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Conviction for calling Muhammad a paedophile is not in breach of Article 10

E.S. v. Austria (no. 38450/12) - Fifth Section Chamber Judgment 25 October 2018

HRWF (30.10.2018) – E.S., the applicant, is Elisabeth Sabaditsch-Wolff, the daughter of an Austrian diplomat, and was partly educated in Iran, where she was present during the Islamic revolution of 1979. She worked at the Austrian embassy in Kuwait during the Iraqi invasion in 1990. She subsequently worked as assistant to the Vice Chancellor of the Republic of Austria, Mr. Wolfgang Schüssel (1995-1997), at the Austrian Embassy Kuwait, Visa Section (1997-2000) and the Austrian Embassy Tripoli, Libya (2000-2001). Since 2001, she has been an ESL and TOEFL teacher at an English language institute in Vienna.^[1] In 2010 Sabaditsch-Wolff was a speaker at a conference sponsored by the Freedom Defense Initiative at the Conservative Political Action Conference in Washington, DC, entitled: "Jihad: The Political Third Rail – What They Are Not Telling You."

(Source: [https://wikispooks.com/wiki/Elisabeth Sabaditsch-Wolff](https://wikispooks.com/wiki/Elisabeth_Sabaditsch-Wolff))

Registrar of the Court (25.10.2018) - <https://bit.ly/2Sh7DCx> - In today's **Chamber** judgment¹ in the case of **E.S. v. Austria** (application no. 38450/12) the European Court of Human Rights held, unanimously, that there had been: **no violation of Article 10** (freedom of expression) of the European Convention on Human Rights.

The case concerned the applicant's conviction for disparaging religious doctrines; she had made statements suggesting that Muhammad had had paedophilic tendencies. The Court found in particular that the domestic courts comprehensively assessed the wider context of the applicant's statements and carefully balanced her right to freedom of expression with the right of others to have their religious feelings protected, and served the legitimate aim of preserving religious peace in Austria. It held that by considering the

impugned statements as going beyond the permissible limits of an objective debate, and by classifying them as an abusive attack on the Prophet of Islam which could stir up prejudice and threaten religious peace, the domestic courts put forward relevant and sufficient reasons.

Principal facts

The applicant, E.S., is an Austrian national who was born in 1971 and lives in Vienna (Austria).

In October and November 2009, Mrs S. held two seminars entitled "Basic Information on Islam", in which she discussed the marriage between the Prophet Muhammad and a six-year old girl, Aisha, which allegedly was consummated when she was nine. *Inter alia*, the applicant stated that Muhammad "liked to do it with children" and "... A 56-year-old and a six-year-old? ... What do we call it, if it is not paedophilia?".

On 15 February 2011 the Vienna Regional Criminal Court found that these statements implied that Muhammad had had paedophilic tendencies, and convicted Mrs S. for disparaging religious doctrines. She was ordered to pay a fine of 480 euros and the costs of the proceedings. Mrs S. appealed but the Vienna Court of Appeal upheld the decision in December 2011, confirming in essence the lower court's findings.

A request for the renewal of the proceedings was dismissed by the Supreme Court on 11 December 2013.

Complaints, procedure and composition of the Court

Relying on Article 10 (freedom of expression), Mrs S. complained that the domestic courts failed to address the substance of the impugned statements in the light of her right to freedom of expression.

If they had done so, they would not have qualified them as mere value judgments but as value judgments based on facts. Furthermore, her criticism of Islam occurred in the framework of an objective and lively discussion which contributed to a public debate, and had not been aimed at defaming the Prophet of Islam. Lastly, Mrs S. submitted that religious groups had to tolerate even severe criticism.

The application was lodged with the European Court of Human Rights on 6 June 2012.

