



2008 Human Rights Report: Austria

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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Austria is a parliamentary democracy with constitutional power shared between a 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 2004 voters elected Heinz Fischer of the Social Democratic Party (SPO) to a six-year term as president. 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. There were some reports of excessive use of force by police and anti-Semitic incidents, including physical attacks, property damage, threatening letters, telephone calls, and Internet postings. There was some societal discrimination against Muslims and members of unrecognized religious groups, particularly those considered "sects." Violence against women, child abuse, and trafficking in women and children for prostitution and labor also remained problems. There were incidents of neo-Nazi and right-wing extremism and xenophobia directed against members of minority groups.

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.

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.

In 2007 there were 1,108 public complaints against federal police officials, including 504 charges for mistreatment. According to government statistics, authorities ruled 192 to be "justified" or "partly justified," while the remainder were dismissed. Disciplinary or related measures were taken against 85 officers.

In an August report, the UN Committee for Elimination of Racial Discrimination expressed concern over "reports of police brutality toward persons of African descent or from the Roma minority."

In August the media reported two individual incidents of suspected police mistreatment. In one case in Vienna, two police officers reportedly beat a 45-year-old Serb sociologist in Vienna. The two officers were suspended from duty the following day and were awaiting trial at year's end.

In reaction to charges of police mistreatment, the Interior Ministry in June began requiring that all such allegations be reported to the public prosecutor within 24 hours as well as to the ministry's internal auditing office. The allegations must also be communicated to the ministry's Human Rights Advisory Council.

Prison and Detention Center Conditions

Conditions in prisons and detention centers did not always meet international standards. Overcrowding remained a problem in some institutions. A 2006 report by the Human Rights Advisory Council described conditions facing aliens prior to deportation as "questionable from a human rights point of view," and, at times, "not in conformity with human rights standards." There were no indications that authorities made changes in response to these criticisms.

Some human rights observers criticized the incarceration of nonviolent offenders, including persons awaiting deportation, for long periods in single cells or inadequate facilities designed for temporary detention.

Nongovernmental organizations (NGOs) monitored prisons on a regular basis.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and information available during the year suggested that 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

Civilian authorities maintained effective control over the police and army, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Some police violence appeared to be racially motivated. In 2007 the Austrian chapter of Amnesty International (AI) and the UN human rights rapporteur, Manfred Novak, again criticized as too lenient the sentences given to four police officers who were convicted for mistreating a Gambian asylum seeker, Bakary J., in 2006. The officers received sentences of six to eight months in prison. Novak called for introduction of a special torture article into the criminal code to address the problem.

In March 2007 the Vienna police, the country's largest police organization, installed a human rights coordinator to educate and sensitize police officers to human rights. UN rapporteur Novak called for more police training programs and greater independence of the Human Rights Advisory Council.

NGOs and other groups continued to criticize the police for targeting minorities. Racial sensitivity training for police and other officials continued with NGO assistance. The Human Rights Advisory Council monitored police respect for human rights and made recommendations to the interior minister.

Arrest and Detention

In criminal cases the law allows investigative or pretrial detention for up to 48 hours, during which a judge may decide to grant a prosecution request for extended detention. The law specifies the grounds for investigative detention and conditions for bail. The judge is required to evaluate such detention periodically. Maximum duration for investigative detention is two years. There is a bail system. Police and judicial authorities respected these laws and procedures in practice.

Some human rights and judicial experts criticized the pretrial detention of animal rights activist Manfred Balugh in 2008. Balugh was released from preliminary detention in September after a Vienna appellate court had ruled the duration of the detention was "disproportionate to the charges." Some law experts called for a review of an article in Austria's criminal code designed to target collusion of suspected terrorists, but which, according to law experts, has been improperly applied to charges not connected with terrorism.

