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## Austria

### Country Reports on Human Rights Practices - [2005](#)

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Austria is a parliamentary democracy with constitutional power shared between the popularly elected president and the bicameral Federal Assembly (parliament). The country's eight million citizens choose their government representatives in periodic, free, and fair multiparty elections. In April 2004 voters elected President Heinz Fischer of the Social Democratic Party of Austria (SPO) to a six-year term. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights problems were reported:

- police abuse and use of unjustified force against prisoners
- anti-Semitic incidents, including physical attacks, name-calling, property damage, and threatening letters, telephone calls, and internet postings
- governmental and societal discrimination against Muslims and members of unrecognized religious groups, particularly those considered "sects"
- incidents of neo-National Socialist, rightwing extremism, and xenophobia
- trafficking of women and children for prostitution and labor

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

In November a Vienna court found a doctor and policeman guilty of negligence in the death of Cheibani Wague of Mauritania while in police custody in 2003. The Council of Europe's Committee for the Prevention of Torture (CPT) reported that police officers apparently stood on the man with both feet as he was being restrained, cuffed, and injected with a sedative. The International Helsinki Federation for Human Rights (IHF) faulted the Ministry of Interior for refusing to include the Human Rights Advisory Council, which monitors police observance of human rights, in the investigation of the case. The two men received suspended seven-month prison sentences. The court acquitted five policemen and three ambulance crewmembers in the case, because it could not determine without a doubt that their actions caused Wague's death. The court also found two other police officers not guilty because of their insufficient experience and training at the time of the incident.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, there were reports that police beat and abused persons.

On July 15, the CPT reported receiving a "considerable number" of allegations that police mistreated criminal detainees, primarily in Linz and the surrounding area, during its April 2004 fact-finding mission. The CPT expressed particular concern over allegations by juvenile detainees, as young as fourteen, of physical abuse and threats by police in order to obtain confessions. The reported abuse included slaps, punches, kicks, blows to the head, prolonged and tight handcuffing, and combined use of hand and ankle cuffs linked together for lengthy periods. In several cases, members of the CPT delegation found marks consistent with allegations that handcuffs had been applied tightly. The Interior Ministry investigated these cases but concluded that none of the accusations could be verified.

At year's end the government continued to deny an extradition request from Kosovo authorities in the case of a police officer convicted in

absentia for torture while serving in Kosovo's civilian international police in 2003. The officer was recalled from Kosovo and allowed to remain on duty during the investigation.

There were no reports during the year that army officials mistreated conscripts. In 2004 there were 22 disciplinary charges filed with the Ministry of Defense against army officers for alleged mistreatment of conscripts during drill exercises in December 2004. Of these, 21 were dropped, and one army officer was suspended from duty. The head of the *ad hoc* parliamentary complaints commission claimed that there was a lack of support by the Defense Ministry for his commission's work.

#### Prison and Detention Center Conditions

Prison conditions generally met international standards in many areas, and the government permitted visits by independent human rights observers. However, the CPT noted that juveniles were not always separated from adults at the Linz prison. Some human rights observers criticized the incarceration of nonviolent offenders, such as persons awaiting deportation, for long periods in single cells or inadequate facilities designed for temporary detention.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions; however, the strict application of slander laws tended to discourage reports of police abuse.

#### Role of the Police and Security Apparatus

On July 1, the police and gendarmerie were merged into a single police force that is responsible for maintaining internal security. The restructuring reduced the country's 43 police command structures to 9, corresponding to the 9 federal states. The Ministry of Interior controls the police, while the Ministry of Defense controls the army, which is responsible for external security. The police were generally well trained and disciplined.

There were no reports of police corruption. Government statistics for 2004 showed 1,167 complaints against federal police officials; of those, 1,094 were dropped. In 16 court cases, 2 officers were convicted of using unjustified force; 11 cases were pending at the end of the year. Some police violence appeared to be racially motivated (see section 5). Nongovernmental organizations (NGOs) and other groups continued to criticize the police for targeting minorities. During the year the Interior Ministry conducted racial sensitivity training programs for over 2,000 police and other officials with NGO assistance.

