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## **Austrian constitutional court rules headscarf ban in primary schools 'unconstitutional'**

By Lauren Chadwick

Euronews (12.12.2020) - <https://bit.ly/3njy61w> - The law had prohibited girls from wearing "ideological or religious clothing that is associated with covering the head until the end of the school year in which they turn 10."

In a statement released following the decision, the court said that equality and "freedom of thought, conscience and religion, establishes the state's religious and ideological neutrality."

The court said the legislature was required to treat various religious convictions equally. The law did not apply to the Jewish Kippa or to the turban worn by Sikh men.

"The school is based, among other things, on the basic values of openness and tolerance," the constitutional court said.

The court decision came after a complaint from two families of Muslim students was brought forward and determined that the law discriminated against girls "because it carries the risk of making it difficult for Muslim girls to access education."

The law was passed by Austrian MPs in 2019 after being tabled by the coalition government, made up of PM Sebastian Kurz' right-wing Austrian People's Party (ÖVP) and far-right Freedom Party of Austria (FPÖ).

The Education spokesman for FPÖ, Wendelin Moelzer had said that the law was "a signal against political Islam", while the ÖVP MP Rudolf Taschner declared that it would protect girls against "enslavement".

The decision by the constitutional court on Friday was "shows that our trust in the rule of law and our patience have paid off," said Austria's Islamic Faith organisation (IGGÖ) in a statement posted to Facebook.

"The enforcement of equal opportunities and self-determination for girls and women in our society is not achieved through prohibitions, but rather by strengthening human,

women's and children's rights and promoting the awareness that coercion is never permissible," the IGGÖ statement continued.

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## **Austria court overturns primary school headscarf ban**

By Jastinder Khera

AFP (11.12.2020) - <https://bit.ly/3ahbvvyO> - Austria's constitutional court on Friday struck down a law introduced last year which banned the headscarf in primary schools, saying the measure was unconstitutional and discriminatory.

In a statement explaining the decision, the court said the law "contravened the principle of equality in relation to freedom of religion, belief and conscience."

The law prevented girls younger than 10 from wearing the headscarf and had been challenged by two children and their parents.

The measure was passed in May 2019 under the previous coalition of the center-right People's Party (OeVP) and the far-right Freedom Party (FPÖ), just days before that government collapsed due to a corruption scandal.

Both parties had made anti-immigration rhetoric and warnings against "parallel societies" a key part of their political messaging and their spokespeople made it clear at the time that the law was targeting the headscarf.

However, the text of the legislation attempted to avoid charges of discrimination by banning "ideologically or religiously influenced clothing which is associated with the covering of the head."

Nevertheless, the court said that the law could only be understood as targeting Islamic head coverings.

The OeVP-FPÖ government had itself said that the patka head covering worn by Sikh boys or the Jewish kippa would not be affected.

The new OeVP-Green party coalition that took office in January had planned to extend the ban for girls under 14.

The current OeVP Education Minister Heinz Fassmann said that the ministry would "take note of the judgement and look into its arguments."

"I regret that girls will not have the opportunity to make their way through the education system free from compulsion," he added.

In its statement the court said that far from promoting integration, "the ban could... lead to discrimination as it runs the risk of making it more difficult for Muslim girls to access education and socially excluding them."

The IGGÖ, the body officially recognized as representing the country's Muslim communities, welcomed the judgement and said the court had ended "the populist politics of bans."

IGGÖ President Umit Vural said in a statement: "We don't condone disparaging attitudes towards women who decide against the headscarf... and we also cannot agree with the

curtailing of the religious freedom of those Muslim women who understand the headscarf to be an integral part of their lived religious practice.”

The IGGOe had said at the time of the ban that in any case only a “miniscule number” of girls would be affected.

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## **Austria to create political offense called 'political Islam' to tackle radicalism: Chancellor Sebastian Kurz**

ANI (12.11.2020) - <https://bit.ly/2V3WF5W> - In view of the recent terrorist attacks, the Austrian government, led by Chancellor Sebastian Kurz is planning to create a criminal offense called 'political Islam' to tackle the growing radicalism in the country.

"In the fight against political Islam - the ideological basis behind it - we are going to create a criminal offense called 'political Islam' in order to be able to move against those who aren't terrorists but are preparing the ground for it," Kurz said as quoted by Al Jazeera.

The Austrian government also plans to simplify the process of closing associations deemed to play a role in "radicalisation".

Moreover, Austria will introduce a new electronic surveillance system targeting convicted felons who have served sentences for crimes related to extremism.

