serious and disproportionate attack on the right to demonstrate. Authorities have a duty to facilitate the exercise of the right to peaceful assembly and, during the assembly, to ensure that if individuals commit such acts, they are excluded and, if necessary, appropriate action is taken addressing potential punishable acts. In order to restrict or ban a public demonstration, the police have an obligation to demonstrate that the specific assembly creates a real and significant risk to public safety.

Covert investigations, as well as the close monitoring and spying on organisations supporting Palestine, are other worrying developments. In addition, the right to freedom of expression has also been restricted. On social media, organisations and individuals showing support for the Palestinian cause have reportedly been shadow-banned⁶. In countries like France and Germany, ministers of state have called for their governments to revoke visas for foreign nationals with suspected links to ‘radical ideologies’ or to deport *en masse* persons, inciting hate and division, even though these policies and the context of their implementation create risks of discrimination against Muslim Arab migrants.⁷

Since October 2022, the European Legal Support Centre (ELSC) has documented **at least 1,146** incidents of repression on the Palestinian solidarity movement or individuals advocating for Palestinian rights. Of these, at least 836 incidents were recorded after October 2023⁸ of which 281 took place in Germany, 244 in the UK, 87 in the Netherlands, 79 in France, 58 in Italy, 20 in Switzerland, 17 in Austria and 50 in other European countries. These incidents range from threat of legal action to harassment, intimidation, violence, threats to citizenship or residency status, smear campaigns, cyber-attacks and surveillance.

⁴ <https://nltimes.nl/2023/10/30/multiple-pro-palestine-protests-peace-marches-netherlands>

⁵ <https://www.reuters.com/world/pro-palestinian-protesters-demand-gaza-ceasefire-european-marches-2023-11-04/>

⁶ <https://www.hrw.org/report/2023/12/21/metas-broken-promises/systemic-censorship-palestine-content-instagram-and>

⁷ <https://www.hrw.org/news/2023/10/26/israel-palestine-hostilities-affect-rights-europe>

⁸ Unpublished data provided to ECF by the ELSC. The ELSC Monitor team collects incidents of repression through the following avenues: There are five sources of incident collection on our incident list: I) Report Form II) Mass Media III) Social media IV) Fieldwork V) Private Communication. Each documented incident can affect several people. ELSC registers incidents per location or event. An incident can include multiple restrictions, for example harassment, detention, violence etc.

RESTRICTIONS ON PALESTINE SOLIDARITY

In some countries, the slogan “from river to the sea, Palestine will be free” chanted during protests has come under scrutiny of authorities. Case law in different countries found that criminal intent cannot be affirmed in an individual case without concrete evidence.⁹ Authorities in **Austria, France, Germany, Netherlands** have made a generalised interpretation of the chant and proposed that it be criminally prosecuted or prevented protests on the basis of it. According to international standards, everyone should have the right to freedom of expression; including the freedom to seek, receive and impart information and ideas of all kinds. Restrictions on this right must be “provided by law and necessary”, on grounds of rights or reputations of others and for the protection of national security or of public order (*ordre public*), or of public health or morals. In addition, any propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited by law.¹⁰ The Rabat Plan of Action related to restrictions on the basis of incitement to national, racial, or religious hatred, authorities “suggests a high threshold for defining restrictions on freedom of expression, incitement to hatred, and for the application of article 20 of the International Covenant of Civil and Political Rights (ICCPR). It outlines a six-part threshold test taking into account (1) the social and political context, (2) status of the speaker, (3) intent to incite the audience against a target group, (4) content and form of the speech, (5) extent of its dissemination and (6) likelihood of harm, including imminence.”¹¹

Below is a non-exhaustive summary of the latest restrictions reported by civil society in EU member states.

⁹ <https://civicspacewatch.eu/alert-continued-restrictions-against-the-peaceful-expression-of-solidarity-with-the-palestinian-people-continue-across-europe/>;
https://www.justiz.nrw.de/nrwe/ovgs/vg_muenster/j2023/1_L_1011_23_Beschluss_20231117.html;
<https://www.ceska-justice.cz/2023/12/zruseni-prosincove-demonstrace-na-podporu-palestiny-bylo-nezakonne-rozhodl-soud/>

¹⁰ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

¹¹ <https://www.ohchr.org/en/freedom-of-expression>

Methodology and acknowledgements

This analysis compiles evidence from various sources to provide a non-exhaustive summary of the restrictions reported by civil society in EU member states concerning the right to freedom of peaceful assembly, association, and expression in the context of the escalating violence in Israel and Palestine.

Data Collection:

1. **Contributions from national civil society organisations:** Information for this analysis was mainly¹² gathered from national civil society organisations contributing to the country chapters of the annual European Civic Forum (ECF) civic space report.
2. **Desk Research:** Additional data was collected through comprehensive desk research by ECF secretariat, which involved analyzing reports, articles, and publications from reputable media sources. Social media monitoring was also conducted to capture developments and reactions.
3. **Interviews:** Insights and firsthand accounts were obtained through interviews with additional stakeholders, including representatives from *Jüdische Stimme*, *Een Andere Joodse Stem*/Another Jewish Voice, and the European Legal Support Centre (ELSC). These interviews provided nuanced perspectives on the impact of recent events on civil liberties and human rights in the region.

*This analysis was first published on in April 2024¹³ and had since been updated.

¹² All national country contributors, with the exception of Germany and Austria.

¹³ <https://civic-forum.eu/press/solidarity-protests-with-palestinian-people-banned-in-at-least-12-eu-countries-finds-new-analysis-six-months-on-from-the-horrific-hamas-attack-on-7-october>

Austria

When it comes to the right to protest, authorities carried out individual assessments of each demonstration on a case-by-case basis. There were several peaceful protests recorded, including 14 October¹⁴, 15 & 16 October¹⁵ by the organisation “Palestine Solidarity Austria” in Vienna.

According to official numbers there were: 70 police reports during pro-Palestinian demonstrations, of which 50 were related to the use of the slogan “From the river to the sea - Palestine will be free”; 400 administrative reports; 10 arrests, and 13 prohibited assemblies¹⁶.

According to Amnesty Austria¹⁷, on 11 October, the Vienna police banned¹⁸ a pro-Palestinian protest for public safety reasons as it was due to coincide with a pro-Israel memorial event held for the victims of Hamas attack¹⁹. According to media reports, while the protest went ahead, protesters were kettled and only released after providing their IDs²⁰. 304 people were fined under the Criminal Code, the Assembly Act and for other administrative offences.²¹

The slogan “from the river to the sea” has also been heavily debated as the head of Vienna’s police force, has characterised it as a “call to violence”. Vienna police later communicated that “according to the current jurisprudence, “From the river to the sea, Palestine will be free!” does not constitute incitement to hatred. However, it stated a report was sent to the public prosecutor’s office regarding slogans chanted. It added that “there has been no clear reason to break up the demonstration under the Assembly Act. However, in recent days, there have already been reports of incitement and

¹⁴ <https://www.derstandard.at/story/3000000191155/keine-vorfaelle-auf-pro-palaestina-demo-in-wien>; <https://www.sn.at/panorama/oesterreich/pro-demos-wiener-innenstadt-146929558>

¹⁵ <https://www.derstandard.at/story/3000000191182/zwei-pro-palaestina-kundgebungen-in-wien-geplant>

¹⁶ <https://www.diepresse.com/17831334/70-anzeigen-bei-pro-palaestina-demos-in-oesterreich-seit-nahost-eskalation>; https://assets-global.website-files.com/6364ebb4927fbc4330221d8f/65ca2961b51afebfe28f00c3_s2NQDyQaMHPL50j-08TZPk7nmHVBe4eaJEsPWYLFXAc.pdf

¹⁷ <https://cdn.amnesty.at/media/11748/amnesty-jahresbericht-2023.pdf>

¹⁸

https://twitter.com/LPDWien/status/1712150030939754630?ref_src=twsrc%5Etfw%7Ctwcamp%5Eetweetembed%7Ctwterm%5E1712150030939754630%7Ctwgr%5E43a265916f4a0f4325677e883fb1bbb7f344f68c%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.meinbezirk.at%2Fwien%2Fpolitik%2Ffive-ticker-zur-untersagten-mahnwache-am-stephansplatz_a6316667

¹⁹ <https://www.reuters.com/world/from-river-sea-prompts-vienna-ban-pro-palestinian-protest-2023-10-11/>

²⁰ <https://wien.orf.at/stories/3227875/>

²¹ <https://kurier.at/chronik/wien/nach-berlin-auch-in-wien-werden-pro-palaestina-demos-untersagt/402628067>; <https://www.derstandard.de/story/3000000190812/mehr-als-300-anzeigen-bei-untersagter-pro-palaestina-demo-in-wien>

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dangerous threats due to clear statements by individual participants in the rally.”²²²³ On 14 October, a protest was banned in Graz by the police, after “From the river to the sea, Palestine will be free” was cited on invites to the protests. Protesters defied the ban and 30 people protested peacefully before the police dispersed them.²⁴

On 20 October, another protest was banned in Graz by the police for “expected threats to public order and security”. Nevertheless, 70 to 80 demonstrators gathered to protest. No incidents were reported.²⁵

Belgium

Flemish Minister-President and Minister of Culture Jan Jambon (N-VA) announced during a parliamentary Q&A that the media organisations De Morgen and NGO vzw, located in Ghent, will be inspected to determine if their subsidies from the Ministry should be terminated, in response to their coverage of Israel and Palestine²⁶.