Similarly, some law experts criticized the long length of the prison sentence of Mona S., the wife of convicted Islamist Mohammed M. In 2007 the couple was sentenced to prison terms of four years (Mohammed M.) and 22 months (Mona S.) for making terrorist threats against the government and placing a threatening video on the Internet.

Detainees have the right to access a lawyer. While indigent criminal suspects have the right to an attorney, an attorney may, in accordance with the criminal procedure code, be appointed only after a court has decided to remand such suspects into custody, i.e., 96 hours after their apprehension. Following its most recent periodic visit to the country in 2004, the Council of Europe's Committee for the Prevention of Torture noted that, while some provincial bar associations were trying to organize legal aid to indigent suspects, there were not enough lawyers interested in criminal matters, financial arrangements (to provide legal counsel) were inadequate, and lawyers were not available around the clock. The committee concluded that, "as long as there is no effective system of free legal aid for indigent persons at the stage of police custody, any right of access to a lawyer at that stage will remain, in most cases, purely theoretical."

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. A system of judicial review provides multiple opportunities 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. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, including an appellate system. These institutions are accessible to plaintiffs seeking damages for human rights violations.

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 constitution provides for freedom of speech and press, and the government generally respected these rights in practice. The independent media were active and expressed a wide variety of views with a few restrictions.

The law prohibits public denial, belittlement, approval, or justification of National Socialist genocide or other National Socialist crimes against humanity in a print publication, in broadcast, or in other media. The law prohibits public incitement to hostile acts against a church, religious society, or group because of its race, nationality, or ethnicity, if that incitement poses a danger to public order. It also prohibits incitement, insult, or contempt against these groups if it violates human dignity.

Strict libel laws discouraged reporting of governmental abuse. In 2006 the International Federation of Journalists and its European regional group, the European Federation of Journalists, called on Austrian legislators to review their libel laws after a decision by the European Court of Human Rights (ECHR) overturned defamation judgments brought by officials against the newspaper *Der Standard*. The ECHR's decision stated that the original court's finding violated the freedom of expression provisions of the European Convention on Human Rights to which the country is a party.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups engaged in the peaceful expression of views via the Internet, including by e-mail. According to 2008 data, 71 percent of the population between the ages of 16 and 74 used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

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 constitution provides for freedom of religion, and the government generally respected this right; however, religious minority groups widely regarded as sects complained about second-class status.

The law divides religious organizations into three legal categories: officially recognized religious societies, religious confessional communities, and associations. Numerous unrecognized religious groups complained that the law obstructs legitimate claims for recognition and relegates them to second-class status. In July the ECHR decided a

2003 complaint by Jehovah's Witnesses challenging the legality of the requirement that a group must exist for 10 years before it can be recognized by the government. The ECHR found that this violated the European Human Rights Convention's provisions on freedom of thought, conscience, and religion, on prohibition of discrimination, and on the right to a fair hearing within a reasonable time. This was one of seven cases before the ECHR involving the country and the Jehovah's Witnesses organization.

One of the two parties in the coalition that governed the country, the conservative Austrian People's Party (OVP), denied party membership to members of some unrecognized religious groups that it defined as "cults" (e.g., Scientologists), whose view of mankind it believed differs fundamentally from its own, whose opinions were said to be irreconcilable with OVP ethical principles, or that the OVP considered opposed to basic rights granted by "progressively minded" constitutional states and an open society.

The city of Vienna and the Lower Austrian government funded a counseling center run by a controversial NGO, the Society against Sect and Cult Dangers (GSK), which actively worked against alleged sects and cults. The GSK distributed information to schools and the general public and offered counseling to persons who believed that sects and cults had negatively affected 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 health, family, and youth 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 had fewer 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 incidents of discrimination against Muslim women wearing headscarves in public.

There was a public debate on the question of erecting minarets throughout the year. Zoning laws in two provinces, Carinthia and Vorarlberg, were amended to make it more difficult to build minarets that "conflict with the traditional appearance" of towns. There was also significant public opposition to the expansion of a Turkish Muslim center in Vienna.