Judgment was given by a Chamber of seven judges, composed as follows:

Angelika **Nußberger** (Germany), *President*,
André **Potocki** (France),
Síofra **O'Leary** (Ireland),
Mārtiņš **Mits** (Latvia),
Gabriele **Kucsko-Stadlmayer** (Austria),
Lətif **Hüseynov** (Azerbaijan),
Lado **Chanturia** (Georgia),
and also Claudia **Westerdiek**, *Section Registrar*.

Decision of the Court

Article 10

The Court noted that those who choose to exercise the freedom to manifest their religion under Article 9 of the Convention could not expect to be exempt from criticism. They must tolerate and accept the denial by others of their religious beliefs. Only where expressions under Article 10 went beyond the limits of a critical denial, and certainly where they were likely to incite religious intolerance, might a State legitimately consider them to be incompatible with respect for the freedom of thought, conscience and religion and take proportionate restrictive measures.

The Court observed also that the subject matter of the instant case was of a particularly sensitive nature, and that the (potential) effects of the impugned statements, to a certain degree, depended on the situation in the respective country where the statements were made, at the time and in the context they were made. Accordingly, it considered that the domestic authorities had a wide margin of appreciation in the instant case, as they were in a better position to evaluate which statements were likely to disturb the religious peace in their country.

The Court reiterated that it has distinguished in its case-law between statements of fact and value judgments. It emphasised that the truth of value judgments was not susceptible to proof. However, a value judgment without any factual basis to support it might be excessive.

The Court noted that the domestic courts comprehensively explained why they considered that the applicant's statements had been capable of arousing justified indignation; specifically, they had not been made in an objective manner contributing to a debate of public interest (*e.g.* on child marriage), but could only be understood as having been aimed at demonstrating that Muhammad was not worthy of worship. It agreed with the domestic courts that Mrs S. must have been aware that her statements were partly based on untrue facts and apt to arouse indignation in others. The national courts found that Mrs S. had subjectively labelled Muhammad with paedophilia as his general sexual preference, and that she failed to neutrally inform her audience of the historical background, which consequently did not allow for a serious debate on that issue. Hence, the Court saw no reason to depart from the domestic courts' qualification of the impugned statements as value judgments which they had based on a detailed analysis of the statements made.

The Court found in conclusion that in the instant case the domestic courts carefully balanced the applicant's right to freedom of expression with the rights of others to have their religious feelings protected, and to have religious peace preserved in Austrian society.

The Court held further that even in a lively discussion it was not compatible with Article 10 of the Convention to pack incriminating statements into the wrapping of an otherwise acceptable expression of opinion and claim that this rendered passable those statements exceeding the permissible limits of freedom of expression.

Lastly, since Mrs S. was ordered to pay a moderate fine and that fine was on the lower end of the statutory range of punishment, the criminal sanction could not to be considered as disproportionate.

Under these circumstances, and given the fact that Mrs S. made several incriminating statements, the Court considered that the Austrian courts did not overstep their wide margin of appreciation in the instant case when convicting Mrs S. of disparaging religious doctrines. Overall, there had been no violation of Article 10.

Subjugating free speech to blasphemy laws?

ECHR upholds ruling that criminalizes Islam-critique



The European Court of Human Rights is an international court set up in 1959. It rules on individual or State applications alleging violations of the civil and political rights set out in the European Convention on Human Rights.

Vienna, 29.10.2018 (FOREF) — The Forum for Religious Freedom Europe (FOREF Europe), an independent nongovernmental organization based in Vienna, today voiced its strong disagreement with the latest decision of the European Court of Human Rights (ECHR). The ECHR upheld the conviction of an Austrian citizen for her remarks about the Prophet Mohammad’s marriage to a young child. Will this case move Europe one step closer towards subjugating free speech to blasphemy laws?

In seminars about Islam, the defendant had suggested that the Prophet Mohammad was a pedophile for having married a six-year old girl when he was 56 years old. On October 25, 2018, the [ECHR](#) upheld Vienna Regional Criminal Court’s decision (2011) on her conviction for “disparaging religious doctrines.” The local court ruled that the woman’s speech was not protected as freedom of expression under Article 10 of the European Convention on Human Rights.