During a planned silent march protest in February 2024, to coincide with the Brussels light festival, police prevented a group of protesters from proceeding with the planned march. They kettled, harassed and identified protesters before allowing them to disperse²⁷.

As part of the wider trend of restrictions on protests, Jewish activists taking part in solidarity actions with the Palestinian people have faced repressions by the police, including arbitrary checks of personal belongings justified by “security reasons”, as well as bans of political signs in protests and the use of Palestinian *Keffiyeh* scarfs.²⁸

²² <https://www.reuters.com/world/from-river-sea-prompts-vienna-ban-pro-palestinian-protest-2023-10-11/>

²³ <https://twitter.com/LPDWien/status/1714249244725359026>

²⁴ <https://steiermark.orf.at/stories/3228350/>

²⁵ <https://www.kleinezeitung.at/steiermark/graz/17756078/palaestina-demonstration-in-graz-findet-trotz-polizeilicher-untersagung>; <https://www.krone.at/3145894>

²⁶ <https://civicspacewatch.eu/belgium-brussels-based-ngos-are-audited-following-their-israel-palestine-coverage/>; <https://investigaction.net/lode-vanoost-en-flandre-la-n-va-veut-intimider-ceux-qui-denoncent-les-crimes-israeliens/>; https://m.nieuwsblad.be/cnt/dmf20231019_97417753

²⁷ Incident reported to ECF on 15 February 2024.

²⁸ Interview with Een Andere Joodse Stem/Another Jewish Voice

Czech Republic

In the Czech Republic, there were several protests in solidarity with Palestine. On 30 November 2023, the Prague municipality banned a planned protest in solidarity with the Palestinian people on the grounds that the slogan “From the River to the Sea, Palestine will be free” is “aimed at denying and restricting the personal and political rights because of their nationality, origin, political opinion and religious belief.” However, the municipal court in Prague annulled the decision and found that the phrase could have multiple meanings and does not carry a “univocally violent or even a genocidal message²⁹.”

This sparked public interest in the Czech Republic for a more thorough analysis of the criminal law aspects of these expressions in the context of the Czech legal system and for the constitutionally protected freedoms of expression, peaceful assembly, and of political opinions. In November 2023, the Supreme Public Prosecutor's Office issued an opinion on the “legal assessment of hate speech in connection with the Hamas terrorist attack on Israel and the subsequent Israeli-Palestinian armed conflict”. The document highlighted the need for careful evaluation of individual cases, with consideration of the specific circumstances and the context of each act, to determine whether it constitutes a criminal offence.³⁰

²⁹ <https://www.ceska-justice.cz/2023/12/zruseni-prosincove-demonstrace-na-podporu-palestiny-bylo-nezakonne-rozhodi-soud/>

³⁰

<https://verejnazaloba.cz/nasz/nasz-zverejnuje-text-stanoviska-k-projevum-ve-vztahu-ke-konfliktu-v-izraeli/>

Denmark

There have been multiple accounts of the content of online activists being dramatically reduced in views (i.e. shadow banning) when posting about the escalating violence in Israel-Palestine.³¹ In one example, the very popular activist account “Deltidsaraber”, posted content regarding issues related to racism and discrimination. The account reported that their Instagram stories went from typically receiving over 1,000 views within the first half hour to receiving below 20.³² Many followers commented that the content of the account did not appear in their feed. This is supported by a recent report from Human Rights Watch, documenting systemic censorship of pro-Palestine content on Instagram and Facebook, which includes cases from Denmark.³³

Estonia

In November and December³⁴, protests in solidarity with Palestinian people took place in cities such as Tallinn and Tartu. On 5 November, a demonstration was held in Tallinn, where protesters called for a ceasefire and for the Estonian government to condemn Israel's actions. Although the protest was peaceful, the Police and Border Guard Board removed five protesters from the demonstration for chanting slogans (including “From the River to the Sea”) that authorities considered anti-semitic. The protesters were fined between €120 and €160 and misdemeanour proceedings were taken

³¹ Lorentzen (2023). *Cybernormer #19: Palæstina, censur og shadowbans. Cybernauterne.*
<https://cybernauterne.dk/podcast/cybernormer-19/>

³² Deltidsaraber (2023). Instagram post from November 9th.
https://www.instagram.com/p/Czb1T7yM6ru/?utm_source=ig_web_copy_link

³³ Human Rights Watch (2023). *Meta's Broken Promises. Human Rights Watch.* p. 7.
https://www.hrw.org/sites/default/files/media_2023/12/ip_meta1223%20web.pdf

³⁴ <https://www.delfi.ee/artikkel/120252328/video-ja-fotod-saan-aru-et-piiri-tag-a-on-ka-inimene-tartus-toimus-meeleavaldus-palestiina-toetuseks>

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against them. However, they are requesting that the supreme court annul the fines and assess whether specific provisions of the Penal Code are constitutional.³⁵

As a result of this, a "silent rally in Support of Palestine and Palestinians" that was planned in another city, Tartu, on December 2nd was initially refused. The head of the PPA of the Tartu region said that they initially refused to register the event as they "thoroughly considered registering the meeting, but denied it on the grounds that, in our view, the organiser had not sufficiently thought through all the risks and had not acted to mitigate them," and that "in order to prevent such a situation and to make sure that the public meeting would be peaceful", referring to the use of the slogan and the fining of five individuals in Tallinn.³⁶

Moreover, the PPA said "everyone in Estonia has the right to speak out, provided that doing so does not violate the rights of others."³⁷

The rally was later registered by the police after discussions with the organisers about organisational issues and concerns³⁸. Organisers of the event shared announcements to ensure that the rally is peaceful and does not incite hateful messages stating that "posters are also welcome, but police are asking to avoid river-to-sea messages and loud shouts. This is a peaceful assembly, anti-Semitic, Islamophobic and other expressions inciting hatred and intolerance are not welcome." The rally was peaceful and there were no incidents.

³⁵ <https://humanrights.ee/en/2023/12/meeleavaldusel-osalenud-leore-laksin-naitama-solidaarsust-kumme-minutit-hiljem-tosteti-mind-politseibussi/>

³⁶ <https://news.err.ee/1609187014/police-want-to-avoid-a-repeat-of-the-tallinn-pro-palestinian-protest>

³⁷ <https://news.err.ee/1609187014/police-want-to-avoid-a-repeat-of-the-tallinn-pro-palestinian-protest>

³⁸ <https://news.err.ee/1609187014/police-want-to-avoid-a-repeat-of-the-tallinn-pro-palestinian-protest>

France

The Minister of the Interior has been curtailing the freedom of peaceful assembly and expression by issuing a round of orders banning demonstrations for peace in the context of escalating violence in Israel and Palestine.³⁹

On 12 October 2023, in an administrative letter issued to all departmental prefects, the minister asked for a systematic ban on all demonstrations in support of the Palestinian people, explaining that these protests invite support for Hamas.⁴⁰ Despite the ban, the protest went ahead, and police responded with disproportionate force, including tear gas and a water cannon.⁴¹ This came at the same moment when many in the international community were stressing the importance of putting forward a political solution and while the Israeli government was announcing its on ground offensive that would result in a significant number of casualties and injuries, mainly in Gaza, but also in the West Bank.

The local prefects followed the Minister's demand and almost systematically banned many gatherings throughout the country, which called for a ceasefire, for a just and lasting peace.

In an interim order dated 18 October 2023, the Council of State during an appeal against the Ministers' letter, recalled that it was up to the prefects alone to assess, on a case-by-case basis and under the supervision of the administrative judge, whether there were grounds for banning a specific demonstration.⁴² The prefects could not legally decide to ban a demonstration solely by referring to the letter issued by the Minister or solely on the grounds that the demonstration in question was intended to support the Palestinian people.

Since then, a number of prefectures have continued to issue orders banning protests planned by the Association France Palestine Solidarité (AFPS) in support of peace and a ceasefire in Gaza.