Following the elections in September, unknown perpetrators sprayed Jewish symbols on 90 Muslim graves in Traun near Linz. Authorities speculated but could not confirm that the perpetrators were right-wing extremists and that the vandalism was related to the elections.

The Jewish community numbered approximately 7,700. The NGO Forum Against Anti-Semitism reported 46 anti-Semitic incidents during the year, including one physical attack, as well as name-calling, graffiti and defacement, threatening letters, anti-Semitic Internet postings, property damage, and vilifying letters and telephone calls.

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 against a church, religious society, or group because of its race, nationality, or ethnicity, if that incitement poses a danger to public order or violates human dignity. The government strictly enforced these laws. The Vienna Jewish community's offices and other Jewish community institutions in the country, such as

schools and museums, received extra police protection.

School curricula fostered discussion of the Holocaust and the tenets of different religions and advocated religious tolerance. The Education Ministry offered special teacher-training seminars on Holocaust education.

An ombudsman for equality had responsibility for combating workplace discrimination of various kinds, including against religion. In 2007, 64 cases of discrimination based on religion were brought before the Equal Rights Commissioner.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

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 the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government granted refugee status or asylum. It 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. Member states of the European Union (EU) and other signatories to the 1951 convention were considered safe countries of transit.

Since 2006 authorities have given the appellate body for asylum applications, the Independent Federal Asylum Senate, more resources to help address a large backlog of cases and accelerate its proceedings.

A Council of Europe report subsequent to a fact-finding visit to the country in May 2007 by the council's human rights commissioner, Thomas Hammarberg, expressed concern over the treatment of asylum seekers. In particular, the report noted critically the increasing use of predeportation arrest for asylum seekers by authorities and "overall conditions" for asylum seekers. The report further criticized inadequate legal measures to prevent racism and xenophobia.

Immediately following the December 2007 accession to the Schengen area of countries bordering on the east of Austria, there was a surge in the number of asylum seekers. The number of refugees at the reception center south of Vienna increased from 300 to 700. Hundreds of emergency beds were set to accommodate the inflow. Among them were 250 Chechens who came to Austria illegally and were already seeking asylum in Poland; they were identified by the EURODAC fingerprinting/registration system and returned under the Dublin Convention.

In July a new federal asylum court with a sizeable number of additional staff was instituted to replace the Independent Federal Asylum Senate. Rejected asylum seekers no longer have recourse to the Supreme Administrative Court, but when they allege a breach of the European Convention on Human Rights and Individual Freedoms, they can appeal to the Constitutional Court. In June the Constitutional Court upheld the right of

authorities to detain asylum seekers when there was evidence to suggest that Austria was not the country responsible for adjudicating their asylum claims under the Dublin Convention.

The problem of drawn-out processing times and frequent appeals was highlighted in September by the highly publicized "saga of Arigona," concerning a 15-year-old ethnic Albanian from Kosovo who went into hiding and threatened to commit suicide after her father and four siblings, who had been living in Austria and seeking asylum since 2002, were returned to Kosovo in close coordination with the UN.

The government did not provide temporary protection during the year to any individuals who did not qualify as refugees under the 1951 convention or 1967 protocol.

From 2005 to 2007, following the introduction of stricter detention and removal policies, asylum applications dropped over 50 percent, from 22,461 in 2005 to 11,879 in 2007. The pattern continued during 2008: In the first six months of the year, asylum claims totaled 5,344, down 6.4 percent compared with same period a year earlier. During this period the largest groups of first-time applicants were from Serbia (580), Moldova (540), Russia (477), Nigeria (341), and Turkey (258).

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

The country held parliamentary elections on September 28; there were no reports of serious abuse or irregularities.

Political parties could operate without restriction or outside interference.