"Those who were recently released will be electronically monitored, by means of anklets or bracelets. This is a serious encroachment of privacy but, in my opinion, it constitutes a necessary step to minimise the threats posed to the population," Kurz said, as quoted by Sputnik.

These measures come in the backdrop of the November 2 terrorist attack in Vienna that saw a gunman believed to be a supporter of Islamic State open fire and kill four people.

Sputnik reported that the assailant, an Austrian native of ethnic Albanian descent had been released from prison after being sentenced to 22 months incarceration in 2019, for terrorism-related offenses.

Earlier on Monday, the Austrian police had arrested 30 people in a series of coordinated anti-terrorism raids.

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## **Braucht Österreich ein Orwellsches "Wahrheitsministerium"?**

***Die Bundesstelle für Sektenfrage betrachtet Kritik an COVID-19-Maßnahmen als Häresie.***

Wien OTS (09.10.2020) - <https://bit.ly/34D0GCR> - Zwei internationale Menschenrechtsorganisationen haben die Bundesstelle für Sektenfragen scharf kritisiert. In ihrem Tätigkeitsbericht für 2019, erschienen am 23. September, bezeichnet die Bundesstelle Kritiker der Regierungspolitik in Sachen COVID-19 als

„Verschwörungstheoretiker“. Damit befände sie sich auf einer Wellenlänge mit der Kommunistischen Partei Chinas.

Das Forum für Religionsfreiheit Europa (FOREF) und Human Rights Without Frontiers (HRWF) stellten fest, dass 40 Prozent der Inhalte im aktuellen [Tätigkeitsbericht](#) gegen jene gerichtet ist, die die Maßnahmen der Regierung zur Eindämmung von COVID-19 in Frage stellen. Auf diese Weise dämonisiert die Bundesstelle Nonkonformisten und stellt sie in einer Weise bloß wie sie es bislang nur mit religiösen Minderheiten tat, die sie anachronistisch noch immer als „Sekten“ verunglimpft.

Die Menschenrechtler weisen darauf hin, dass sich im Bericht die Rhetorik der Kommunistischen Partei Chinas (KPCh) sowie der unter Beschuss geratenen Weltgesundheitsorganisation widerspiegelt. Der Bericht leugnet die Vermutung, dass das Virus vom Institut für Virologie Wuhan stammen könnte. Laut FOREF und HRWF, liegt die Frage nach dem Ursprung des Virus jedoch „völlig jenseits der Kompetenz und Expertise der Bundesstelle.“

Die Bundesstelle für Sektenfragen attackiert in ihrem Bericht obendrein Kritiker des Unternehmens Huawei, welches auch in Österreich ein 5G-Netzwerk ausbaut. Aufgrund ihrer engen Verbindung zur KPCh und dem chinesischen Militär, wird Huawei von den Vereinigten Staaten und zahlreichen anderen westlichen Staaten als Sicherheitsrisiko eingestuft.

Die Bundesstelle für Sektenfragen wird jährlich mit 600.000 Euro aus Steuergeldern finanziert, obwohl sie wiederholt für ihre fragwürdigen Methoden kritisiert wurde. FOREF und HRWF stellen zur Debatte, ob die Bundesstelle zur Propagandamaschine mutieren wird.

Brauchen die österreichischen Steuerzahler wirklich ein Orwellsches „Wahrheitsministerium“, das sie mit einer Auswahl vertrauenswürdiger Medienberichte und einer öffentlichen Liste von Ketzern, Dissidenten und Sündenböcken versorgt?

Betreibt die österreichische Regierung jetzt eine „Aufklärung von oben“, um dem freien und faktenorientierten Diskurs einen Riegel vorzuschieben? Nur die Bewahrung der Redefreiheit garantiert die Möglichkeit eines ergebnisoffenen Diskurses, nicht deren Beschneidung.

Zum Volltext der FOREF & HRWF Analyse [hier](#).

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## **Federal Office of Sect Issues targets COVID-19 dissenters. An Orwellian “Ministry of Truth”?**

***Office’s annual report scrutinized by human rights organisations.***



*Johann Nepomuk Eduard Ambrosius Nestroy (7 December 1801 – 25 May 1862) was a singer, actor and playwright in the popular Austrian tradition of the Biedermeier period and its immediate aftermath. He participated in the 1848 revolutions and his work reflects the new liberal spirit then spreading throughout Europe.*

**FOREF Europe / HRWF (07.10.2020) – The target of state-run Anti-cult institutions in Western Europe seems to be shifting from religious “heretics” to ideological non-conformists. At least this is the case with Austria’s Federal Office of Sect Issues (Bundesstelle für Sektenfragen). On September 23, the Office released its Annual Report for 2019, which only marginally deals with its traditional target: new religious movements, disparagingly called “sects” or “cults.” Instead, the focus has moved to so-called conspiracy theorists.**

