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2009 Human Rights Report: Austria

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 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 a bicameral parliament (Federal Assembly). The country's eight million citizens choose their government representatives in periodic, free, and fair multiparty elections. In September 2008 voters elected members of the national parliament. Civilian authorities generally maintained effective control of the security forces.

During the year there were some reports of excessive use of force by police and societal discrimination against Muslims and members of unrecognized religious groups, particularly those considered "sects." There were reports of anti-Semitic incidents, including two physical attacks, taunting, graffiti and defacement, threatening letters, Internet postings, property damage, and vilifying letters and telephone calls. 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 toward 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

The government or its agents did not commit any politically motivated killings; however, on August 5, police shot and killed a 14-year-old burglar in a supermarket. A surviving 16-year-old accomplice claimed that police shot at the youths while they were fleeing. An investigation was continuing at year's end. The Vienna Public Prosecutor's Office decided to accuse one of the police officers of manslaughter. The Justice Ministry's approval of the decision was pending at the end of the year.

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 February 11, an American citizen working in Vienna was injured when police briefly arrested him after confusing him with a drug dealer. The police rejected accusations of excessive use of force and stated that physical force was used only when the subject resisted arrest. At year's end, the Prosecutor's Office was determining whether to file charges against the officers involved.

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In an August 2008 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. The two officers were suspended from duty the following day and were awaiting trial at year's end.

Prison and Detention Center Conditions

Prisons and detention center conditions did not always meet international standards. Overcrowding remained a problem in some institutions. The Human Rights Advisory Council, an independent governmental body whose members are appointed by the minister of the interior, repeatedly 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.

There were allegations that a lack of adequate medical care continued to be a problem.

Nongovernmental organizations (NGOs) monitored prisons on a regular basis. On February 15-25, a delegation from the Council of Europe's Committee for the Prevention of Torture (CPT) visited the country to review measures taken by authorities in response to previous CPT recommendations. The delegation paid particular attention to the treatment of persons in police detention and to the detention conditions under which foreign nationals were held. It examined problems related to prisons, including the situation of juvenile prisoners, and visited a civil psychiatric hospital and a social welfare institution. At year's end, the CPT had not released its report on the delegation's findings.

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. There were no reports of impunity involving the security forces during the year.

Some police violence appeared to be racially motivated. In a report released on April 9, Amnesty International noted that immigrants and ethnic minorities living in the country were more likely to be suspected of crimes than "whites" and that police and the judicial system regularly denied their right to equal treatment. The report noted that authorities do not effectively investigate and punish racially motivated police misconduct. Amnesty International expressed concern that the criminal justice system as a whole, and police in particular, were failing to provide the same level of service to foreign nationals and members of ethnic minorities as they routinely provide to citizens from the country's majority ethnic group.

Police were also accused of not taking seriously personal safety concerns of members of minority communities. After the killing of a Chechen asylee on January 13 and the killing of a religious leader at a Sikh temple on May 24, information emerged suggesting that, in both cases, police had ignored warnings or specific requests for personal protection.

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 Procedures and Treatment While in 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 legal experts called for a review of an article in the criminal code designed to target collusion of suspected terrorists, but which, they asserted, authorities have used improperly to detain persons on charges not connected with terrorism. The provision has been used to accuse animal rights activists who had damaged fur stores.

Detainees have the right to access a lawyer. Although indigent criminal suspects have the right to an attorney, the criminal procedure code requires an attorney be appointed only after a court has decided to remand such suspects into custody, i.e., 96 hours after their apprehension. During the year there were no reports to indicate whether the government respected these rights in practice.

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. Persons charged with criminal offenses are considered innocent until proven guilty. Trials must be public and conducted orally. Juries are used only in trials of major offenses. Defendants have the right to be present during trials. They can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants can consult attorneys no later than 96 hours after apprehension. Legal counsel is provided pro bono for persons in need in cases where attorneys are mandatory. Attorneys are not mandatory in cases of minor offenses. Defendants and their attorneys have access to government-held evidence relevant to their cases.

In 2008 the European Court on Human Rights (ECHR) found three violations by the country of the right to a fair trial and seven violations involving length of proceedings, as provided under Article 6 of the European Convention on Human Rights.