The Federal Assembly consists of the National Council (popularly elected) and the Federal Council (named by the federal states). There were 52 women in the 183-seat National Council and 16 women in the 62-member Federal Council. There were five women in the 14-member Council of Ministers (cabinet).

There appeared to be relatively little representation of ethnic minorities at the national level. Following the September 28 elections, a Muslim woman entered the Federal Assembly for the Green Party.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively.

In February the former head of the Federal Crime Investigation Office, Herwig Haidinger, publicly accused senior officials of the Ministry of Interior of corrupt practices, including obtaining confidential information on a banking scandal so it could be used for political purposes, ordering police to collect information that could be used to discredit the lawyer defending a prominent Kosovo-born asylum applicant against deportation, misusing public funds at a Vienna sex bar, and asking police to cover up a drunk driving incident. An ad hoc parliamentary investigation panel failed to find conclusive evidence to substantiate or corroborate Haidinger's charges. Haidinger was suspended from duty in November. Meanwhile, Haidinger filed two charges before court, one against his suspension from duty, the other against the OVP (the party heading the interior ministry) for accusations against

him in connection with the parliamentary investigation.

There are financial disclosure laws for public officials. The courts are responsible for corruption cases. Parliamentary committees oversee ethics rules for elected officials.

The law provides for full public access to government information, and the government generally respected this provision in practice. Authorities may only deny access if it would violate substantial data protection rights or would involve national security information. 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 case of 95-year-old Milivoj Asner, a former police chief in eastern Croatia indicted by Croatian authorities in 2005 for crimes against humanity, continued to develop during the year. Asner, who allegedly was personally responsible for the persecution and deportation of hundreds of thousands of Serbs, Jews, and Roma to concentration camps, lives in Austria. Croatia requested his extradition, but an examination by an Austrian psychiatric expert found Asner not competent to stand trial, and Austrian officials declined the extradition request. In response to Croatian appeals, the prosecutor's office appointed a Swiss expert to reexamine Asner. The expert reportedly declined the appointment, and the court subsequently requested examination by a German expert. Meanwhile, Serbian authorities opened investigations against Asner.

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; however, violence against women, child abuse, trafficking in persons, and racial discrimination continued to be problems.

Women

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

Violence against women, including spousal abuse, was a problem. The Women's Ministry estimated that 10 percent of adult women have suffered from violence in a relationship. However, fewer than 10 percent of abused women filed complaints. By law police may expel abusive family members from family homes for up to three months. In 2007 the courts issued injunctions prohibiting abusive family members from returning home in 6,347 cases.

The government funded privately operated intervention centers and help lines for victims of domestic abuse. The centers provided for victims' safety, assessed the threat posed by perpetrators, helped victims develop plans to stop the abuse, and provided legal counseling and other social services. In the view of most observers, these centers were generally effective in providing shelter for victims of abuse. However, in September 2007 the UN Committee for the Elimination of Discrimination Against Women criticized the government for insufficient measures

to protect women, citing two cases in 2002 and 2003 in which women were killed after they had filed complaints with police. In reaction, Justice Minister Maria Berger announced measures to improve protection of women against violence, including additional training for law enforcement and justice personnel.

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

There are laws prohibiting sexual harassment, and the government generally enforced them. Of the 3,090 cases of discrimination brought to the ombudsman for equal treatment of gender in 2007, 389 involved sexual harassment. 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 700 euros (\$980) in financial compensation.

Women enjoy the same legal rights as men, and the Federal Equality Commission and the ombudsman for equal treatment of gender oversee laws requiring equal treatment of men and women. However, woman's average earnings were 83 percent of those of men doing the same work. In addition, women were disproportionately represented among those unemployed for extended periods and were more likely than men to hold temporary positions and part-time jobs.

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 fewer 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. On the basis of the Federal Equality Commission's findings, labor courts may award compensation of up to four months' salary to women who experienced discrimination in promotion because of their gender. The courts 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. All state governments and the federal Ministry for Social Welfare, Generations, and Consumer Protection, have ombudsmen 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 and domestic violence.