The Human Rights Advisory Council monitors police respect for human rights and makes recommendations to the minister of the interior. During the year the council issued three specific recommendations that police must have valid reasons for investigating human rights defenders, that facilities housing individuals prior to deportation must meet all minimum standards, and that the government establish a committee to advise the Interior Ministry on standards regarding human rights defenders.

#### Arrest and Detention

In criminal cases the law provides for investigative or pretrial detention for up to 48 hours; an investigative judge may decide within that period to grant a prosecution request for detention of up to two years pending completion of an investigation. The law specifies grounds required for such investigative detention and conditions for bail. The investigative judge is required to evaluate such detention periodically. There is a system of bail. The police and judicial authorities respected these laws in practice. Detainees also had prompt access to a lawyer; however, the CPT noted in April 2004 that criminal suspects who lack the means to pay for legal services may be appointed an *ex officio* lawyer only after the court's decision to detain them, i.e. 96 hours after their apprehension.

There were no reports of political detainees.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

The court system consists of local, regional, and higher regional courts, as well as the Supreme Court. The Supreme Court is the highest judicial body, while the Administrative Court acts as the supervisory body over administrative acts of the executive branch. The Constitutional Court presides over constitutional issues.

#### Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The system of judicial review provides for extensive possibilities for appeal. Trials must be public and conducted orally. Persons charged with criminal offenses are considered innocent until proven guilty. Defendants have the right to be present during trials. While pro-bono attorneys are supposed to be provided to indigent defendants, the CPT in its April 2004 report found that in general there were not enough lawyers in criminal matters, financial arrangements were inadequate, and lawyers were not available around the clock. The report concluded that, as there is no effective system of free legal aid for indigent persons in police custody, any right of access to a lawyer at that stage remains, in most cases, purely theoretical.

## Political Prisoners

There were no reports of political prisoners.

## f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, the strict application of slander laws tended to discourage reports of police abuse. Foreign observers criticized the use of libel procedures to protect politicians, which they argued hampered freedom of speech and the press. Persons convicted of libel cannot appeal to the Supreme Court.

In November authorities arrested British historian David Irving on the basis of a 1989 Vienna regional court arrest warrant. The public prosecutor charged Irving with violating the law banning neo-Nazi activities. In 1989 Irving reportedly denied the existence of gas chambers at Auschwitz and claimed that unknown individuals dressed in *Sturmabteilung* uniforms committed the *Reichskristallnacht* crimes in November 1934. In November a judge denied bail to Irving, who remained in protective custody at year's end. The court scheduled a second hearing on Irving's preventative detention for January 29, 2006 and set a trial to begin on February 20, 2006. Under the law Irving could be sentenced to up to 10 years in prison if convicted.

In December Justice Minister Gastinger approved the Vienna public prosecutor's request to move forward on an indictment against John Gudenus, a former Freedom Party member of the upper house of parliament, for violating the law banning neo-Nazi activity. In April Gudenus publicly questioned the existence of gas chambers and belittled the suffering of concentration camp inmates during the Holocaust. Gudenus could be sentenced to up to 10 years in prison if convicted.

In December a court in the province of Tirol sentenced a 20-year-old man to two months in prison for using an oath of loyalty to Adolf Hitler as a greeting on his cell phone.

The independent media were active and expressed a wide variety of views without restriction.

There were no government restrictions on the Internet or on academic freedom.

### b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

### c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

The law divides religious organizations into three legal categories: officially recognized religious societies, religious confessional communities, and associations. Numerous unrecognized religious groups have complained that the law obstructs legitimate claims for recognition and relegates them second-class status. At year's end the European Court of Human Rights had not ruled on a 2003 complaint by Jehovah's Witnesses challenging the legality of the requirement that a group must exist for 10 years in the country before it can be recognized by the government.