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. Administrative remedies as well as judicial remedies were available for redressing alleged wrongs.

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

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

In one judgment in 2008 the ECHR found the government in violation of the right to respect for private and family life as provided under Article 8 of the European Convention on Human Rights.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and the press. The independent media were active and expressed a wide variety of views with a few restrictions. Individuals generally could criticize the government publicly or privately without reprisal.

The law prohibits public denial, belittlement, approval, or justification of the Nazi genocide or other Nazi crimes against humanity in a print publication, a broadcast, or other media. It also prohibits incitement, insult, or contempt against a group because of its members' race, nationality, or ethnicity if the statement violates human dignity. The government strictly enforced these laws.

Strict libel laws discouraged reporting of governmental abuse.

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. Approximately 65 percent of the country's inhabitants used the Internet, according to 2008 statistics from the International Telecommunication Union.

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.

Religious organizations exist in three legal categories: officially recognized religious societies and religious confessional communities, and associations, sometimes referred to as sects. Some unrecognized religious groups and experts on law and religion, citing past findings by the ECHR, complained that the law obstructs legitimate claims for recognition and

relegates such groups to second-class status, because it requires a 20-year period of existence (at least 10 of which must be as a group organized as a confessional community) and membership equaling at least 0.2 percent of the country's population (approximately 16,000 persons). Following a decades-long legal battle, the government officially recognized Jehovah's Witnesses as a religious society on May 7. On September 1, the Education Ministry rejected the application of the Alevi association, "Aleviten," a religious group that combines elements of religions in Anatolia with Sunni and Shia Islam, for recognition as either a religious society or a religious community on the grounds that the state already recognized one Islamic group, the Islamic Belief Community.

One of the two parties in the governing coalition, 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). The OVP believed these groups' view of mankind differed fundamentally from its own. The opinions of these groups, the OVP said, were incompatible with OVP ethical principles, or in the OVP's view were opposed to basic rights granted by "progressively minded" constitutional states and an open society.

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 education supervised its director. Some members of the public and experts on law and religion believed the Office of Sect Issues and similar government offices fostered societal discrimination against unrecognized religious groups.

The City of Vienna and the Lower Austrian state 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 sects and cults had negatively affected their lives.

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 head scarves in public.

There was some debate in the state of Vorarlberg on the question of erecting minarets. There was also significant public opposition to the expansion of a Turkish Muslim center in Vienna.

During the year in state election campaigns in Salzburg and Upper Austria as well as in the run up to the 2010 Vienna municipal election, the right-wing Freedom Party (FPO) conducted political campaigns with an anti-Muslim tone. FPO campaign posters featured slogans declaring "the West in Christian hands" and promising to protect the country from "Islamization."

The Jewish community numbered approximately 7,700. The NGO Forum against Anti-Semitism reported 46 anti-Semitic incidents in 2008, 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 Vienna Jewish community's offices and other Jewish community institutions in the country, such as schools and museums, continued to receive extra police protection.

On February 12, unknown perpetrators wrote anti-Semitic and anti-Muslim graffiti on the walls of the former concentration camp at Mauthausen.

At a commemoration event on May 9 at the former Nazi satellite concentration camp at Ebensee in Upper Austria, five teenagers fired rubber bullets at participants and displayed the Nazi salute. They were charged with violating the law banning neo-Nazi activity. At the end of the year, the teenagers had not been brought to trial.

The law prohibits public denial, belittlement, approval, or justification of the Nazi genocide or other Nazi crimes against humanity in a print publication, broadcast, or other media. The government strictly enforced these laws.

On August 23, a far-right FPÖ politician in Vorarlberg province called the director of a Jewish museum in the province an "exile Jew from America." Critics noted that the remark displayed anti-Semitic sentiments, particularly since the museum director was not from the United States but Germany.

On December 12, a Palestinian asylum seeker attacked a rabbi in Vienna during a Hanukkah celebration and bit off part of the rabbi's finger. The asylum seeker was arrested.

On December 26, an unknown perpetrator painted pro-Nazi graffiti and a swastika on a cemetery wall in Peggau, near Graz.

