

**ARTISTIC
FREEDOM
INITIATIVE**

**Submission by Artistic Freedom Initiative to the Fourth
Cycle of the Universal Periodic Review of Austria**

Human Rights Council Universal Periodic Review 51st Session

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ABOUT ARTISTIC FREEDOM INITIATIVE

Founded in 2017, Artistic Freedom Initiative (AFI) provides pro bono immigration representation and resettlement assistance for international artists at risk. AFI directly provides legal and resettlement services to artists who have experienced persecution, censorship, or other restrictions on their freedom of expression, and supports artists committed to advancing social change and fundamental human rights. AFI works with artists to promote and protect cultural heritage, as well as champion art in exile, and has partnered with artists to improve freedom of expression and advance policy changes in their home countries. At the United Nations, AFI seeks to draw international attention to the persecution of artists and to the suppression of the right to artistic expression, leading several statements, UPR recommendations, and building cross regional consensus on the issue.

INTRODUCTION

In preparation for the review of Austria at the UPR Working Group's 50th session, this submission evaluates the state of artistic freedom in Austria from 2020 to present.

While Austria has long been recognized as a strong leader in upholding freedom of expression and cultural rights, recent developments in artistic freedom reveal a mixed picture—marked by commendable advancements on one hand and concerning trends towards censorship on the other.

Austria—particularly at the municipal level in Vienna—has continued to demonstrate positive and inclusive practices, such as sustained public investment in intercultural and community-based arts programs, and support for migrant and refugee artists. We commend Austria for these developments and encourage the country to continue expanding such practices.

At the same time, however, this submission documents a number of threats to artistic freedom, including political pressure on cultural institutions, acts of censorship, hostility to artists and cultural workers by non-state actors, and the continued existence of laws that restrict freedom of expression—namely, defamation and de-facto “blasphemy law” provisions. These emerging patterns highlight the need for renewed vigilance and legal reform, to ensure that Austria does not fall behind its human rights commitments in the cultural sphere.

We urge Austria to build upon its positive track record by addressing these gaps and safeguarding a cultural environment that is open, diverse, and free from intimidation and censorship.

FOLLOW UP TO THE PREVIOUS REVIEW

1. In the previous UPR cycle, Austria received 317 recommendations from participating UN member states, covering a variety of human rights issues. Austria supported 236 of these recommendations at the adoption of its UPR outcome.¹
2. Out of the total amounts of recommendations received, 4 recommendations were related to freedom of opinion and expression, of which Austria supported 3 and noted 1.²
 - a. Austria supported the following recommendations:
 - i. From Czechia: “Pursue efforts to combat hate speech and violence on the Internet while respecting freedom of expression”;³
 - ii. From France: “Fully guarantee the independence and pluralism of the media”;⁴
 - iii. From Slovenia: “Secure adequate resources for minority media and improve access to public media”;⁵
 - b. Austria noted the recommendation from Sierra Leone to “decriminalize defamation under the Criminal Act in accordance with international best practices.”⁶
 - i. Austria explained in its addendum that the reason for this decision is based on “European and national efforts to step up the fight against online hate speech.”⁷
 - ii. As indicated by Austria’s decision to simply note the recommendation on the decriminalization of defamation, to this date, defamation remains a criminal offense in Austria.
3. Some actions by Austrian state entities, particularly at the municipal level in Vienna, should be recognized and encouraged as good practices in the promotion of artistic freedom and cultural rights.
 - a. These developments are directly responsive to recommendations from the previous UPR cycle, notably Turkmenistan's call to “take all appropriate measures to promote tolerance, intercultural dialogue and respect for diversity in the society,”⁸ and Bahrain's recommendation to “take further measures to promote tolerance and respect for cultural diversity in order to eradicate existing prejudices and stereotypes against migrants and foreigners.”⁹