The conservative Austrian People's Party (OVP) denied party membership to members of unrecognized religious groups, which it considered "sects," if the sect holds a view of mankind fundamentally different from the party's, advocates opinions irreconcilable with the OVP's ethical principles, or rejects basic rights granted by progressively minded constitutional states and in an open society. The OVP denied membership to members of the Church of Scientology.

The Ministry for Social Security and Generations and the city of Vienna funded a counseling center of a controversial NGO, the Society Against Sect and Cult Dangers (GSK), which actively worked against sects and cults. GSK distributed information to schools and the general public and offered counseling to persons who believe that sects and cults had hurt their lives.

The federal office of sect issues functioned as a counseling center for those who had questions about sects and cults. While the office is legally independent of the government, the minister for social security and generations appointed and supervised its director. Some members of the public believed the office of sect issues and similar government offices fostered societal discrimination against unrecognized religious groups.

## Societal Abuses and Discrimination

There was some societal discrimination against members of unrecognized religious groups, particularly those considered to be "cults" or "sects." The majority of these groups have less than 100 members. The Church of Scientology and the Unification Church were among the larger unrecognized groups.

Muslims complained about incidents of societal discrimination and verbal harassment, including occasional incidences of discrimination against Muslim women wearing headscarves in public.

The Jewish community has approximately 7,700 members. From January through mid-December, the NGO Forum Against Anti-Semitism reported 134 anti-Semitic incidents, including physical attacks, name-calling, graffiti or defacement, threatening letters, anti-Semitic Internet postings, property damage, and vilifying letters and telephone calls. The European Union Monitoring Center on Racism and Xenophobia declared that anti-Semitism in the country was characterized by diffuse and traditional anti-Semitic stereotypes rather than by acts of physical aggression.

The law prohibits any form of neo-Nazism or anti-Semitism or any activity in the spirit of Nazism. It also prohibits public denial, belittlement, approval, or justification of Nazi crimes, including the Holocaust. The law prohibits public incitement to hostile acts, insult, contempt against a church or religious society, or public incitement against a group based on race, nationality, or ethnicity, if that incitement poses a danger to public order. The government strictly enforced the law against neo-Nazi activity. The Vienna Jewish community's offices and other Jewish community institutions in the country, such as schools and museums, were under increased police protection.

During the year authorities indicted and arrested British historian David Irving and indicted a former member of the upper house of parliament for alleged statements concerning events during the Holocaust (see section 2.a.).

Secondary school history and civics courses discussed the Holocaust. Religious education classes taught the tenets of different religions and fostered overall tolerance. The education ministry offered special teacher training seminars on the subject of Holocaust education. An education ministry program allowed Holocaust survivors to speak to classes about Nazism and the Holocaust.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice. The law prohibits forced exile, and the government did not use it in practice.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum and subscribed to a "safe country of transit" policy, which required asylum seekers who transited a country determined to be "safe" to return to that country to seek refugee status. While the government has in the past also provided temporary protection to individuals who did not qualify as refugees under the 1951 convention or 1967 protocol under a mechanism whereby victims of armed conflict may be admitted to the country, it did not do so during the year. The government cooperated with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

In May 2004 a new law entered into force that expedited the asylum claim process by requiring a first determination to be made within 72 hours of the filing of a claim; this is part of the initial 20-day screening set up to determine whether a claim is justified. The government may deport applicants whose claims are found to be unjustified, including in cases where an applicant has asked for asylum in a third country or filed follow-up applications. All other applications are to be forwarded to the federal asylum office for review. In October 2004 the Supreme Court struck down certain provisions of the new law as unconstitutional. The Federal Assembly amended the law in July to address these concerns, but the Human Rights Advisory Council has criticized provisions in the new law that facilitate the removal of applicants who do not qualify for asylum.

