



FREEDOM IN THE WORLD 2020

Austria

93

/100

FREE

<u>Political Rights</u>	37 / 40
<u>Civil Liberties</u>	56 / 60

LAST YEAR'S SCORE & STATUS

93 / 100 **Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



TOP

Overview

Austria has a democratic system of government that guarantees political rights and civil liberties. The country has historically been governed by a grand coalition of the center-left Social Democratic Party of Austria (SPÖ), and the center-right Austrian People's Party (ÖVP). In recent years, the political system has faced pressure from the Freedom Party of Austria (FPÖ), a right-wing, populist party that openly entertains nationalist and xenophobic sentiments.

Key Developments in 2019

- In May, a video surfaced showing FPÖ chairman and vice chancellor Heinz-Christian Strache offering lucrative state contracts in exchange for donations and favorable media coverage to a woman posing as an emissary of a Russian oligarch. The scandal, known as “Ibizagate,” led to the ouster of the government under Sebastian Kurz (ÖVP) and to snap elections in late September.
- Up until the end of the ÖVP–FPÖ government, observers showed grave concern over statements and policies pushed forward in particular by interior minister Herbert Kickl (FPÖ), who said in January that law should follow politics, not the other way around.
- In May, Austria instituted a ban on headscarves in elementary schools, a move that was widely seen as Islamophobic. The education ministry extended the ban in October to include burkinis, a full-body swimsuit, worn during school-provided swim lessons.

Political Rights

[TOP](#)

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

4/4

Executive elections in Austria are generally free and fair. The president is elected for a six-year term and has predominantly ceremonial duties. The president does, however, appoint the chancellor, who also needs the support of the legislature to govern. Austria's current president is the former head of the Green Party, Alexander Van der Bellen, who was elected after a close and controversial poll that featured a repeat of the runoff between Van der Bellen and FPÖ candidate Norbert Hofer. The runoff was repeated after the Constitutional Court established that there had been problems with the handling of postal ballots.

Following a political scandal, the government led by Chancellor Sebastian Kurz under an ÖVP–FPÖ coalition was ousted in May 2019, leading to a technocratic interim government under the leadership of Brigitte Bierlein, the first woman in the office of chancellor.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

4/4

Legislative elections in Austria are generally considered credible. The National Council, the lower house, has 183 members chosen through proportional representation at the district, state, and federal levels. Members serve five-year terms. The 62 members of the upper house, the Federal Council (Bundesrat), are chosen by state legislatures for five- or six-year terms.

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Snap elections to the National Council took place in 2019, following the ÖVP–FPÖ coalition's collapse as a result of IbizaGate. The election campaign centered around political personalities like Sebastian Kurz, whose ÖVP was the clear winner. Support

for the FPÖ collapsed, with the party losing 20 seats in the National Council. The ÖVP took 71 seats—the most of any party but not enough for a governing majority. The SPÖ won 40 council positions; the FPÖ took 31; the liberal NEOS claimed 15. The Green Party returned after a two-year absence from parliament and gained 26 seats. Voter turnout was around 75.5 percent.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

4/4

Austria's electoral laws and framework are fair and generally implemented impartially by the relevant bodies.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

4/4

Austria has competitive political parties that form and operate without encountering undue obstacles. Recent years have seen the rise and fall of various competing parties and coalitions through democratic processes.

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B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

4/4

Opposition parties have a realistic opportunity to gain representation. Austria has frequently been governed by grand coalitions, a trend that has fostered some public disillusionment with the political process. Following a breakdown of the ÖVP–FPÖ government, elections in September 2019 have set up the likely formation of an ÖVP–Green Party coalition.

B3 0-4 pts

Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

4/4

Austrians are generally free to make their own political choices without pressure from the military, business leaders, or other groups that are not democratically accountable.

B4 0-4 pts

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?

3/4

The participation of Slovene, Hungarian, and Romany minorities in local government remains limited. There is little minority representation in the legislature. The number of people who have been naturalized (thus gaining certain political rights) has fallen dramatically since the establishment of a more restrictive national integration policy in 2009.