Child abuse remained 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 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 incidents of abuse are reported annually. Trafficking of children remained a problem.

There were occasional cases during the year in which child marriage was suspected, primarily in the Muslim and Romani communities. However, such cases were undocumented. Some male immigrants married underage girls in their home countries and returned to Austria with them.

The law provides up to 10 years in prison for an adult convicted of sexual intercourse with a child under 14. If the victim becomes pregnant, the sentence may be extended to 15 years. In 2006 the Ministry of the Interior reported

1,209 cases of child abuse, most involving intercourse with a minor, while the Ministry of Justice reported 570 convictions. The law provides for criminal punishment for possessing, trading, and private viewing of child pornography. Exchanging pornographic videos of children is illegal. A police campaign against Internet child pornography from the fall of 2006 through August 2007 involved approximately 5,000 suspects in 106 countries. The investigation, under the name "operation penalty," began following charges filed against a German Internet provider. Austrian suspects included a medical doctor, a soccer coach, and a teacher. In 2007 an official of the Federal Crime Office who was suspected of having downloaded child pornography on his home computer was suspended from office.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, persons were trafficked to, through, from, and within the country. Women were trafficked for commercial sexual exploitation and domestic service, and children were trafficked for begging, stealing, and for commercial sexual exploitation.

Austria was a transit and destination country for women trafficked from Romania, Ukraine, Moldova, the Balkans, and, to a lesser extent, the Czech Republic, Slovakia, Hungary, Belarus, and Africa. Victims were trafficked through the country to Spain, Italy, France, and other EU countries. There were reports that Romani children were trafficked to Austria from Bulgaria and Romania, although the number has decreased substantially since 2006 as a result of government cooperation with Romania and Bulgaria in setting up crisis centers for trafficked children. Women were trafficked into the country primarily for sexual exploitation. Women also were trafficked from Asia and Latin America for domestic labor.

Vienna had the largest number of trafficking cases, although trafficking was a problem in urban centers such as Graz, Linz, Salzburg, and Innsbruck. The NGO Lateinamerikanische Frauen in Oesterreich—Interventionsstelle fuer Betroffene des Frauenhandels (LEFOE-IBF) reported assisting 108 trafficking victims in 2006, down from 151 in 2005.

Traffickers included citizens, who were generally connected with licensed brothels, and foreign nationals, who were involved primarily with unlicensed brothels. Authorities estimated that organized crime groups from Eastern Europe, including Russia, controlled much of the trafficking. Police were also aware of cooperation between domestic and foreign citizens to traffic foreign prostitutes through the country.

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 some 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 over to authorities and deported. Traffickers usually retained victims' official documents, including passports, to maintain control over them. Victims reported being subjected to threats and physical violence. A major deterrent to victim cooperation with authorities was fear of retribution, both in Austria and in the victims' countries of origin.

The law permits the prosecution of traffickers for prostitution by means of deception, coercion, or the use of force, and trafficking for the purposes of slavery. Laws forbidding the exploitation of labor and the exploitation of aliens are also used against traffickers. Trafficking is punishable by up to 10 years in prison. In 2007 there were 81 trafficking cases involving 220 suspects and 87 convictions. Trafficking for slavery is punishable by imprisonment for 10 to 20 years.

The Federal Bureau for Criminal Affairs, a division of the Ministry of the Interior, is responsible for combating trafficking. Contact with authorities in countries of origin facilitated prosecution of suspected traffickers. During the

year there were no reports that the government extradited any persons wanted for trafficking crimes in other countries.

Residence permits were generally issued on humanitarian grounds to trafficking victims. Victims had the possibility of continued residence if they met the criteria for residence permits.