Provocative remarks about religious doctrines or objects of worship “capable of hurting the feelings of the followers of that religion could be conceived as a malicious violation of

the spirit of tolerance,” according to the ruling. The European Court concluded that the Austrian courts “carefully balanced the applicant’s right to freedom of expression with the rights of others to have their religious feelings protected.” It also claimed that the ruling was meant to preserve “religious peace” in Austrian society.

However, FOREF stresses that there is no human right not to have one’s feelings hurt through spoken words. Instead, all members of a society are responsible for civil reactions to things they find objectionable.

“This is yet another legal encroachment on the freedom of Europeans to discuss facts and express opinions,” stated Dr. Aaron Rhodes, President of FOREF. “The ruling confirms that our freedoms have been limited in deference to those who threaten violent reactions. But it is those threats that are a danger to social peace, not discussions of historical and moral issues,” he added. Peter Zoehrer, Executive Director of FOREF, called the judgment an “outrage.” “This ruling upholds what is basically a blasphemy law, the kind of legislation known to threaten the freedom of speech and suppress the freedom of belief and conscience of others,” he said. “It should be possible to openly discuss any religious doctrine and practice in Austria. But now it is clear that the national criminal code and European law forbid the evaluation of moral standards, which is the essence of religious life itself,” he observed.

Defending human rights means defending principles that are universal. This entails respect for everyone’s freedom of expression. Restrictions on free speech must be carefully enforced only to protect other individuals from violence, not to protect abstract ideas, doctrines, or belief systems. If restrictions are applied disproportionately under the vague pretense of protecting “religious peace” or “religious feelings,” we allow human rights to be abused for the sake of political agendas. **The ECHR judgment defends those who threaten violence, not those who engage in debate.**

Europe has come a long way to establish fundamental freedoms. Today, FOREF calls on European leaders not to allow arbitrary blasphemy laws determine again the boundaries of free speech.

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Related articles recommended by HRWF

‘Calling Mohammed a Pedophile Not Covered by Free Speech, European Court Rules’ (<https://bit.ly/2zfMVKw>)

‘Should it be illegal to call Mohammed a pedophile’ (<https://bit.ly/2Rn1u6q>)

‘Freedom of expression or criminal blasphemy? E.S. v. Austria’ (<http://www.lawandreligionuk.com/2018/10/26/freedom-of-expression-or-criminal-blasphemy-es-v-austria/>)

‘Woman’s conviction in Austria for calling the Prophet Mohammed a paedophile did not breach her right to free speech, European Court of Human Rights rules’ (<https://dailym.ai/2D9Vw67>)

Government shuts seven mosques, prepares to expel 40 Turkey-funded imams

Decision shows failure of Austria's Islam Law, according to human rights organizations

Vienna, 10.06.2018 (HRWF/FOREF Europe) - On Friday, June 8, the government of Austria ordered the closing of seven mosques and the termination of the residence permits of 40 Turkish imams. "Parallel societies, political Islam or radical tendencies have no place in our country," Chancellor Sebastian Kurz of the conservative people's party (ÖVP) explained at a news conference announcing the move last Friday.

Human Rights Without Frontiers and the Forum for Religious Freedom – Europe, both of which have been sharply critical of political Islam as a totalitarian political movement, said that subjecting Islamic religious communities to special regulations contradicts human rights and Rule of Law principles, and is an obstacle to the development of moderate and peaceful Islamic communities in Europe that uphold a separation of church and state.