A number of political parties include support for gender equality in their platforms. In the 2019 elections, 39 percent of the members elected to the parliament were women, a slight increase compared to 2017. Brigitte Bierlein was sworn in as chancellor in June 2019 as the first woman to hold this office, albeit only as appointed leader of an interim government.

TOP

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

4/4

The freely elected president and legislative representatives work with the chancellor, vice chancellor, and cabinet ministers to determine the policies of the government.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

3/4

Austria has some problems with public sector corruption, and the political class is perceived by many as corrupt. The trial against former finance minister Karl-Heinz Grasser, which commenced in late 2017, was still ongoing at the end of 2019; he is charged with bribery and embezzlement in connection with the sale of state housing in 2004. The Council of Europe's Group of States against Corruption (GRECO) has criticized Austria for weak party-finance legislation, and for failing to adequately regulate lobbying and prevent corruption amongst parliamentarians. Austria has seen an increase in indictments for, and the rising costs of corruption in the past few years.

Further IbizaGate investigations in 2019 exposed detailed plans to appoint Peter Sidlo, an unqualified FPÖ politician, as finance chief of Casinos Austria, a gambling company in part owned by the Austrian state. Strache and other politicians from FPÖ and ÖVP pressured the board of Casinos Austria to cooperate. They attempted to barter online casino licenses with a company called Novomatic, whose chief

executive is also on the board of Casinos Austria, in exchange for the appointment of Sidlo as finance chief.

C3 0-4 pts

Does the government operate with openness and transparency?

3/4

Austria's government has frequently been criticized for inadequate transparency. Official secrecy remains enshrined in the constitution. For over five years, a draft freedom of information law has been mired in parliamentary procedures, and it remained so at year's end. Austria's overall legal framework on access to information, containing vague criteria for compliance and lacking a strong appeals mechanism, is weak.

Increasing transparency and strengthening the Austrian anticorruption framework is set to be a major topic for the incoming government.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?

3/4

TOP

The federal constitution and the Media Law of 1981 provide the basis for free media in Austria, and the government generally respects these provisions in practice. However, libel and slander laws protect politicians and government officials, many

of whom—particularly members of the FPÖ—have filed defamation suits in recent years. Media ownership remains highly concentrated, particularly in the provinces.

The government exerts some influence on the state broadcaster, the ORF, and overall, several observers and journalists noticed a weakening of press freedom over the past year. In 2019 a debate continued about reforms in the ORF, though it was stalled by the breakup of the ÖVP–FPÖ government. Several observers noted that the ORF was pressured and verbally attacked by the FPÖ while the party was in government. In April 2019, an FPÖ candidate berated and threatened journalist Armin Wolf during a live television broadcast in response to a question regarding a racially charged comic released by the FPÖ's youth wing wherein Wolf noted comparisons between the FPÖ image and 1930s antisemitic Nazi propaganda. The verbal abuse continued after the interview: party leaders added their own threats and insults, even including Wolf in campaign videos for the EU parliamentary vote.

While there is no official censorship, Austrian law prohibits any form of neo-Nazism or antisemitism, as well as the public denial, approval, or justification of Nazi crimes, including the Holocaust.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

3/4

Religious freedom is constitutionally guaranteed. Austrian law divides religious organizations into three legal categories: officially recognized religious societies, religious confessional communities, and associations. Many religious minority groups allege that the law impedes their legitimate claims for recognition and demotes them to second- or third-class status.

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Foreign funding for Muslim houses of worship and imams is prohibited by a 2015 law; Orthodox Christian and Jewish groups with similarly strong links to communities abroad face no such restrictions. In 2019, the Austrian constitutional

courts confirmed the legality of the 2015 law that enabled the expulsion of 40 imams from Turkey in 2018. The FPÖ has been criticized for stoking anti-Muslim sentiment through controversial advertising campaigns. In recent years, antisemitic and anti-Islamic tendencies seem to be on the rise.