³⁹ <https://www.mediapart.fr/journal/fil-dactualites/121023/darmanin-ordonne-l-interdiction-des-manifestations-pro-palestiniennes-et-l-interpellation-des-org>;

<https://www.amnesty.org/en/latest/news/2023/10/ban-on-protests-supporting-palestinians-is-disproportionate-attack-on-the-right-to-protest-in-france/>

⁴⁰ https://www.lemonde.fr/international/article/2023/10/13/malgre-les-interdictions-des-rassemblements-propalestiniens-a-paris-et-dans-quelques-villes-de-france_6194044_3210.html

⁴¹ <https://www.reuters.com/world/europe/france-bans-pro-palestinian-protests-citing-risk-disturbances-public-order-2023-10-12/>; <https://www.theguardian.com/world/video/2023/oct/13/french-police-teargas-banned-pro-palestinian-protest-video>

⁴² https://www.francetvinfo.fr/monde/proche-orient/israel-palestine/le-conseil-d-etat-rejette-le-recours-depose-contre-l-interdiction-de-manifestations-pro-palestiennes_6129585.html

Following this, LDH lodged several applications for interim relief on the grounds that the freedom of peaceful assembly was clearly being infringed, which enabled the courts to suspend the bans in Auxerre, Dijon, Laval, Nancy, Nîmes, Nice and Rennes.⁴³

In Nice, the Prefect of Police issued no less than ten successive orders banning gatherings organised by the “Collective for a just and lasting peace between Palestinians and Israelis” (translated from French). All were suspended by the administrative court on the grounds of serious and manifestly illegal infringement of the fundamental freedoms of expression and peaceful assembly, and in one of its decisions (of 18 November 2023), the court pointed out the prefect's obstinacy in an approach that had already been ordered illegal. However, during a media interview in November 2023 Prefect Hugues Moutouh endorsed the ban on protests, where he stated: "For the past few weeks, I have decided to systematically ban demonstrations which, under the guise of defending peace and the Palestinian people, are incitement to hatred of Jews. This is part of an attack on intangible public order. There is no need for demonstrations to descend into violence."⁴⁴

Despite the systematisation of the bans on gatherings, the Council of State ruled that even with this repetition of bans there was no evidence to show that an administrative decision institutes a general and absolute ban contrary to fundamental freedoms, but merely a general guideline for maintaining public order for which the Prefect is responsible.

Since then, the Prefect of the Alpes Maritimes has tirelessly continued to ban the Collective's gathering every week, despite weekly censures by the administrative court.

Curtailing freedom of expression

Palestinian women' rights activist Mariam Abou Daqqa, who is part of the Popular Front for the Liberation of Palestine (PFLP), which is an organisation classified as terrorist by the European Union⁴⁵, was arrested on 16 October, put under house arrest in Marseille and threatened with expulsion for “disturbing public order” even though she arrived legally in France in September to host conferences.⁴⁶

On 20 October, two leaders of the *Confédération Générale du Travail du Nord* (CGT), a major French trade union, were arrested at their home and placed in police custody for “*apologie du terrorisme*”,

⁴³ <https://civicspacewatch.eu/ldh-the-general-ban-on-peace-gatherings/>

⁴⁴ <https://www.marianne.net/societe/manifestation-pour-gaza-a-nice-la-justice-suspend-l-interdiction-la-prefecture-oublie-de-retirer-son-tweet>

⁴⁵ https://www.lemonde.fr/societe/article/2023/10/20/l-expulsion-de-la-militante-mariam-abou-daqqa-suspendue-par-la-justice-le-ministere-de-l-interieur-va-faire-appel_6195650_3224.html

⁴⁶ <https://france3-regions.francetvinfo.fr/provence-alpes-cote-d-azur/bouches-du-rhone/guerre-entre-le-amas-et-israel-le-conseil-d-etat-valide-l-expulsion-de-la-militante-palestinienne-mariam-abu-daqqa-arretee-a-marseille-2869496.html>

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following a press release “In support of the Palestinian people in struggle⁴⁷”. According to French law, “*l’apologie du terrorisme*” refers to “advocacy of terrorism and direct incitement to terrorism are crimes⁴⁸”.

The Ligue des droits de l’Homme (LDH) issued a press release stating that the arrest of the leaders is “pure intimidation” and was done to set “an example since the two trade unionists were quickly released. The press release, which they are accused of writing without this being established, supports the Palestinian people, which in no way constitutes a “*direct provocation to acts of terrorism*” (unofficial translation from French). According to the NGO, this response shows the conflation by the public authorities of solidarity with the Palestinian people with support for the terrorist acts of Hamas.⁴⁹

On 6 December 2023 the Paris town hall cancelled a public meeting entitled “Against anti-Semitism, its exploitation and for revolutionary peace in Palestine” where world-renowned American philosopher [Judith Butler](#) was meant to speak. According to the organisers the decision referenced “*disturbances to public order.*”⁵⁰

Germany

Between October 2023 and March 2024, the ELSC recorded 281 incidents of repression against the Palestinian solidarity movement or individuals advocating for Palestinian rights, with at least 75 cases of harassment, intimidation and violence.

According to media reports, peaceful demonstrations in solidarity with Palestine took place in Cologne, Frankfurt, Hanover, Karlsruhe, Münster and Stuttgart.⁵¹

On the contrary, in Berlin, the approach of authorities has led to a significant negative effect on expressions of solidarity. Several protests in solidarity with the Palestinian people have been pre-

⁴⁷ <https://www.ldh-france.org/halte-a-lengrenage-des-atteintes-aux-libertes/>

⁴⁸ <https://www.service-public.fr/particuliers/vosdroits/F32512?lang=en>

⁴⁹ <https://www.ldh-france.org/halte-a-lengrenage-des-atteintes-aux-libertes/>

⁵⁰ [https://www.liberation.fr/idees-et-debats/annulation-dune-conference-pour-la-paix-de-judith-butler-la-ville-de-paris-invoque-le-risque-de-polemiques-20231204_UJBS4TPWENEY7JYM7RBCLPHNHU/;](https://www.liberation.fr/idees-et-debats/annulation-dune-conference-pour-la-paix-de-judith-butler-la-ville-de-paris-invoque-le-risque-de-polemiques-20231204_UJBS4TPWENEY7JYM7RBCLPHNHU/)
<https://twitter.com/TSDKcollectif/status/1765866646835462274/photo/2>

⁵¹ <https://www.dw.com/en/germany-thousands-march-in-support-of-gazans/a-67175536>

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emptively banned by authorities on the grounds of preventing threat to public safety and order, and antisemitism⁵². In doing so, reference is made to experience of criminal acts, including antisemitic acts, at some past assemblies. According to international standards, in order to restrict or ban a public demonstration, the police have an obligation to demonstrate that the specific assembly creates a real and significant risk to public safety. Instead, the decisions to ban the assembly link the assessed risk to previous demonstrations as well as the Hamas attack of 7 October, and effectively associates an entire demographic group with violence. The organisers of a banned protest in Berlin commented that the “alleged actions of a minority” were being used “to deny an entire community the right to freedom of expression⁵³”.

Under international human rights law, the police and assembly authorities have a duty to facilitate the right to freedom of assembly and during the assembly to ensure that if individuals commit such acts, they are excluded and, if necessary, appropriate action is taken addressing potential punishable acts. The criminal acts of one individual should not prejudice the way the police responds to the entire assembly.

In some cases, the protests took place despite the bans. In those protests that took place, there have been reports on the use of excessive force by the police against peaceful protesters.⁵⁴

🔍 On 13 October, Berlin’s public prosecutor **said** the slogan “from river to the sea, Palestine will be free” chanted during protests would be deemed a criminal offence. As a result, the punishability of the slogan would no longer be a question of individual cases but could now become criminally prosecuted in every instance and without any justification. As reported, until now because “*the meaning of the slogan is disputed and, according to the case law of the Federal Constitutional Court, criminal courts are obliged to take the non-punishable interpretations as a basis for ambiguous statements if they cannot rule them out for other reasons in individual cases*”. Intent cannot be affirmed in the individual case without concrete evidence. The legality of that decision is yet to be ruled in a German court and is currently the object of debate by public prosecutors. It has to be noted that a recent court ruling in the Netherlands, found the same slogan was not a criminal offence and rejected the claim that it incites “*hatred and violence against Jews*”⁵⁵.