The measure coincides with the run-up to the Turkish presidential election on June 24. Turks living in Austria and in other countries already have begun casting absentee ballots. Last May, 10.000 expat Turks travelled to Sarajevo to attend an election campaign event in Bosnia-Herzegovina's capital Sarajevo in support of the Turkish President Recep Tayyip Erdoğan, as Germany, Austria and the Netherlands had prohibited election campaigns of Turkish politicians in their countries. The event was hosted by the Union of European Turkish Democrats (UETD), an organization that is considered the foreign branch of Erdoğan's party AKP. Around half of the supporters came from Germany and about 2.000 from Austria. In his Sarajevo talk, the Turkish president criticized the European countries that banned his campaigns as anti-democratic and asked his supporters to "demonstrate the strength of European Turks to the whole world", the Austrian newspaper [Die Presse](#) reported.

Against this backdrop, the Austrian government's plan to expel imams supported by Turkey and to crack down on mosques run by controversial organizations is widely understood as a reaction against the promotion of political Islam in Austria. Government officials, however, have [denied](#) any connection of their measure to the upcoming Turkish presidential election. The decision has been justified by claiming that two provisions of the amended "Islam Law" (Islamgesetz) of 2015 have been breached:

First, according to the law, imams in Austria are prohibited from being funded by foreign countries. However, 40 imams of the Turkish-Islamic Union in Austria (ATIB) have been funded by Turkey via a [personnel leasing company in Belgium](#). This was also admitted by ATIB representatives who defended their actions by stating that possibilities for the training and support of imams in Austria were insufficient. The process to withhold or withdraw residence permits of the 40 imams has already been initiated, government officials have announced. Additionally, at least another 20 imams associated with ATIB are going to be investigated.

Secondly, the Islam Law of 2015 explicitly requires Islamic communities to hold a "positive attitude towards society and the state", a term which is open to a broad range of interpretations. This provision was allegedly violated by a Vienna mosque run by the [Nizam i-Alem](#) ("world order") association, which is a member of the European

umbrella organization of the splinter party (BBP) of the Turkish ultra-nationalist party MHP. (The far-right youth organization [Grey Wolves](#) has close links to the MHP as its political arm. Several media outlets have identified the Nizam i-Alem mosque as an associate of the Grey Wolves.) According to the Islamic Community in Austria (IGGÖ), the largest Muslim umbrella organization in the country that includes the ATIB as its leading constituent member, confirmed that the mosque was operating illegally without its permission.

Six out of the seven mosques to be shut down, however, do not have any ties to Turkey. These belong to a non-registered association called "Arabic Religious Community" (arabische Kultusgemeinde), a [member](#) of the Austrian Islamic Community that allegedly entertains ties with the European network of the Muslim Brotherhood. (The chairman of the Arabic Religious Community, the Egyptian [Moussa Hassan](#), was convicted last year for embezzling public funds provided for Islamic kindergartens in Vienna.) The mosques are to be closed due to "Salafist statements" by their representatives. The Arabic Religious Community [announced](#) that it will take legal action against the government's measures.

[Another controversial mosque](#) in Vienna run by ATIB is still under investigation. In April this year, pictures emerged that showed children re-enacting scenes of the World War I battle of Gallipoli (1915) on the premises of the mosque and playing martyrs dressed in paramilitary uniforms. Already at that point, Chancellor Kurz announced that the case will be investigated and that the funding of Islamic associations and kindergartens would be scrutinized.

Reactions: Austria "islamophobic" and "racist"

Regular visitors of the mosques affected by the crackdown have denied the accusations and call the government action "politically motivated".

The Islamic Community in Austria (IGGÖ) remarked indignantly in its [statement last Saturday](#) that illegal activities of any association used to be monitored by the interior ministry regardless of religious affiliation. However, with the amended Islam Law now entering into effect, the whole IGGÖ was being discredited when illegal activities of individual actors were penalized "in calculated political manoeuvres".

Statements in reaction to the move of the Austrian government came not only from religious representatives, but also and especially from political figures. Turkish government officials have responded by portraying the action as an attack on Islam itself. Ibrahim Kalin, a senior presidential adviser and spokesman of Erdoğan, [condemned Austria's decision on his Twitter feed](#). "Austria's decision to close seven mosques and expel imams is a reflection of the Islamophobic, racist and discriminatory wave in this country," he stated. "It is an attempt to target Muslim communities for the sake of scoring cheap political points."