- b. The City of Vienna demonstrates a strong commitment to enhancing access to the arts for all its residents, with a particular focus on inclusion and intercultural dialogue. These efforts are well aligned with the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which defines artistic freedom through six key dimensions: the right to create without censorship or intimidation; the right to have artistic work supported, distributed, and remunerated; the right to freedom of movement; the right to freedom of association; the right to protection of social and economic rights (including labor rights); and the right to participate in cultural life.¹⁰
 - c. Vienna's investment in "Stadtteilkultur und Interkulturalität"¹¹ (neighborhood culture and interculturality) directly supports several of these aspects, particularly the right to have one's work supported and distributed, and the right to participate in cultural life. The city's stated aim—to make art and culture accessible to all residents, especially those who have previously had limited access—is operationalized through a decentralized cultural offering that fosters equitable participation in a growing and increasingly polycentric urban environment.¹²
 - d. Moreover, Vienna actively promotes transdisciplinary projects that elevate diversity, cultural tolerance, and equal opportunity, demonstrating concrete progress in supporting freedom of association and combating systemic barriers to cultural expression. Initiatives such as *Question Me & Answer*¹³ and *kültür gemma!*¹⁴ exemplify this vision. Both projects support migrant and refugee artists through mechanisms such as fellowships, residencies, and networking platforms—thus reinforcing both cultural inclusion and economic rights for underrepresented artistic communities.
 - e. Importantly, this prioritization has also been backed by a consistent and increasing share of the cultural budget. The proportion allocated to this category rose from 5.53% in 2019 to 7.41% in 2023, indicating institutional and financial commitment to these goals.¹⁵
 - f. Austria is encouraged to maintain and expand such measures nationwide.
4. Despite Austria's commitments to cultural rights and freedom of expression, recent cases of undue influence in cultural institutions, intimidation from non-state actors towards artists and cultural workers, and laws that constrain artistic freedom justify the need for this submission.

INTERNATIONAL, REGIONAL, AND DOMESTIC HUMAN RIGHTS OBLIGATIONS

5. Austria has committed to protecting and respecting the right to freedom of artistic expression as outlined in several key international human rights instruments:
 - a. Austria is party to the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Austria is also part of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.
 6. Article 13 of the Basic Law (Staatsgrundgesetz - StGG) of Austria's Constitution explicitly guarantees the right to freedom of expression and opinion for Austrian citizens:
 - a. *[1] Everyone has the right within the limits of the law to freely express his opinion by word of mouth and in writing, print, or pictorial representation.*
[2] The Press may be neither subjected to censorship nor restricted by the licensing System.^{[16](#)}
 7. The Constitution of Austria's main provision related to the protection of artistic freedom is Article 17a of the StGG:
 - a. *Artistic creativity as well as the dissemination of art and its teaching shall be free.*^{[17](#)}
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LAWS THAT CONSTRAIN ARTISTIC FREEDOM

1. Austria's Criminal Code on the "Disparagement of Religious Teachings" is a de facto "Blasphemy Law":
 - a. Section 188 of the Austrian Criminal Code criminalizes the act of publicly disparaging or mocking persons or objects of worship, dogmas, or legally permitted religious institutions in a manner "likely to cause justified offense (*berechtigtcs Ärgernis*)."^{[18](#)} The penalty for such an offense is imprisonment of up to six months or a fine.^{[19](#)}
 - b. This provision is incompatible with international human rights standards. It violates Article 19 of the International Covenant on Civil and Political Rights (ICCPR), Article 15 of the International Covenant on Economic, Social and

Cultural Rights (ICESCR), and Article 10 of the European Convention on Human Rights (ECHR).