🔍 In an authorised protest in Berlin early November, police officers seized several banners as part of a mission to prevent any anti-Semitic speeches or signage. European Legal Support Center (ELSC) lawyers said that “*while the job of identifying illegal signs is difficult for police, their measures*

⁵² <https://www.rbb24.de/politik/beitrag/2023/10/palaestina-israel-nahost-demo-verbot-juden-berlin-polizei.html>

⁵³ <https://www.rbb24.de/politik/beitrag/2023/10/palaestina-israel-nahost-demo-verbot-juden-berlin-polizei.html>

⁵⁴ <https://www.article19.org/resources/western-europe-time-of-war-protect-right-to-protest/>

⁵⁵ <https://elsc.support/news/victory-from-the-river-to-the-sea-is-protected-speech-dutch-court-rules>

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at protests have a “chilling” effect. [...] People now wonder if what they wear or say will get them arrested or even deported”.⁵⁶

- 🔍 Several Jewish activists have also been arrested on grounds of antisemitism. On 14 October, Jewish activist Iris Hefets, was arrested after she staged a solo protest and held a sign which read *“As an Israeli and Jew, stop the genocide in Gaza”*.⁵⁷ In February 2024, Rachael Shapiro was arrested in Berlin shortly after making a speech during a rally where she talked how equating of Judaism and Zionism is antisemitic.⁵⁸
- 🔍 According to the organisation Campaign for Victims of Racist Police Violence (KOP) the extent of police brutality has been captured in various videos showing the use of pepper spray, deployment of police dogs, and physical aggression, which resulted in numerous injuries.⁵⁹

In Frankfurt, police banned a protest on the grounds of public safety 12 minutes before the protest was due to start. Protesters, who had already gathered in the city centre, proceeded with the protest. It is reported that they were kettled by police who also used a water cannon. At least 300 protesters were detained, while 12 people were arrested. Some protesters had their IDs checked and their information taken.⁶⁰

North Rhine-Westphalia’s anti-Semitism commissioner and former Federal Minister of Justice Sabine Leutheusser-Schnarrenberger called for a stricter interpretation of the right to freedom of assembly for foreigners. In an interview with the WDR TV magazine “Westpol”, she said that when an assembly is registered, *“it must be checked what the nationality is, because this is one of the few basic rights that only Germans are entitled to”*. This is a possibility *“to issue a ban in advance, which is otherwise difficult with our assembly law”*.⁶¹ The proposal was criticised as inadmissible. Amnesty International Germany commented on Twitter recalling that *“The right to peacefully assemble is a human right and applies regardless of citizenship. All people have the right to protest and be part of a vibrant civil society.”*

In an open letter hundreds of Jewish intellectuals condemned the *“disturbing crackdown on civic life in the wake of this month’s horrifying violence in Israel and Palestine”* in Germany, including the banning of public gatherings in solidarity with Palestine and the police *“harassing, arresting and beating”* people

⁵⁶ <https://www.aljazeera.com/news/2023/11/10/germany-gaza-protests-crackdown>

⁵⁷ <https://www.newarab.com/analysis/how-pro-palestine-jews-are-resisting-germanys-mccarthyism>

⁵⁸ <https://x.com/katharinagrneis/status/1758065582308557121?s=20>;
<https://www.theleftberlin.com/police-brutality-at-palestine-solidarity-sit-in/>

⁶⁰ <https://www.middleeasteye.net/news/israel-palestine-war-germany-police-repress-palestine-solidarity-protests>; <https://www.rv.hessenrecht.hessen.de/bshe/document/LARE230005176> ;
<https://www.hessenschau.de/gesellschaft/polizei-setzt-verbot-von-pro-palaestina-demo-in-frankfurt-durch-weitere-demo-verboten-v16,demonstrationen-frankfurt-100.html>

⁶¹ <https://www.tagesspiegel.de/politik/grundrecht-steht-nur-deutschen-zu-fdp-politikerin-will-versammlungsfreiheit-fur-auslander-einschranken-10769047.html>

expressing support for the Palestinians or wearing symbols of Palestinian identity. The letter stresses that “*racial bias plays an important role in the targeting of suspects*”.⁶²

This is not the first time that protests in solidarity with Palestinian people have been banned. We have raised this concern in our previous Germany rule of law report.⁶³

Developments on freedom of expression

In addition to curtailing protests in solidarity with Palestine, there have been several cases of curtailing free expression by education and cultural institutions⁶⁴. Below are some examples:

- 🔍 The Frankfurt Book Fair cancelled an award ceremony for Palestinian writer Adania Shibli over fears of how such a ceremony might be perceived in the wake of the 7 October developments.⁶⁵
- 🔍 Education authorities in Berlin gave schools the permission to ban students from wearing the Palestinian flag, Keffiyeh scarf, and displaying “free Palestine” stickers, which comprises a restriction of free expression and opens grounds to possible discrimination in school establishments.⁶⁶ International standards on peaceful assembly say that waving a flag – any flag – is a form of expression and freedom of political expression that should enjoy maximum legal protection and should not be restricted. Censoring the Palestinian flag risks denying the identity of the Palestinian people and contributing to tensions and violence.⁶⁷
- 🔍 Udi Raz, a guide at the Jewish Museum was fired for calling Israel an “apartheid state” during a guided tour. Raz is an executive member of the Jewish Voice for a Just Peace in the Middle East. In a statement, the Museum stated that the decision was taken after extensive discussions with the guide on the basis that guides should not impose their opinions on groups, but rather enable them to form their own opinions.⁶⁸

⁶² <https://www.nplusonemag.com/online-only/online-only/freedom-for-the-one-who-thinks-differently/>

⁶³ <https://civic-forum.eu/wp-content/uploads/2023/03/Civic-Space-Report-2023-GERMANY-European-Civic-Forum.pdf>

⁶⁴ <https://www.aljazeera.com/features/2023/10/26/complete-censorship-germanys-palestinian-diaspora-fights-crackdown>

⁶⁵ <https://www.theguardian.com/world/2023/oct/15/palestinian-voices-shut-down-at-frankfurt-book-fair-say-authors>

⁶⁶ <https://www.hrw.org/news/2023/10/26/israel-palestine-hostilities-affect-rights-europe;>
https://mediendienst-integration.de/fileadmin/Dateien/Informationsschreiben_Umgang_mit_Sto__rungen_des_Schulfriedens.pdf

⁶⁷ <https://civicus.org/documents/ENG.KNOWYOURRIGHTS.pdf>

⁶⁸ <https://www.theleftberlin.com/firing-somebody-for-using-the-term-apartheid-is-really-gaslighting/>
<https://www.tagesspiegel.de/berlin/verwendete-apartheid-waehrend-einer-fuehrung-judisches-museum-berlin-trennt-sich-von-guide-10696489.html>

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- 🔍 In December 2023, police raided anti-capitalist, antifascist women's organisations Zora who, according to a police press release, are accused of spreading propaganda on behalf of a banned terrorist organisation, in reference to the Popular Front for the Liberation of Palestine, or the PFLP. As part of the raid, left-wing Cafe Karanfil in Neukölln, which supports migrants, was also targeted. The raid is believed to be related to an Instagram post by Zora with the headline: "There can be no liberation of women without the liberation of Palestine", with a longer caption: "We know that Hamas has no interest in smashing the patriarchy", claiming it was therefore important "to strengthen forces such as the PFLP as part of the Palestinian resistance."⁶⁹
- 🔍 On 12 April, about 950 police officers interrupted the Palestine Congress in Berlin, hours after it started, over concerns that the event and its speakers were antisemitic⁷⁰. The event was cancelled by the police after. Several speakers who were due to attend the congress were prevented from entering Germany. Dr **Ghassan Abu Sittah**, a British Palestinian doctor, was denied entry into Germany to attend the event. Abu Sittah later learned that a Schengen wide travel ban was imposed against him after he was denied entry into France, where he was due to speak about Gaza at the French senate. He was also unable to attend an event at the Palestinian Embassy in The Hague in May 2024.⁷¹ In May 2024, the Potsdam Administrative Court overturned the Schengen entry ban and declared it unlawful. It found that the federal police were unable to prove that Abu Sittah had committed or planned to commit a "serious crime"⁷². Greek politician Yanis Varoufakis, who was also due to make a speech at the congress, was banned from entering Germany.⁷³

In an interview with the Guardian, Germany's antisemitism commissioner Felix Klein condemned the country's recent increase in anti-Jewish violence but also said that he was "*also worried about an erosion of basic rights as officials sought to crack down on expressions of support for the Palestinian people*".⁷⁴

⁶⁹ <https://www.exberliner.com/english-news-berlin/raid-on-cafe-karanfil-antifascist-womens-organisation-searched-by-police/>

⁷⁰ <https://www.aljazeera.com/news/2024/4/12/germany-cancels-pro-palestine-event-bars-entry-to-gaza-war-witness>; <https://novaramedia.com/2024/04/17/germanys-anti-palestine-crackdown-has-reached-a-new-low/>

⁷¹ <https://www.hrw.org/news/2024/05/10/germany-british-palestinian-doctor-denied-schengen-entry#:~:text=Dr.%20Abu%20Sittah%20has%20in,Palestinian%20Embassy%20in%20The%20Hague.>

⁷² <https://taz.de/Nachspiel-zum-Palaestina-Kongress/!6010953/>

⁷³ https://www.democracynow.org/2024/4/16/germany_palestine

⁷⁴ <https://www.theguardian.com/world/2023/oct/24/rise-in-antisemitism-brings-germans-back-to-most-horrific-times>

The balance between combating anti-semitism and protecting freedom of expression

Since 7 October, an increase of anti-semitic incidents have been reported in Germany. This includes threats against Jewish religious centres and organisations⁷⁵ which has led to great fear and, in some cases, self-censorship. As a result, national authorities have stepped up the fight against anti-semitism. Measures against hate speech and incitement of hatred may be legitimate restrictions on free speech, but they need to be carefully crafted, be necessary and proportionate and should be preceded by public deliberation.