Erdoğan threatened with retaliations against Kurz, and claimed in a [speech in Istanbul](#) last Saturday that the actions of the Austrian Chancellor could lead the world into "a war between the cross and the crescent moon".

Turkey's eye on Austrian Muslims

Despite their occasional public protests, the IGGÖ officials in fact cooperated intensely with the Austria's former government, a socialist-conservative (SPÖ/ÖVP) coalition, in drafting the Islam Law of 2015. Their aim was to strengthen the status of the IGGÖ as a representative body of Muslims living in Austria. On the other hand, according to scholar of Islam Ednan Aslan, there were [three main factions](#) within the IGGÖ that struggled to

advance their political interests in Austria: the Muslim Brotherhood, the Egyptian government, and the Turkish government. As of June 2016, the Turkish-Islamic Union in Austria (ATIB) has taken control over the IGGÖ, thus cementing the influence of Turkey on Austrian Muslims and [effectively removing](#) the Arabic Religious Community from power. (Correspondingly, the IGGÖ has stated on Saturday that they have [no problem](#) with the government's announcement to shut down the "private mosques" of the Arabic Religious Community.)

There are an estimated 600.000 Muslims living in Austria, a country with a total population of 8.8 million. About 360.000 are of Turkish origins, among whom one third holds Turkish citizenship. ATIB was founded in 1990 and serves as an umbrella organization for 62 member associations with an estimated 100.000 members. At par with DITIB in Germany, the organization is known to function as the Austrian [branch of the Diyanet](#), the Directorate of Religious Affairs in Turkey, and is bound by instructions of the Turkish Embassy.

Since August 2017, Austria's public prosecutors are investigating ATIB due to allegations that the organization has been used by Turkey to spy on members of the Gülen-movement. If confirmed that ATIB was involved with intelligence collection, the organization could be [dissolved](#).

Human Rights Activists: Islam Law is discriminatory and seeks to regulate thoughts and attitudes

The provisions of the Islam Law mentioned above have been now implemented by the government for the first time.

The controversy surrounding the government's move underlines the weakness of the all-inclusive-package of the amended Islam Law, which includes both privileges and highly questionable discriminatory provisions.

The ban on foreign funding is a discriminatory security measure to tackle the political influence of Turkey, Egypt, Iran and Saudi Arabia.

But according to Willy Fautré, Director of *Human Rights Without Frontiers*, "A law that indiscriminately criminalizes all forms of foreign financial assistance to a specific religious community is discriminatory and incompatible with the European Convention on Human Rights. It should be abrogated. Such a law looks like a twin sister of Putin's law against 'foreign agents'."

What is more, by demanding a "positive attitude" toward society and the Constitution from a specific religious group, the law is both discriminatory and an illegal intrusion into the freedom of thought.

"When any law gives a state the power to penalize citizens for their attitudes and thoughts on the basis of vague language, it is inconsistent with basic human rights, and an invitation for political manipulation," stated Dr. Aaron Rhodes, president of the Forum for Religious Freedom – Europe.

Both organizations strongly urge that Austria's Islam Law not only needs to be reformed, but it needs to be dissolved and new legislation for religions must be put in place that will ensure the equal treatment of all religions before the law. Such legislation should enable a clear procedure for Islamic associations to register as faith communities independently from umbrella organizations vulnerable to political instrumentalization.

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Putin visits Austria: Will leaders stand up for religious freedom and other human rights?

Press Release: FOREF and HRWF call upon the President and the Chancellor of Austria to raise the issues of religious freedom and human rights in Russia

FOREF/ HRWF (04.05.2018) - When Russian President Vladimir Putin meets with President of the Republic Austria of Austria Alexander Van der Bellen and Federal Chancellor Sebastian Kurz on 5 June 2018, will they express concern about deteriorating human rights in Russia, and use Austria's influence for the better?