In August there was a public debate over the Carinthian public prosecutor's decision to drop charges against the state's governor, who, in defiance of a court order requiring bilingual signs for the Slovenian minority, had illegally removed town signs in the province. The Justice Ministry backed the legal argument by the public prosecutor despite widespread criticism of the decision as being politically motivated.

In December the weekly newspaper *Falter* reported investigators concluded arson caused a June 2008 fire in an asylum house that killed one African and injured 19 other asylum seekers. Previously Carinthian police reported that the victims caused the fire with cigarettes, but *Falter* reported investigators found gasoline placed to ignite the fire.

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 2008, 47 cases of discrimination based on religion were brought before the Equal Rights Commissioner.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at <http://www.state.gov/g/drl/rls/irf>.

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 country is a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Rejected asylum seekers have recourse to a federal asylum court. When they allege a breach of the European Convention on Human Rights, they can appeal to the Constitutional Court. During its first year of operation, the asylum court adjudicated two-thirds of the 10,200 new appeal cases it received and one-third of the 23,600 old appeal cases it inherited. In 2007, the last year for which data is available, more than 11,000 asylum seekers waited for longer than three years for a final decision; of these, some 200 asylum seekers waited for a final decision for longer than 10 years.

There was a higher approval rate for some nationalities, particularly for refugees originating from the Russian Federation (many from the Chechen Republic), Afghanistan, and Iraq. On August 11, the UNHCR criticized the drop in the approval rate for refugees granted asylum: in the first nine months of 2008, the approval rate dropped to 35.5 percent from 41.2 percent in 2007, while the approval rate for refugees from the Chechen Republic decreased from 83.5 percent to 49.5 percent. Critics charge that the decline reflected a desire to accept fewer applicants rather than an improvement in the situations in the applicants' countries. While a large portion of asylum seekers returned to the country of "first application" under the Dublin Directive, some asylum seekers decided to return to their home country through the voluntary return program.

The country 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 EU and other signatories to the 1951 convention were considered safe countries of transit.

In practice, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

In September human rights groups in the country called for an overhaul of the detention system after a young Indian asylum seeker in predeportation center died of a heart attack in his cell four weeks into a hunger strike.

On October 21, parliament passed asylum legislation which will introduce new measures to counter the abuse of the asylum process, by limiting follow-up applications and improving the assessment of claims of family relations and age.

On December 22, an asylum seeker from the former Federal Republic of Yugoslavia, now a citizen and resident of Vienna, won a case in the ECHR for treatment by prison officials in 1994 while he was detained and held in custody. The ECHR awarded the plaintiff 10,000 euros (\$14,300) and found that the government violated the prohibition against inhuman and degrading treatment.

Asylum seekers and refugees received a subsistence allowance and housing. While they were legally restricted from seeking regular employment, they were eligible for seasonal employment. Children of asylum seekers and refugees between the ages of 6 and 15 were eligible for education.

The government did not provide temporary protection during the year to any individuals who did not qualify as refugees.

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

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

Elections and Political Participation

The country held national parliamentary elections in September 2008; there were no reports of serious abuse or irregularities.

On June 7, the country held elections to the European Parliament; there were no reports of serious abuse or irregularities.

Political parties could operate without restriction or outside interference.

The parliament consists of the National Council, which is popularly elected, and the Federal Council, which is named by the federal states. There were 51 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 2008 elections, a Muslim woman entered the Federal Assembly for the Green Party.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

In February 2008 the former head of the Federal Crime Investigation Office, Herwig Haidinger, publicly accused senior interior ministry officials of corrupt practices. Haidinger was suspended from duty in November 2008, and he subsequently filed two charges in court, one against his suspension from duty, the other against the OVP (the party heading the Interior Ministry). Following these charges, the public prosecutor brought countercharges of perjury and slander against Haidinger. On September 30, the Vienna public prosecutor dropped all charges against Haidinger. Haidinger was disciplined and fined half a month's salary for having violated the Interior Ministry's internal code on media contacts. The court ordered the OVP to compensate Haidinger 2,000 euros (approximately \$2,860) for a statement by one of their members of parliament, who called Haidinger "a reliable liar."

During the year parliament created a special committee to investigate allegations that the state prosecutor had "forgotten" to investigate charges of political nepotism against former interior minister Ernst Strasser. The parliamentary probe proved inconclusive and was terminated in December without producing substantiated charges.

