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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2023]

* Issued as received, in the language of submission only.



Targeting and Criminalisation Of Human Rights Defenders In Europe, Particularly Palestinian Human Rights Defenders and Human Rights Defenders Focused On Palestinian Human Rights

The Start of the Targeting and Criminalisation

Over the last decade across Europe, from the United Kingdom of Great Britain and Northern Ireland to Germany, governments and institutions have both acted to encroach on the rights of freedom of speech and opinion of those who choose to defend the human rights of Palestinians. There are several ways in which these bodies have encroached on these important civil liberties, and one of them is through re-defining anti-semitism.

According to Palestine Legal, founded in 2012, and is an independent organization dedicated to protecting the civil and constitutional rights of people in the United States of America who speak out for Palestinian freedom - One of the primary tactics used to silence political debate is the branding of all support for Palestinian rights as anti-Jewish. Roughly half of the incidents of suppression Palestine Legal responds to each year include false accusations of antisemitism, totaling 895 incidents from 2014 to 2020. In an effort to add legitimacy to this tactic, Israel lobby groups have employed a distorted definition of antisemitism that encompasses virtually all criticism of Israel and have attempted to entrench this definition through policy changes and legislation.

In 2018, the British government adopted the 2016 International Holocaust Remembrance Association (IHRA) definition of antisemitism, which purposely conflates anti-Zionism with antisemitism. It states that, “Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour,” is a form of antisemitism. The IHRA’s definition has thus been disproportionality invoked to target Palestinian solidarity groups that naturally critique the Israeli regime, while white nationalist and far-right European groups have received little attention. Since 2020, universities in the United Kingdom of Great Britain and Northern Ireland have come under pressure to adopt the IHRA definition. In October 2020, former British Education Secretary Gavin Williamson even threatened that universities could lose funding streams if they failed to do so.

The IHRA definition has also been the backbone of many attacks directed at the BDS movement, and the British government has proposed legislation that directly targets it. In 2016, the government introduced “guidelines” that denounced procurement boycotts by public bodies as “inappropriate.” Later in its 2019 general election manifesto, the Conservative Party promised to cement this into policy, pledging to “ban public bodies from imposing their own direct or indirect boycotts, disinvestment or sanctions campaigns against foreign countries.”²

It is now clear that anti-BDS legislation will be introduced in Parliament. In her May 2022 speech at the opening of Parliament, the Queen affirmed that the United Kingdom of Great Britain and Northern Ireland government will put forward “legislation [that] will prevent public bodies engaging in boycotts that undermine community cohesion.” Beyond curtailing the work of Palestinian solidarity activists, this will also affect those wanting to pursue boycotts as a form of protest against other powers involved in human rights abuses. A statement from a group of British NGOs noted that this will “stifle a wide range of campaigns concerned with the arms trade, climate justice, human rights, international law, and international solidarity with oppressed peoples struggling for justice.”²

The German Governments Attacks on Palestinian & Pro-Palestine Human Rights Defenders

A new report published by the German Conference of Interior Ministers (IMK) that focuses on “prevention and intervention against Israel-related antisemitism” is pushing for further crackdowns on pro-Palestine solidarity, and even discusses moving toward the criminalization of this kind of speech and activism.

Authored by one of the IMK working groups, and adopted by the Conference earlier this month, the report consistently conflates anti-Zionism with antisemitism by employing the controversial IHRA definition of antisemitism. It includes specific suggestions, such as urging schools to show their students a more positive view of Israel in the classroom, and categorizes Amnesty International's recent report on Israeli apartheid as "antisemitic." The report even suggests prohibiting maps that "question Israel's right to exist"; whether this includes maps of historic Palestinian territories remains unclear.³

Germany's crackdown on the BDS movement has been intensifying for years, accelerated by a 2019 Bundestag resolution that classifies it as inherently antisemitic, essentially barring organizations that support the boycott from accessing public funds and public spaces. The resolution has enabled universities, state governments, and public institutions to deny Palestinians the right to free speech and assembly. Germany is already committed to blocking pro-Palestinian gatherings. Earlier this year, Berlin police arrested and detained 170 people during Nakba Day demonstrations, some of whom had done nothing more than hold a Palestinian flag or wear a keffiyeh. Berlin police also banned a vigil for the killing of Shireen Abu Akleh that had been planned by Jewish organizers – all in the name of fighting antisemitism.³

In recent years, activists for Palestinian human rights in Germany have had to turn to the courts to defend their constitutional rights to freedom of expression and assembly against their cities, which seek to impose the anti-BDS resolutions adopted by local and regional parliaments, as well as the German Bundestag.⁴

Conclusion

The Palestinian Return Centre (PRC) is deeply concerned with the ever increasing encroachments on the fundamental human rights of Palestinian and Pro-Palestine Human Rights defenders across Europe. Article 19 of the UN Human Rights Act clearly states 'Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.'⁵ This right must be upheld and respected for those human-rights defenders who are defending Palestinian human rights across Europe.

1 Palestine Legal: Distorted Definition: Redefining Antisemitism to Silence Advocacy for Palestinian Rights. Palestinelegal.org. Available at: <https://palestinelegal.org/distorted-definition>

2 Al Shabaka: Criminalising Palestine Solidarity Activism in the United Kingdom of Great Britain and Northern Ireland. Al-shabaka.org. Available at: <https://al-shabaka.org/briefs/criminalizing-palestine-solidarity-activism-in-the-uk/>

3 972 Mag: Germany Just Took A Drastic Step Toward Criminalizing Palestine Activism. 972mag.com. Available at: <https://www.972mag.com/germany-interior-ministers-report-palestinians/>

4 European Legal Support Center: German Case Law: A Coherent Set of Principles for Challenging Anti-BDS Resolutions. Elsc.support. Available at: <https://elsc.support/resources/ger>

5 United Nations: UN Declaration of Human Rights. UN.org. Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>