- c. With respect to the ICCPR, the United Nations Human Rights Committee, in its General Comment No. 34, unequivocally states that “[p]rohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant.”²⁰
 - d. Importantly, regardless of translation choices, “offense” or similar sentiments are not recognized as legitimate grounds for restricting expression under Article 20 § 2 of the ICCPR, which only permits restrictions only in cases of “incitement to discrimination, hostility, or violence.”²¹
 - e. The Committee further clarifies that it is not permissible to use such laws “to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.”²²
 - f. International human rights bodies and NGOs have consistently argued that blasphemy and related laws, by their nature, have a chilling effect on freedom of expression and should be abolished.²³
 - i. The vague wording—particularly the undefined threshold of “justified offense”—poses a direct threat to artistic freedom. Artistic works that critically, satirically, or unconventionally engage with religious themes, figures, or practices are especially vulnerable under this provision, creating a chilling effect on creative expression.
2. Criminal Code: Defamation:
- a. Austria maintains criminal defamation provisions alongside civil remedies under the General Civil Code and the Media Act.
 - b. Section 111 and 115 of the Criminal Code criminalize statements that damage an individual's reputation or are deemed insulting with penalties ranging from fines to imprisonment for up to one year.²⁴
 - c. The fear of criminal prosecution for defamation and the prospect of lengthy and costly legal battles can lead to self-censorship. This is particularly acute for artists and independent journalists who tackle controversial subjects or engage in satire.
 - d. The continued existence of criminal defamation provisions is internationally recognized as a potential impediment to free expression.²⁵

PRESSURES ON CULTURAL INSTITUTIONS

1. The role of the state in supporting a pluralistic and autonomous cultural sector is under growing threat in Austria, particularly in light of the new government coalition that includes the far-right Freedom Party of Austria (FPÖ). The FPÖ has been vocal about their agenda to minimize or eliminate cultural funding for what they call “left-wing propaganda,”²⁶ which they claim is harmful to minors, mirroring similar rhetoric used by backsliding democracies around the world.²⁷
 - a. In May 2025, Maximilian Krauss, chairman of the Vienna branch of the FPÖ, described the internationally celebrated Vienna Festival (Wiener Festwochen) as “highly subsidized, unsavory left-wing propaganda.”²⁸ Referring to promotional posters for the festival as crude depictions of “half-naked people in dark, disturbing images,”²⁹ Krauss claimed that “art is no longer being created here; it's simply pursuing a sociopolitical agenda.”³⁰ He further asserted: “After just a few days, numerous parents have already contacted us, expressing a lack of understanding for their children being exposed to these strange images, financed with millions of taxpayer dollars.”³¹
 - b. Krauss’ statement escalated with a direct challenge to the legitimacy of public support: “It cannot be that millions of euros from the cultural budget are flowing into projects that are no longer art, but pure provocation. Tax money cannot be used for this,” he concluded.³² The FPÖ has demanded that subsidies for the festival be revoked, alleging that the content does not correspond with what was described in the funding application.³³
 - c. The May 2025 comment from Krauss is a continuation of political scrutiny from the party towards culture that began at least a year earlier, when the FPÖ and its party leadership called for a halt to “compulsory state levies” used to fund “woke events” such as the European Song Contest and the Vienna Festival.³⁴
2. There appears to be an emerging pattern of indirect pressures on cultural institutions, to avoid politically sensitive topics. These indirect pressures have resulted in the censorship of several artworks during the review period.
 - a. In early 2025, Pakistani artist **Rabbya Naseer** cancelled her scheduled solo exhibition at the Belvedere 21 Museum of Contemporary Art in Vienna, alleging that the museum, over a seven-month period, refused to approve any of her proposals for new artworks.³⁵ Some of these proposals were intended to respond to the ongoing human rights violations in Gaza.³⁶ The museum reportedly cited a need to present “two sides of a dialogue” regarding this issue.³⁷ This rationale,

while seemingly neutral, can effectively function as a mechanism to avoid controversy and sideline critical artistic perspectives.