In April a 22-year-old Armenian asylum seeker was badly injured in a brawl outside the Traiskirchen refugee camp; the incident reportedly took place in connection with a family feud. In February a jury acquitted a male guard accused of raping an asylum seeker at the Traiskirchen refugee camp in January 2004.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

In April 2004 voters elected President Heinz Fischer of the SPO to a six-year term in national elections in which individuals could freely declare their candidacy and stand for election. In 2002 the OVP received a plurality in parliamentary elections and renewed its right-center coalition with the Freedom Party (FPÖ). In April the Future Alliance Austria broke away from the FPÖ, but remained a junior partner with the OVP in the coalition government.

The Federal Assembly consists of the National Council and the Federal Council. There were 59 women in the 183-seat National Council and 18 women in the 62-member Federal Council. There were 6 women in the 12-member Council of Ministers (cabinet).

Although there appeared to be relatively little minority representation at the national level, no precise information on the number of minorities in the Federal Assembly was available.

#### Government Corruption and Transparency

There were no reports of government corruption during the year.

The law provides for full public access to government information, and the government generally respected these provisions in practice. Authorities can only deny access if it would violate substantial data protection rights or would involve information that is of national security interest. Petitioners could challenge denials before the Administrative Court.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views, but some groups were dissatisfied with the information supplied by authorities in response to specific complaints.

The Human Rights Advisory Council, composed of representatives from the justice and interior ministries and NGOs, operated to ensure that police respected human rights while carrying out their duties. However, the IHF characterized the council as ineffective and unable to obtain the cooperation of the security services, citing the Interior Ministry's refusal to include the council in the investigation of the 2003 death of Cheibani Wague and the Federal Criminal Office's 2004 opening of an investigation of two human rights lawyers affiliated with the council for their activities on behalf of Chechen refugees. The IHF charged that the prosecution of the two lawyers was initiated both to intimidate them and to exert pressure on the council. The opposition political parties criticized the council for being too dependent on the Interior Ministry for funding and personnel appointments. The chairman of the council suggested that the council instead report to the federal chancellery or parliament.

The July 2004 equal treatment law expanded the responsibility of the ombudsman to ensure equal opportunity in the workplace and access to social benefits and public services regardless of ethnic origin, religion, age, or sexual orientation. The law went into effect in 2004, and the ombudsman began its work addressing the new grounds on March 1. According to preliminary government figures, during the year more than 500 complaints on the new grounds were filed.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for protection against discrimination based on race, gender, disability, language, or social status, and the government generally enforced these provisions effectively; however, violence against women, child abuse, trafficking in persons, and racial discrimination were problems.

##### Women

Violence against women, including spousal abuse, was a problem. The Association of Houses for Battered Women estimated that one-fifth of the country's 1.5 million adult women have suffered from violence in a relationship. However, media reports estimated that fewer than 10 percent of abused women filed complaints. The law provides that police can expel abusive family members from family homes for up to three months. In 2004 an injunction to prevent abusive family members from returning home was applied in 4,764 cases. Authorities prosecuted 5,612 cases of domestic violence in 2004.

The government funded privately operated intervention centers and help lines for victims of domestic abuse. The centers provided for the victims' safety, assessed the threat posed by perpetrators, helped victims develop plans to stop the abuse, and provided legal counseling and other social services.

Under the law, rape, including spousal rape, is punishable with up to 15 years in prison.

Although there were no reported cases of female genital mutilation (FGM), the city of Vienna set up a counseling office in June to assist female immigrants from African countries who were victims of FGM.

Prostitution is legal; however, illegal trafficking, including for the purposes of prostitution, was a problem (see section 5, Trafficking). Laws regulating prostitution require prostitutes to register, undergo periodic health examinations, and pay taxes.