On 17 November, the Bundestag discussed two draft laws proposed by the conservative political party CDU/CSU to combat anti-semitism.⁷⁶ On 12 April 2024, the Bundestag debated measures to combat anti-Semitism, which were rejected by a majority following the debate.⁷⁷ The first draft law aims at “amending the criminal code to combat anti-Semitism, terror, hatred and incitement”.⁷⁸ Among the proposals, someone who denies the “right of Israel to exist” is punishable by imprisonment of three months to five years. In particularly serious cases, the penalty is imprisonment from six months to ten years.⁷⁹ The use of criminal law to regulate freedom of expression risks producing a chilling effect against criticism of Israeli ethnonationalism and practices of forced displacement of Palestinians in the Occupied Palestinian Territories (OPT) and within Israel, as well as the debate over just peace in the region, with negative repercussions for civic space, media and academic freedom.⁸⁰

In addition, on 21 December 2023, the Berlin Senate Cultural Administration decided that the awarding of funding would be subject to the condition that applicants sign an ‘antisemitism clause’.⁸¹ The clause uses the working definition of antisemitism of the International Holocaust Remembrance Alliance (IHRA) and its extension by the German government, which legal experts warn risks

⁷⁵ <https://www.dw.com/en/molotov-cocktails-thrown-at-berlin-synagogue-police/a-67134803> - :-:text=The%20attack%20occurred%20around%202023,broke%2C%20extinguishing%20the%20fire.%22

⁷⁶ https://www.bundestag.de/dokumente/textarchiv/2023/kw46-de-antisemitismus-976606?fbclid=PAAabyPdDus2goHo-mZHyASuj-OcpyCyzwj0JVJVhsjq3KMM2b8zRnhpKR0Cw_aem_AUX6HJTAszIFS9N29XmIUZBhI8VF7f-w7udKJ7teVCijOrQ5i48JXk_TAKIQTWKI_0o

⁷⁷ https://www.bundestag.de/dokumente/textarchiv/2023/kw46-de-antisemitismus-976606?fbclid=PAAabyPdDus2goHo-mZHyASuj-OcpyCyzwj0JVJVhsjq3KMM2b8zRnhpKR0Cw_aem_AUX6HJTAszIFS9N29XmIUZBhI8VF7f-w7udKJ7teVCijOrQ5i48JXk_TAKIQTWKI_0o

⁷⁸ <https://dserver.bundestag.de/btd/20/093/2009310.pdf>

⁷⁹ <https://dserver.bundestag.de/btd/20/093/2009310.pdf>

⁸⁰ <https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>

⁸¹ <https://www.berlin.de/sen/kultgz/aktuelles/pressemitteilungen/2024/pressemitteilung.1402065.php>

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conflating legitimate critique of Israeli government's policy with antisemitism.⁸² In response to mounting pressure from artists and cultural workers, the Senate dropped the clause after one month of its introduction.⁸³

Human rights organisations⁸⁴, including Jewish organisations⁸⁵, have cautioned against conflating advocacy on the rights of Palestinians with antisemitism which has often led to *“chill and sometimes suppress, non-violent protest, activism and speech critical of Israel and/or Zionism, including in the US and Europe. Such misuse has also been criticised by the former Special Rapporteur on Racism E. Tendayi Achiume.”*⁸⁶ For example, the German antisemitism commissioner Dr. Felix Klein, [said](#) that applying the framework of apartheid to discuss Israel's treatment of Palestinians is “an antisemitic narrative”. Amnesty International, Human Rights Watch and the Israeli human rights group B'Tselem have found that violations committed by Israel against Palestinians amount to a system of apartheid.⁸⁷

Research by the European Legal Support Center (ELSC) shows that the *“reconceptualization of antisemitism focusing on criticism of Israel [...] known as the ‘New Antisemitism’”* has resulted in *“severe chilling effect on free speech and curtails human rights advocacy, specifically around Palestinian rights and political speech about Israel.”*⁸⁸

Risks of discriminatory and stigmatising approach to anti-semitism

The second draft law to “end the residence and prevent the naturalisation of anti-Semitic foreigners” would make amendments to the residence, asylum and nationality law “to provide better protection against the further entrenchment and spread of anti-Semitism that has ‘immigrated’ from abroad”.⁸⁹

⁸² <https://verfassungsblog.de/die-implementation-der-ihra-arbeitsdefinition-antisemitismus-ins-deutsche-recht-eine-rechtliche-beurteilung/>

⁸³ <https://www.berlin.de/sen/kultgz/aktuelles/pressemitteilungen/2024/pressemitteilung.1407434.php>
<https://www.climatechangenews.com/2024/03/04/germany-uses-funding-to-pressure-climate-groups-on-israel-gaza-war/>

⁸⁴ <https://www.hrw.org/news/2023/04/04/human-rights-and-other-civil-society-groups-urge-united-nations-respect-human>

⁸⁵ <https://www.jewishvoiceforpeace.org/resource/zionism/>

⁸⁶ <https://www.ohchr.org/en/documents/thematic-reports/a77512-combating-glorification-nazism-neo-nazism-and-other-practices>

⁸⁷ <https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>

⁸⁸ https://res.cloudinary.com/elsc/images/v1685978238/The-Practice-of-Suppressing-Palestinian-Rights-Advocacy-FINAL-PP/The-Practice-of-Suppressing-Palestinian-Rights-Advocacy-FINAL-PP.pdf?_i=AA

⁸⁹ Deutscher Bundestag Drucksache 20/9311 Gesetzentwurf der Fraktion der CDU/CSU Entwurf eines Gesetzes zur Beendigung des Aufenthalts und Verhinderung der Einbürgerung antisemitischer Ausländer

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The latter provides for “*acquisition of German citizenship to be dependent on a commitment to Israel’s right to exist and a declaration that the naturalisation applicant has not pursued any endeavours directed against the existence of the State of Israel*”. The vague wording of the draft law, especially with regards to what constitutes “*commitment to Israel’s right to exist*” opens grounds for arbitrary interpretation in contrast with the rule of law principle of legal certainty.

German Vice Chancellor Robert Habeck, while condemning antisemitism, singled out Muslim associations to “clearly distance themselves from antisemitism so as not to undermine their own right to tolerance.” He also stressed that antisemitism incidents could be grounds for deportation.⁹⁰ Similarly, German President Frank-Walter Steinmeier called on Germans of Arab and Palestinian descent to take steps to distance themselves from anti-Semitism and the Palestinian group Hamas.⁹¹ Singling out the Muslim community with threats of deportation and criminalisation in a context where antisemitism is sometimes conflated with legitimate criticism against Israel creates a climate of fear which is not conducive to freedom of expression.⁹² Additionally, as explained by the Special Rapporteur on freedom of religion or belief “*Collective blame cast on Muslims for terrorist acts [...] have fuelled acts of discrimination, hostility and violence against Muslim individuals and communities*”.⁹³

Amnesty International Germany, while calling on the state to step up its effort on combating growing anti-semitism, called out the focus on the Muslim community. It stated: “*There is no anti-Semitism-free space in any social milieu in Germany today. Figures on antisemitic attacks in 2021 and 2022 from the Research and Information Center on Antisemitism Berlin show that these occur in all milieus and are intertwined with other ideologies of inequality such as racism (RIAS Annual Report 2022). Attempts to blame anti-Semitic incidents primarily on Muslims or immigrants distract from anti-Semitism in all population groups and promote anti-Muslim racism. (unofficial German translation)*”⁹⁴.