The Annual Reports of the Federal Office of Sect Issues usually summarize the Office’s main “activities” from the previous year. Until now, these reports have mostly consisted of an account of how many telephone calls the Office received per year and per gender, and which groups aroused most attention in the local media. However, the latest Report was marked by a different focus than in the past. [1] Because of the pressing public relevance of the subject in the first half-year period of 2020, the Office supplemented its Report with an overview of media coverage dealing with the spread of “conspiracy theories” and “pseudo-medical offers” related to COVID-19. The epidemic first appeared in Austria in February, and—as in many other countries around the globe—caused a controversial debate on the scale of the threat posed by the virus and the appropriate measures to contain it.\*

Austria’s Federal Office of Sect Issues has found a new target.



## ***Shaming dissenters: The mechanism of "othering"***

A voluminous 40% percent of the Report (that is 59 of 147 pages) presents a number of media articles that are cynical of detractors who have questioned the government measures to curb COVID-19. These ideological non-conformists include both laypersons and medical professionals who are sweepingly branded as "conspiracy theorists." According to the Report, conspiracy theories are spreading mainly through social networks, in particular through Facebook, YouTube, and blogs that would often promote some form of "alternative medicine" (p. 91). "Radical opponents" against existing vaccines as well as the expected vaccine for SARS-CoV-2 are forming a "conspicuous intersection" between large sections of alternative medicine and conspiracy theorists (p. 92).

The Report's section on conspiracy theories openly mimics the rhetoric of the World Health Organization, which already in February this year has warned of an "infodemic," that is, the dissemination of rumors and misinformation that would spread faster than any virus. However, the list of issues that follow underscore what positions the Office consider especially questionable, revealing a peculiar order of priorities. First, the Report attacks the assumption that SARS-CoV-2 may originate from the Wuhan Institute of Virology, putting it into the corner of conspiracy theories. Such claims would implicate that the "Chinese regime" (put in quotation remarks) had intentionally released the virus. In this context, coverage by the Epoch Times and the Washington Times—both newspapers have repeatedly voiced ardent criticism of the Chinese Communist Party's (CCP) human rights abuses in the past—was particularly targeted (pp. 94-99).

Meanwhile, the whistleblower Dr. Yan Li-Meng has been corroborating the assertion that the virus came from a lab of the People's Liberation Army, which complicates matters. [2] Dr. Yan was a virologist employed as a researcher at the University of Hong Kong's School of Public Health at the outset of the COVID-19 pandemic and now lives in exile in the United States. As long as China refuses to let independent researchers into the country, the question of the origin of SARS-CoV-2 remains far from settled—a fact that the Report fails to take into account. [3] [4]

Second, the Report dismisses as "fake news" any suspicion that the 5G network spearheaded by the tech company Huawei could lead to negative health effects or that it helped the spread of COVID-19 (pp. 100-102). However, what the Report omits to mention is another perhaps more urgent reason why fears of 5G are going viral: Huawei has evident ties to the CCP and the Chinese military. [5] [6] The United States, and subsequently the United Kingdom, India, Australia, and even Singapore have banned (or reduced) the use of Huawei's 5G technology, citing security concerns. By contrast, 5G networks in Germany, Switzerland, and Austria were built with equipment provided by the company and have been in operation since 2019. The German-speaking countries prefer a policy of "technological neutrality" and "change through trade" (Wandel durch Handel) in their relations to China, that is, looking the other way when human rights concerns are addressed. [7] [8] [9]

A third area of views which the authors deem as conspiracy theories are those critical of the activities of the American business magnate and philanthropist Bill Gates (pp. 110-114). The Report mentions by name the physician Dr. Michael Spitzbart, who posted his doubts about the "alliance between WHO, the Bill & Melinda Gates Foundation and the vaccine industry (Gavi)" on Facebook. The authors of the Report do not further engage with Dr. Spitzbart's statements, for which they do not have the necessary medical background. And neither is this the place to evaluate the merits or demerits of Gates' global vaccine programs. However, when medical professionals who publicly raise their doubts about the utility of insufficiently tested vaccines are listed in the Office's Report

without any comment, a line has been clearly crossed. What should give rise to concern is that the mere association of individuals with cult-like groups—whatever one imagines them to be—will have immense consequences for their professional reputation. This kind of shaming technique is reminiscent of the totalitarian prescription “punish one, teach a hundred,” attributed to Mao Tse-Tung.