- b. In a similar case in October 2023, Polish artist **Joanna Zabielska** withdrew her work from a group exhibition at the same museum. She alleged that the museum had removed, without her consent, the names of the two Palestinian and Lebanese refugees who inspired her artwork from the dedication.³⁸
- c. The group “Art Community Against Censorship” documented 22 alleged incidents of restrictions on academic freedom between 2018 and 2024, including cases within arts-focused academic institutions.³⁹ These reports raise concerns about the erosion of academic freedom in Austria’s higher education sector.
- d. In December 2025, artist **Dusty Whistles** faced the censorship of her artwork created for exhibition “*Care Webs and Cuddles*” at Kunsthalle Exnergasse - just a month before the exhibition opening.⁴⁰
 - i. Whistles was invited in November 2024 for her activist art practice. She proposed a work critiquing censorship at WUK Performing Arts, part of the larger WUK cultural institution, to which Kunsthalle Exnergasse also belongs. Her piece was to include a drag performance that ultimately revealed a banner stating “*cultural silence is complicity in genocide*,” to be displayed on the WUK facade.⁴¹ Though Whistles’ proposal was initially accepted, the curator withdrew support a month before the opening, citing “safety concerns” over the banner’s message. The curator instead proposed Whistles give a talk on censorship. After the artist refused this alternative, she was excluded from the exhibition without further negotiation.⁴²

INTIMIDATION FROM NON-STATE ACTORS

1. During the reporting period, there were instances of intimidation and backlash against artists and cultural workers engaging with themes of gender identity, sexual orientation, and LGBTQ+ visibility:

- a. ***Drag Queen Storytime***

In April 2023, the Villa Vida Café in Vienna hosted a Drag Storytime event for children. The event aimed to promote diversity, inclusion, and self-expression among young audiences. However, it became the focal point of significant controversy when right-wing and far-right groups, including the Identitäre

Bewegung Österreich and members of the Freiheitliche Partei Österreichs (FPÖ), organized protests against the program, aiming to cancel Drag Storytime and accusing the event of “early sexualization” of children. Despite the protests, the reading proceeded as planned, with families attending and supporters organizing counter-demonstrations under the motto “Drag is not a crime.” Notably, the counter-protest significantly outnumbered the anti-drag demonstrators.⁴³

b. *Wish You Were Gay Art Installation*

In July 2024, six public billboards by German artist Anne Imhof, part of her installation “*Wish You Were Gay*” in Bregenz, Austria, were vandalized. The billboards were located along the Bregenzer Seestraße and accompanied her solo exhibition at Kunsthaus Bregenz. Artist Anne Imhof publicly denounced the incident as a hate crime and a violent act of aggression, specifically targeting LGBTQ+ communities and queer visibility. The museum’s director, Thomas D. Trummer, condemned the act as well, stating that “homophobia has no place in our society.”⁴⁴

RECOMMENDATIONS

AFI urges UN member states to call on Austria to affirm its commitments to freedom of expression, artistic freedom, and cultural rights through the following measures:

1. Revoke or amend domestic laws used to suppress artistic expression by repealing or amending laws related to defamation and blasphemy:
 - a. Amend Sections 111 and 115 of the Criminal Code to decriminalize the offense of defamation, and ensure that any remaining civil remedies for reputational harm strictly adhere to international human rights standards on freedom of expression.
 - b. Repeal Section 188 of the Austrian Criminal Code, which criminalizes blasphemy, to ensure that legislation is compliant with international and regional human rights standards on freedom of expression.
2. Establish Oversight to Prevent Censorship and Political Interference:
 - a. Establish an independent mechanism—such as a commissioner or expert advisory body—to monitor and address threats to artistic freedom and political interference in the cultural sector.
3. Safeguard Freedom of Expression and Cultural Participation from Intimidation:

- a. Ensure timely and effective protective measures by state authorities in response to acts of informal intimidation targeting artistic and cultural expression in order to fulfill Austria's positive obligations to protect freedom of expression and cultural participation.
- b. Where acts of intimidation occur, prompt and thorough investigation of such incidents should be undertaken, accompanied by public condemnation from relevant authorities and proactive support for the affected artists and cultural organizations.
- c. To counter the recent surge in anti-LGBTQ+ rhetoric, Austria should proactively educate the public about gender diversity and sexual orientation, while fostering a culture of tolerance and respect for marginalized communities.

ENDNOTES

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ANNEX 1

Electronic communications about AFI's submission to the CSO Stakeholder Report for the Fourth Cycle of the UPR of Austria can be directed to:

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