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U.S. Department of State

Austria Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

AUSTRIA

Austria is a constitutional democracy with a federal parliamentary form of government and an independent judiciary. Citizens choose their representatives in periodic, free, and fair multiparty elections.

The police are subordinated to the executive and judicial authorities. The national police maintain internal security. The army is responsible for external security.

Austria's highly developed, market-based economy, with its mix of technologically advanced industry, modern agriculture, and tourism affords its citizens a high standard of living.

The Government fully respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with instances of individual abuse. There were occasional reports of abuse by police. The Government is taking serious steps to address violence against women.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the Constitution prohibits such practices, government statistics for 1995 showed 615 complaints against police officials for illegitimate use of force, a decrease of 61 compared with 1994. In six cases, police officials were convicted and required to pay fines. In nine cases, officers faced disciplinary proceedings, and in one case, the disciplinary proceeding was terminated. Of the people who filed complaints against the police, 23 were sued for slander and 15 were sued for resisting arrest.

Prison conditions meet minimum international standards. The Government is a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which includes a provision for human rights monitoring missions. In individual cases, investigating judges or prison directors have jurisdiction over questions of access to the defendant.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

In criminal cases the law provides for investigative or pretrial detention for up to 48 hours, except that in cases of charges of "aggressive behavior" an investigative judge may within that period decide to grant a prosecution request for detention up to 2 years pending completion of an investigation. The grounds required for such investigative detention are specified in the law, as are conditions for bail. The investigative judge is required to evaluate an investigative detention at 2 weeks, 1 month, and every 2 months after the arrest.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process. There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of the press, and the Government generally respects this right in practice, although stringent slander laws tend to discourage reports of police brutality. Publications may be removed from circulation if they violate legal provisions concerning morality or public security, but such cases are extremely rare.

Television and national radio are government monopolies, but they present diverse points of view. A

law passed in 1993 permits regional private radio stations, but implementation of the law was delayed due to legal challenges by unsuccessful applicants for licenses. After the Constitutional Court ordered the revision of radio frequencies and after complaints against the law were dropped in Styria and Salzburg, two stations opened. The text of the law, with rewritten radio frequency rules, is under revision.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, except for Nazi organizations and activities (an exception stipulated also in the Austrian State Treaty of 1955). The law on the formation of associations states that permission to form an organization may be denied if it is apparent that the organization will pursue the illegal activities of a prohibited organization.

c. Freedom of Religion

The Constitution generally provides for freedom of religion of individuals, as laid down by the Treaty of St. Germain. The status of religious organizations, however, is governed by the 1874 "Law on Recognition" of churches. Religious recognition has wide-ranging implications, e.g., the authority to participate in the state-collected religious taxation program, engage in religious education, and import religious workers to act as ministers, missionaries, or teachers. Officially, 75.3 percent of the populace is Roman Catholic, and there are 12 other recognized religious organizations. For non-European Union missionaries or pastors, recognition is the key to residence and work. Some foreign Protestant churches have not qualified for religious recognition and have had to withdraw or scale back their services.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not restrict movement, including emigration. Citizens who leave the country have the right to return at any time.

Austria has signed the 1951 United Nations Convention on Refugees and its 1967 Protocol Relating to the Status of Refugees, but it subscribes to the "safe country" concept. Asylum seekers who have entered illegally are required to depart and seek refugee status from outside the country (a provision which is not always enforced). Individuals found to be true refugees by government authorities are not sent back to the countries from which they