The failed expansion of the Vienna airport terminal due to cost overruns triggered a controversy over political influence in the appointment of managers and consultants handling the project. The construction of terminals for Vienna International Airport ("Skylink") stopped in April due to escalating costs; "embezzlement" and related statutory offenses were alleged against the board of Airport Vienna in connection with contracts for construction companies and consultants. The prosecutor's office, the Financial Market Authority, and the federal auditor's office were investigating the allegations at year's end.

In a report on corruption released in December 2008, the Council of Europe found that, while the country had adopted new anticorruption initiatives, it was still at an early stage in the fight against corruption. The report noted that the country's police and prosecutorial bodies are perceived overall as lacking independence, training opportunities, and coordination mechanisms, and are at times understaffed. The report also noted that the country needed to improve its administration with regard to transparency and other preventive anticorruption measures. In January the new anticorruption prosecutor's office began implementing the anticorruption law that went into effect in 2008.

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 5 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 generally cooperative and responsive to their views, but some groups were dissatisfied with the information supplied by authorities in response to specific complaints. A human rights ombudsman's office consisting of three independent commissioners examines complaints against the government.

An Amnesty International report on racism in the police and justice system stated that, while 898 complaints related to racial discrimination were brought before the Public Prosecutor's Office, only 20 cases were brought to court.

The case of 96-year-old Milivoj Asner, a former police chief in eastern Croatia indicted by Croatian authorities in 2005 for crimes against humanity during World War II, continued to develop during the year. A German expert appointed by an Austrian court reported in April that Asner was not competent to stand trial. Meanwhile, Serbian authorities opened investigations against Asner.

Section 6 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 protections.

Women

Under the law, rape, including spousal rape, is punishable by up to 15 years' imprisonment. The government generally enforced the law.

Violence against women, including spousal abuse, was a problem. The Office of Women's Affairs and Civil Service 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 2008 the courts issued injunctions prohibiting abusive family members from returning home in 6,566 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.

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

The law prohibits sexual harassment, and the government generally enforced the law. Of the 3,157 cases of discrimination brought to the ombudsman for equal treatment of gender in 2008, 464 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 (approximately \$1,000) in financial compensation.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and are free to do so without any discrimination, coercion, and violence. Women have access to contraception and skilled attendance during childbirth, including obstetric and postpartum care, and are diagnosed and treated for sexually transmitted infections equally with men.

The Office of Women's Affairs and Civil Service takes the lead in promoting the legal rights of women. 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, women's average earnings were approximately 83 percent of those of men doing equal 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, including the police force, in which fewer than 40 percent of the employees are women. The judiciary system and academia were two areas which did not meet the target. There are no penalties, however, for agencies failing to attain the 40 percent target.

The current women's affairs minister, Gabriele Heinisch-Hosek, together with trade unions, embarked on a major awareness-raising campaign during the year to address this problem. She pointed to an international study (Global Gender Gap Report 2009) published in October showing the gender gap in the country had worsened.

Female employees in the private sector may invoke equality laws prohibiting discrimination against 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 due to their gender. The courts may also order compensation for women who were denied a post despite having equal qualifications.

Children

By law children derive citizenship from their parents (*jus sanguinis*).

Child abuse remained a problem, and the government continued its efforts to monitor abuse and prosecute offenders. The Ministry for Economics, Family, and Youth estimated that 90 percent of child abuse was committed by close family members or family friends. 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 reports during the year of underage marriage, 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 the country with them.

The law provides up to 10 years' imprisonment for an adult convicted of sexual intercourse with a child under the age of 14. If the victim becomes pregnant, the sentence may be extended to 15 years. In 2007 the Ministry of the Interior reported 1,470 cases of child abuse, most involving intercourse with a minor.

In March a court sentenced 74-year-old Josef Fritzl to life imprisonment after a jury found him guilty of murder through negligence, kidnapping, rape, incest, and "grave sexual abuse." Fritzl had imprisoned his daughter for more than 20 years and fathered several children with her during that time.

The law provides for criminal punishment for possessing, trading, or private viewing of child pornography. Exchanging pornographic videos of children is illegal.