Two international human rights organizations with special focus on the freedom of religion are appealing to the President and Chancellor to do so. The Forum for Religious Freedom – Europe (FOREF, Vienna) and Human Rights Without Frontiers (Brussels) both closely monitor human rights and religious freedom conditions in the Russian Federation.

"Russia has moved into the vanguard of authoritarian states that infringe on the freedom of religion and conscience, fundamental human rights without which equality before the law and democracy are impossible," according to Dr. Aaron Rhodes, president of FOREF, who holds Honorary Citizenship in Austria.

"Austria cannot have business as usual with Russia without engaging in the most egregious moral hypocrisy," he said.

Russia's ban on the Jehovah's Witnesses had made criminals of 170,000 peaceful citizens and subjected them to vandalism and other abuse by others.

The ban is apparently part of a comprehensive project to suppress minority religions, undertaken in concert with the Russian Orthodox Church, and with the aim of protecting the "feelings" of members of the Orthodox Community.

Willy Fautré, President of Human Rights Without Frontiers, said, "Numerous Jehovah's Witnesses have been jailed, some for months; the authorities have conducted around 30 police raids and have launched 20 criminal investigations.

"This is an unprecedented assault on the freedom of religion by a member of the Council of Europe, and one seeking economic and political partnership with Austria and other European countries; who will hold Putin accountable?" he added.

Russia's illegal restrictions on religious freedom, while violating human rights and Rule of Law principles, are creating conflict and instability in the society. Muslim communities have come under pressure from "anti-terrorism" legislation and practices.

The Russian Federation, under President Putin's rule, has cracked down on all fundamental rights and freedoms, in addition to the freedom of religion. There is

virtually no freedom of expression in the mass media, while citizens are subjected to state controlled propaganda. Numerous independent journalists have been murdered. The government has made the work of independent human rights organizations almost impossible. Russia has invaded a neighboring country and annexed part of its territory and threatened members of the European Union. Critical political voices have been jailed, and elections are managed Soviet-style. Citizens peacefully protecting these policies have been beaten and jailed.

To undertake business deals with the Russian Federation without exercising leverage to improve human rights conditions there would be a betrayal of the universal principles Austria claims to uphold, the two human rights groups insisted.

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Austria seeks hijab ban for primary school students

The Austrian government's intent to ban the hijab is the latest in a series of measures targeting Muslims.

by Patrick Strickland

Al Jazeera (04.04.2018) - <https://bit.ly/2qdZzp5> - The Austrian government has announced that it will seek to ban the hijab for girls in kindergarten and primary school in the [latest measure targeting Muslims](#) in the country.

Education Minister Heinz Fassmann said on Wednesday that the draft law on the hijab - a headscarf worn by many Muslim women who feel it is part of their religion - would be ready by summer, describing the measure as "symbolic".

The announcement came just days after Vice Chancellor Heinz-Christian Strache, a member of the far-right Freedom Party of Austria (FPO), proposed such a ban to "protect" girls under the age of 10 and allow them to "integrate" into Austrian society.

The announcement is one in a string of moves critics say [single out and target Muslims](#), including refugees and migrants, in Austria.

In December 2017, the FPO and the right-wing Austrian People's Party (OVP) reached an agreement to form a coalition. It marked the second time since 2000 that the FPO became a junior partner in a governing coalition.

In January, the OVP-FPO coalition introduced a political programme that mentioned Islam some 21 times, prompting criticism of an undue focus on the comparably low number of Muslims living in the country.

That same month, Austria's interior minister, Herbert Kickl of the FPO, said the government should "concentrate" refugees and migrants in one place, sparking

widespread criticism in a country where a concentration camp was hosted during the Second World War.

Of the country's 8.75 million people, an estimated 700,000 people identify as Muslims. In October 2017, just weeks before Austrians voted in national elections, the government introduced a ban on the face veil. The law allows authorities to fine violators up to \$180. Both the FPO and the OVP have a lengthy history of pushing [anti-Muslim](#) measures.