The law prohibits sexual harassment, and the government effectively enforced those laws. Of the 4,558 cases brought to the ombudsmen for equal opportunity in 2004, 541 involved sexual harassment. According to preliminary government figures, 4,300 sexual discrimination cases were brought to the ombudsman during the year. The labor court can order employers to compensate victims of sexual harassment on the basis of the Federal Equality Commission's finding on the case; the law provides that a victim is entitled to a minimum of \$840 (700 euros) in financial compensation.

There are no legal restrictions on women's rights and the Federal Equality Commission and a federal commissioner for equal treatment

oversee laws prescribing equal treatment of men and women. However, on average, women earned 82 percent of what men earn for the same work. Women were more likely than men to hold temporary positions and part-time jobs and also were disproportionately represented among those unemployed for extended periods.

Although labor laws provide for equal treatment of women in the civil service, women remained underrepresented. The law requires the government to hire women of equivalent qualifications ahead of men in all civil service areas in which less than 40 percent of the employees are women, including police. There are no penalties, however, for agencies that fail to attain the 40 percent target.

Female employees in the private sector may invoke equality laws prohibiting discrimination of women. The Federal Equality Commission may award compensation of up to four months' salary to women who experienced discrimination in promotion because of their gender. The commission may also order compensation for women who were denied a post despite having equal qualifications.

#### Children

The law provides for the protection of children's rights, and the government was committed to children's rights and welfare. Each state government and the federal Ministry for Social Welfare, Generations, and Consumer Protection has an ombudsman for children and adolescents whose main function is to resolve complaints about violations of children's rights. The ombudsman provides free legal counseling to children, adolescents, and parents on a wide range of problems, including child abuse, child custody, and domestic violence.

Nine years of education is mandatory for all children beginning at age six. The government also provided free education through secondary school and subsidized technical, vocational, or university education. According to the Ministry of Education, 99.8 percent children between the ages of 6 and 15 attended school. The government provided comprehensive medical care for children.

Child abuse was a problem, and the government continued its efforts to monitor abuse and prosecute offenders. The Ministry for Social Welfare, Generations, and Consumer Protection estimated that 90 percent of child abuse cases occurred within families or was committed by close family members or family friends. Law enforcement officials noted a growing readiness to report abuse cases. According to authorities, approximately 20,000 abuse incidents are reported annually in the country.

There were occasional cases of suspected child marriage, primarily in the Muslim and Romani communities. However, such cases were undocumented. Some male immigrants entered into a marriage with a teenage girl in their home country, and then returned to Austria with her.

The law provides that adults having sexual intercourse with a child under 14 may be punished with a prison sentence of up to 10 years. If the victim is impregnated, the sentence may be extended to 15 years. In 2004 the Interior Ministry reported 1,504 cases of child abuse, most involving intercourse with a minor, while the Justice Ministry reported 332 convictions. The law provides for criminal punishment for the possession, trading, and private viewing of child pornography. Exchanging pornographic videos of children is illegal.

Trafficking of children remained a problem (see section 5, Trafficking).

#### Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. Women were trafficked for sexual exploitation and domestic service, and children were trafficked for begging and possibly for sexual exploitation.

The law provides for the prosecution of traffickers and addresses trafficking for prostitution through deception, coercion, or the use of force; for the purposes of slavery; for the exploitation of labor; and the exploitation of aliens.

Trafficking is illegal and punishable by imprisonment for up to 10 years. In 2004 there were 402 trafficking cases involving 348 suspects and 44 convictions for human trafficking. Trafficking for purposes of slavery is punishable by imprisonment for 10-20 years. The perpetrators of human trafficking included both citizens, who were generally connected with licensed brothels, and foreign nationals, who are involved primarily with unlicensed brothels. Authorities estimated that organized crime groups from Eastern Europe controlled a large portion of human trafficking in the country. The police were also aware of cooperation between Austrian and foreign citizens in organizing the transfer of foreign prostitutes through the country.

The Interior Ministry's Federal Bureau for Criminal Affairs has a division dedicated to combating human trafficking. Law enforcement officials maintained contact with authorities in countries of origin to facilitate the prosecution of suspected traffickers. During the year there were no reports that the government extradited any persons wanted for trafficking crimes in other countries.