LEFOE-IBF provided secure housing and other support for trafficking victims. The IOM also sought to put victims in contact with NGOs in their countries of origin upon their return. With financial assistance from the Ministry of the Interior, LEFOE-IBF continued to operate a center in Vienna that provided psychological, legal, and health-related assistance, emergency housing, and German language courses to trafficked women. The 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 and organized law enforcement workshops and international conferences funded with the help of private donors.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

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. The government's performance in enforcing these provisions was mixed. 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 lacked such access 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, authorities have performed no involuntary sterilizations 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 and assistance for integrating school children with disabilities into regular classes and integrating employees with disabilities into the workplace.

National/Racial/Ethnic Minorities

In 2007 the Ministry of the Interior recorded 240 neo-Nazi, right-wing extremist, and xenophobic incidents directed against members of minority groups. 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 2007 the domestic NGO Zivilcourage und Anti-Rassismus Arbeit recorded 831 cases of alleged racial discrimination. In August the UN Committee on the Elimination of Racial Discrimination released a report listing 20 points of criticism and recommendations to the government to address discrimination, in particular toward minorities, migrants, and asylum seekers.

Human rights groups reported that Roma faced discrimination in employment and housing. However, the situation of the Romani community, estimated at over 6,200 indigenous and 15-20,000 nonindigenous individuals, significantly improved in recent years according to the head of the Austrian Roma Cultural Association. Government

programs, including financing for tutors, have helped school-aged Romani children move out of "special needs" and into mainstream classes. The government also initiated programs in recent years to document the Romani Holocaust and compensate its victims.

NGOs reported that Africans living in the country experienced verbal harassment in public. In some cases black Africans were stigmatized as being involved in the drug trade and other illegal activities.

The law recognizes Croats, Czechs, Hungarians, Roma, Slovaks, and Slovenes as national minorities. It 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 affected 148 communities. During the year the government did not reach a decision on the implementation of a 2001 Constitutional Court ruling on lowering the 25 percent threshold. Full recognition of the Slovene minority remained a problem. For example, the governor of the state of Carinthia refused to implement rulings by higher courts that gave certain rights to the Slovene minority.

The government continued training programs to combat racism and educate the police in cultural sensitivity. The Ministry of the Interior renewed an agreement with the Anti-Defamation League to teach police officers cultural sensitivity, religious tolerance, and the acceptance of minorities.

Other Societal Abuses and Discrimination

There was some societal prejudice against gays and lesbians; however, there were no reports of societal violence or discrimination based on sexual orientation.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law provides workers the right to form and join independent unions without prior authorization or excessive requirements, and workers exercised this right in practice. No workers were prohibited from joining unions. An estimated 36 percent of the work force was organized into nine national unions belonging to the Austrian Trade Union Federation (OGB).

The law does not explicitly provide a right to strike; however, the right is recognized in practice. The law prohibits retaliation against strikers, and the government effectively enforced the law.

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 labor force worked under a collective bargaining agreement. The OGB was exclusively responsible for collective bargaining.

There were no reports of antiunion discrimination or other forms of employer interference in union functions.

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 women were trafficked for sexual exploitation and domestic labor and that children were trafficked for begging and possibly sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace and to prohibit forced or compulsory labor, 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 is responsible for enforcement.

There were reports of trafficking of children for begging and possibly sexual exploitation.

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 12,000 to 14,000 euros (\$16,800 to \$19,600), and it provided a decent standard of living for a worker and family. An estimated 10,000 to 20,000 workers earned wages below this level.

The law limits standard working hours to eight 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 enforced these provisions. Foreign workers make up approximately 13 percent of the country's workforce. Standards are equitably enforced across all groups.

The law limits overtime to five hours per week and 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 can specify higher limits.

The Labor Inspectorate regularly enforced laws that provide for mandatory occupational health and safety standards. Workers could file complaints anonymously with the Labor Inspectorate, which could 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 gives workers the right to remove themselves from a job without incurring any prejudice to their careers if they fear serious, immediate danger to life and health, and the government effectively enforced this law.