'Islamophobia'

A recent report - The European Islamophobia Report 2017 ([PDF](#)) - noted 256 Islamophobic incidents across the country last year. The report concluded that Muslims in Austria can "envisage an increasingly authoritarian form of political behaviour" under the OVP-FPO coalition.

The FPO was founded by former Nazis in 1956. Although it claims to have abandoned its Nazi roots, the FPO has been widely accused of Islamophobia, anti-Semitism and racism. While acting as an opposition party up until entering the government in December, the FPO drummed up populist support by [focusing](#) much of its ire on refugees, migrants and Muslims at large, said Sabine Schatz, a spokesperson for the centre-left Social Democratic Party of Austria (SPO).

"In opposition, the FPO combined social issues with racism, especially anti-Muslim racism," she told Al Jazeera. "This made the party successful."

Farid Hafez, a senior fellow at Georgetown University's Bridge Initiative, explained that the FPO has attempted to distance itself from anti-Semitism in order "to legitimise its anti-Muslim racism".

Describing the tactic as a "strategic move", Hafez told Al Jazeera: "With Islamophobia being much more en vogue, the FPO concentrates on this form of racism, which is openly [employed]."

Despite these efforts, the FPO has found itself [embroiled in a spate of controversies](#) tied to anti-Semitism.

In one of those incidents, an attache in Israel was recalled to Austria last month after posting on Facebook a photo of himself wearing a pro-Nazi shirt.

In Suben, an area of northwestern Austria, two local FPO councillors were expelled from the party after they were arrested last month over charges that they had shared Hitler photos and slogans via the WhatsApp messaging app.

The SPO's Schatz said there have been at least 22 similar scandals surrounding the FPO since it joined the government.

"Anti-Semitism and racism are deeply connected with the Freedom Party, its structure and history," she said.

Austria Chancellor Sebastian Kurz of the OVP has declared his support for the plan to bar pupils from wearing headscarves in primary schools and kindergartens.

"We want all girls in Austria to have the same opportunities," he told the Oe1 radio station before the announcement.

'Absurd' questions to prove they are Christian asylum cases

Global Christian News (18.01.2017) - <http://bit.ly/2mWIZJp> - Christian convert refugees seeking asylum in Austria are being asked "absurdly difficult" questions on theology and Church doctrine by authorities in order to "prove" their conversion, say Austrian church leaders.

Converts have been asked complex questions about the Trinity, been asked to name the date on which the first woman was ordained in Austria and how many sacraments Austrian Free Churches observe; the five different Free Church branches in Austria all have different interpretations. Converts who failed to answer the questions often face their claims for asylum being turned down.

Karl Schiefermaier, a member of the Protestant High Consistory, stated, "This has now reached a stage which is most worrying. The Church and not the State must decide whether or not a baptism is legitimate. Every pastor has the pastoral responsibility to examine and confirm the genuineness of an adult's wish to be baptised."

A total of 859 asylum seekers converted to Christianity in Austria in 2017.

100 Iranian Christians waiting to enter U.S. could be sent back to Iran

By Nina Shea

Washington Free Beacon (09.01.2018) - <http://bit.ly/2qMfz4U> - U.S. government action could send 100 mostly Christian Iranians stranded in Vienna back to Iran this week, where their return during the harsh government crackdown on dissidents could target them for further persecution, human rights activists warn.

The deportation threat looms despite the Trump administration's and Congress's vocal support for protesters in Iran, who are waging the strongest nationwide uprising against the government in Tehran in eight years.

"These deportations, during a human-rights crackdown in Iran no less, could be a death sentence for these persecuted Christians and other minorities," Nina Shea, an international human rights lawyer who directs the Hudson Institute's Center for Religious Freedom, told the Washington Free Beacon. "They would undermine the important statements against Iran's repression by President Trump, Vice President Pence and U.N. Ambassador [Nikki Haley]."