In March police participated in a multinational operation that uncovered an international child pornography ring. The police identified and charged 189 men in the country with owning or trading pornographic material through a Croatian-based Web site.

In September police moved against a separate international child pornography ring. Police accused 31 individuals of illegally owning or trading child pornography through a Brazilian-based Web site.

In the fall, Operation Typhon, a two-year Austrian and European police and EUROPOL operation against an Internet pedophile ring, led to the arrest of 23 men. The courts sentenced most of the suspects to between three and six months in prison for placing or downloading pornographic material on the Internet.

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 labor, and children were trafficked for begging, stealing, and 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 the country 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. Small numbers of women were reportedly 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 203 trafficking victims in 2008, up from 170 in 2007.

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, cleaners, or waitresses. Upon arrival they were often coerced into prostitution. According to police, some women also 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. Fear of retribution, both in Austria and in the victims' countries of origin, was a major deterrent to victims' cooperation with authorities.

The law permits the prosecution of traffickers for prostitution by means of deception, coercion, or the use of force, and for 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. Trafficking for slavery is punishable by imprisonment for 10 to 20 years. In 2008 there were 18 proceedings, two convictions, and six pending proceedings under this provision, as a result of which the court handed down one partially suspended prison sentence of 12 to 24 months.

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.

Temporary 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 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 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 or men. 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 not performed any involuntary sterilizations in recent years. The law prohibits the sterilization of minors.

The Ministry of Labor, Social Affairs, and Consumer Protection handles problems for persons with disabilities. The government funded a wide range of programs for persons with disabilities, including provision of transportation and assistance for integrating schoolchildren with disabilities into regular classes and for 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.

The domestic NGO Zivilcourage und Anti-Rassismus Arbeit recorded 704 cases of alleged racial discrimination in 2008.

Human rights groups reported that Roma faced discrimination in employment and housing. However, the situation of the Romani community, estimated at more than 6,200 indigenous and between 15,000 and 20,000 nonindigenous individuals, significantly improved in recent years according to the head of the Austrian Romani 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 to 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. Full recognition of the Slovene minority remained a problem. The governor of the state of Carinthia refused to implement rulings by higher courts that would give more 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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There was some societal prejudice against gays and lesbians; however, there were no reports of violence or discrimination based on sexual orientation. Lesbian, gay, bisexual and transgender persons' organizations, such as the Homosexual Initiatives (HOSI) in Vienna and Linz and the Lambda Rights Committee, were present and generally operated freely. Vienna hosted an annual gay pride march in July and provided police protection.

Other Societal Violence or Discrimination

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

Section 7 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 workforce 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 to the country for sexual exploitation and domestic labor and that children were trafficked to the country 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.

There were reports of trafficking of children for begging and possibly sexual exploitation. In 2008 the Crisis Center for Unaccompanied Minors in Vienna assisted 90 children, primarily from Bulgaria and Romania, who were trafficked into the country for begging and possibly sexual exploitation.

The minimum legal working age is 15 years. Children under the age of 15 are not allowed to work under any circumstances. Children over 15 years of age are subject to the same regulations on hours, rest periods, overtime wages, and occupational health and safety restrictions as adults.

The Labor Inspectorate of the Federal Ministry of Labor, Social Affairs, and Consumer Protection is responsible for enforcing child labor laws and policies, and the Inspectorate enforced the laws effectively.

There were no incidents of illegal child labor reported in the country during the year.

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 (approximately \$17,200 to \$20,000), which 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 country participated in an International Labor Organization (ILO) pilot project measuring "decent work standards" in ILO member states. The ILO's profile for the country, released in October, positively noted progress in employment rates for women and an improved framework for reconciling work, family, and personal life but found the country lagging in reducing the persistently large wage gap between men and women.

The law allows companies to increase standard working hours from 40 to 50 hours per week. In special cases and including overtime, work hours can be raised to up to 60 hours per week for a maximum of 24 weeks annually, broken into segments of a maximum of eight weeks each and at least two weeks' break between each segment. The law also 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 from both the formal and informal sectors make up approximately 13 percent of the country's workforce. Wage and hour 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 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 nongovernmental worker's advocacy group, the Chamber 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.