⁹⁰ <https://x.com/BMWK/status/1720130870864998800>

⁹¹ <https://www.aljazeera.com/news/2023/11/8/german-president-says-arab-citizens-must-distance-themselves-from-hamas>

⁹² <https://www.rbb24.de/panorama/beitrag/2023/10/interview-israel-palaestina-berlin-katharina-galor-buchautorin.html>

⁹³

https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session46/Documents/A_HRC_46_30.docx#:~:text=Collective%20blame%20cast%20on%20Muslims,constructions%20of%20irreconcilable%20cultural%20differences

⁹⁴ <https://www.amnesty.de/informieren/aktuell/deutschland-novemberpogrome-gedenken-antisemitismus-rassismus>

Freedom of Association

During an interview, representative from the organisation *Jüdische Stimme* reported that Jewish organisations expressing solidarity with the Palestinian people have been denied spaces and venues for their events. Representatives of the organisations have been pressured not to speak at demonstrations on the grounds that they could be accused of anti-Israel hate speech, antisemitism or demonisation of the state of Israel⁹⁵. The representative also highlighted that the threshold for law enforcement officials is much lower to intervene, detain and use excessive force and harsher measures are applied against people attending protests expressing solidarity with Palestinian people or opposing Israeli occupation and apartheid compared to other topics.

In March 2024, the bank account of *Jüdische Stimme* was frozen by a state-owned bank without any warning. The organisation considered the action to be politically motivated.⁹⁶ The bank used various legal arguments, such as the failure to provide certain administrative documents proving their non-profit status, but also arguments accusing them of anti-Israeli activities and involvement in pro-Palestinian activities. This is not the first time that the organisation was targeted, as in 2016 another bank requested the full list of the members because of the support of the Boycott, Divestment, Sanctions (BDS) movement.⁹⁷ The bank justified the measures on the grounds of transparency stating that it wanted to make sure that no member of the organisation was on the EU's terrorist list.

On 19 April 2024, the Friedrichshain-Kreuzberg district office announced the closure of the two girls' centers *Alia* and *Phantalisa* without prior notice by the youth welfare office.⁹⁸ *Frieda Frauen*zentrum e.V.*, an association which supports these centres, was informed of the "extraordinary termination with immediate effect."⁹⁹ In a press statement, *Frieda Frauen*zentrum e.V.* stated that private social media profiles of their employees were monitored due to their participation in pro-Palestine demonstrations. The district office made three main allegations against the centres related to the political behaviour of the directors. The allegations relate to their participation in an October pro-Palestine protest, their private social media posts, which have been categorised as antisemitic, and their participation in the Berlin Palestine Congress.¹⁰⁰

⁹⁵ Interview with *Jüdische Stimme*, 10 April 2024

⁹⁶ <https://www.juedische-stimme.de/berliner-sparkasse-sperrt-konto-der-j%C3%BCdischen-stimme>

⁹⁷ <https://www.juedische-stimme.de/german-bank-for-social-economy-closes-account-of-jewish-peace-group>

⁹⁸ <https://www.berlin.de/ba-friedrichshain-kreuzberg/aktuelles/pressemitteilungen/2024/pressemitteilung.1439243.php>

⁹⁹ <https://www.frieda-frauenzentrum.de/informationsschreiben-von-frieda-frauenzentrum-e-v-bzgl-der-ausserordentlichen-kuendigung-mit-sofortiger-wirkung-unserer-beiden-maedcheneinrichtungen-phantalisa-und-alia/>

¹⁰⁰ <https://www.rbb24.de/politik/beitrag/2024/04/bezirk-jugendamt-frieda-maedchen-kuendigung-cdu-antisemitismus.html>

Greece

On 18 October, 10,000 people took part in a demonstration in Athens organised by left-wing groups.¹⁰¹ However, the riot police fired tear gas to disperse demonstrators that were marching towards the Israeli Embassy in Athens.¹⁰² No arrests or injuries were reported, and the protest ended quickly afterwards. In November, the police arrested a Palestinian man for raising the Palestinian flag during a protest against Israel's escalating violence in Gaza. The police brought criminal charges against him, even though the grounds for the charges were unclear. It was later reported that the man was exposing the Greek state to the risk of reprisals or disruptions of friendly relations with an ally (article 141 of the Criminal Code).¹⁰³ Moreover, after the pro-Palestine demonstration in Athens on 10 February 2024, protesters organised a symbolic blockade of a store of a renowned fast-food chain, McDonalds. Police responded aggressively, resorting to stun grenades and indiscriminate force against demonstrators and journalists. Footage shows the police assaulting a magazine salesman and shattering the store windows, in front of people who were having lunch, to drag a protester outside. Three arrests were made, while four police officers claimed injury.¹⁰⁴

¹⁰¹ <https://www.ekathimerini.com/news/1222870/riot-police-quell-pro-palestinian-protest-in-athens/>

¹⁰² <https://www.youtube.com/watch?v=xLjwaGXAmPw>

¹⁰³ <https://www.keeptalkinggreece.com/2023/11/07/palestinian-man-flag-arrest-reprisals/>

¹⁰⁴ <https://www.news247.gr/ellada/sintagma-xilo-kai-dakrigona-sti-diamartiria-iper-tis-palaistinis-vinteo/?amp>

Italy

On 12 October 2023, young people staged a counter protest against a pro-Israel demonstration, convened by the Italy Israel Livorno association. They displayed two banners: one made a comparison between civilians killed in Palestine and those in Israel between 2008 and 2020, the other titled "Neither with Israel nor with Hamas: Free and independent Palestine". Police removed pro-Palestinian banners and flags, and detained students. They report experiencing racist slurs from both the authorities and the pro-Israeli demonstrators.¹⁰⁵

Soon after, on 14 October 2024, millions of people all over Italy gathered on the streets to express their solidarity with the Palestinian people in the Gaza Strip. In Milan, the large-scale demonstration ended with holding a minute of silence for the victims of the war.¹⁰⁶

Following the ICJ ruling, a public debate began on whether the concept of genocide should extend to the current context in Gaza as well as on how to utilise memory of the past to interpret the events of the present. Responding to the debate, the UN Special Rapporteur on the Occupied Palestinian Territories recalled that "what constitutes genocide is established by the Genocide Convention and international tribunals such as ICTY, ICTR, and ICJ, not by emotions, opinions, or painful personal experiences."¹⁰⁷

On 27 January, Holocaust Remembrance Day, Jewish leaders in Rome and Milan urged the Italian government to prohibit scheduled pro-Palestinian demonstrations. The president of the Jewish Community of Rome Victor Fadlun stated that the marches, which he characterised as antisemitic, 'would "reopen the wound of the Holocaust"'.¹⁰⁸ The Ministry of Interior sent a circular inviting the public authorities "to assess, with regard to the initiatives organised in support of the Palestinian cause, the adoption, pursuant to Article 18 of the Consolidated Law on Police, of time prescriptions providing for their postponement to the following day or to another date, thus guaranteeing the freedom of demonstration which, in this case, must be balanced with the value attributed to the 'Day of Remembrance'".¹⁰⁹ Following this, in several cities, as a result of local authorities, scheduled pro-Palestinian marches and demonstrations on Holocaust Remembrance Day were postponed.¹¹⁰

¹⁰⁵ <https://www.infoaut.org/conflitti-globali/livorno-giovani-pro-palestina-repressi-violentamente-dalle-forze-dellordine>

¹⁰⁶ <https://www.open.online/2023/10/14/italia-manifestazioni-pro-palestina-video/>

¹⁰⁷ <https://news.un.org/en/story/2024/03/1147976>

¹⁰⁸ <https://www.wantedinrome.com/news/italy-jews-pro-palestinian-rallies-holocaust-memorial-day.html>

¹⁰⁹ <https://www.wantedinrome.com/news/italy-jews-pro-palestinian-rallies-holocaust-memorial-day.html>

¹¹⁰ <https://www.ilfattoquotidiano.it/2024/01/26/cortei-pro-palestina-divieto-a-roma-per-il-giorno-della-memoria-verso-lo-stop-anche-a-milano/7423298/>

Despite the orders, in Milan, Rome and other cities in Italy, large-scale demonstrations took place. Activists emphasised that they were protesting against the genocide in Gaza, not against Jews. They have emphasised that historical memory should serve as an instrument to ensure that the Holocaust should not be repeated against anyone. On a poster during the pro-Palestinian rally, organisers published a quotation by Holocaust survivor and author Primo Levi from his memoir *If This Is a Man*: "If understanding is impossible, knowing is imperative, because what happened could happen again. Consciences can be seduced and obscured again: even our own."¹¹¹ In Milan, Italian police used batons to beat pro-Palestine demonstrators who had gathered despite an official ban on protests on International Holocaust Remembrance Day.¹¹²