"The administration needs to act fast to stop this travesty," she said, noting that the U.S. government could give the refugees notices denying them entry to the U.S. as early as this week. This would leave the Austrians with little choice but to send them back to Iran.

Activists say the timing of the deportation threat is also particularly troublesome for the Trump administration, after the State Department last week designated Iran among 10 countries "of particular concern" for "systematic, ongoing, and egregious violations of religious freedom."

The Iranian Christian refugees traveled to Vienna in January 2017 under a 27-year-old U.S. law passed by Congress to help Jews escape persecution in the Soviet Union. Under a 2004 update of the law, known as the Lautenberg amendment, the State Department

has helped tens of thousands of Iranian Jews, Christians, and Baha'is who were at risk in their home country to resettle in the United States.

During the end of the Obama administration, the State Department initially signed off on plans to resettle the latest group of mostly Iranian Christian refugees but then placed a hold on them toward the end of last year before Trump took office, according to Anna Buwalda, executive director of the Jubilee Campaign. The Jubilee Campaign is a nonprofit organization that advocates for religious minorities who suffer persecution in their home countries.

Buwalda says she and other human-rights activists don't know why the U.S. appears to be on the brink of denying them entry to the United States, and no one at the State Department or DHS has provided any answers.

"This is part of the mystery, and nobody's been able to receive any information to explain it," she said.

One-third of the refugees were set to resettle in California, where many of their relatives who have already gone through the refugee resettlement process are located, according to the activists.

The Department of Homeland Security, which has an office in Vienna, helped interview and vet the refugees, along with HIAS, the global Jewish nonprofit that works with the State Department on Lautenberg program refugee cases, Buwalda said.

HIAS referred a request for comment to its partner, the State Department Bureau of Population, Refugees and Migration. Neither the State Department nor the DHS provided a response.

The refugees, most of them Armenians and Assyrians, have been waiting in Vienna for a year as U.S. courts have weighed in on the constitutionality of the travel ban, and recently were informed they must go back to Iran, according to Shea and Buwalda.

It is unclear if the Trump administration is behind the deportation threat or if Austria is becoming impatient with these cases remaining in limbo.

Human rights groups are urging the administration to take action and are worried the refugees and other priorities involving religious minorities in hotspots around the world are falling through the cracks as key Trump administration posts remain vacant a year into his presidency.

"The U.S. has broken its promise to Iranian religious minorities," Buwalda said. "They traveled to Vienna at the invitation of the United States, with the understanding that they would soon be reunited with their American families. Instead, the groups of refugees have been forced to wait there for more than a year with no explanation. They have no source of income, and many have spent down their life savings."

"The U.S. government must solve this situation quickly and humanely," she said.

One key post that would normally handle Lautenberg program issues remains vacant. Kansas Gov. Sam Brownback's nomination to the State Department post of ambassador at large for religious freedom is in limbo after Democrats placed a hold on it late last year and blocked the Senate from approving him.

The White House re-nominated Brownback on Monday but has not publicly disclosed whether it intends to expend the political capital to lean on the Senate to quickly confirm him. Senate GOP leaders would have to devote at least three days of precious floor time

to hold a floor vote on the nomination if Democrats continue to oppose him instead of passing him quickly by unanimous consent.

The White House did not respond to an inquiry into Brownback's nomination.

Catholic and other Christian leaders have praised the Trump administration's rhetoric on the issue. They point to the administration's National Security Strategy report, unveiled in late December, and its pledge to "protect religious minorities" abroad.

Pence in October received a standing ovation at a dinner devoted to religious freedom issue when he pledged that "help is on the way" to religious minority communities in Iraq struggling to recover from Islamic State genocide.

However, Trump also has yet to appoint a special adviser for international religious freedom at the White House's National Security Council and has kept a special envoy for religious freedom post downgraded in power, as it was during the Obama administration.

The faith office at USAID also remains without a leader.