The country was a transit and destination point for women trafficked from Romania, Ukraine, Moldova, the Balkans, and, to a lesser extent, the Czech Republic, the Slovak Republic, and Hungary. Women were trafficked into the country primarily for the purpose of sexual exploitation. Women also were trafficked from Asia and Latin America for domestic labor. In 2004, police noted an increase in the trafficking of Bulgarian children for the purposes of begging and stealing. They also reported that some children were trafficked for sexual exploitation.

While there were no accurate statistics on the number of trafficking victims, the NGO LEFOE reported assisting 167 trafficking victims in 2004, up from 142 victims in 2003. The majority of traffickers arrested by police were citizens; however, the number of foreigners engaged in trafficking increased between 2003 and 2004. Police estimated that a large portion of trafficking was controlled by organized crime, primarily from Eastern Europe. The country was attractive to traffickers because of its geographic location and because it does not require entry visas

for citizens of the Czech Republic, the Slovak Republic, Hungary, Romania, and Bulgaria.

Most trafficked women were brought to the country with promises of unskilled jobs, such as nannies or waitresses. Upon arrival they were often coerced into prostitution. According to police, there also were cases of women who knowingly entered the country to work as prostitutes, but were forced into dependency akin to slavery. Most victims were in the country illegally and feared being turned into authorities and deported. Traffickers usually retained victims' official documents, including passports, to maintain control over them. Trafficking victims reported being subjected to threats and physical violence. A major deterrent to victim cooperation was widespread fear of retribution, both in the country and in the victims' countries of origin.

The government provided temporary residence, limited to the duration of the trial, to trafficking victims who were prepared to testify or who intended to file civil law suits. However, victims rarely agreed to testify due to fear of retribution. There were no provisions to allow trafficking victims to remain in the country following their testimony; virtually all victims were repatriated.

LEFOE provided secure housing and other support for trafficking victims. The International Organization for Migration also sought to put victims in contact with NGOs in their countries of origin upon their return. With financial assistance from the Interior Ministry, LEFOE continued to operate a center in Vienna that provided psychological, legal, and health-related assistance, emergency housing, and German language courses to trafficked women. Federal and local governments funded NGOs that provided assistance in other cities.

The government worked with international organizations to carry out prevention programs throughout the region. The government funded research on trafficking and NGOs produced antitrafficking brochures, law enforcement workshops, and international conferences funded with the help of private donors.

#### Persons with Disabilities

The law protects persons with physical and mental disabilities from discrimination in housing, education, employment, and access to health care and other government services, and the government generally enforced these provisions effectively. There were no reports of societal discrimination against persons with disabilities.

Federal law mandates access to public buildings for persons with physical disabilities; however, many public buildings were inaccessible to persons with disabilities due to insufficient enforcement of the law and low penalties for noncompliance.

The law provides for involuntary sterilization of adults with mental disabilities in cases where a pregnancy would be considered life-threatening. However, no involuntary sterilizations have been performed in recent years. The law prohibits the sterilization of minors.

The government funded a wide range of programs for persons with disabilities, including provision of transportation, assistance integrating school children with disabilities into regular classes, and assistance integrating employees with disabilities into the workplace.

#### National/Racial/Ethnic Minorities

From January through July, the Interior Ministry recorded 113 incidents of neo-Nazi, rightwing extremist, and xenophobic incidents against members of minority groups. The Interior Ministry recorded 140 incidents for the first 6 months of 2004 and 229 such incidents overall in 2004. The government continued to express concern over the activities of extreme right-wing skinhead and neo-Nazi groups, many with links to organizations in other countries.