Chef Rubio, a television presenter and supporter of the Palestinian cause was stopped by police while heading towards a pro-Palestinian gathering outside the foreign ministry in Rome, while later, demonstrators were barred from dyeing an Israeli flag red.¹¹³ On the same day, in Milan, Italian police were recorded using batons to disperse pro-Palestine demonstrators calling for a ceasefire in Gaza.¹¹⁴

Moreover, on 27 January 2024, Anan Yaeesh, a Palestinian from Tulkarem in the West Bank, was arrested by the Italian authorities in L'Aquila in response to an extradition plea filed by the Israeli authorities. The arrest and extradition of Anan by Italy evokes significant concerns, as it appears to potentially conflict with established international standards.¹¹⁵ According to Article 19 of the EU Charter of Fundamental Rights, "No one may be [...] extradited to a State where there is a serious risk that he or she would be subjected to [...] inhuman or degrading treatment or punishment." On 13 March 2024, the court of appeals declined to extradite Yaeesh to Israel, based on evidence from Amnesty International and Human Rights Watch regarding the conditions in Israeli prisons, fearing he might face human rights violations and inhuman treatment.¹¹⁶

Following the Sanremo Music Festival, several protests have erupted against the public broadcaster Rai hosting it and the reading of a statement in which RAI's managing director Roberto Sergio expressed unilateral solidarity with the people of Israel and not civilians in Palestine. The demonstrations erupted in several Italian cities have been met with excessive force leaving few protesters physically injured.¹¹⁷

¹¹¹ <https://www.wantedinrome.com/news/italy-jews-pro-palestinian-rallies-holocaust-memorial-day.html>

¹¹² <https://www.aljazeera.com/program/newsfeed/2024/1/28/police-beat-pro-palestine-demonstrators-in-italy>

¹¹³ <https://www.open.online/2023/10/14/italia-manifestazioni-pro-palestina-video/>

¹¹⁴ <https://www.aljazeera.com/program/newsfeed/2024/1/28/police-beat-pro-palestine-demonstrators-in-italy>

¹¹⁵ <https://www.osservatoriorepressione.info/no-alla-complicita-italia-israele-no-allestradizione-anan-yaesh-2/>

¹¹⁶ <https://www.middleeasteye.net/live-blog/live-blog-update/italy-rejects-extradition-israel-palestinian-arrested-suspicion-planning>

¹¹⁷ https://www.instagram.com/nojusticenopeace_italy/reel/C3TD8RetWv_/

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The governing far-right party the League filed a bill in the Senate that intends to ban demonstrations expressing criticism of Israeli institutions. In Article 3 of the bill, in particular, the League inserts a special point against street demonstrations, giving the police headquarters the power to deny authorisation 'for reasons of morality' even in the case of 'potential risk' for the use of 'symbols, slogans, messages and any other anti-Semitic acts within the meaning of the operational definition of anti-Semitism adopted by this law'.¹¹⁸ The proposal adopts the definition of anti-Semitism formulated by the Plenary Assembly of the International Holocaust Remembrance Alliance (IHRA), which is criticised by human rights organisations and legal experts for defining as anti-Semitic attitudes rather attributable to anti-Zionism.¹¹⁹¹²⁰

On 23 February 2024, during peaceful marches organised by students in the cities of Florence and Pisa, in solidarity with civilians in Gaza, police repeatedly blocked the marches and used force against under-aged and very young student protesters. The event provoked anger online, and caused dissatisfaction amongst young people, teachers, and politicians. After these incidents, pro-Palestine protesters from Milan highlighted the censorship and repression of dissent taking place and denounced the involvement of the right-wing Meloni government.¹²¹

Several associations and educational institutions, such as ARCI and Scuola Superiore Sant' Anna, voiced their support for the students. They called for immediate government action to clarify any potential wrongdoing, thorough investigation into the excessive use of force by police in the above-mentioned incidents, and for measures to be taken to protect the freedom of expression.¹²²

Lastly, despite the widespread outrage across Italy, another incident unfolded on 11 March 2024, when Palestinian activists Ali Saji Ribhi Irar and Mansour Doghmosh were taken into custody in L'Aquila. The arrests occurred prior to the hearing of the Anan Yaeesh case, in the same city where Yaeesh was also arrested more than a year ago.¹²³

¹¹⁸ <https://www.lindipendente.online/2024/02/16/la-lega-ha-presentato-una-proposta-di-legge-per-criminalizzare-qualunque-critica-a-israele/>

¹¹⁹ <https://www.lindipendente.online/2024/02/16/la-lega-ha-presentato-una-proposta-di-legge-per-criminalizzare-qualunque-critica-a-israele/>

¹²⁰ <https://verfassungsblog.de/das-spannungsverhaeltnis-zwischen-staatsrason-und-grundrechten/>

¹²¹ <https://www.ilfattoquotidiano.it/2024/02/24/corteo-pro-palestina-le-voci-da-milano-censura-e-repressione-del-dissenso-governo-meloni-complice-del-genocidio/7457851/amp/>

¹²² [https://www.forumterzosettore.it/2024/02/23/acli-e-arci-contro-le-aggressione-agli-studenti/;](https://www.forumterzosettore.it/2024/02/23/acli-e-arci-contro-le-aggressione-agli-studenti/)
<https://www.santannapisa.it/en/news/no-use-violence-yes-dialogue-and-peaceful-manifestation-ones-ideas-statement-rectors-scuola>

¹²³ <https://www.palestinechronicle.com/palestinian-partisans-italy-arrests-activists-accuses-them-of-terrorism/>

Netherlands

The Students for Palestine group, who staged a teach-in at the Wijnhaven building in The Hague on 9 November 2023, reported facing intimidation and harassment from private security. One student reported that security guards tried to confiscate his megaphone, while others were asked for identification and reported that the security guards attempted to follow them after the protest dispersed.¹²⁴

During a pro Palestine sit-in at Groningen Central Station in December 2023, two protesters were arrested for insulting a police officer following an altercation between police and some protesters.¹²⁵ In February 2024, two Palestinian activists were arrested at the Hague during a sit in protest. The police arrested the activist by force on grounds that it was “forbidden to use a megaphone,” Multiple protestors were physically attacked by the police and then a second activist was arrested. Both activists are facing the possibility of fines.¹²⁶

The Dutch House of Representatives passed a motion moved by the right-wing party JA21 which condemned the slogan ‘From the River to the Sea, Palestine Will be Free’ as inciting violence¹²⁷. In August 2023 the Amsterdam Court of Appeal Confirmed that a Dutch activist had not committed a criminal offense when chanting the slogan ‘From the river to the sea, Palestine will be free’ during a speech at a Palestine solidarity rally in May 2021. The court’s decision is final and cannot be appealed.

Workers for Palestine, a group which advocates for the liberation of occupied Palestine from within art, social, academic and political institutions in the Netherlands, was placed on a so-called terror list put together by a pro-Israeli Meir Amit Intelligence and Terrorism Information Center. Several other activist groups are listed including Extinction Rebellion in the Netherlands, INTAL (an anti- imperialist and international solidarity movement) and Another Jewish Voice in Belgium.¹²⁸

¹²⁴ <https://www.mareonline.nl/en/news/how-a-pro-palestine-protest-turned-into-a-chase-and-a-flight-between-clothes-racks/>

¹²⁵ <https://northerntimes.nl/two-arrests-at-tense-pro-palestine-demonstration-at-groningen-central-station/>

¹²⁶ <https://donorbox.org/legal-aid-fund-for-palestine-activists-arrested-by-the-hague-police>

¹²⁷ <https://peoplesdispatch.org/2023/11/03/dutch-establishment-and-right-wing-tries-to-crack-down-on-the-slogan-from-the-river-to-the-sea-palestine-will-be-free/>

¹²⁸ <https://www.terrorism-info.org.il/en/support-for-hamas-in-belgium-and-the-netherlands-since-the-outbreak-of-the-swords-of-iron-war/>

Poland

Several protests in solidarity with Palestine and Israel have taken place in several cities across Poland without incidents. The mayor of Warsaw, Rafał Trzaskowski from the Civic Platform, tried to prevent the demonstration calling for a ceasefire for Gaza from happening (November 2023). However, after a complaint by the Helsinki Foundation, the decision was revoked by the court.¹²⁹