Full-face coverings were banned in 2017, which was generally interpreted as targeting women who wear burqas and niqabs (facial veils), even though very few women in Austria wear those garments. In May 2019, the government passed a law banning the wearing of headscarves at elementary schools for kids under 10 years old. The law does not apply to children wearing a kippa. In October, the ministry of education clarified that the law also applies to burkinis in school-sponsored swimming lessons.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

4/4

Academic freedom is generally upheld, and the educational system is free from extensive political indoctrination.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

4/4

Private discussion in Austria is generally free and unrestricted. However, there have been some difficulties related to the balance between ensuring freedom of speech and enforcing legal prohibitions on hate speech. A debate surrounding more extensive online surveillance through state authorities is currently ongoing. **TOP**

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	4/4
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Freedom of assembly is protected in the constitution and in practice.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work?	4/4
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Nongovernmental organizations (NGOs) operate without restrictions, even though in recent years the political climate became more restrictive for civil society organizations to work in.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	4/4
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Trade unions are free to organize and to strike, and they are considered an essential partner in national policymaking. Around 27 percent of Austrian employees are unionized, according to 2016 figures.

TOP

F. Rule of Law

F1 0-4 pts

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Is there an independent judiciary?	4/4
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The judiciary is independent, and the Constitutional Court examines the compatibility of legislation with the constitution without political influence or interference. The Consultative Council of European Judges of the Council of Europe criticized a slight lack of independence in an analysis of the Administrative Court of Vienna conducted in 2019. Austrian judges are appointed by the executive office of the government instead of a politically independent body, which the Council criticized as an insufficient separation of the state government from the judicial system.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	4/4
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Due process generally prevails in civil and criminal matters. However, scandals unfolding throughout 2018 involving Austria's intelligence apparatus raised concerns about the potential politicization of the justice system, as well as respect for due process. Such concerns were reinvigorated by former interior minister Herbert Kickl's statements in January 2019, in which he said that the law should follow politics and not the other way around. Kickl resigned in May.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	4/4
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People in Austria are generally free from the illegitimate use of physical force, war, and insurgencies. However, terrorist threats are a concern. After the March 2019 terrorist attacks at a mosque in Christchurch, New Zealand, the attacker connection to the Austrian far-right extremist group, Identitäre Bewegung Österreich (IBÖ),

were publicized. The ÖVP has promised a ban of IBÖ will be a demand of their 2020 coalition government.

Conditions in prisons generally meet high European standards.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

3/4

Some marginalized groups face difficulty exercising their human rights before the law. Strong rhetoric has been directed against refugees and migrants in recent years. Some asylum seekers can be deported while appeals are pending. The ÖVP-FPÖ government was known for its restrictive policies on asylum seekers. In May 2019, the United Nations Human Rights Commissioner found Austria's asylum system to not meet international human rights standards.

LGBT+ people face some societal discrimination. Hate crime legislation prohibits incitement based on sexual orientation. However, no law prohibits service providers from denying services on that basis.

Despite some improvement since 2005, gender equality remains an issue in Austria. According to the European Institute for Gender Equality's 2019 Index, women's wages are 76 percent of that of men.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

TOP

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

4/4

Austrian citizens enjoy freedom of movement and choice of residence. Roma and other ethnic minorities face discrimination in the labor and housing markets. The Labor Ministry has sought to promote integration of younger immigrants by providing German-language instruction and job training.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	4/4
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Austrians may freely exercise the right to own property and establish businesses.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?	4/4
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Same-sex marriage is legal in Austria since January 2019. Since 2016, there are no longer restrictions on same-sex couples adopting children.

The 2009 Second Protection against Violence Act increased penalties for perpetrators of domestic violence, and authorized further punitive measures against chronic offenders.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?	4 TOP
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A 1979 law guarantees women's freedom from discrimination in various areas, including the workplace. However, the income gap between men and women remains significant. According to the US State Department's 2019 *Trafficking in*

Persons Report, the Austrian government is making efforts to fight human trafficking; convictions and prosecutions for trafficking-related offenses have increased, although the courts “continued to issue light or suspended penalties for convicted traffickers.” The government has not appointed anyone to focus on this issue, which has limited their ability to evaluate the efficacy of their efforts. The government has made efforts at identifying victims among migrant populations.



On Austria

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Country Facts

Global Freedom Score

93/100 Free

Other Years

2019

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