In March the domestic NGO ZARA, in conjunction with other groups, released a report which found that persons from diverse ethnic and racial backgrounds faced increasing discrimination from government officials, particularly the police, as well as in the workplace and in housing. The report cited 907 cases of alleged racial discrimination in 2004. Between January and November, ZARA recorded 950 racist incidents. The government continued training programs to combat racism and educate the police in cultural sensitivity.

Human rights groups reported that Roma faced discrimination in employment and housing. The situation of the Romani community, estimated at over 6,200 autochthonous (indigenous) and 15,000 to 20,000 non-autochthonous Roma, has significantly improved in recent years, according to the head of the Austrian Roma Cultural Association. Government programs, including providing financing for tutors, have helped school age Romani children move out of "special needs" and into mainstream classes. The government also initiated programs in recent years to compensate Romani Holocaust victims and to document the suffering of the Roma during the Holocaust.

NGOs complained that Africans living in the country experienced verbal harassment in public. In June 2004 the Council of Europe's European Commission against Racism and Intolerance noted that it had received numerous reports that black Africans were stigmatized as being involved in the drug trade and other illegal activities, and that this stigmatization had an extremely negative effect on the daily life of black persons living in the country.

The law recognizes Croats, Czechs, Hungarians, Roma, Slovaks, and Slovenes as national minority groups and requires any community, where at least 25 percent of the population belongs to one of these groups, to provide bilingual town signs, education, media, and access to federal funds earmarked for such minorities. The law affects 148 communities. At year's end the government had not reached a decision on implementation of a 2001 Constitutional Court ruling on lowering the 25 percent threshold. The law does not provide these rights to other minority groups, such as Turks, which the government does not recognize as indigenous minorities. However, the government provided a wide range of language and job promotion courses. In December the Constitutional Court ruled that the state of Carinthia must install bilingual town signs in German and Slovene.

## Section 6 Worker Rights

### a. The Right of Association

The law provides workers the right to form and join unions without prior authorization or excessive requirements, and workers exercised this right in practice. No workers were prohibited from joining unions. An estimated 47 percent of the work force was organized into 13 national unions belonging to the Austrian Trade Union Federation (OGB).

### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. Collective bargaining is protected in law and was freely practiced. Approximately 80 percent of the workforce was under a collective bargaining agreement; the OGB was exclusively responsible for collective bargaining. The law does not explicitly provide for the right to strike; however, the government recognized the right in practice. The law prohibits retaliation against strikers, and the government effectively enforced the law.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5).

### d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace, and the government generally enforced these laws and policies effectively. The minimum legal working age is 15 years. The Labor Inspectorate of the Ministry of Social Affairs effectively enforced this law.

There were reports of trafficking of children for begging and sexual exploitation (see Section 5).

### e. Acceptable Conditions of Work

There is no legislated national minimum wage. Instead, nationwide collective bargaining agreements set minimum wages by job classification for each industry. The accepted unofficial annual minimum wage is \$14,880 to \$17,360 (12,000 to 14,000 euros), and it provided a decent standard of living for a worker and family. An estimated 10,000 to 20,000 workers had salaries below this level.

The law limits standard working hours to 8 hours per day and up to 40 hours per week. The standard workday may be extended to 10 hours as long as the weekly maximum is not exceeded. The law requires compulsory time off on weekends and official holidays. An employee must have at least 11 hours off between workdays. Authorities effectively enforce these provisions.

The law limits overtime to 5 hours per week plus up to 60 hours per year; however, authorities did not enforce these laws and regulations effectively, and some employers exceeded legal limits on compulsory overtime. Collective bargaining agreements may provide for higher limits.

The Labor Inspectorate regularly enforces laws that provide for mandatory occupational health and safety standards. Workers may file complaints anonymously with the Labor Inspectorate, which may bring suit against the employer on behalf of the employee. However, workers rarely exercised this option and normally relied instead on the chambers of labor, which filed suits on their behalf. The law provides that workers have the right to remove themselves from a job if they fear serious, immediate danger to life and health without incurring any prejudice to their job or career, and the government effectively enforced this law.

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