The Israeli ambassador to Poland condemned an earlier protest in October 2023¹³⁰ for being “blatantly antisemitic” due to a poster held by Norwegian student, Marie Anderson, that said “Keep the world clean” alongside an image of the Israeli flag being thrown in a bin. The ambassador called on the authorities to investigate the student. Under Polish law, inciting hatred on the basis of religious, ethnic or national differences is a crime punishable by up to two years in prison. The ambassador also condemned the chanting of “genocide” and the slogan “from the river to the sea, Palestine will be free”. Polish President Andrzej Duda said he “strongly condemns the antisemitic slogans that appeared during [the] march in Warsaw”. Following this, the Medical University of Warsaw (WUM) suspended the student. Responding to the criticism against her poster, Anderson stated that her poster did not intend any hatred towards Jewish people. “My poster is about the Israeli government...and the ethnic genocide they are doing right now to the Palestinian people”. The university’s disciplinary officer has also been asked to conduct an investigation into four other students who were reported to have “posted legally questionable content on social media”.¹³¹

Spain

¹²⁹ <https://www.amnesty.org.pl/kolejny-prewencyjny-zakaz-zgromadzenia-uchylony-przez-sad/>, <https://hfhr.pl/aktualnosci/opinia-hfpc-w-sprawie-odwolania-od-decyzji-prezydenta-warszawy-zakazujacej-organizacji,l:948771893>

¹³⁰ <https://notesfrompoland.com/2023/10/21/israeli-ambassador-condemns-blatant-antisemitism-at-pro-palestine-march-in-warsaw/>

¹³¹ <https://notesfrompoland.com/2023/10/31/warsaw-university-suspends-norwegian-student-over-keep-world-clean-banner-at-palestine-march/>

RESTRICTIONS ON PALESTINE SOLIDARITY

The Palestine solidarity movement has carried out hundreds of protests throughout Spain. Police have carried out identifications (some involving ethnic profiling), detentions, and prohibition of Palestinian symbols¹³² such as flags, clothes or 'keffiyehs' (Palestinian scarves). Pro-Palestinian symbols have been banned in sports stadiums and schoolteachers have been targeted for speaking about the violence ongoing in Palestine. Some schools restricted demonstrations in solidarity with Palestine for fear of being accused of anti-Semitism by the authorities.¹³³

Catalan media outlet El Nacional violated the privacy rights of three pro-Palestinian activists after the unauthorised dissemination of their images. The online newspaper published an article detailing protests they had participated in and displayed images of the activists' faces, citing internal police sources. The newspaper accused the activists of anti-Semitism, even before the police investigation had been concluded.

Political institutions have also censored symbols, banners or messages. In Sant Cugat del Vallès in Barcelona, the city council exercised censorship and forced the removal of a mural painted at a school by students and teachers in solidarity with civilians of Gaza.¹³⁴

¹³² <https://blogs.publico.es/dominiopublico/56015/la-liga-y-el-peligro-de-prohibir-banderas-palestinas/>

¹³³ https://www.eldiario.es/madrid/somos/israel-pide-prohibir-concentraciones-colegios-madrid-huelgas-estudiantiles-apoyo-pueblo-palestino_1_10679657.html

¹³⁴ <https://www.elperiodico.com/es/sant-cugat/20231207/sant-cugat-ordena-retirar-mural-palestina-95536177>

Other country examples

In **Finland**, on 29 November 2023, police arrested 13 students at the University of Helsinki during a demonstration in support of the Palestinian people on the basis of the Police Act in order to protect against crimes and disturbances. Earlier in November, the University of Helsinki banned demonstrations related to the situation in Palestine in its premises on the basis of “neutrality”.¹³⁵

In November 2023, Chalmers university of technology in **Sweden** announced a ban on all political expression to “safeguard the work environment and safety for our students and employees” and “to ensure a climate where people with widely differing views and origins can meet and work”.¹³⁶ The ban came as several students, professors and employees called on universities to cut ties with Israel and to stand in solidarity with the Palestinian people.¹³⁷

In **Hungary**, the Minister of Interior issued a blanket ban on any demonstrations in solidarity with Palestinian people, a step criticised by human rights organisations.¹³⁸

Between October to November 2023, in **Bulgaria** Sofia Municipality issued at least five bans¹³⁹ on peaceful demonstrations organised by the Palestinian people. This is significant compared to the four bans issued by the municipality between January 2020 to April 2023.¹⁴⁰ The bans were issued due to alleged possibility of hate speech at the demonstrations, the potential for the messages of the demonstration to provoke dissent, and that other events were taking place in the city at the same time. The justifications by the Municipality were in contradiction of both the domestic law as well as the international standards.

In **Romania**, protesters showing solidarity with Palestine have claimed that they were abusively called into police questioning for alleged anti-Semitism, advised not to participate in protests or to discuss the developments unfolding in Israel and Palestine.¹⁴¹ Other activists reported abusive

¹³⁵ <https://yle.fi/a/74-20062701>

¹³⁶ <https://www.chalmers.se/en/current/president-s-perspective/no-political-manifestations-on-chalmers-campus/>

¹³⁷ <https://fuf.se/en/magasin/vecka-46-chalmers-forbjod-politiska-manifestationer-skapade-kritikstorm/>

¹³⁸ <https://tasz.hu/cikkek/tuntetesek-tiltasa-a-gazai-konfliktus-kapcsan>

¹³⁹ Information received by BCNL from the persons who have submitted the notifications for the protests

¹⁴⁰ <https://rsf.org/en/index?year=2006>

¹⁴¹ <https://www.libertatea.ro/stiri/exclusiv-politia-romana-ii-cheama-pe-palestinieni-si-pe-sustinatori-la-sediu-mi-au-cerut-sa-nu-ma-duc-la-miting-sa-nu-vorbesc-despre-razboi-si-sa-nu-postez-pe-facebook-cei-mai-mu-4705572>

RESTRICTIONS ON PALESTINE SOLIDARITY

searches and being repeatedly identified and taken to the police station and questioned, in what they perceived as an attempt to intimidate them.¹⁴²

In **Latvia**, a planned protest in Riga February 2024 in solidarity with the Palestinian people was banned due to “security concerns”.¹⁴³

¹⁴²https://www.libertatea.ro/stiri/dusi-la-sectia-de-politie-pentru-un-slogan-participantii-la-mitingurile-pro-palestina-acuza-un-abuz-din-partea-fortelor-de-ordine-4748462?utm_source=facebook&utm_medium=social&utm_campaign=tolo-page-post&fbclid=IwAR1K09ZAJYXB78xnWDtAKuTSUAVeL6ZoSOVIACiGUSBBMJT1GtueagCMXa0

¹⁴³ <https://palestina.it/en/blogas/from-it-to-lv-with-love/>

Recommendations for the EU

Targeted recommendation:

- 🔍 Condemn, at the highest political level, unlawful restrictions on the right to freedom of peaceful assembly and expression; address these restrictions in the Annual Rule of Law Cycle and make recommendations to member states to respect the right to peaceful assembly at all times, as per international law.
- 🔍 **Collect data and closely monitor restrictions on civic space as a direct impact of the violence in Palestine and Israel, with specific attention given to the disproportionate impact of these restrictions on racialised groups, especially Muslims and people of Arab-descent and Jewish people, and those perceived as such.**
- 🔍 **Develop an early warning mechanism to monitor the state of civic space and civic actors in Europe. Such an alert mechanism should lead to a rapid (re)assessment of the situation allowing for timely and concrete reaction at the EU level, such as recommendations, dialogue, sanctions and emergency funding when needed, the impact of which should be regularly reviewed.**
- 🔍 **Work with civil society to design a 'Rapid response system' (an EU protection mechanism building on the existing external EU human rights defenders mechanism) that can detect and act on first signs of attacks against civil society, including a helpline, legal assistance and temporary relocation. Such a system must be run by independent civil society organisations on behalf of and financed by the EU institutions.**



About European Civic Forum

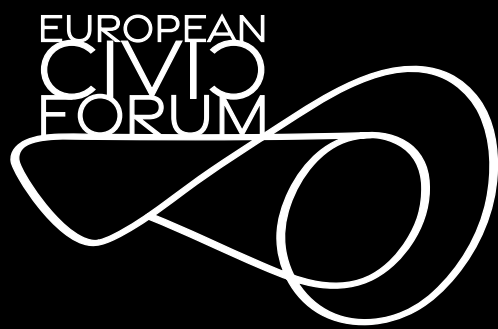
European Civic Forum (ECF) is a pan-European network of more than 100 associations and NGOs across 30 European countries,

Founded in 2005 by our member organisations, we have spent nearly two decades working to protect civic space, enable civic participation and build civil dialogue for more equality, solidarity and democracy in Europe.



About Civic Space Watch

Civic Space Watch collects findings and analyses from actors in Europe on the conditions for civil society to operate, capturing national and trans-European trends in civic space. Through ongoing monitoring of social media and regular contact and interviews with a strong network of members and partners on the ground, we strive to provide easy access to resources and improve information sharing within civil society across Europe.



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