Is the Austrian government pursuing some sort of “enlightenment from above” at the expense of a free and open inquiry? Do Austrian taxpayers need an Orwellian “Ministry of Truth” to present them with a selection of trustworthy media reports and a public list of heretics, dissenters, and scapegoats? To mitigate the spread of conspiracy theories the use of state-funded reports may backfire if the distinction between facts and fiction proves to be a distinction between privileged and less privileged knowledge. This is the case where the Report refers to and even recommends fact-checkers that are financially backed by large foundations with obvious political agendas, for example correctiv.org. If charitable foundations sponsor journalists to publish certain narratives, who will critically examine those foundations?

Sociologists and journalists have repeatedly warned of the conflicts of interests and the loss of journalistic impartiality that will result from the dependence on “philanthro-capitalism,” that is, the controversial entanglement of philanthropy and for-profit investments through global foundations. [10] [11] As any other theories, conspiracy theories must be confronted with healthy skepticism and a methodologically sound examination of the facts. However, the salient pattern that emerges from the Report of the Federal Office of Sect Issues is that big governments and big foundations are above criticism: “Nothing to see here, move along!”

With the revolution of the internet came an exponential growth of information. But information is not the same as knowledge, for the production of knowledge requires critical discourse. Total objectivity may thus always remain an unobtainable ideal. However, only the preservation of free speech will guarantee the possibility for open-ended inquiry, not its curtailment. If persons holding dissenting views are stigmatized, the already existing echo chambers will increasingly ossify, thus amplifying one-sided views and prejudice. State-endorsed ad hominem strategies and mechanisms of “othering” ultimately stifle the pursuit of truth in a climate of public fear.

### ***Methodologically unsound, unconstitutional from the outset***

The Annual Report of the Federal Office of Sect Issues leaves several questions unanswered. What exactly is the Office’s legal mandate to monitor “conspiracy theorists,” the “freemen movement” (Staatsverweigerer), “esotericists,” “self-help offers,” or “alternative education concepts” apart from “alternative religious and spiritual movements” (p. 13)? Is it the objective of the Office to inform the public or rather to threaten dissenters? Once a professional is mentioned in the Office’s publications by name, he or she is stigmatized as a “cultist” (Sektierer) and may suffer considerable reputational damage. Why do some passages of the Report eerily read like a defense of global foundations or the Chinese government?

The Austrian public finances the Office with a budget of 600,000 EUR annually. Austrian taxpayers have a right to know why exorbitant amounts of public funds are invested into a methodologically unsound project. While the entire Report only relies on the narratives of leading media outlets (ORF, Kurier, Standard), it omits any reference to academic studies or investigative research. If the state gets to decide which opinions are acceptable, a free and open public discourse on controversial issues is at stake. Arguably, the partisan stance of the Office and its aggressive all-round defamation of critical voices raises suspicion whether it is being slowly transformed to become a mouthpiece for CCP-

style propaganda. In any case, the Office is exceeding its competencies beyond all measure when it pretends to be an arbiter of right and wrong opinions.

In recent years, the Office has repeatedly come under public scrutiny, amongst others by the Court of Audit (Rechnungshof). [15] The Court of Audit has questioned the Office's lack of transparency regarding its methods and results. Launched in 1998 by conservative hardliners, the Federal Office of Sect Issues is subject to the Federal Ministry of Labour, Family and Youth (Bundesministerium für Arbeit, Familie und Jugend). During the two decades of its existence, Prof. Christian Brünner, constitutional expert and co-founder of FOREF Europe, has been repeatedly suggesting to revoke the law for the establishment of the Office because of its violation of fundamental freedoms. Brünner proposed to introduce an information center fashioned after the British model of INFORM instead. INFORM, founded by British sociologist Dr. Eileen Barker as a registered charity in 1988, offers objective, impartial, and up-to-date information on new religious and worldview movements based on established sociological methods.

Conspiracy theories should never be taken at face value. But to avoid an inflation of the term to encompass any kind of dissent, clear definitions, nuance, and a serious scholarly approach are necessary. It is evident that the Federal Office of Sect Issues falls short of this standard in all respects.

*\*According to the statistics provided by Austria's Federal Ministry of Health, 1,6% of persons with a confirmed infection by SARS-CoV-2 have died (as of October 4). The health ministry explicitly stresses that the number of COVID-19-related deaths, also known as the case-fatality rate, does not account for whether the virus was the actual cause of death. Thus, the number of deaths directly caused by SARS-CoV-2 is expected to be lower. For comparison, Ebola has an estimated case fertility rate of 40-50%, MERS-CoV 34%, and the seasonal flu 0,1-0,2%. [12] [13]*

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